

# Maternity policy and procedure (Template)

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## Introduction



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 provisions of the Employment Rights Act 1996, Maternity and Parental Leave etc Regulations 1999, Statutory Maternity Pay (General) Regulations 1986, the

Management of Health and Safety at Work Regulations 1999 and the Equality Act 2010. It is provided for guidance only and should not be regarded as an authoritative statement of the law.

**This policy should be adapted to reflect your organisation's size and legal status.**

For smaller charities or CIOs, this may mean trustees or managers assume multiple roles, including HR responsibilities.

## 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 11<sup>th</sup> week before the baby is due. If the baby is born before OML is due to start, OML will *automatically* start on the day following the birth.

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

- That they are pregnant; this can be done verbally or in writing
- 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
- 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)
- Eligible employees who are parents may choose to take leave flexibly and/or share leave with their partner in the first year of their child's life. This involves the mother ending their SML and opting in to

Shared Parental Leave. Further details can be obtained from [INSERT WHOM].

## Changing the date of commencement of ordinary maternity leave (OML)

The employee has the right to change the start date of their OML providing that they give at least 28 days notice in writing (or as soon as reasonably practicable thereafter) to [INSERT WHOM] of either the new start date or the original start date (whichever is earliest). The organisation will then confirm the revised return to work date.

If the employee is absent from work for a pregnancy-related reason at any time during the four weeks before the expected week of childbirth, the employee's maternity leave and pay will automatically start on the first day of sickness absence.

## Early births

Where the baby is born before the intended start of the maternity leave date, maternity leave and pay will automatically 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 24<sup>th</sup> 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 25<sup>th</sup> 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 at any stage of the pregnancy, but subsequently dies (neonatal loss), 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 attend 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 15<sup>th</sup> 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 not less than the lower earning limit set by the Government each tax year (£125 in 2025/2026)

SMP is paid for 39 weeks at the following rates

<b>First 6 weeks</b>	90% of the employee's average weekly earnings
<b>Remaining 33 weeks</b>	£187.18 (as of April 2025) or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks
<b>Week 40 to 52</b>	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. SMP will be paid in the same way as salary payments.

Employees who are not entitled to SMP may be entitled to [Maternity Allowance](#).

<https://www.gov.uk/maternity-pay-leave>

[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 rate of pay paid to the employee must be mutually agreed. The type of work to be undertaken must be discussed and agreed beforehand by [INSERT WHO E.G. LINE MANAGER/HR MANAGER].

(There is no legal obligation to make any payment on a KIT day (other than any SMP or MA due), but it is usual for employees to receive their usual rate of pay for any hours worked on a KIT day. You should make it clear whether that payment *includes* or is *in addition to* any SMP or MA due).

[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 a KIT day 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) and Additional Maternity Leave (AML) the employee will continue to accrue annual leave as though they were in work. [STATE WHEN ANNUAL LEAVE YEAR RUNS]. Employees should aim to take annual leave in the year that it is accrued but if this is not possible, any unused entitlement can be carried over to the next holiday year. [INSERT RULES REGARDING THE CARRY-OVER OF ANNUAL LEAVE TO THE NEXT LEAVE YEAR e.g. you could state that any carried forward annual leave must be bolted on to the end of the SML period].

### 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.

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 SML 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 risks to 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

Employees must be reinstated in the same or an equivalent role with identical terms and conditions unless a redundancy situation applies.

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] at least 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 same job in which they were employed before their absence, on the same terms and conditions of employment unless that it is not reasonably practicable, in which case they should return to another job which is both suitable for them and appropriate for them to do in the circumstances, on terms which are no less favourable than 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

From day 1 of employment, any employee has the right to request flexible working patterns. [NAME OF ORGANISATION] will give such requests serious consideration in accordance with legislation.

### 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.

## 19. Neonatal care

If your child receives neonatal care that starts within 28 days of birth and lasts for at least seven full days, you may be entitled to neonatal care leave and pay in addition to paternity leave. For further information, please speak to [INSERT WHOM].

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