

Maternity Leave Policy

KidzRus Nursery Limited policy is to comply with both the letter and spirit of the law on maternity leave and statutory maternity pay. To this end its aim is to inform all female employees of their entitlement to statutory maternity rights and to ensure that those rights are understood by employees who qualify.

- A pregnant employee is entitled to 52 weeks' maternity leave, regardless of her length of service, consisting of 26 weeks' ordinary maternity leave followed by 26 weeks' additional maternity leave provided that she complies with the notification requirements set out below.
- An employee must notify the line manager of her pregnancy no later than the end of the 15th week before her baby is due if this is reasonably practicable. She should state her expected week of childbirth and the date on which she intends to start her maternity leave. It is advisable to do this as early as possible, however, so that any potential health and safety issues can be considered.
- Pregnant employees are entitled to paid time off for antenatal care as advised by her doctor, midwife or health visitor. The organisation may ask to see an appointment card after the first appointment (see policy on [Statutory Time Off](#)). Employees whose partners are pregnant are also entitled to time off work (unpaid) to accompany the pregnant woman to two antenatal appointments (of no more than 6.5 hours in length).
- Once a manager has been informed about or has become aware of an employee's pregnancy, the employee should be referred to the HR department/HR manager, which/who will check her entitlement. The HR department/HR manager will reply to the employee in writing within 28 days and confirm her expected return-to-work date if she takes the full entitlement to maternity leave (ie 52 weeks).
- The employee must provide medical evidence of her expected week of childbirth in the form of a maternity certificate.
- This certificate is the MAT B1 form and is available from the employee's doctor or midwife after the 20th week of pregnancy. It must be forwarded to the HR department/HR manager as soon as possible, but no later than three weeks after the start of the Maternity Pay Period (MPP). No Statutory Maternity Pay (SMP) will be payable without this certificate.
- Where the MAT B1 is provided late, the HR department/HR manager will decide whether or not the employee could have provided it earlier and will advise her of the organisation's decision to pay SMP.
- The organisation will carry out risk assessments to assess any possible risks to new and expectant mothers. Where the organisation feels there may be a risk, it will take all reasonable steps to eliminate that risk and to warn the employee of the potential dangers. This may include changing the employee's working conditions, or providing suitable alternative work on substantially similar terms, where possible.
- To qualify for Statutory Maternity Leave and Statutory Maternity Pay (SMP) the employee must:
 - tell the HR department/HR manager that she is pregnant
 - inform the HR department/HR manager of her expected week of childbirth
 - give notice to the HR department/HR manager of when she intends to start her maternity leave — this notice must be given by the end of the 15th week before the EWC if this is reasonably practicable. If the employee changes her mind at a later date, she is entitled to do so, but must inform the HR department/HR manager of the revised start date at least 28 days before that date.
 - in the case of a premature birth, she must advise the HR department/HR manager of that fact as soon as is reasonably practicable and produce a MAT B2 form, which is obtainable from her doctor or midwife.
 - to qualify for SMP, she must have at least 26 week's continuous service (regardless of number of hours worked per week) by the end of the qualifying week (which is the 15th week before the expected week of childbirth (EWC)).

- If the above criteria are not met the organisation can refuse to pay the employee's SMP. In this instance, the HR department/HR manager will provide a written statement outlining the decision and the reasons supporting the decision. If the employee does not agree with the decision, she can refer the matter to HM Revenue & Customs (HMRC).
- To give the required notice, the employee should complete the organisation's model letters for maternity leave and SMP.
- The maximum entitlement to SMP is 39 weeks' pay. Employees will receive higher rate SMP in respect of the first six weeks (90% of average earnings) and the lower rate SMP for the remaining entitlement.
- During both ordinary and additional maternity leave the contract of employment continues as normal, except for any terms relating to salary or wages.
- During maternity leave, the employer will maintain contact with the employee in order to keep her informed of developments in the workplace and to discuss (at an appropriate time) her plans to return to work.
- The employer may, at its discretion, offer an employee on maternity leave the opportunity to work for up to 10 "keeping in touch days". These days may be either separate days or one or more blocks of several days. Examples include the opportunity to attend a relevant training course or to attend a departmental meeting. An employee offered such work is under no obligation to agree to do it. If, however, she does agree, her manager will discuss with her the terms of the work assignment including what she will be paid (note that there is no automatic right to payment for taking a 'Keeping In Touch' day). Agreeing to work for up to 10 keeping in touch days will not affect the employee's SMP entitlement, nor her entitlement to continue on maternity leave until the due return date.

An employee who:

- is taken into legal custody, or
- works for another employer

during the MPP must notify the organisation as soon as possible, as her entitlement to SMP may be affected.

Additional Clauses

- A pregnant employee may continue working as close to her EWC as she wishes provided she continues to be capable of doing her job. The organisation reserves the right to require the employee to be examined by the organisation's doctor where it is felt that her health, or that of the baby, may be suffering as a result of her continuing to work.

Returning to Work after Maternity Leave

- 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 before she commenced her leave.
- An employee returning to work from additional maternity leave is entitled to return to the job in which she was employed before her maternity leave period began. If that is not reasonably practicable, the organisation is obliged to offer her a suitable alternative job on terms and conditions that are just as, or more, favourable to her as those of the previous job.
- 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.

- If the employee does not give the correct notice, the organisation 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 case).
- An employee may not return to work within two weeks of having given birth (or four weeks if the employee works in a factory), which is the compulsory maternity leave period.
- If the employee is ill and therefore not able to return on the due date, she must notify the HR department/HR manager and the sickness absence policy and procedure will apply.
- Where the employee does not wish to return after her maternity leave she must give notice of resignation, as provided for in her contract of employment, to the HR department/HR manager.
- 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 organisation to plan effectively for her return, it would be helpful if she could let the organisation know that she intends to do so.