



## MATERNITY POLICY

### 1. OVERVIEW AND PURPOSE

- 1.1 This policy is designed to help you if you are considering starting or adding to your family, or if you are already expecting a baby. It gives advice on the steps you should take before you start your maternity leave, what you should do while you are away from work and the options available to you, and actions you should take, when returning to work.
- 1.2 The details of your maternity rights and benefits are complex and it is not possible to include every eventuality. The guide is written as a summary, and your particular entitlements will be detailed in a letter to you from Human Resources.
- 1.3 If you would like to discuss your situation at any stage during your pregnancy, please contact your Human Resources Business Partner who will arrange a meeting at your convenience, and, in confidence, if you are not yet ready to announce your pregnancy more widely.
- 1.4 The University has separate guidance in relation to paternity leave and pay, adoption leave and pay, shared parental leave, parental leave and time off to deal with emergencies concerning a dependant and flexible working. All these [carer support policies](#) are on the HR website.

### 2. SCOPE

- 2.1 The policy applies to any staff giving birth regardless of gender, sexuality or marital status.
- 2.2 Definitions of abbreviations and terms used in this document are given in the following glossary.

#### Glossary

Average weekly earnings	For statutory maternity pay purposes, average weekly earnings are calculated on the pay received in the period between: (a) the last normal payday before the end of the qualifying week, and (b) the last normal payday falling at least eight weeks before the payday at (a).
Continuous service	The date you commenced working for the University, which will normally be found in your initial appointment letter. This date is important as it is used to calculate your eligibility for maternity leave and pay.
DWP	Department for Work and Pensions.

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EWC - Expected Week of Childbirth	The week in which your baby is expected to be born, beginning on a Sunday. This is important as it is used to calculate your eligibility for maternity leave and pay, as well as when you can start your maternity leave.
KIT days	A 'Keeping in Touch' or KIT day is a day agreed between you and your manager when you come to work during your period of maternity leave. You are entitled to do up to 10 KIT days' during your maternity leave without it affecting either your maternity leave or your SMP.
MAT B1	Maternity Certificate issued by your doctor or midwife giving the date on which your baby is due. It must not be signed by the doctor or midwife before the 20th week of pregnancy.
MPP - Maternity Pay Period	The period (up to 26 weeks) in which maternity pay is payable.
<u>Maternity Leave</u>	
OML - Ordinary Maternity Leave	You are entitled to 26 weeks' ordinary maternity leave.
AML - Additional Maternity Leave	You are also entitled to a further 26 weeks' additional maternity leave.
Compulsory Maternity Leave	A period of two weeks commencing on the day on which the baby is born. This forms part of OML and must be taken.
<u>Maternity Pay</u>	
OMP - Occupational Maternity Pay	This is pay you receive while on maternity leave which is paid according to the University's occupational scheme, and enhances the statutory scheme. N.B. For staff who do not receive regular salary payments, full pay will be calculated as either the average pay over the 12 months leading up to the qualifying week (or the duration of the person's contract if this is shorter), or in the same way as for statutory maternity pay, whichever is the greater.
SMP - Statutory Maternity Pay	This is pay you receive while on maternity leave which is paid according to the statutory scheme which guarantees the minimum rights and benefits required by law. The first six weeks of SMP are paid at 90% of your average weekly earnings and the remaining weeks are paid at either the SMP standard rate (which is reviewed annually in April <sup>1</sup> ) or 90% of your average weekly earnings whichever is the lower.
Qualifying Week	This is the 15th week before your expected week of childbirth (the 25th week of your pregnancy). It is important as it determines whether you are entitled to maternity pay.

### 3. RESPONSIBILITIES

#### What do I need to do to ensure entitlement to maternity leave and the related benefits?

3.1 It is your decision when to inform your manager of your pregnancy, although the earlier you

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do this, the more time there will be available to ensure that your job is appropriately covered during your absence. Also, you may feel that you want to confide in your manager at an early stage so that they understand the situation should you suffer from morning sickness or experience any other difficulties due to your pregnancy. Your manager may be able to help, for example, by agreeing a temporary adjustment to your working arrangements.

- 3.2 It is important that you send formal written notification of the date of your intended maternity leave to your manager as well as to Human Resources as far in advance as possible in order to allow time for appropriate arrangements to be made. The timescales noted in section 4.3 are the minimum required.
- 3.3 You must also provide your maternity certificate (MAT B1) which is obtainable from your doctor or midwife from the 21st week of pregnancy. This should be forwarded to Human Resources as soon as it is issued, and no later than 28 days before you wish to start your maternity leave. If you are unable to provide a MAT B1 by that date, this period can be extended if the University accepts your reason for not providing it earlier.
- 3.4 Human Resources will send you written confirmation of your entitlement to maternity leave, confirming the date on which you are expected to return to work if you take your full entitlement to maternity leave. This will normally be the first working day after the end of your additional maternity leave period. If you do not intend to return your leaving details will be confirmed. No further written guidance will be sent unless you change your plans, so keep this letter carefully.
- 3.5 It is important that you notify Human Resources in writing if at any time during your maternity pay period the following occurs:-
  - 3.5.1 you are taken into legal custody;
  - 3.5.2 you work for another employer after your baby is born.
- 3.6 If you want to return to work before the end of your maternity leave you are required to give 8 weeks' notice in writing to your line manager (copy to Human Resources) of the date on which you wish to return.

#### 4. POLICY

##### 4.1 Eligibility

All staff giving birth, regardless of gender, sexuality or marital status, are covered by the scheme.

##### 4.2 Length of service requirements

There is no qualifying length of service requirement for maternity leave and pay. All employees are entitled to take up 52 weeks maternity leave.

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### 4.3 Maternity Pay

Staff who are entitled to maternity pay are paid as follows:

Leave	Pay
26 weeks' ordinary maternity leave	on full salary(which includes SMP of 9/10 average weekly wages for the first 6 weeks and basic rate thereafter)
13 weeks' additional maternity leave	on basic rate SMP
13 weeks' additional maternity leave	unpaid

- 4.4 Maternity leave and pay cannot commence earlier than the Sunday at the start of the 11th week before your EWC.
- 4.5 You have a certain amount of discretion as to which weeks you take as your maternity leave period. You may start your leave any time from the 11th week before the EWC, right up to the date of the birth, without prejudicing your right to maternity pay. You must take at least two weeks' maternity leave immediately after your baby is born.
- 4.6 Maternity pay is subject to deductions for tax, National Insurance and any other lawful reason (e.g. pension contributions – but see section 13 on Pension contributions during maternity leave).
- 4.7 The maternity leave period must be a continuous period, i.e. it may not be broken by a period of return to work or of sickness. However, you may return to work or curtail your maternity leave in order to convert your remaining maternity leave (and SMP if applicable) into Shared Parental Leave (and Statutory Shared Parental Pay if applicable). Please see the [University's Shared Parental Leave & Pay Procedure](#) on the HR website. Sickness related to pregnancy is explained in section 12.
- 4.8 Any periods of time that you are not normally required to work, but remain employed by the University (e.g. temporary stoppage periods), will be included in the calculation of your maternity leave period.
- 4.9 To receive maternity pay you must:-
- have average weekly earnings which are not less than the lower earnings limit for the payment of National Insurance contributions. (Maternity pay for staff exempted from National Insurance contributions will be calculated as if full contributions had been paid);
  - have notified Human Resources, using the form in MyView, no later than the end of the 15th week before your EWC (week 25 of your pregnancy) of your intention to take maternity leave. You need to tell us:
    - (i) that you are pregnant;
    - (ii) the week your baby is due;

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(iii) the date you intend to start your maternity leave, which may be no earlier than the beginning of the 11th week before your EWC;

- give 28 days' notice if you change your mind later about the date on which you wish to start your maternity leave;
- have sent your maternity certificate (MAT B1) to Human Resources;
- have given notice of the termination of your employment with the University (if not intending to return);
- not be in legal custody at any time within the MPP;
- notify the University if you start work for another employer during your MPP.

4.5 If you are not eligible to receive maternity pay, you may be entitled to claim 26 weeks' Maternity Allowance from the DWP. In such cases, you will be sent form SMP1 by Human Resources to enable you to make such a claim.

## 5. Your right to return to work

5.1 After ordinary maternity leave (the first 26 weeks) you have the right to return to your existing post, provided you have indicated your intention to return. After additional maternity leave you have the right to return to your existing post or, if that is not reasonably practicable, to a suitable and appropriate alternative job. In either circumstance you have the right to return on terms and conditions not less favourable than those which would have been applicable had you not been absent from work.

5.1 Your date of return will normally be the first working day following the end of your maternity leave period.

5.2 If you want to return to work before the end of your period of ordinary or additional maternity leave you must give at least 8 weeks' notice to your line manager (copy to Human Resources) of your intention to do so. If you do not give the required notice, the University has the right to delay your return until 8 weeks' notice has been given or until the end of your ordinary/additional maternity leave period, whichever is the sooner. If such a delay is necessary the University is not obliged to pay you for the period of the delay. You must also give 8 weeks' notice if you wish to curtail your maternity leave and convert the remainder to Shared Parental Leave (see the [University's Shared Parental Leave & Pay Procedure](#)).

5.3 In the unlikely event that a return to your original job is not practicable because of redundancy or a general re-organisation of work which would have occurred had you not been absent, you will be offered any suitable alternative vacancy which is available, under terms and conditions not substantially less favourable than those under which you were previously employed. Should a general re-organisation of work be necessary, you will be consulted during your maternity leave about the reasons for the change and the details of any changes to your job

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description. If, in the case of redundancy, a suitable alternative vacancy arises during your absence, the post will be held for your return.

#### Returning to work and sickness

- 5.4 If you are unfit to return to work at the end of your maternity leave, you will need to send a doctor's certificate to Human Resources stating why you are unable to return as previously notified. Your absence, with effect from your proposed date of return, will be treated as sickness. You will therefore receive sick pay from this date (if eligible).

#### Part-year working

- 5.5 If you work during part of the year, and your date of return falls at a time when you are not required to be at work, your return date will be postponed until the first day you are required to work after your period of maternity leave. You will, however, revert to your full salary from the original return date.
- 5.6 If you curtail your maternity leave or return to work in order to convert the remainder of your maternity leave entitlement to Shared Parental Leave, any periods that you are back at work (rather than absent on Shared Parental Leave) will count towards this three-month period.
- 5.7 Any maternity pay which must be refunded will be deducted from your final salary payment. Arrangements will be made with you for you to refund any remainder.

### **6 Not returning to work**

- 6.1 If at the outset you are sure that you do not intend to return to work after your maternity leave, you should submit your resignation to your line manager and copy Human Resources. Your right to return is then lost and you cannot subsequently change your mind. If you are thinking about resigning, it is recommended that you contact Human Resources to make sure that you have considered all of your options.
- 6.2 If during your maternity leave you decide not to return to work having notified an intention to return, you should submit your resignation to your line manager and copy Human Resources giving the period of notice specified in your contract of employment.
- 6.3 The formal date of the termination of your employment will be the end of the additional maternity leave period unless you serve notice to leave earlier.

### **7 Premature Birth**

- 7.1 If your baby is born prematurely, but after your MPP has already started, the rules governing maternity pay do not change.

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- 7.2 If your baby is born before you intended to start your maternity leave, and after the 15th week before your EWC, your maternity leave starts on the day after the baby's birth. You must notify your line manager and Human Resources that you have given birth as soon as is reasonably practicable.
- 7.3 If you give birth prematurely before or during the 15th week before your EWC, you will still be entitled to maternity pay provided:-
- 7.3.1 your average earnings immediately prior to the birth meet the criteria outlined in section 4.3;
- 7.3.2 you notify your line manager and Human Resources as soon as reasonably practicable that you have given birth.

## 8 Births after the expected week of childbirth

### Maternity pay

- 8.1 Maternity pay is not affected where babies are born after the EWC.

### Maternity leave

- 8.2 If you are intending to return to work, you are entitled to remain absent on maternity leave for up to 52 weeks in total.

## 9 Antenatal care

- 9.1 You are allowed paid time off to attend antenatal appointments made on the advice of a registered medical practitioner, registered midwife or registered health visitor. As with other medical appointments, these appointments should be arranged in consultation with your manager to minimise disruption to your work. You may be asked to produce evidence of appointments.
- 9.2 Antenatal care may include relaxation classes and parentcraft classes if these are advised by a registered medical practitioner, registered midwife or registered health visitor.
- 9.3 There is, however, a wide range of classes provided by various organisations, for example yoga, active birth, pilates, and you may decide that you want to attend some of these. You are expected to attend these classes in your own time, however, where the classes fall within your normal working hours, you should discuss the possibility of working flexibly with your manager.

## 10 Health and safety matters

- 10.1 In general, the health and safety implications of pregnancy are adequately addressed by normal health and safety management procedures. There are, however, specific health and safety regulations which protect staff while they are pregnant, when they have recently given birth, and while breastfeeding. These relate largely to exposure to particular chemical and biological substances, and to certain extreme physical conditions.

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- 10.2 Managers are responsible for undertaking a risk assessment in relation to your condition, and if necessary, will discuss with you any steps needed to minimise risk. Details at <http://www.sussex.ac.uk/hso/healthandsafety/riskassessment/newandexpectantmothers>.
- 10.3 Under the University's Health and Safety Policy, you are responsible for taking reasonable care for your own health and safety. The policy is at <https://www.sussex.ac.uk/hso/hsoatoz>
- 10.4 If you have any queries about health and safety during or after your pregnancy, please contact your manager or your local health and safety adviser.

## 11 Annual leave and maternity leave

- 11.1 Annual leave continues to accrue during your period of maternity leave (up to 52 weeks). Accrued annual leave is not normally transferable from one leave year to the next, however it is recognised that it is unlikely you would be able to take all of your accrued annual leave within the leave year that you start your maternity leave. It is therefore exceptionally agreed that in these circumstances it will be possible to transfer annual leave accrued during maternity leave to the following leave year and it is essential that you discuss and agree these arrangements with your line manager prior to starting your maternity leave. You should note that if your baby is born early during a period of annual leave prior to your maternity leave starting, your maternity leave will automatically begin on the day after the date of your baby's birth.
- 11.2 If there is a bank holiday or minimum service day during your period of maternity leave you will receive either OMP or SMP or will not be paid for that day, as applicable. Bank holidays and minimum service days that occur during a period of maternity leave, and fall on your normal working days, can be taken in addition to your annual leave when you return to work.

## 12 Illness during and immediately following pregnancy

- 12.1 The maternity leave period cannot be broken by other types of absence so if you fall ill during that period, your illness will be treated as part of your maternity leave.
- 12.2 If you have not yet started your maternity leave and you fall ill, your absence will normally be treated as sick leave. If, however, you are sick during the four weeks before the EWC (week 37 of your pregnancy onwards), and the reason is related to your pregnancy, your ordinary maternity leave starts automatically on the day following the first complete day you are off work because of your pregnancy related reason. In such cases, you must notify your line manager and Human Resources that your absence is pregnancy-related as soon as is reasonably practicable.
- 12.3 If sickness prevents you from returning to work at the end of your maternity leave, your absence with effect from the end of your maternity leave period will be treated as sickness absence, provided you submit a medical certificate for the period of absence.

## 13 Pension arrangements during maternity leave

Paragraphs 13.1 to 13.5 apply if you are not in salary exchange Paragraphs 13.6 to 13.10 apply

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if you are in salary exchange Paragraphs 13.11 to 13.14 apply to all.

- 13.1 If you are a member of USS or USPAS you will automatically continue to pay pension contributions during your period of paid maternity leave. Pension contributions will be based on your maternity pay. The University will pay the balance of your contributions and the employer's contributions based on the pay you would have been earning had you not been on maternity leave. This period will count as pensionable service and you will be covered for early retirement on ill health grounds and death in service, subject to the rules of the relevant pension scheme.
- 13.2 If you are a member of USS or USPAS, at the end of your paid maternity leave period you have the option of maintaining your contributions based on the salary you would have received had you not been on maternity leave. If you decide to do this the University will pay the appropriate employer's contribution. If you wish to maintain pension contributions in this way you should contact Human Resources (Payroll) at least six weeks before the start of your maternity leave to make arrangements for the payment of your outstanding contributions when you return to work.
- 13.3 If you are a member of USS or USPAS and you do not qualify for paid maternity leave (i.e. you only qualify for 26 weeks' unpaid OML and 26 weeks' unpaid AML), the University will pay both the employee's and the employer's contributions during the 26 weeks' OML, which will count as pensionable service. During the 26 weeks' AML you will have the option of maintaining your contributions based on the salary you would have received had you not been on maternity leave. If you decide to do this the University will pay the appropriate employer's contribution. If you wish to do so you should contact Human Resources (Payroll) at least six weeks before the start of your maternity leave to make arrangements for the payment of your outstanding contributions when you return to work.
- 13.4 If you are a member of USS or USPAS and you decide not to maintain your pension contributions during any unpaid maternity leave period, your membership will be suspended. This period of suspended membership will not count as pensionable service. During suspended membership on maternity leave, however, cover for early retirement on ill health grounds and death in service is maintained, subject to the rules of the relevant pension scheme.
- 13.5 If you are a member of the University of Sussex Pension & Savings Scheme (USPSS) you will continue to contribute at your chosen percentage of salary during OML and any paid periods of AML. Your contributions will be based on your maternity pay. The University will pay employer's contributions based on the pay you would have been earning had you not been on maternity leave. During unpaid maternity leave your membership will be suspended but you will continue to be covered by the Group Life Assurance and Income Protection Schemes. When you return to work you may, if you wish, increase your contribution percentage to make up the contributions missed whilst on unpaid maternity leave.
- 13.6 If you are a member of USS or USPAS the University will automatically continue to pay pension contributions during your period of paid maternity leave. Pension contributions will be based

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on your normal pay. The University will pay full contributions based on the pay you would have been earning had you not been on maternity leave. This period will count as pensionable service and you will be covered for early retirement on ill health grounds and death in service, subject to the rules of the relevant pension scheme.

- 13.7 If you are a member of USS or USPAS, at the end of your paid maternity leave period you have the option of maintaining your contributions based on the salary you would have received had you not been on maternity leave. If you decide to do this the University will pay the appropriate employer's contribution. If you wish to maintain pension contributions in this way you will need to opt out of salary exchange until you return to work, when you will be allowed to opt back in to salary exchange. You should contact Human Resources (Payroll) at least six weeks before the start of your maternity leave to make arrangements for the payment of your outstanding contributions when you return to work.
- 13.8 If you are a member of USS or USPAS and you do not qualify for paid maternity leave (i.e. you only qualify for 26 weeks' unpaid OML and 26 weeks' unpaid AML), the University will pay full contributions during the 26 weeks' OML, which will count as pensionable service. During the 26 weeks of AML you have the option of maintaining contributions. You should contact Human Resources (Payroll) at least six weeks before the start of your maternity leave to make arrangements for the payment of your outstanding contributions when you return to work.
- 13.9 If you are a member of USS or USPAS and you decide not to maintain your pension contributions during any unpaid maternity leave period, your membership will be suspended. This period of suspended membership will not count as pensionable service. During suspended membership on maternity leave, however, cover for early retirement on ill health grounds and death in service is maintained, subject to the rules of the relevant pension scheme.
- 13.10 If you are a member of the University of Sussex Pension & Savings Scheme (USPSS) the University will continue to contribute at your chosen percentage of salary during OML and any paid periods of AML. The University will pay full contributions based on the pay you would have been earning had you not been on maternity leave. During unpaid maternity leave your membership will be suspended but you will continue to be covered by the Group Life Assurance and Income Protection Schemes. When you return to work you may, if you wish, increase your contribution percentage to make up the contributions missed whilst on unpaid maternity leave.
- 13.11 Please see section 14.6 below regarding pension contributions in the event that you are paid for any 'keeping in touch' days.
- 13.12 If you are paying additional contributions to the Investment Builder, you can decide to continue, reduce, or pause your contributions by accessing your online MyUSS portal and make any necessary changes.
- 13.13 If you contribute to a personal pension scheme you should consult the manager of the scheme regarding the implications of your maternity leave and pay on your pension.

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13.14 You may be entitled to a tax rebate following a period of unpaid maternity leave.

#### **14 Work during maternity leave and keeping in touch**

14.1 During your maternity leave you and your line manager are both able to make reasonable contact with each other to help with staying in touch. It is also permissible to agree for you to do up to 10 days' work during your maternity leave without it affecting either your maternity leave or your SMP. Before you begin your maternity leave you should discuss with your line manager how you will keep in touch during your time off. There is no requirement for you to undertake any work for the University during either paid or unpaid periods of maternity leave although you may, want to undertake certain activities associated with work during your maternity leave, for example, attending a staff development activity to keep you up-to-date with any changes in your area of work.

14.2 The 'keeping in touch' (KIT) days can be worked during ordinary maternity leave and/or additional maternity leave, but cannot be worked during the 2 week compulsory maternity leave period immediately following the birth. Any amount of work done on a KIT day counts as one KIT day so, if you come to work for a one-hour meeting you are deemed to have used up one of your KIT days.

14.3 If the KIT day is worked during the paid period of maternity leave

14.3.1 if the full day is worked (and if your maternity pay is less than full pay) your maternity pay will be made up to full pay for that day,

14.3.2 if less than the full day is worked (and your maternity pay is less than full pay) you will continue to receive your maternity pay for that day. However, if the amount earned would have been more than your maternity pay, you will receive the difference as an additional payment.

14.4 If the KIT day is worked during the unpaid period of maternity leave, you should be paid for the hours worked at your normal rate of pay.

14.5 You cannot work for more than 10 KIT days without losing your entitlement to Statutory Maternity Pay (SMP). A KIT day can only be worked if the manager and you agree – a manager cannot insist that you work a KIT day, neither can you insist that you work one against your manager's wishes.

14.6 In the event that you are due to be paid for any KIT days, such pay will be treated in the same way as the rest of your maternity pay in terms of pension contributions. If you are a member of USS or USPAS and you decide to maintain your pension contributions during your period of unpaid maternity leave (see paragraph 13.2 above) you will pay pension contributions on pay received for KIT days worked during that time. If you are a member of USS or USPAS and you decide to suspend your membership of the pension scheme during your period of unpaid maternity leave (see paragraph 13.3 above) you will not pay pension contributions on pay received for KIT days worked during that time. If you are a member of USPSS you will contribute at your chosen percentage of salary. Providing your contribution is at least 3% of your monthly basic salary, the University will contribute an amount equal to two times your monthly contribution up to a maximum of 12% of your monthly basic salary.

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15. **LEGISLATION AND GOOD PRACTICE**

15.1 <https://www.gov.uk/maternity-pay-leave>

15.2 <https://www.acas.org.uk/your-maternity-leave-pay-and-other-rights>

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