

# EMPLOYEE FACTSHEET – Maternity Entitlements

## What should I do first?

As soon as possible, but during early to mid-pregnancy, you should ensure that your manager is aware that you are expecting a baby. Your manager will be able to advise you of your entitlements and the correct procedure to be followed.

## Am I able to attend antenatal classes during working hours?

Yes, you are allowed time off with pay to keep appointments made on the advice of your doctor, midwife or health visitor for the purposes of receiving ante-natal care and classes. You should however ensure that you give your manager reasonable notice of these appointments and you must produce an appointment card or other evidence. Where possible it is appreciated if you arrange these appointments for the start or end of the working day.

## Will I have a risk assessment conducted at my workplace?

Yes, following the notification of your pregnancy your manager should carry out a risk assessment in order to assess any possible risks. Where such risks have been identified your manager may propose a number of solutions namely a temporary change in your role or in some cases a temporary suspension from duties. Please note that any changes made are on a temporary basis and will not constitute a permanent change to your contract.

## How much notice do I have to give of my intention to go on maternity leave?

For health and safety reasons, you should notify your manager as soon as you are aware that you are pregnant. You are required to inform your manager in writing of your intention to take maternity leave. This should be submitted no later than the 15<sup>th</sup> week before the expected week of childbirth (EWC), unless this is not reasonably practical.

You need to tell your manager:

- That you are pregnant
- The week that your baby is due
- When you wish your maternity leave to start (this cannot be earlier than 11 weeks before your EWC).

Within 28 days, you will receive confirmation from your manager stating the date that you are expected to start and return from maternity leave. You should also provide a MATB1 form (a certificate of pregnancy issued by a doctor, midwife or health visitor at/ or around 24 weeks). This must be the original document; a copy is not acceptable, although you may wish to keep a copy for yourself.

## What is the earliest date I can start my maternity leave?

You can choose to start your maternity leave on any day of the week, providing it is no earlier than the 11 weeks before your EWC. You will need to provide your manager with 28 days' notice of your intention to go on to maternity leave.

## What happens if I want to change the date I start my maternity leave?

You can change your mind and choose a new start date however you will still need to give your manager at least 28 days' notice in writing. As previously mentioned, you cannot start your maternity leave before the 11<sup>th</sup> week before the EWC unless the baby is born before then.

## How much maternity leave am I entitled to?

All employees, regardless of length of service or the number of hours worked per week are entitled to take up to 52 weeks maternity leave in total. This leave includes 26 weeks ordinary maternity leave (OML) and 26 weeks additional maternity leave (AML).

## What is the latest date that I can begin my maternity leave?

Provided that you are well and able to carry out your normal duties safely, you can choose to stay on at work up to the date of childbirth.

## What happens if I am ill during my pregnancy?

During your pregnancy you will receive the same sickness entitlement as any other employee. However, after the beginning of the 4<sup>th</sup> week before the EWC, any absence related your pregnancy will automatically trigger your maternity leave on the second day of the absence. You must inform your manager of the reason for any absence occurring after the beginning of the 4<sup>th</sup> week to ensure correct entitlements are given.

### **What happens if there are complications with my pregnancy?**

Where a miscarriage occurs before the 24<sup>th</sup> week of your pregnancy you will not be entitled to Statutory Maternity Pay (SMP) or maternity leave. However, you will be entitled to compassionate and sick leave.

Where a miscarriage occurs after the 24<sup>th</sup> week or your baby is stillborn, your maternity entitlement would remain the same. (Bereaved parents of a child who dies on or after 6 April 2023 have a new right to take up to two weeks' parental bereavement leave with pay at the statutory minimum rate).

### **What happens if my baby is premature?**

Your maternity entitlement would remain the same. Your maternity leave will commence automatically on the day after childbirth occurs.

### **What happens if I have twins?**

You will be entitled to the same benefits regardless of how many babies you have.

### **Am I entitled to receive maternity pay and how do I qualify for it?**

To qualify for SMP you must have been employed for 26 weeks continuously by the 15<sup>th</sup> week before the EWC; earn enough to pay NI contributions and provide your manager with a MAT B1 form.

### **How much is SMP?**

SMP for the full 52 weeks maternity leave is paid at the following rates:

- The first 6 weeks of absence will be at 90% of the normal weekly earnings
- The following 33 weeks will be paid at £172.48 per week (April 2023) or 90% of the normal weekly earnings, whichever is the lower amount. This amount is reviewed every April.
- The remaining 13 weeks leave are unpaid.

### **What happens if I do not qualify for SMP?**

If you have less than 26 weeks continuous service by the 15<sup>th</sup> week before the EWC are not entitled to SMP paid for by the company. You will be provided with a completed SMP1 form so you can claim Maternity Allowance from the Jobcentre Plus. For more information please contact your manager or your nearest Jobcentre Plus office.

### **Can I come to work whilst still on maternity leave?**

Keeping in touch (KIT) days allow you to go to work, to undertake training and to keep in touch with your manager/colleagues for up to 10 days during the maternity leave period without bringing the maternity leave or pay to an end. Such days are different to the reasonable contact that you and your manager may make with one another and any work done on any day during the maternity leave period will count as a whole keeping in touch day. The type of work that the you undertake on keeping in touch days is a matter for agreement between you and your manager.

### **Do I have the right to return to work?**

Yes. It will be assumed that you will return to work at the end of your full maternity leave entitlement (52 weeks).

### **What shall I do if I want to return to work early?**

If you wish to return to work early, you should give your manager 8 weeks' notice of your return date. If you fail to give this notice or give less than 8 weeks, your manager can delay your return until a date 8 weeks from when you did give notice, or withhold pay up to the end of the 8 weeks. Similarly, if you change your return date you will still need to give 8 weeks' notice of the new return to work date. You are not, however, able to return to work within 2 weeks of giving birth, on Health and Safety grounds.

### **If I am not sure whether I want to come back to work, what should I do?**

If you wish to resign after your maternity leave you will have to provide your manager with your contractual notice.

### **Do I have the right to return to my old job?**

If returning to work after OML (26 weeks) you are entitled to return to the same job you were in before you went on leave. If returning to work after AML (52 weeks) it may not be possible to return back to your previous job and therefore you may be offered another job that is suitable or appropriate for you to do, on the same terms and conditions as your old job.

### **What should I do if I wish to return part-time or on different hours?**

Wherever possible, we will support any request for a change to working pattern. All requests will be dealt with as a flexible working request. Please refer to the flexible working process for more information.

**What happens if I am not well and cannot return to work at the end of my maternity leave period?**

If you are not well on the day that you intend to return from maternity leave, you should contact your manager in the usual way to give a reason for your absence. You will then cease to be on maternity leave and will be on sick leave for which the sickness absence rules apply (e.g. covering your absence with doctor's certificates etc).

**What will happen to my annual leave entitlement?**

You will accrue statutory holiday entitlement throughout Ordinary and Additional Maternity Leave. There is no entitlement to receive payment for Bank/Public holidays during Maternity Leave. You should agree with your manager how you will take your accrued holiday, for example; by tagging it on to the start or end of the leave period or by using some of the days for a phased return to work.

**What is deducted out of my salary when I am off on maternity leave?**

Pension contributions will be deducted whilst you are on OML only, unless the payroll department are instructed otherwise. When you are on AML you will have no contributions deducted however you have an option to contribute for any lost months upon return to work if you so wish.