



Maternity Policy

Introduction

This document sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth and covers the arrangements for antenatal care, pregnancy-related illness, maternity leave and pay. The Organisation implements the maternity rights set out in legislation.

The following abbreviations are used in this policy:

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| EWC | Expected week of childbirth - the week, starting on a Sunday, in which your doctor or midwife expects you to give birth. |
| SMP | Statutory maternity pay. |
| QW | The qualifying week for SMP - the 15th week before the EWC. |

Maternity rights

You have the following key maternity rights:

- time off for antenatal care
- maternity pay - linked to your level of earnings
- maternity leave.

Notification of pregnancy

On becoming pregnant, you should notify your line manager as soon as you feel able to do so. This is important because there are health and safety considerations for the Organisation.

By the end of the qualifying week, or as soon as reasonably practicable afterwards, you are required to provide the following information in writing to the Organisation:

- that you are pregnant
- your EWC
- the date on which you intend to start your maternity leave.

In addition, you will need to provide your line manager with a MATB1 certificate. The MATB1 is issued by your doctor or midwife and it states when your baby is due. The certificate must have either your doctor's name and address on it, or if issued by a midwife, her name and registration number.

You are permitted to bring forward your maternity leave start date, provided you advise the Organisation in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your maternity leave start date, provided you advise the Organisation in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The Organisation will formally respond in writing to your notification of your leave plans within 28 days, confirming the date on which you are expected to return to work if you take your full 52-week entitlement to maternity leave.

Time off for antenatal care

You are entitled to take reasonable time off work with pay to attend the antenatal clinic and other antenatal appointments made on the advice of your registered medical practitioner, registered midwife or registered nurse/health visitor. Antenatal care may include relaxation and parenting classes that your doctor, midwife or nurse/health visitor has advised you to attend, as well as scans, tests and other medical appointments.

In order to be entitled to take time off for antenatal care, except in the case of your first appointment, you are required to produce a medical certificate from one of the above stating that you are pregnant and you should also produce evidence of the appointment, such as an appointment card, to your line manager. You must endeavour to give your line manager as much advance notice as possible of antenatal appointments and you should try to arrange them as close to the start or the end of your working day as possible.

In addition, your spouse or civil partner, or your partner who lives with you in an enduring family relationship (but is not your relative), or the father of your expected baby, is entitled to take unpaid time off work in order that they may accompany you to an antenatal appointment made on the advice of a registered medical practitioner, registered midwife or registered nurse/health visitor. This is limited to a maximum of two appointments, with the maximum time off during working hours for each appointment being no more than 6.5 hours. Your spouse's or partner's employer can request them to sign a declaration in this regard which states that they have a qualifying relationship with you or your expected baby, they are taking the time off to accompany you to an antenatal appointment made on the advice of a registered medical practitioner, registered midwife or registered nurse and the date and time of the appointment. However, no evidence of your pregnancy or your antenatal appointment needs to be provided to their employer. If you are a surrogate mother, this right also applies to the intended parents if they are the potential applicants for a parental order. Further details should be obtained from your spouse's or partner's employer.

Health and safety

The Organisation has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment which may include assessing the workplace risks to women who are pregnant, have recently given birth or are breastfeeding where the work is of a kind which could involve a risk of harm or danger to their health and safety or the health and safety of their baby and the risk arises from either processes, working conditions or physical, chemical or biological agents in the workplace. If applicable, the Organisation will provide you with information as to any risks identified in any risk assessment. If the risk assessment reveals that you would be exposed to health hazards in carrying out your normal job duties, the Organisation will take such steps as are reasonably necessary to avoid those risks, such as altering your working conditions. In some cases, this may mean offering you suitable alternative work (if available) on terms and conditions which are not substantially less favourable.

If it is not possible for the Organisation to alter your working conditions to remove the risks to your health and there is no suitable alternative work available to offer you on a temporary basis, the Organisation may suspend you from work on maternity grounds until such time as there are no longer any risks to your health. This may be for the remainder of your pregnancy until the commencement of your maternity leave. If you are suspended in these circumstances, your employment will continue during the

period of the suspension and it does not in any way affect your statutory or contractual employment and maternity rights.

Sickness absence

If you are absent from work during your pregnancy due to sickness, you will receive sick pay in the same manner as any other sickness absence provided that you have not yet begun ordinary maternity leave. If, however, you are absent from work due to a pregnancy-related illness after the beginning of the 4th week before the EWC but before the date you have notified, or before you have notified a date, on which you intend to commence your maternity leave, then your maternity leave will usually begin automatically on the day after the first day of your absence.

You must notify the Organisation that you are absent from work wholly or partly because of pregnancy as soon as is reasonably practicable and, until your maternity leave commences, you are still required to comply with the Organisation's sickness absence reporting procedure.

Maternity leave

All pregnant employees are entitled to take up to 26 weeks' ordinary maternity leave and up to 26 weeks' additional maternity leave, making a total of 52 weeks. This is regardless of the number of hours worked or length of service. Additional maternity leave begins on the day after ordinary maternity leave ends.

Ordinary maternity leave can start at any time after the beginning of the eleventh week before your EWC (unless your child is born prematurely before that date). Maternity leave will start on whichever date is the earlier of:

- your chosen start date
- 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 the EWC.

If you give birth before your maternity leave was due to start, you must notify the Organisation in writing of the date of the birth as soon as reasonably practicable.

The law requires all employees to take a minimum of two weeks of compulsory maternity leave immediately after the birth of their child (four weeks for factory workers). During this period you must not undertake any work for the Organisation which includes doing any work from home.

Ordinary maternity leave

During the period of ordinary maternity leave, your contract of employment continues in force and you are entitled to receive all your contractual benefits, except for salary. In particular, any benefits in kind will continue, annual leave entitlement will continue to accrue and pension contributions will continue to be made.

[Defined contribution pension scheme: Your pension contributions will be based on the amount of actual pay you are receiving whilst the Organisation's contributions will be based on the salary you would have received had you not gone on maternity leave (i.e. it will continue to make any employer contributions that it usually makes). You may wish to increase your own contributions to make good any shortfall whilst you are in receipt of less than your usual salary.]

[Defined benefit pension scheme: Your period of ordinary maternity leave will count towards your pensionable service and benefits will continue to accrue as set out in the pension scheme rules. Your pension contributions will be based on the amount of actual pay you are receiving whilst the Organisation's contributions will be based on the salary you would have received had you not gone on maternity leave (i.e. it will continue to make any employer contributions that it usually makes).]

Salary will be replaced by statutory maternity pay (SMP) if you are eligible to receive it. On resuming work after maternity leave, you will be entitled to benefit from any general pay increases that may have been awarded in your absence.

You should endeavour to take any outstanding annual leave that may be due to you before the commencement of your ordinary maternity leave. You are reminded that holiday must be taken in the year that it is earned and therefore if the holiday year is due to end during maternity leave, you should take the full year's entitlement before starting your maternity leave.

Additional maternity leave

During the period of additional maternity leave, your contract of employment continues in force and, as is the case during the period of ordinary maternity leave, you are entitled to receive all your contractual benefits, except for salary. Any benefits in kind will continue and annual leave entitlement will continue to accrue.

Salary will be replaced by statutory maternity pay (SMP) for the first 13 weeks of additional maternity leave if you are eligible to receive it. The remaining 13 weeks of additional maternity leave will be unpaid.

[Defined contribution pension scheme: During the period of paid additional maternity leave (i.e. when you are still receiving SMP), your pension contributions will be based on the amount of actual pay you are receiving whilst the Organisation's contributions will be based on the salary you would have received had you not gone on maternity leave. You may wish to increase your own contributions to make good any shortfall whilst you are in receipt of less than your usual salary. However, unless the pension scheme rules or your contract of employment provide otherwise, the Organisation will not make contributions during any period of unpaid additional maternity leave. Subject to the pension scheme rules, you may make member contributions during this time.]

[Defined benefit pension scheme: Your period of paid additional maternity leave (i.e. when you are still receiving SMP) will count towards your pensionable service and benefits will continue to accrue as set out in the pension scheme rules. Your pension contributions will be based on the amount of actual pay you are receiving whilst the Organisation's contributions will be based on the salary you would have received had you not gone on maternity leave. However, unless the pension scheme rules allow or your contract of employment provides otherwise, any period of unpaid additional maternity leave will not count as pensionable service, the Organisation will not make contributions during this time and neither will you be

able to make contributions. If you then return to work at the end of your unpaid additional maternity leave period, pensionable service before and after this period will be treated as continuous.]

Statutory maternity pay

SMP is payable for up to 39 weeks during your maternity leave. You are entitled to SMP if:

- you have been continuously employed by the Organisation for at least 26 weeks at the end of the QW and you are still employed during that week
- your average weekly earnings in the eight weeks up to and including the QW are not less than the lower earnings limit for National Insurance contributions
- you are still pregnant eleven weeks before the start of your EWC (or have already given birth)
- you provide a MAT B1 certificate stating your EWC
- you give the Organisation proper notification of your pregnancy in accordance with the rules set out above.

For the first six weeks, SMP is paid at the higher rate, which is equivalent to 90% of your average weekly earnings calculated over the period of eight weeks up to and including the QW. For the purpose of calculating average weekly earnings, shift allowances, on-call allowance, over-time payments, bonuses and commission are all included.

The standard rate of SMP is paid for the remaining 33 weeks (or less if you decide to return to work sooner). This is paid at a rate set by the government for the relevant tax year, or 90% of your average weekly earnings calculated over the period of eight weeks up to and including the QW if this is lower than the government's set weekly rate.

If you become eligible for a pay rise between the start of the original calculation period and the end of your maternity leave (whether ordinary or additional maternity leave), the higher or standard rate of SMP will be re-calculated to take account of your pay rise, regardless of whether SMP has already been paid. This means your SMP will be re-calculated and increased retrospectively, or that you may qualify for SMP if you did not previously. You will be paid a lump sum to make up any difference between SMP already paid and the amount payable as a result of the pay rise.

SMP is paid into your bank account in the same way as salary is normally paid.

SMP is treated as earnings and is therefore subject to income tax and National Insurance deductions.

Payment of SMP cannot start prior to the eleventh week before your EWC. SMP can start from any day of the week in accordance with the date you start your maternity leave.

SMP is payable whether or not you intend to return to work after your maternity leave.

It is important for maternity pay purposes that you notify your line manager if, during the maternity pay period, you are taken into legal custody or start to work for another employer.

If you have been working for the Organisation for less than 26 weeks at the QW, you are not eligible to receive SMP. You may, however, be able to apply to the Department for Work and Pensions for maternity allowance if you meet their qualifying conditions.

Contact during maternity leave

Shortly before your maternity leave starts, the Organisation will discuss the arrangements for you to keep in touch during your leave, should you wish to do so. The Organisation reserves the right in any event to maintain reasonable contact with you from time to time during your maternity leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

Keeping in touch days

Except during the first two weeks from childbirth, you may agree to work for the Organisation for up to a maximum of ten days during either your ordinary or additional maternity leave without that work bringing the period of your maternity leave to an end and without loss of a week's SMP. These are known as "keeping in touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The Organisation has no right to require you to carry out any work, and you have no right to undertake any work, during your maternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping in touch days, is entirely a matter for agreement between the Organisation and you. Any keeping in touch days worked do not extend the period of your maternity leave. Once the keeping in touch days have been used up, you will lose a week's SMP for any week in which you agree to work for the Organisation.

Returning to work

You will have been formally advised in writing by the Organisation of the date on which your maternity leave will end and the date on which you are expected to return to work if you take your full 52-week entitlement to maternity leave. You are expected to return on this date, unless you notify the Organisation otherwise. If you are unable to attend work at the end of your maternity leave due to sickness or injury, the Organisation's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

Whilst you are under no obligation to do so, it would assist the Organisation if you could confirm as soon as convenient during your maternity leave that you will be returning to work as expected. If you wish to return to work earlier than your expected return date, you must give the Organisation, preferably in writing, at least eight weeks' notice of your proposed date of early return. If you fail to do so, the Organisation may postpone your return to such a date as will give the Organisation eight weeks' notice, provided that this is not later than your expected return date.

If you decide not to return to work at all after maternity leave, you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment. If the notice period would expire after your maternity leave has ended, the Organisation may require you to return to work for the remainder of your notice period.

Shared parental leave

Where you give notice to end your maternity leave early and to formally opt in to the shared parental leave scheme instead, you may then be eligible to share the balance of your leave (and pay) with your spouse, civil partner or cohabiting partner, or the father of your child, (if they are also eligible) as shared parental leave (and statutory shared parental pay, if applicable). Shared parental leave is available for up to 52 weeks, reduced by the number of weeks of maternity leave you have taken (the compulsory maternity leave period must still be taken). It is up to you and your spouse or partner to agree between yourselves the amount of shared parental leave each of you will take, assuming you are both eligible, as long as the total time taken does not exceed the maximum permitted between you. Shared parental leave can also be taken consecutively or concurrently but it must start no earlier than the date on which your baby is born and it must end no later than twelve months after the date of childbirth. If you wish to consider shared parental leave, further details can be obtained from Charlie Baxter.

Your rights on return to work

On resuming work after ordinary maternity leave, you are entitled to return to the same job as you occupied before commencing maternity leave on the same terms and conditions of employment as if you had not been absent. On resuming work after additional maternity leave, again you are entitled to return to the same job as you occupied before commencing maternity leave on the same terms and conditions as if you had not been absent. If, however, there is some reason why it is not reasonably practicable for the Organisation to take you back in your original job, you will be offered suitable alternative work of equivalent status and responsibility and on terms and conditions that are no less favourable than would have applied if you had not been absent.

If you are a full-time employee, you have no automatic right to return to work on a part-time basis or to make other changes to your working patterns at the end of your maternity leave. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the Organisation's business. It is the Organisation's policy to promote flexible working arrangements for all employees and in particular for women returning from maternity leave. Further details, including the procedure to be followed, can be found in the Organisation's flexible working policy. If you would like this option to be considered, you should write to your line manager setting out your proposals as far in advance of your return date as possible, so that there is adequate time for full consideration of your request.

Useful website for information is <https://www.gov.uk/employers-maternity-pay-leave>

Data Protection

In the implementation of this policy, the organisation may process personal data and/or special category personal data collected in accordance with its GDPR and data protection policy. Data collected from the point at which this policy is invoked will only inform the organisation for the benefit of implementing this policy. All data is held securely and accessed by, and disclosed to, individuals only for the purposes of this policy. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's GDPR and data protection policy immediately. It may also

constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

This policy was adopted by

Stretton Pre-School

On

30 November 2022

Date to be reviewed

Annually

Signed on behalf of the provider

E. Greenfield

Name of signatory

Emily Greenfield

Role of signatory

Chair Person