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| A close up of a logo  Description automatically generated | **[Maternity Policy and Procedure]** |
| [Template] |

**This example is intended for guidance purposes and should be adapted to suit your particular organisation.**

Organisations should have a policy setting out a pregnant employee’s rights to maternity leave and maternity pay, which takes into account minimum statutory entitlements as well as arrangements during and after pregnancy. An employer must not subject an employee to a disadvantage or dismiss them for a reason relating to their pregnancy.

Pregnant employees have four main legal rights:

* Paid time off for antenatal care
* Maternity leave
* Maternity pay or maternity allowance
* Protection against unfair treatment, discrimination or dismissal

The following sample policy takes account of the changes implemented under the **Work and Families Act 2006** which applies to employees that gave birth, or were expected to give birth on or after 1 April 2007. It is provided for guidance only and should not be regarded as an authoritative statement of the law.

**Maternity Policy and Procedure**

It is [NAME OF ORGANISATION]’s policy to comply with both the letter and spirit of the law on maternity rights. To this end its aim is to inform employees of their entitlement to statutory maternity rights and to ensure that those rights are understood by employees who qualify.

All pregnant employees, regardless of how long they have worked for [NAME OF ORGANISATION] are entitled to the following:

1. Compulsory Maternity Leave (CML)

An employee must, under law, take two weeks maternity leave after giving birth. An employee may not return to work during this two-week period.   
(NB the period of CML is 4 weeks for factory workers)

2. Statutory Maternity Leave (SML)

Statutory Maternity Leave is 52 weeks. All pregnant employees are entitled to a period of 26 weeks Ordinary Maternity Leave (OML), which includes the 2 weeks CML, and 26 weeks Additional Maternity Leave (AML) irrespective of length of service or the number of hours worked each week.

An employee can choose when they start their OML, and can choose to work right up to when the baby is born. However, an employee cannot begin OML before the beginning of the 11th week before the baby is due.

To qualify for this, the employee must inform [INSERT WHO] no later than the 15th wee before the expected week of childbirth (or as soon as reasonably practicable thereafter) of the following:

1. That they are pregnant; this can be done verbally or in writing
2. The expected week of childbirth in the form of a maternity certificate (MAT B1 form) which is available from the employee’s midwife or doctor
3. The date they intend to start their period of OML; this can be done verbally or in writing (the earliest is 11 weeks before the due date)
4. The date from which they will be claiming Statutory Maternity Pay (SMP)

Changing the Date of Ordinary Maternity Leave (OML)

The employee has the right to change the start date of their OML providing that they gives at least 56 days notice in writing (or as soon as reasonably practicable thereafter) [INSERT WHOM] of either the new start date or the original start date (whichever is earliest).

In certain circumstances, an employee’s maternity leave may automatically start earlier than the date chosen for the start date of the maternity leave. This applies where the employee is absent from work wholly or partly because of pregnancy at any time during the four weeks before the expected week of childbirth.

Early Births

Where the baby is born before the start of the maternity leave date, maternity leave will start on the day after giving birth. The employee must inform [INSERT WHO] of when they gave birth as soon as it is reasonably practicable. This can be done verbally or in writing by providing a MAT B2 form.

Miscarriage, Stillbirth and the Death of a Baby

A miscarriage is where a baby is born dead before the end of the 24th week of pregnancy. An employee who suffers a miscarriage is not entitled to Statutory Maternity Leave or Statutory Maternity Pay.

Stillbirth is where a baby is born dead during or after the 25th week of pregnancy. An employee whose baby is stillborn is entitled to Statutory Maternity Leave and may be entitled to Statutory

Maternity Pay. An employee whose baby is born alive but subsequently dies is entitled to Statutory Maternity Leave and may be entitled to Statutory Maternity Pay.

3. Paid Time Off for Ante-Natal Care

All pregnant employees are entitled to paid time off to keep appointments for ante-natal care.

Antenatal appointments include:

* Medical appointments related to a pregnancy
* Classes for pregnancy-related health, fitness or relaxation
* Sessions that support the person's mental health and wellbeing

Paid time off for antenatal appointments includes travel time The employee must provide evidence, such as an appointment card, that the appointment has been made. The employee does not have to provide evidence for their first appointment for ante-natal care.

**Additional Rights**

4. Statutory Maternity Pay (SMP)

An employee is entitled to SMP providing that:

* By the end of the 15th week before the Expected Week of Childbirth, they have been continuously employed by [NAME OF ORGANISATION], for at least 26 weeks
* Their gross earnings (earnings before tax and National Insurance deductions) are at least £120.00 per week

SMP is paid for 39 weeks at the following rates

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| **First 6 weeks** | 90% of the employee’s average weekly earnings |
| **Remaining 33 weeks** | £151.20 or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks |
| **Week 40 to 52** | Unpaid |

Entitled employees will be paid SMP as soon as they start their Ordinary Maternity Leave (OML). SMP payments are subject to tax and National Insurance deductions. [STATE HOW SMP WILL BE PAID].

Employees who are not entitled to SMP may be entitled to [Maternity Allowance](https://www.gov.uk/maternity-allowance).

[ORGANISATIONS THAT PAY ABOVE STATUTORY MATERNITY PAY, MAY WISH TO DETAIL THAT HERE]

5. Working During Maternity Leave (Keep in Touch Days)

Employees on Maternity Leave may work up to ten days during their SML without affecting their entitlement to SMP. These days, termed ‘Keeping in Touch’ or ‘KIT Days’, can be used for any work completed under the employee’s contract of employment, training or any activity undertaken for the purposes of keeping in touch with the workplace. The employee must be paid for the work they do at a rate which has been mutually agreed. The type of work to be undertaken must be discussed and agreed beforehand by [INSERT WHO E.G. LINE MANAGER/HR MANAGER].

[NAME OF ORGANISATION] cannot insist that the employee completes any work during their maternity leave and the employee is protected from suffering a detriment or being dismissed by refusing to complete a KIT day. Equally an employee cannot demand to work at any time during their maternity leave period.

For the purposes of this procedure a part of a day or a whole day will count as one KIT day. An employee’s maternity leave will not be extended if a KIT day is used.

6. Reasonable Contact

The employee and their [INSERT WHO E.G. LINE MANAGER/HR MANAGER] are entitled to make ‘reasonable contact’ with each other during the period of maternity leave. During the maternity leave period the employee is entitled to be kept informed of issues such as vacancies, significant workplace developments and training opportunities. Reasonable contact does not count towards the 10 KIT days nor does it bring the period of maternity leave to an end.

**Contractual Benefits**

7. Annual Leave

During Ordinary Maternity Leave (OML) the employee will continue to accrue annual leave as though they were in work. [STATE WHEN ANNUAL LEAVE YEAR RUNS]. The employee must take annual leave in the year that it is accrued. [INSERT RULES REGARDING THE CARRY-OVER OF ANNUAL LEAVE TO THE NEXT LEAVE YEAR].

During Additional Maternity Leave (AML) the employee will only accrue statutory annual leave.

8. Pension Contributions

(If the employer makes a contribution to a pension scheme, they must continue to make payments as though the employee is receiving a full salary. This should be stated here)

(Information about the employee’s individual contribution should be stated here. e.g. what the employee should do should they wish to suspend contributions during their maternity leave)

9. Pay Rises

Any pay rises awarded during the period of OML or AML must take effect when the employee returns to work.

10. Training and Development Opportunities

Employees on maternity leave must be informed of any training or development opportunities.

11. Period of Continuous Service

An employee’s period of OML counts towards their continuous service and will, therefore, also count towards the assessment of seniority and pension rights**.**

12. Notification of Statutory Rights

Once notification of pregnancy has been received from an employee the [INSERT WHO E.G. LINE MANAGER/HR MANAGER] will notify the employee in writing within 28 days, or as soon as is reasonably practicable, of their entitlement to statutory maternity rights and when they are due to return from maternity leave.

13. Risk Assessments

[NAME OF ORGANISATION] will ensure that a risk assessment is carried out to assess any possible risk for all new or expectant mothers, or mothers that have notified [NAME OF ORGANISATION] that they are breastfeeding.

[NAME OF ORGANISATION] will ensure that the risk assessment is specific to their post, and will take account of their own concerns and those of their medical or health practitioner. A note of the assessment and any actions undertaken will be recorded and retained in the employee’s personnel file.

14. Returning to Work After Maternity Leave

The employee does not have to give advance notice to [NAME OF ORGANISATION] of their intention to return to work at the end of their maternity leave. It will be assumed that the employee will come back to work on the date that [NAME OF ORGANISATION] notified as the end of the maternity leave period.

Employees wanting to return early from maternity leave must give [INSERT WHO E.G. LINE MANAGER/HR MANAGER] 8 weeks notice of their date of return. If they do not give 8 weeks notice, [NAME OF ORGANISATION] has the right to delay the return until 8 weeks have elapsed, or, until the original date of return (whichever occurs sooner).

The employee returning to work after OML is entitled to return to the job in which they were employed before their absence, on the same terms and conditions of employment.

The employee returning to work after AML is entitled to return to the job in which they were employed before their absence, on the same terms and conditions of employment.

If it is not reasonably practicable to do this, they should return to another job which is both suitable for them and appropriate for them to do in the circumstances, which are no less favourable that the original job.

(NB Upon the employee’s return from maternity leave, a meeting with the employee should be held to discuss any changes which have taken place during their absence. This will be an opportunity to discuss any issues relating to breastfeeding. The employee should be encouraged to raise, at this meeting, any queries or concerns they may have).

15. Right to Request Flexible Working Patterns

Parents who have been employed by [NAME OF ORGANISATION]for at least 26 weeks and have, or expect to have responsibility for the upbringing of a child up to the age of 6, or 18 if the child is disabled, have the right to request flexible working patterns. [NAME OF ORGANISATION] will give such requests serious consideration. In order to qualify for this right, a parent must meet certain criteria.

**Information**

Organisations may find it useful to put a flexible working policy in place see

Information Sheet 6.14.3

16. Inability to Return After Maternity Leave

If the employee is too ill to return to work following maternity leave, [NAME OF ORGANISATION] Sickness and Absence Policy will apply.

17. Redundancy

[NAME OF ORGANISATION] will not make an employee redundant for taking maternity leave or requesting flexible working to care for their child.

Employees have the right to be offered any suitable alternative job (where one is available) if they’re selected for redundancy (even if other colleagues are more suitable for the role) while on maternity, adoption or shared parental leave. [NAME OF ORGANISATION]’s Redundancy policy will apply.

18. Employees Who Do Not Wish to Return to Work After Maternity Leave

Where the employee does not wish to return to work after maternity leave, they must give notice of termination as outlined in their Statement of Particulars/Contract of Employment.

**This is a template document, please amend and use as appropriate,**

**we suggest that you set up with your own logo and branding.**

The information provided in this sheet is intended for guidance only. It is not a substitute for professional advice and we cannot accept any responsibility for loss occasioned as a result of any person acting or refraining from acting upon it.

**Disclaimer**



Third Sector Support Wales is a network of support organisations for the whole of the third sector in Wales.

It consists of the 19 local and regional support bodies across Wales, the County Voluntary Councils (CVCs) and the national support body, Wales Council for Voluntary Action (WCVA).

For further information contact

<https://thirdsectorsupport.wales/contact/>