**Your maternity rights**

**(Company name)**

Issued [Date]

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**Your maternity rights**

**Section 1 - Policy Statement**

[Company name] recognises the importance of supporting pregnant employees at work and during a period of maternity leave. The aim of this policy is to ensure employees are aware of their statutory [and contractual] *(delete as appropriate)* entitlements and to ensure fair and equitable treatment in line with current legislation.

Pregnant employees have a number of rights:

* **Time off for antenatal care:** All pregnant employees have the right to take a reasonable amount of paid time off work for antenatal care, irrespective of their length of service.
* **Maternity leave** :
* **‘Ordinary leave’:** All pregnant employees are entitled to 26 weeks' ordinary maternity leave’ regardless of their hours of work or length of service.
* **‘Additional leave’:** Employees who have 26 weeks' continuous service or more, calculated as at the end of the 15th week before the week the baby is expected, have the right to a further 26 weeks maternity leave. This period of leave is referred to as ‘additional maternity leave’. Additional maternity leave begins on the day after ordinary maternity leave ends. This means that an employee who qualifies for additional maternity leave can take up to a year off work.
* **Right to return to work**: Women who take ordinary maternity leave have the right to return to the same job. Women who take additional maternity leave have the right to return the same job, unless this is not reasonably practicable, in which case they have the right to be offered a suitable alternative job under terms and conditions which are no less favourable.
* **Stillbirth**:there is no right to maternity leave if a baby is stillborn within the first 24 weeks of pregnancy.
* **Maternity pay**: All employees who have at least 26 weeks' continuous service calculated as at the end of the 15th week before the week the baby is expected will be entitled to statutory maternity pay (SMP) payable for up to 26 weeks (ie during ordinary maternity leave), provided that their average weekly earnings are not lower than the lower earnings limit for national insurance contributions.

[*Where the company offers ‘enhanced’ maternity entitlements include them here or delete as appropriate:*]

In addition to the maternity rights outlined above, the company provides the following enhanced maternity benefits:

Maternity leave: *[include details]*

Company maternity pay: the employee’s normal rate of pay will be paid during the first [*insert number of weeks/months*]. This will include the employee’s entitlement to SMP.

*State any other additional benefits*]

**Section 2 - Time off for antenatal care**

In order to be entitled to take time off for antenatal care, you will be required to produce a certificate from your doctor, registered midwife or registered health visitor, stating that you are pregnant and giving your expected date of childbirth.

Once we have evidence that you are pregnant, you will be entitled to take reasonable time off work to attend antenatal appointments, as advised by your doctor, registered midwife or registered health visitor.

You must also produce evidence of your appointment, such as a medical certificate or appointment card if requested to do so.

Try to give your [line manager/supervisor] *(delete as appropriate)* as much notice as possible of antenatal appointments and wherever possible try to arrange them outside working hours or as near to the start or end of the working day as possible.

You will receive full pay for time off for antenatal care and for reasonable travelling time.

**Section 3 - Timing of maternity leave**

Provided you have given the company the required notification of your pregnancy (see section 4 below), ordinary maternity leave can commence at any time on or after the beginning of the 11th week before your expected week of childbirth.

Leave may also commence:

* On the first day after the beginning of the 4th week before the EWC, if you are absent from work due to a pregnancy related illness;
* With the birth of your child.

In order to make administration as easy as possible, please discuss the timing of your maternity leave with your [supervisor/line manager] *(delete as appropriate)* as early as possible.

For employees who qualify, additional maternity leave commences on the day after ordinary leave ends.

**Section 4 - Notification**

In order to be entitled to take maternity leave and receive statutory maternity pay [and company maternity pay] *(delete as appropriate)*, you are required to give [the HR Department/your supervisor/your line manager] *(delete as appropriate)* written notification of your intention to take maternity leave no later than the end of the 15th week before your expected week of childbirth. You must state in the notification:

* that you are pregnant;
* your expected week of childbirth and
* the date on which you intend your maternity leave to start.

You are advised to use the Maternity Notification form for this purpose. This can be found in the Forms section of this booklet.

You must also submit a MAT B1 form, signed by your doctor, registered midwife or registered health visitor, or other evidence of your expected date of childbirth.

If you subsequently wish to change the start date of your maternity leave, you must give 28 days' written notice of the revised start date. You are advised to use the Variation to Maternity Leave Start Date form for this purpose. This can be found in the Forms section of this booklet.

Within 28 days of receiving your notice of intention to take maternity leave, the company will write to you confirming the latest date on which you must return to work after either ordinary or, if you are eligible, additional maternity leave.

**Section 5 - Payment of SMP**

Payment of SMP cannot start any earlier than the 11th week before your expected week of childbirth.

SMP is paid at the rate of:

* 90% of average weekly pay for the first 6 weeks of maternity leave.
* The standard rate of SMP (which is normally increased on an annual basis) for the remaining 20 weeks of maternity leave. The standard rate of SMP is currently [£ ] *(insert current standard rate)* per week, or 90% of your average weekly earnings if this is less than [£] *(insert current standard rate)* per week.

Employees who are not entitled to SMP may be entitled to state Maternity Allowance. If you do not qualify for SMP, the company will issue you with a form SMP1. You should then contact your local Social Security office for further information and details of your eligibility for Maternity Allowance.

[SMP is treated as earnings and is therefore subject to PAYE and national insurance deductions.]

An employee may not undertake any paid work whilst in receipt of SMP.

*If your company provides enhanced, company maternity pay, include the following:*

[Company maternity pay, which is paid for the first *(insert number of weeks)* of maternity leave, includes your entitlement to SMP]

**Section 6 - Returning to work after maternity leave**

New mothers are prohibited from working or returning to work for two weeks after childbirth [four weeks in the case of factory workers*].(delete as appropriate)*. This is referred to as ‘compulsory leave’.

With the exception of the compulsory leave period, you may return to work at any time during ordinary maternity leave or (if you are eligible for it) additional maternity leave. Alternatively, you may take your full period of maternity leave entitlement and return to work at the end of this period.

While you are on maternity leave (ordinary or additional), you have no need to notify the company if you intend to return to work on the due day. However, if you wish to return early, before your full period of maternity leave has elapsed, you must give at least 28 days' notice in writing to the Company of the date on which you intend to return. If you fail to do this, the company may postpone your return. You are advised to use the Notification of Early Return from Maternity Leave form for this purpose. This can be found in the Forms section of this booklet.

If, for any reason, you are unable to return to work by the end of the 26 week ordinary maternity leave period (if you are not eligible for additional leave) or 52 week additional maternity leave period (if you are eligible), you should contact the company immediately. Failure to return to work on the due date may be treated as an unauthorised absence. If you are unable to return to work because of illness, you must submit a medical certificate before the end of your maternity leave period.

If you decide during maternity leave that you do not wish to return to work, you should give written notice of your resignation to the Company as soon as possible and in accordance with the terms of your contract of employment.

**Section 7 - Rights during maternity leave**

During ordinary maternity leave all of your contractual terms and conditions, with the exception of remuneration, are preserved. This means that company benefits, such as *(insert company benefits, for example: your company car/ membership of the company’s private health insurance scheme)* will continue during your ordinary maternity leave. However, your salary/wages will be replaced [by SMP/company maternity pay] *(delete as appropriate)*, if you are eligible to receive it.

During additional maternity leave, whilst you remain an employee of the company, most of your contractual rights, are suspended. You are not entitled to your salary/wages, company benefits or SMP during this period. (*Insert here any additional contractual entitlements which may apply during the additional maternity leave period, for example, company maternity pay, company benefits, company car.)*

If you are a member of the company’s pension scheme, *(state arrangements for employee and employer contributions during ordinary and additional maternity leave).*

Employees are encouraged to take any outstanding holidays due to them before the commencement of ordinary maternity leave. Please discuss this with your [supervisor/line manager] at the earliest opportunity.

**Section 8 - Health and safety**

The company will carry out a risk assessment in circumstances where pregnant employees are exposed to working conditions that may harm the baby. In cases where for health and safety reasons you are not allowed to continue in your normal job, you will either be offered suitable alternative work (if available) at the same level of pay, or be suspended on medical grounds on full pay until the start of your maternity leave. Such suspension will not affect your other statutory or contractual rights in any way.

If you are absent from work during pregnancy owing to sickness, you will receive normal [statutory ***or*** contractual] *(delete as appropriate)* sick pay provided that you have not yet begun ordinary maternity leave. If, however, you are absent from work for a pregnancy related illness after the beginning of the fourth week before your expected week of childbirth, the company will be entitled to treat this absence as the beginning of your ordinary maternity leave.

**Maternity leave timetable**

**What to do when you are pregnant**

Please note that this plan is for guidance purposes so that you can notify the company of your intentions.

*\*Delete as appropriate*

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Time** | **Notes** | **Action** |
| **1** | At least 15 weeks before your expected week of childbirth. | By this time, you should have received a MAT B1 certificate from your doctor or midwife confirming your expected week of childbirth. | Complete the **Maternity Notification** form and send it together with your **MAT B1** certificate to \*HR dept/your supervisor/your line manager.  If you later change your mind about the date you want your maternity leave to start, complete the **Variation to Maternity Leave Start Date** form and send it to \*HR Dept/your supervisor/your line manager, giving 28 days notice of the new date. |
| **2** | 11 weeks before the expected week of childbirth. | Maternity leave cannot start earlier than the 11th week before the expected week of childbirth, unless the birth occurs sooner. |  |
| **3** | 3rd week after the birth  \*(4th week for those employed in an industrial workplace) | This is the earliest date after the compulsory leave period that you can return to work. |  |

**Maternity leave timetable (cont.)**

|  |  |  |  |
| --- | --- | --- | --- |
| **4** | After compulsory leave period but before the end of ordinary or additional maternity leave (if eligible). | If you intend to return to work before the end of your ordinary or additional maternity leave (if eligible), you must give the company at least 28 days written notice | Complete the **Notification of Early Return from Maternity Leave** form and send it to \*HR dept/your supervisor/your line manager.  If you decide now or later that you do not want to return to work, you must write to the company giving your contractual notice of the termination of your employment. |
| **5** | 26 weeks’ absence  (ordinary maternity leave). | If you are only entitled to ordinary maternity leave, this is the last date when you can return to work.  You will not receive SMP \*(company maternity pay) after this date. | If you are unable return to work, contact the company immediately to explain why. If you are ill, you must send in a medical certificate. |
| **6** | 52 weeks’ absence (additional maternity leave). | If you are entitled to additional maternity leave, this is the last date when you can return to work. | If you are unable return to work, contact the company immediately to explain why. If you are ill, you must send in a medical certificate. |

**Maternity notification**

Note: This form must be submitted no later than the end of the 15th week before your expected week of childbirth.

**To** ………………………………………………………………………………………………

[Name/job title/address of person to be notified]

**Name** …………………………………………………………………………………………

**Payroll/clock no**………………………………………………………………………………

**Dept/location**…………………………………………………………………………………

I wish to notify the company that I am pregnant.

My expected date of childbirth is …………………………………………………………

I intend my maternity leave to begin on ……………………………………………………

I enclose my form MAT B1 \*Yes/No \* *Delete as appropriate*

**Signed** …………………………………………………………………………

**Date** ……………………………

**Variation to maternity leave start date**

Note: This form must be submitted at least 28 days before the proposed revised date for the start of your maternity leave.

**To** ………………………………………………………………………………………

[Name/job title/address of person to be notified]

**Name**………………………………………………………………………………….

**Payroll/clock no**………………………………………………………………………

**Dept/location**………………………………………………………………………….

I hereby notify the company that I wish to change the start date for my maternity leave.

My previously notified start date was ………………………………………………

I now intend to start my maternity leave on ………………………………………

**Signed** ……………………………………………………

**Notification of early return from maternity leave**

Note: This form must be submitted at least 28 days before the date on which you intend to return to work from maternity leave.

**To** ………………………………………………………………………………………

[Name/job title/address of person to be notified]

**Name**………………………………………………………………………………….

**Payroll/clock no**………………………………………………………………………

**Dept/location**………………………………………………………………………….

I hereby notify the company that I wish to return to work before the end of my \*ordinary/\*additional maternity leave. \**Delete as appropriate*

My date of return will be …………………………………………………

**Signed** ………………………………………………………………………………

**Date** ………………………………………………………………………………