



## **Maternity Policy for Pregnant Employees**

This policy sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth. Please note that 'workers' on zero hours contracts have different entitlements

- please see relevant paragraph for more information.

### **Maternity Leave**

When you receive medical confirmation that you are pregnant, you should notify your manager of this, the expected week of childbirth (EWC) and the date on which you want or expect to begin maternity leave (which must not be a date earlier than the 11th week before the EWC). The medical practitioner responsible for your maternity care will provide you with a form MATB1 after your 20th week of pregnancy. This should be passed to your manager.

As soon as practicable after the notification of your pregnancy, arrangements will be made for you to meet with your manager. This will be an informal interview, the purpose of which is to ensure that:

- you understand your right to ordinary maternity leave and additional maternity leave, including the requirements for you to give appropriate notice
- the right to return to work after maternity leave is explained, together with any potential opportunities for flexible working
- arrangements for time off are known, and any possible health and safety concerns are discussed
- you know your entitlements to payment during maternity leave.

Arrangements for cover during the period of maternity leave and for enabling you to keep in touch with any developments at work are important for ensuring smooth transitions at each stage. Before starting maternity leave you will be informed of the arrangements for covering your work and also for remaining in contact whilst you are on leave. These arrangements will be finalised in consultation with you. If you have staff reporting to you, we will try to involve you in all decisions relating to the temporary reporting arrangements to cover your maternity leave.

You have the right to return to your own job after ordinary maternity leave or to a suitable alternative one if this is not practicable after your additional maternity leave.

### **Time off for ante-natal care**

You are entitled to take time off during your normal working hours to receive ante-natal care. You should try to arrange your appointments at the start or end of your working day, whenever possible. Ante-natal care includes:

- appointments with your GP
- hospital clinics
- relaxation classes.

You may be required to produce an appointment card or some other document confirming all appointments other than the first. You should advise your manager that you will be absent as far in advance of your appointment as possible.

There will be no deduction from your salary for attendance at authorised ante-natal appointments, including any time spent travelling to and waiting for the appointment.

### **Ordinary maternity leave (OML)**

You are entitled to take 26 weeks' ordinary maternity leave, irrespective of your length of service or the number of hours worked each week, provided you comply with certain notification requirements (see overleaf).

### **Additional maternity leave (AML)**

If you qualify for ordinary maternity leave you will also qualify for AML. This is a further 26-week period that starts the day after your OML ends.

### **Compulsory maternity leave**

Legislation prohibits you from returning to work during the two week period (four weeks if you work in a factory) immediately after the birth of your child.

### **When does your maternity leave start?**

You can choose to start your maternity leave at any time after the start of the 11th week before the week in which your child is due, up until the birth of your child. The only exception to this is if you are absent from work wholly or partly because of your pregnancy at any time after the start of the fourth week before your child is due. In this case the company reserves the right to require you to start your maternity leave on the first day after your absence.

If you have properly notified the preschool (see below) of the date on which you wish to start your maternity leave, you may vary that date provided you notify in writing to your line manager of the variation at least 28 days before the new date.

### **Notification requirements**

No later than the end of the 15th week before the expected week of childbirth (EWC) you must give notice in writing addressed to your line manager. That notice must state:

- that you are pregnant
- the week in which your child is due (note that for these purposes a week begins on a Sunday).
- When you want your maternity leave to start  
this date cannot be earlier than the 11th week before the EWC.

You should enclose a Form MAT B1 signed by your GP or midwife with your letter which confirms the EWC.

As stated above, if you are absent from work wholly or partly because of pregnancy on the first day after the beginning of the fourth week before the EWC, your ordinary maternity leave will start the following day. You do not need to notify your line manager that you intend maternity leave to start, but you will not be entitled to OML unless you have notified your line manager as soon as is reasonably practicable that you are absent from work wholly or partly because of pregnancy and the date your absence began. Such notification must be in writing.

Similarly, if you give birth before your ordinary maternity leave has started, your OML period will begin on the day that follows childbirth. Again, in such circumstances you do not need to notify your line manager of the date on which you intend to start ordinary maternity leave, but you are not entitled to OML unless you have notified your line manager as soon as is reasonably practicable that you have given birth and the date on which birth occurred. Such notification must be in writing. If you notify your line manager of your intended start date or that your ordinary maternity leave period has been triggered due to premature absence or premature childbirth, we will notify you, in writing:

- of the date on which your ordinary maternity leave period will end
- of the date your additional maternity leave period will end.

The above notification will be given to you where we have been notified of:

- the intended start date, or that it has been triggered by premature absence or premature childbirth within 28 days from the date in which the company received the notification.
- a variation, within 28 days of the date on which your ordinary maternity leave period started.

### **Stillbirth**

The definition of childbirth is the birth of a child either living or dead, after 24 weeks of pregnancy. If you suffer a stillbirth you have the right to maternity leave.

### **Returning from maternity leave**

You have the automatic right to come back to work following maternity leave and it is assumed that you will return unless you state otherwise. Although you are not required to give any formal notice of returning to work it helps us to plan for your return if you contact us in advance to discuss your return. If you wish to return to work before your maternity leave has ended you must give at least eight weeks' notice of the date on which you intend to return.

### **Maternity pay**

If you have at least 26 weeks' service at the start of the 15th week before your child is born you will normally be entitled to receive statutory maternity pay (SMP) whether or not you intend to return to work. Maternity pay is payable at two rates for a maximum of 39 weeks. For the first six weeks of absence you will be paid at the higher rate of 90% of your average earnings. After this time you will be paid at the lower statutory rate which is in force at the time.

To be entitled to maternity pay, you must follow the notification procedure outlined in this policy. Your maternity pay will be paid into your bank account on the same date that you would have received your salary and will be subject to the usual deductions for tax, National Insurance and where applicable pension contributions. If you do not qualify for maternity pay you may be able to claim state maternity allowance.

### **Contractual benefits**

You will continue to receive your contractual benefits during your ordinary maternity leave period and your additional maternity leave period (apart from remuneration).

## Holidays

While you are on ordinary and additional maternity leave your contractual holiday entitlement and your statutory holiday entitlement under the Working Time Regulations continue to accrue.

## Health and safety

If you are employed in a position which has been identified as posing a risk to your health or that of your unborn child, you will be notified immediately, and arrangements will be made to eliminate that risk. For this reason you are required to notify your line manager as soon as you are aware that you are pregnant. Arrangements will then be made to alter your working conditions or, if this is not possible, you will be offered a suitable alternative job for the duration of your pregnancy. If there is no alternative work we reserve the right to suspend you on full pay until you are no longer at risk. These alternative arrangements may continue for six months after the birth of your child if you are still considered to be at risk. If you have any concerns about your own health and safety at any time, you should consult your line manager immediately.

## Returning to work

If you return to work immediately after a period of ordinary maternity leave, you will return to work in the same job that you left. If, for health and safety reasons, you were doing a different job while you were pregnant, you may be required to return to that different job for a short time if you are still at risk when you return to work. If you return to work from a period of additional maternity leave you will be entitled to return to the job in which you were employed before your absence. If that is not reasonably practicable for the company, then you will return to another job which is both suitable and appropriate in the circumstances.

Your right to return means that you return on terms and conditions no less favourable than those that would have been applied if you had not been absent and with the same level of seniority, pension rights and other similar rights. If annual salary reviews occur during your period of absence, you will be notified of your reviewed salary at this time. You will receive your reviewed salary upon your return to work.

If you decide not to return to work, you should notify your line manager of your decision immediately. You must give notice in accordance with the terms of your contract.

## Keeping in touch days

You are entitled to work for up to 10 days during your maternity leave without affecting your eligibility to SMP. These days could be for training, or just for 'keeping in touch'. You are under no obligation to work these days, and your employer is under no obligation to offer you these days. Your employer will advise you if the opportunity for any such days arises.

## Zero hours contracts

If you, or your partner, are *workers* you are not entitled to paid time off for antenatal care, so you will need to have your antenatal appointments outside your working hours

If you meet the qualifying conditions below and you work on a zero hours contract (either as an employee or a worker) and your employer pays you through PAYE and deducts any tax or National Insurance, you will be entitled to Statutory Maternity Pay (SMP).

### You can get SMP if:

- you have been employed by the same employer for at least 26 weeks by the end of the 15th week before your expected week of childbirth.

- you are still employed by the same employer in the 15th week before your expected week of childbirth. You are counted as being employed in that week even if you only work for one day or part of a day or you are off sick or on holiday.
- you are paid at least £113 (before tax) per week (April 20\*\*– April 20\*\*) in earnings, *on average* in the eight weeks (if you are paid weekly) or two months (if you are paid monthly) up to the last pay day before the end of the 15<sup>th</sup> week before your baby is due.
- If you do not qualify for maternity pay you may be able to claim state maternity allowance