

## **Maternity Policy**

### **1. Introduction**

The organisation wishes to support all those who are pregnant, become pregnant or give birth during their employment. This policy is designed to outline the process for staff to request maternity leave and define eligibility in terms of Statutory Maternity Pay and rights. For the purpose of this policy New and Expectant Mothers (NEMs) relates to any member of staff who is pregnant, has recently given birth and/or is breastfeeding.

This document forms part of a contract of employment and will be changed from time to time in line with current best practice and statutory requirements and to ensure business needs are met. Staff will be consulted in advance of any proposed changes with those required by law being implemented with or without staff consent.

### **2. Policy Aims**

- To support the health, safety and wellbeing of all new and expectant mothers.
- To clearly outline the process for staff to advise of pregnancy and request maternity leave.
- To clearly outline the process for managers to consider and respond to notification of pregnancy and maternity leave requests.
- To identify the eight business reasons why a request may not be granted.

### **3. Health, Safety & Wellbeing**

The organisation must take particular account of potential hazards and risks to NEMs whether or not aware there are any.

The organisation has a responsibility to identify hazards and risks in the workplaces which could pose a health or safety risk to NEMs and take appropriate action to remove or reduce the risk.

Once informed a member of staff is pregnant, there is a duty on the line manager to ensure an individual risk assessment is carried out to identify any health and safety concerns.

If a hazard is identified which could jeopardise the health, safety or wellbeing of a NEM or her baby, the organisation should first consider removing the hazards or preventing exposure to the risk. If the risk still cannot be avoided, further steps to protect health and safety must be taken – changes in working conditions or hours, offers of suitable alternative work or if this is not available, paid medical suspension for as long as is necessary to protect the health, safety and wellbeing of mother and child.

### **4. Entitlements**

#### **Time Off for Ante-Natal Care**

If pregnant, staff are entitled to up to 52weeks' maternity leave which is made up of 26 weeks' Ordinary Maternity Leave (OML) and 26 weeks' Additional Maternity Leave (AML). OML and AML must be taken continuously and cannot be broken. For discontinuous leave to apply, the Shared Parental Leave Policy should be instigated.



Ante-natal care includes relaxation and parent-craft classes as well as appointments for ante-natal care. Paid time off for antenatal appointments will be given. Evidence such as an appointment card may be requested by the line manager.

The right to leave and pay will not apply if a pregnancy ends before the 24<sup>th</sup> week unless given birth and the baby survives. If there is a stillbirth after the 24<sup>th</sup> week of pregnancy, the member of staff has a right to leave and pay.

## **5. Process**

Staff should tell their line manager as soon as they become pregnant to allow the line manager to complete a NEMs Risk Assessment to protect the health, safety and wellbeing of NEMs and their child.

Staff should inform their line manager as soon as they decide what maternity leave they plan to take. The request must be in writing together with a copy of the MATB1 Form and submitted no later than by the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC) (or as soon as is reasonably practicable).

The request must include the following information:

- They are pregnant
- The EWC (or actual date of birth if it has already happened)
- The date the maternity leave period is to commence and end.

The member of staff can change their mind about the start of maternity leave (as long as this is no sooner than 28<sup>th</sup> week of pregnancy and not later than the EWC. Notice must be given in writing of the change at least 28 days before the new date.

## **Confirmation of OML and AML**

The line manager will confirm in writing the date maternity leave will cease. This will be the first working day 52 weeks after the start of maternity leave. This will be confirmed in writing within 28 days of receiving the maternity leave request.

## **6. Maternity Leave**

Maternity leave can begin at any time from the 28<sup>th</sup> week of pregnancy. It will however automatically begin once given birth and the member of staff must inform the organisation as soon as they are able to do so. If absent from work for any reason totally or partly related to pregnancy or childbirth within four weeks of the EWC, this will automatically trigger the start of the Ordinary Maternity Leave.

The Ordinary Maternity Leave continues for 26 weeks. No work is allowed with the organisation during the first two weeks starting from the date of giving birth.

The statutory right to Additional Maternity Leave will begin immediately after the Ordinary Maternity Leave and can continue for up to a further 26 weeks.

## **7. Returning to Work**

The member of staff will return to work at the end of maternity leave. The organisation will have confirmed this date in writing. If the member of staff wants to return sooner, they must give at least eight weeks' written notice. If eight weeks' written notice is not provided, it will delay the return date and they will not be paid during the period not worked. Staff cannot return to work later than the end of the 52-week leave period. If staff do not automatically return at the end of the 52-week leave period, this will be treated as unauthorised absence.

If staff return at the end of the OML, they will return to the same job. If the member of staff decides to take AML, they will return to the same kind of job held before maternity leave, at the same place and in the same capacity. If this is no longer available, the organisation will offer a suitable alternative job on no less favourable terms and conditions than would have applied had they not been on leave, including the quality of working environment and the job must also be suitable and appropriate.

If the member of staff takes AML, they can apply to make a phased return to work on reduced hours and pro-rata pay. They should apply to the line manager at least eight weeks before the proposed date of return. The phased return can last for up to four weeks and at least 50% of contracted working hours each week must be worked.

If the member of staff was full time and they request working on a permanent part-time basis, or in a job-share arrangement, this will be considered sympathetically and in good faith. The request should be made by following the flexible working request procedure.

## **8. Contact During Maternity Leave**

During maternity leave, the manager may contact the member of staff (as long as this is reasonable) and they can contact the organisation. Before maternity leave begins, the frequency and form of contact and also what subjects should be discussed will be agreed. In all cases, we will keep in touch about any promotion opportunities and important changes to the workplace which may affect the member of staff when they return.

## **9. Keeping in Touch Days (KIT)**

If the line manager and member of staff agree, they may work up to ten days during maternity leave without losing the right to maternity leave or pay. Ten KIT days are available regardless of how long the period of maternity leave is. The ten days can be worked at any time during maternity leave with exception of the first two weeks after giving birth.

Staff do not have to work these days and the organisation does not have to agree to them being worked. Prior to starting maternity leave, the line manager will discuss with NEMs the type of work which could be done during the KIT days including attending training, staff meetings, away days or active duty.

The organisation is under no obligation to pay NEMs for working any KIT day and this will be discussed prior to any KIT day being arranged.

## **10. Returning to Work**

Staff who intend to return to work at the end of OML and AML periods do not need to give any further notification to the employer. However, if they wish to return earlier, they must give at least eight weeks' notice.

Staff have the right to return to their job under her original contract and on no less favourable terms and conditions after OML. After a period of AML, every effort will be made to return them to their original post, if this is not possible, they will be offered a suitable alternative post on no less favourable terms and conditions.

## **11. Breastfeeding**

The line manager is required to update the NEMs risk assessment upon return to work and to provide breastfeeding women with suitable private rest facilities. The Health & Safety Executive recommends organisations provide:

- A clean and safe environment for women who are breastfeeding.
- Suitable access to a private room to express milk.
- An appropriate refrigerator in which to store milk, if possible.

Requests for flexible working arrangements to support breastfeeding women will be considered.

## **12. Maternity Pay**

### **Statutory Maternity Pay (SMP)**

Statutory Maternity Pay (SMP) is payable for up to 39weeks. The first six weeks is paid at a rate of 90% of average earnings with the remaining 33weeks being paid at the lower rate or 90% of average earnings, whichever is lower. The government sets this lower rate each year.

SMP is paid via payroll in the normal way – even if the contract of employment has been terminated by the organisation or NEMs for whatever reason. NEMs are not entitled to SMP if the contract of employment is terminated for any reason before the 24<sup>th</sup> week of pregnancy.

The maternity pay period cannot start earlier than the 28<sup>th</sup> week of pregnancy. It can only start when on maternity leave. Entitlement will end upon return to work even if this is before the end of the 39week period.

### **Eligibility**

In order to be eligible to receive SMP, NEMs must meet the following minimum eligibility:

- Have been continuously employed for at least 26weeks to the qualifying week (QW) (the 24<sup>th</sup> week of pregnancy).
- Have average weekly earnings above the minimum contribution level for paying National Insurance.
- Still be pregnant at the 24<sup>th</sup> week of pregnancy or have given birth by then.
- Have provided the required notice as stated in this policy



If the minimum eligibility criteria has not been met, the organisation will advise NEMs in writing and provide an SMP1 Form. NEMs may be able to make a claim for Statutory Maternity Allowance (SMA) from their local Department for Work & Pensions.

### **13. Contractual Entitlements**

All terms and conditions stated in the contract (with the exception of remuneration) will continue to apply during maternity leave. The organisation will continue to pay all contractual allowances during the period of up to 39 weeks NEMs receive maternity pay.

### **14. Sick Leave**

Should any pregnancy related illness during the four weeks before the EWC occur, maternity leave will commence the day after the first day of absence.

Absences prior to the last four weeks before the EWC, supported by a fit note or self-certificate, shall be treated as sick leave in accordance with normal sickness absence leave provisions.

### **15. Annual Leave**

NEMs are entitled to accrue annual and public holiday leave during OML and AML. Prior to commencing maternity leave, NEMs should agree with their line manager the dates the annual leave will be taken. If it is not possible to take the leave within the annual leave year, any outstanding annual leave accrued and not yet taken at the end of the leave year period will be transferred to the following year's entitlement. NEMs cannot be paid instead of taking the leave accrued during maternity leave.

### **16. Pension**

The following rights apply to NEMs on maternity leave:

Any OML when receiving either OMP or SMP, will count towards pensionable service. The benefits during this time are based on the pay NEMs would normally receive under the contract of employment had they not been on maternity leave.

NEMs contributions during this time are based on the amount of maternity pay actually received. The organisation contributions will continue to be paid on the sum NEMs would have been entitled to had they not gone on maternity leave.

The organisation will consult with the administrators of the pension scheme and confirm to NEMs in writing of the options available during any unpaid period of maternity leave.

### **17. Information and Training**

NEMs will continue to receive relevant information relating to the organisation and will be invited to staff training days, as part of the keeping-in-touch (KIT) days. NEMs are not obliged to attend these days and these will be arranged with the line manager under mutual agreement.



### **18. Resignation During Maternity Leave**

Should NEMs decide not to return to work before the end of the agreed maternity leave period, notice in accordance with the terms of the contract of employment must be given. The termination date may be the end of the 52week maternity leave or any date before then.

If NEMs resign or are dismissed for any reason before the date the OML is due to commence, the right to maternity leave will be lost however, the right to SMP, providing eligible criteria has been met, will be retained providing employment after the 24<sup>th</sup> week of pregnancy is reached.

### **19. Data Protection Act 2018**

The organisation will treat all personal data in line with obligations under the current data protection regulations.

**Appendix A**

**Notification of Intention to Take Maternity Leave**

STAFF TO COMPLETE and sign

Staff Name	
Address	
Start Date of employment:	Contracted hours p/w.:
Expected Date of Childbirth:	Proposed Maternity Leave start date:
The last day of work will be:	
I believe I am entitled to Statutory Maternity Pay <b>Yes / No</b>	
I intend to return to work <b>Yes/ No</b>	
I enclose the MAT B1/medical certificate issued by my doctor/midwife/ recognised medical practitioner confirming when my baby is due.	
Staff Signature	
Date	

This completed form should be sent to the line manager at least 15weeks before the EWC. It is your responsibility to ensure the line manager receives the MATB1 form as soon as possible. Maternity Pay will not be paid without it and no reminder will be sent.

The line manager will write to you within 28days of receiving this notification, confirming maternity entitlements. To request a change of the date Maternity Leave commences, notify the line manager in writing 28days before the change date.

---

**LINE MANAGER TO COMPLETE**

I confirm (name)	
Will be starting Maternity Leave on (date)	
Signed	Date

**The line manager should ensure this form is completed and sent to Finance/Payroll no later than four weeks before the Maternity Leave start date. A copy should be held on the member of staff's personal file**

**Appendix B**  
**Maternity Leave Recording Form**

**To be completed by the manager before the member of staff goes on maternity leave**

Staff Name	
Post	
Line manager	Signature

Annual Leave entitlement including public holidays	
Total leave taken including public holidays prior to maternity leave commencing	
Annual leave carried over until return from Maternity Leave	
Maternity Leave start date: Amended date: Actual start date:	
End date of maternity leave:	
What Maternity Pay is the member of staff entitled to: Statutory Maternity Pay or Maternity Allowance?	
Date entitlement letter sent to member of staff:	
Keeping in Touch days agreed:	
Any other comments	



## **Appendix C**

### **Sample Letter – Confirmation of Maternity Leave & Pay**

DATE

NAME

ADDRESS

Dear NAME

#### **Confirmation of Maternity Leave & Pay**

Thank you for submitting the Notification of Intention to take Maternity Leave form and Maternity Certificate (Form MAT B1) which were received on DATE.

I note the expected week of childbirth is DATE and confirm you are entitled to maternity leave from your post of JOB TITLE with effect from DATE. Please give at least 28 days' notice if you wish to change this date and start your maternity leave earlier.

Maternity Leave should continue for no longer than 52 weeks in total; your latest date of returning to work will be DATE. You may choose to return prior to this and if you wish to do so please give at least eight weeks' written notice of the intended return to work date.

As you have completed 26weeks' continuous service at the 15<sup>th</sup> week before your baby is due and earn more than the lower earnings limit for paying National Insurance, you are be eligible for Statutory Maternity Pay.

OR

As you have not completed 26weeks' continuous service at the 15<sup>th</sup> week before your baby is due OR do not earn more than the lower earnings limit for paying National Insurance, you are not eligible for Statutory Maternity Pay and will need to apply to your local Department for Work and Pensions to apply for Statutory Maternity Allowance.

For the first six weeks of maternity leave, you will receive 90% of normal pay and for the following 33weeks you will receive Statutory Maternity Pay at the flat rate. At the conclusion of this 39week period you will not receive any further pay until you resume work.

Please let me know if there are any aspects of your work pattern/routine which are causing concern or putting you at risk during your pregnancy. Please advise if you wish to take time off to attend antenatal or parent craft classes during usual working hours.

During maternity leave, you have the right to request up to ten keeping in touch' (KIT) days. You can work up to ten days during your maternity leave including attendance at training events with exception of the first two weeks after giving birth. Please let me know if you would like to take advantage of these days as they cannot be taken without mutual agreement.

Your annual leave will accrue during the maternity leave period. I will discuss with you the arrangements for taking leave before and after the maternity leave period.

Should you give birth earlier than expected or there is any change in relation to your intention to return to work, please notify me as soon as possible.



I would like to take this opportunity to wish you well.

Yours sincerely

NAME  
TITLE