



Maternity Policy

REVISED APRIL 2013

Aim of the Policy

It is the policy of this organisation to provide maternity benefits which comply fully with the law on maternity rights. The policy applies to all female members of staff and aims to inform them of their entitlement to contractual and statutory maternity rights, and to ensure that those rights are understood. The policy was written to comply with all relevant employment law regarding maternity, including the Working Time Regulations.

Maternity Rights

Employees have a right to:

- take a period of ordinary maternity leave of 26 weeks, so long as they provide proper notification of their intention to take maternity leave
- take a further 26 weeks of additional maternity leave following on immediately after the period of ordinary maternity leave
- An employee must notify the care home of her pregnancy no later than the end of the 15th week before her baby is due (the expected week of childbirth (EWC)).
- receive statutory maternity pay, subject to their having a minimum of 26 weeksq continuous service as at the end of the 15th week before the week the baby is due and subject to their having average earnings that are at least the equivalent of the lower earnings limit for National Insurance purposes in force at the time and having notified the employer of their intention to take maternity leave in the prescribed manner
- receive a response within 28 days after having notified their employer of their pregnancy detailing how long they are entitled to be on leave and the latest date on which they must return to work, based on the start date given
- retain all terms and conditions of employment during ordinary maternity leave except for normal pay
- return to the same job when returning from ordinary maternity leave
- return to the same job when returning from additional maternity leave, unless this is not reasonably practicable, in which case they are entitled be offered a similar job on terms and conditions which are no less favourable.

Employees have a duty to:

- notify their employer, at least 15 weeks before the baby is due, that they are pregnant, when the baby is expected (an employer may ask for a medical certificate confirming this), and the date on which they intend to start their maternity
- not start their maternity leave before the beginning of the 11th week before the baby is due, unless the baby is born before then
- notify the employer in accordance with the normal rules on sickness absence if they cannot return to work on the specified date because they are ill
- give the employer notice of their resignation, in accordance with their contract of employment, if they decide not to return from maternity leave at all
- give eight weeksqnotice if they decide to return to work early before the end of their full maternity leave entitlement.
- abide by the law by not returning to work during the first two weeks (four weeks if the employee is a factory worker) after giving birth.

Returning to Work after maternity Leave

1. An employee returning to work during or at the end of ordinary maternity leave has the right to return to the same job as the one she had prior to the commencement of her leave.
2. An employee returning to work from additional maternity leave is entitled to return to the job in which she was employed prior to her maternity leave period began, unless that is

- not reasonably practicable, in which event, the care home is duty-bound to offer her suitable alternative employment on terms and conditions no less favourable to her than those she enjoyed prior to her having taken maternity leave.
3. An employee returning from maternity leave (whether ordinary or additional) is entitled to request flexible working if she wishes and this will be considered under the care home's Flexible Working policy and procedure.
 4. If an employee wishes to return to work before completion of her full 52 week maternity leave entitlement she will need to give eight weeks' advance notice of the date on which she intends to return.
 5. If the employee does not give correct notice the care home is entitled to postpone her return to work until the correct notice has been provided (but will not postpone her return beyond the date her full maternity leave entitlement would have come to an end in any event).
 6. An employee may not return to work in the compulsory maternity leave period (i.e. within two weeks of having given birth).
 7. If the employee is ill and therefore unable to return on the due date, she must notify her manager and the sickness absence policy and procedure will apply.
 8. Where the employee does not wish to return after her maternity leave she must give notice of termination, as provided for in her contract of employment, to her manager.
 9. If an employee wishes to return to work immediately after the end of her full maternity leave entitlement she is not required by law to give advance notice. However, in order to enable the care home to plan effectively for her return, it would be helpful if she could let the care home know that this is her intention.

Payments during Maternity Leave

In this organisation:

1. maternity pay (SMP) for employees is paid for 39 weeks as follows:
 1. six weeks at 90% of employee's average salary, based on last three months pay (the Earnings Related Rate)
 2. 33 weeks paid at the set Government rate (the Lower Rate SMP)
2. a MatB1 form signed by doctor or midwife giving the expected week of confinement must be given to the employer before any SMP can be paid.

Risk Assessments

In this organisation risk assessments of working environments should be routinely carried out in order to be able to protect the safety of mother and child for any member of staff who may become pregnant. Should her working environment or her duties pose a threat to her health and safety, her duties will be modified or alternative work of a suitable nature will be found for her.