



Maternity Policy

This policy sets out **Little Elm's** maternity policy and summarises the key statutory maternity rights. This policy aims to support working parents, enabling them to balance family responsibilities with personal career aspirations.

The summary of your statutory rights is not intended to be a complete or definitive statement of the law. If you have any questions or need further information, please speak to your Nursery Manager or HR Manager.

Scope

The maternity policy applies to all employees of Little Elms who become pregnant and aims to support working parents, enabling them to balance family responsibilities with personal career aspirations.

If you are adopting a child(ren), please refer to the Adoption policy.

If you are a father of a child(ren) or the partner of a primary adopter, please refer to the Paternity policy.

If you wish to take Shared Parental Leave, please refer to the Shared Parental Leave policy.

Procedure

Pregnant women have a number of statutory rights, the main rights being:

- a) Paid time off for ante-natal care;
- b) Maternity Leave
- c) Maternity Benefits

The right to Statutory Maternity Pay (SMP) depends on how long you have worked for us (see below).

Telling us you are pregnant

You must tell us that you are pregnant at least 15 weeks before your baby is due to be born and tell us the date you wish to start maternity leave. You must also provide a certificate (normally a MATB1 form) which confirms the expected week of childbirth (EWC). This certificate will be given to you by your Midwife or Medical Practitioner, usually once you have reached 20 weeks of pregnancy. You will receive a letter from your Manager to confirm the start date and end dates of your maternity leave.

We encourage you to tell your Nursery Manager as soon as possible that you are pregnant, so that they can answer any questions you may have, carry out a risk assessment for health and safety purposes and support you in the best way possible during your pregnancy.

You can change the date on which you intend to start your maternity leave by giving at least 28 days' written notice.

Risk Assessment and Health and Safety

Once you have told your Nursery Manager that you are pregnant, they will arrange for a risk assessment to be carried out with a view to identifying any risks that may affect you or your baby during your pregnancy. The risks will depend on your job and the work you do.

If any risks are identified, we will do what we can to remove or avoid exposure to the risk. If that is not practicable, we may need to explore changing your working arrangements or hours of work to ensure your safety or the safety of others is not compromised.

If you have any concerns about health and safety or you feel you require additional risk assessments throughout your pregnancy, you should talk to your Nursery Manager as soon as possible.

Ante-natal Care

You are entitled to reasonable paid time off during working hours to attend appointments for ante-natal care, made on the advice of a registered medical practitioner, registered midwife or registered health visitor.

You may be required to produce an appointment card or other document showing that each appointment has been made. You should give as much notice to us as possible of your appointments, take no more time off than is reasonable and arrange your appointments to cause the minimum disruption to your work as possible.

Where possible, appointments should be arranged for times /days when you would not otherwise be at work, including rota days if you are a full-time employee.

Maternity Leave

You are entitled to 52 weeks' maternity leave. Maternity leave is divided into 26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave.

You don't have to take the full 52 weeks leave, but you must take a minimum of 2 weeks leave once your baby is born and your maternity leave can start at any time from the 11th week before the expected week of childbirth (EWC)

Maternity Pay

To qualify for Statutory Maternity Pay (SMP), you must have:

- at least 26 weeks continuous service at the end of the 15th week before the EWC (this is known as the qualifying week for maternity pay purposes).
- average earnings above the National Insurance lower earnings limit during the eight weeks before the qualifying week.

Your Manager will be able to liaise with Payroll to advise you of whether you qualify to receive SMP.

If you qualify to receive SMP, you are entitled to a maximum of 39 weeks' SMP, which is calculated as follows:

- 6 weeks at 90% of your average weekly earnings (higher rate SMP)
- 33 weeks at a set rate which is determined by the Government each year (lower rate SMP), or 90% of your average weekly earnings if this is lower. Your Manager will be able to confirm the current rate of lower rate SMP.

Please note, all SMP calculated are made in accordance with statutory requirements and cannot be paid without your original MATB1 certificate.

SMP is paid in the same way as normal salary and is subject to deductions for Income Tax and National Insurance contributions.

If you do not qualify for SMP, you are still entitled to take Maternity Leave and you may also be eligible to receive Maternity Allowance. Maternity Allowance is a payment made by the Government to some pregnant women who are not eligible to receive SMP. Payroll will issue you with a form SMP1 to help you make a claim direct from the Department for Work and Pensions.

Sickness Absence During Pregnancy

There are two situations in which your maternity leave and SMP will begin automatically on the first day of absence, even if this is earlier than you intended. These are if:

- The baby is born, or;
- You are absent from work for a reason or illness related to your pregnancy, at any time in the 4 weeks before the EWC.

If you are absent from work in the weeks leading up to your maternity leave, it may affect the higher rate of SMP (90% of normal pay) because it is based on your average earnings in the eight weeks prior to the qualifying week

Keeping in Touch

We would like to keep in touch with you during your maternity leave to hear how you and your new baby are doing, but also to keep you updated about developments at work.

While you are on maternity leave, there may be occasions when you would like to come to work, for example, to undertake training, to update yourself on a particular aspect of your role, to attend a team meeting or event. Little Elms are happy to support people who arrange Keeping in Touch days but there will be no pressure to do so. If you do wish to come in, we will need to agree the days on which you will attend, and you will be paid the equivalent of your normal daily rate of pay for these days.

Please note, there is a maximum limit of 10 Keeping in Touch Days during maternity leave, to avoid any loss of entitlement to SMP or maternity leave.

Returning to Work

Naturally we hope you will keep in touch during your maternity leave and we welcome confirmation that you are planning to return. If you wish to return to work sooner than your Maternity Leave is due to end (52 weeks), you must give us written notice of your early return date, 8 weeks in advance. If you do not, we are entitled to delay your return to a date which will ensure that we have had 8 weeks' notice, or until the end of the full period of your maternity leave if that is sooner.

If you cannot return on the date you are due back at work from maternity leave because you are unwell, you must follow the usual procedure for sickness absence.

If you do not wish to return from maternity leave, you must give us notice of resignation in the normal way.

Terms and Conditions on Maternity Leave and Upon your Return

If you return before the end of or immediately after ordinary maternity leave (26 weeks) you have the right to return to the job in which you were employed before you went on leave, on terms and conditions no less favourable than those which would have applied if you had been at work.

If you take additional maternity leave you have the right to return to the job in which you were employed before you went on leave or, if that is not possible, to a similar job which has the same or better terms and conditions than you had before your leave.

You do not have the right to return to work into a role with less hours than you were employed to so before your maternity leave. You do have the right to make a Flexible Working Application and Little Elms will, wherever possible and if business needs can be met, accommodate your request for flexibility in your working pattern.

You will continue to receive contractual benefits during maternity leave such as holiday entitlement. For as long as you are receiving SMP, pension contributions will continue to be made.

Where possible, you should aim to take all your annual leave entitlement that has accrued in the holiday year that your maternity leave starts, prior to starting your maternity leave.



Miscarriage and Stillbirth

Female employees who suffer a miscarriage before 24 weeks of pregnancy are not entitled to Maternity Leave or Pay and this policy does therefore not apply.

Female employees who suffer a stillbirth after 24 weeks of pregnancy are entitled to Maternity Leave and Pay as detailed in this policy.

Associated Documents:

- *New and Expectant Mothers Health & Safety Policy*
- *New and Expectant Mothers Risk Assessment*
- *Paternity Policy*
- *Adoption Policy*
- *Shared Parental Leave Policy*
- *Leave Arrangements Policy (containing Parental Leave information)*
- *Flexible Working Policy*