

Maternity Policy

Policy Statement

The care service's policy is to comply with both the letter and spirit of the law on maternity leave and statutory maternity pay. To this end its aim is to inform all female employees of their entitlement to statutory maternity rights and to ensure that those rights are understood by employees who qualify.

Maternity Leave

1. A pregnant employee is entitled to 52 weeks' maternity leave, regardless of their length of service, consisting of 26 weeks' ordinary maternity leave followed by 26 weeks' additional maternity leave provided that they comply with the notification requirements set out below.
2. An employee must notify the care service of their pregnancy no later than the end of the 15th week before their baby is due if this is reasonably practicable. They should state their expected week of childbirth and the date on which they intend to start their maternity leave. It is advisable to do this as early as possible, however, so that any potential health and safety issues can be considered.
3. Pregnant employees are entitled to paid time off for antenatal care as advised by a doctor, midwife or health visitor. The organisation may ask to see an appointment card after the first appointment. Employees whose partners are pregnant are also entitled to time off work (unpaid) to accompany the pregnant woman to two antenatal appointments (each of no more than 6.5 hours).
4. Once a manager has been informed about or has become aware of an employee's pregnancy, the manager will check their entitlement. The [HR department/HR manager] will reply to the employee in writing within 28 days and confirm their expected return-to-work date if they take the full entitlement to maternity leave (ie 52 weeks).
5. The employee must provide medical evidence of their expected week of childbirth in the form of a maternity certificate, form MAT B1, available from

the employee's doctor or midwife after the 20th week of pregnancy. It must be forwarded to [the HR department/HR manager] as soon as possible, but no later than three weeks after the start of the maternity pay period (MPP). No statutory maternity pay (SMP) will be payable without this certificate.

6. A pregnant employee may continue working as close to their EWC as they wish provided they continue to be in good health and capable of doing their job. If, however, a pregnant employee is absent from work for a reason connected with pregnancy within four weeks of the EWC, the organisation has the right to trigger their maternity leave immediately.

7. The organisation reserves the right to require the employee to be examined by the organisation's doctor where it is felt that their health, or that of the baby, may be suffering as a result of them continuing to work.

8. The care service will carry out risk assessments to assess any possible risks to new and expectant mothers. Where the care service feels there may be a risk, it will take all reasonable steps to eliminate that risk and to warn the employee of the potential dangers. This may include changing the employee's working conditions, or providing suitable alternative work on substantially similar terms, where possible.

9. To qualify for statutory maternity leave and statutory maternity pay (SMP) the employee must:

- a. tell their manager that they are pregnant
- b. inform the manager of their expected week of childbirth
- c. give notice to their manager of when they intend to start their maternity leave by the end of the 15th week before the EWC; if the employee changes their mind at a later date, they are entitled to do so, but must inform their manager of the revised start date at least 28 days before that date
- d. in the case of a premature birth, they must advise their manager of that fact as soon as is reasonably practicable and produce a MAT B2 form, obtainable from their doctor or midwife
- e. to qualify for SMP, they must have at least 26 weeks' continuous service (regardless of number of hours worked per week) by the end of the qualifying week (which is the 15th week before the expected week of

childbirth (EWC); their average weekly earnings over the eight-week period up to the end of the qualifying week must be over the lower earnings limit for National Insurance purposes – if the above criteria are not met the care service can refuse to pay the employee's SMP; in this instance, the will provide a written statement outlining the decision and the reasons supporting the decision.

10. The maximum entitlement to SMP is 39 weeks' pay. Employees will receive higher rate of SMP in respect of the first six weeks (90% of average earnings) and the lower flat rate of SMP for the remaining entitlement (or 90% of average earnings where this is lower).

11. During both ordinary and additional maternity leave the contract of employment continues as normal, except for any terms relating to remuneration.

12. During maternity leave, the care service will maintain contact with the employee in order to keep them informed of developments in the workplace and to discuss (at an appropriate time) their plans to return to work.

13. The care service may, at its discretion, offer an employee on maternity leave the opportunity to work for up to 10 "keeping in touch" (KIT) days.

These days

may be either separate days or one or more blocks of several days.

Examples

include the opportunity to attend a relevant training course or to attend a meeting. An employee offered such work is under no obligation to agree to do

it. If, however, they do agree, their manager will discuss with them the terms of the work assignment including what they will be paid. Agreeing to work for

up to 10 KIT days will not affect the employee's SMP entitlement, nor their entitlement to continue on maternity leave until the due return date.

14. In the event that an employee suffers a miscarriage before 24 weeks of pregnancy, there will no longer be a right to take maternity leave. It may be

that an employee needs some time off work in these circumstances and this

will usually be taken as sick leave, during which the organisation's sickness absence policy will apply. If the employee suffers a stillbirth after 24 weeks of

pregnancy, entitlement to maternity leave and pay will not be affected and the

employee will still be able to take the time off, and receive pay, as planned.

From 6 April 2020, parental bereavement leave is also available for employees

who suffer a stillbirth after 24 weeks of pregnancy. More information on this entitlement is available in our separate policy on Parental Bereavement Leave.

An employee who is taken into legal custody, or works for another employer during

the MPP must notify the care service as soon as possible, as their entitlement to

SMP may be affected.

Returning to Work after Maternity Leave

1. An employee returning to work during or at the end of ordinary maternity leave has the right to return to the same job as the one they had before they

commenced their leave.

2. An employee returning to work from additional maternity leave is entitled to

return to the job in which they were employed before their maternity leave period began unless that is not reasonably practicable; in this case the care

service is obliged to offer them a suitable alternative job on terms and conditions that are just as, or more, favourable to them as those of the previous job.

3. If an employee wishes to return to work before completion of their full 52-week

maternity leave entitlement they will need to give eight weeks' advance notice

of the date on which they intends to return.

4. If the employee does not give the correct notice, the care service is entitled to postpone their return to work until the correct notice has been provided (but will not postpone their return beyond the date their full maternity leave entitlement would have come to an end in any case).
5. An employee may not return to work within two weeks of having given birth (or four weeks if the employee works in a factory), which is the compulsory maternity leave period.
6. If the employee is ill and therefore not able to return on the due date, they must notify their manager and the organisation's sickness absence policy and procedure will apply.
7. Where the employee does not wish to return after their maternity leave, they must give notice of resignation as provided for in their contract of employment.
8. If an employee wishes to return to work immediately after the end of their full maternity leave entitlement they is not required by law to give advance notice. However, in order to enable the care service to plan effectively for their return, it would be helpful if they could let the service know that they intends to do so.