**Maternity Leave Policy**

**Maternity Entitlement**

As a pregnant employee, you are entitled to take up to 52 weeks of maternity leave, provided you comply with the relevant notification requirements in this policy. This is regardless of how many hours you work or how long you have worked for your Employer. This leave can start at any time after the beginning of the 11th week before your expected week of childbirth (EWC) (unless the child is born prematurely). Maternity leave will start on whichever of these dates is earliest:

* your chosen start dates
* the day after you give birth
* the day after any day on which you are absent for a pregnancy-related reason in the four weeks before your EWC

The law requires you to take at least two weeks of compulsory maternity leave immediately after the birth.

**Ordinary Maternity Leave (OML)**

You are entitled to Ordinary Maternity Leave (OML) for the first 26 weeks.

During OML, your Contract of Employment continues, and you are entitled to receive all your contractual benefits apart from your salary. Any help in kind will continue.

Pension contributions will still be made, provided you continue to make your contributions. Your “employee contributions” will be based on actual pay received during maternity leave (which will be Statutory Maternity Pay), while “Employer contributions” will be based on the salary that you would have received had you not started maternity leave. If you wish to increase your contributions during maternity leave to make up any shortfall, you should contact your Employer.

Annual leave entitlement will continue to accrue. You are encouraged to take any special yearly leave before commencing your maternity leave.

Statutory Maternity Pay (SMP) shall replace the salary if you can receive it.

Additional Maternity Leave (AML)

You are entitled to Additional Maternity Leave (AML) for up to 26 weeks after completion of OML.

During AML, your Contract of Employment continues, and you are entitled to receive all your contractual benefits apart from your salary. Any help in kind will continue.

Pension contributions will be made when you receive SMP (as above with OML) but not during any unpaid AML.

Annual leave entitlement will continue to accrue as with OML.

If you are eligible to receive Statutory Maternity Pay (SMP), SMP will replace your salary for the first 13 weeks, and the remaining 13 weeks will be unpaid.

**Statutory Maternity Pay (SMP)**

Subject to eligibility, SMP is payable for up to thirty-nine of the 52 weeks of maternity leave.

You are entitled to SMP if:

* you have been employed by your Employer for at least 26 weeks continuously at the end of the 15th week before your EWC (the “Qualifying Week”)
* your average weekly earnings during the eight weeks ending with the week before your Qualifying Week are not less than the lower earnings limit set by the Government
* you are still pregnant, 11 weeks before your EWC (or have given birth)
* you provide a MAT B1 form (stating your EWC)
* you give your Employer proper notification of your pregnancy under this policy

SMP is paid at two rates – the earnings-linked rate and the standard rate. If applicable, SMP is subject to PAYE and National Insurance deductions (and salary sacrifice pensions contributions).

The earnings-linked rate is paid for the first six weeks of maternity leave. The earnings-linked rate equals 90% of your average weekly earnings (as calculated above, i.e., over the eight weeks preceding your Qualifying Week).

The standard rate is paid for the remaining 33 weeks of your maternity leave. The usual rate of SMP is paid at a rate set by the Government for the relevant tax year. If your average weekly earnings are lower than the rate set by the Government, you will receive the earnings-linked rate instead of the standard rate.

If you are awarded a pay rise during your maternity leave, SMP will be recalculated to take your pay rise into account. For this calculation, your average weekly earnings over the eight weeks preceding your Qualifying Week will be increased to include your pay rise. SMP will be increased retrospectively; therefore, you will be paid a lump sum to make up any difference in the SMP already spent on the amount payable because of your pay rise.

**Notification of Pregnancy**

On becoming pregnant, you should notify your Employer via your line manager as soon as possible; this is important as there may be health and safety considerations.

At the end of your Qualifying Week, you must formally notify your Employer in writing of your pregnancy, the EWC, and the date you intend to start your maternity leave (the “Intended Start Date”).

You must provide your Employer with a copy of your MAT B1 confirming your EWC, which will be given to you by your GP or midwife. The form must include your doctor’s name and address or your midwife’s name and registration number.

Suppose you want to bring forward or postpone your Intended Start Date. In that case, your Employer must be informed in writing at least 28 days before your Intended Start Date (if you are postponing) or the new start date (if you are bringing the start date forward) or as soon as reasonably practical.

Your Employer will confirm in writing within 28 days of your notification of maternity leave and will ensure the date you are expected to return to work should you take 52 weeks of maternity leave.

**Time Off for Antenatal Care**

As a pregnant employee, your Employer will allow you paid time off work to attend antenatal appointments as advised by your doctor, midwife, or health visitor. Antenatal care may include relaxation or parenting classes your healthcare practitioner has advised you to attend. Give your manager as much notice as possible of antenatal appointments and try to arrange them near the start or end of your working day.

Your Employer will allow unpaid time off for fathers or partners to attend antenatal appointments up to a maximum of 6.5 hours (including travel and wait time) on two occasions. It would be best if you gave as much notice as possible, and any additional time off for other antenatal appointments is at your Employer’s absolute discretion.

**Health and Safety**

As a pregnant employee, your Employer must carry out a risk assessment to assess the workplace regarding risks to pregnant women who have recently given birth or are breastfeeding.

Your Employer will provide information on any risks identified in the risk assessment. Suppose the risk assessment determines that you would be exposed to a health hazard while performing your regular job duties. In that case, your Employer will take necessary steps to avoid those risks, such as altering working conditions. This may mean changing working conditions or hours, offering suitable alternative work on terms and conditions which are not substantially less favourable, or suspending you from work on full pay (or unpaid if you have unreasonably refused suitable alternative employment).

**Absence Due to Sickness**

If you are absent due to sickness during pregnancy, you will receive average sick pay, as you would during sickness absence. If you fall ill after the beginning of the fourth week before your EWC due to a pregnancy-related illness, your childcare leave will start automatically.

**Contact During Maternity Leave**

Shortly before your maternity leave is due to start, your line manager will discuss arrangements with you to keep in touch during your maternity leave, should you wish to do so. Your Employer reserves the right, in any event, to maintain good contact from time to time during your maternity leave. This may be to discuss plans to return to work, any special arrangements (training on return to work), or to update you on developments in your career or your Employer as an organisation.

**Keeping in Touch Days**

Except for the first two weeks of your maternity leave, you can agree to work or attend training for up to 10 days during your maternity leave. Attending work on these days will not end your SMP or maternity leave, and any work conducted during a day will constitute the day’s work for these purposes. Your Employer will pay you the equivalent of an average salary for hours worked on a “keeping in touch” day.

**Returning to Work**

You are expected to return to work on the date on which your full 52-week entitlement to maternity leave ends unless you have notified your Employer that you will be returning sooner or that you will be taking annual leave. If you cannot attend work at the end of your maternity leave due to sickness or injury, your Employer’s Sickness Absence policy will apply. If there is a late return without prior authorisation, this will be treated as an unauthorised absence.

If the date has already been given for your return to work and you wish to return earlier than that date, you must provide your Employer with at least eight weeks’ notice of the date of return. Should you not give eight weeks’ notice, your Employer may postpone your return date, provided it is not later than your expected return date.

If you decide not to return to work after your maternity leave, you must give notice of resignation as per your Contract of Employment. Should the contractual notice period expire after your maternity leave has ended, your Employer may require you to return to work for that interim period.

**Rights After Returning to Work**

On returning to work after OML, you are entitled to return to the same job you occupied before commencing your maternity leave on the same terms and conditions of employment as if you had been present.

On returning to work after AML, again, you are entitled to return to the same job you occupied before commencing your maternity leave on the same terms and conditions of employment as if you had been present. However, it is not reasonably practicable for your Employer to allow you to return to the same job. In that case, your Employer may offer you suitable alternative work on terms and conditions that are no less favourable than would have applied if you had not been absent.

If you worked full-time before your maternity leave, you have no automatic right to return to work part-time or make other changes to your working patterns. However, all requests for part-time jobs or other flexible working arrangements will be considered by your Employer. If you would like this option to be considered, write to your line manager to set out your proposals as soon as possible before your return date so that there is adequate time for total consideration of your request. For more information, please refer to your Employer’s Flexible Working policy in this handbook.

**Premature and Sick Babies**

If your baby is born prematurely or with health needs, your Employer will look to support you. Following the birth of a child, it is your responsibility to inform your Employer as soon as possible, providing the date the child was born. Your Employer will discuss the best way to support you, including agreed contact dates, what should be communicated to your colleagues, and remind you of your entitlements to leave.

If your baby is born prematurely or stillborn, you will still be entitled to take up to 52 weeks of maternity leave should you wish to and up to 39 weeks of Statutory Maternity Pay (if you are eligible for pay). Where your baby is stillborn after 24 weeks of pregnancy, or if your baby is born alive but subsequently dies, you still qualify for your full maternity entitlement. Similarly, partners will also be able to receive paternity leave and pay if their baby is stillborn after 24 weeks or is born alive but subsequently dies. Parents can also take their statutory entitlement to shared parental leave.

If your baby is stillborn or subsequently dies, your Employer respects that individuals will react differently and will offer support in the bereavement process. You would be encouraged to seek assistance from Sands, a charity supporting anyone affected by a baby's death. The Sands Helpline can provide confidential information and bereavement care. You can contact Sands either by phone or email: Freephone: 0808 164 3332; Email: helpline@sands.org.uk

When returning to work, your Employer recognises that initial plans to return to work may have changed and will discuss a flexible approach to producing with you.