



MATERNITY LEAVE AND PAY POLICY

INTRODUCTION

This document sets out the provision for maternity leave and pay, and associated procedures. The document sets out a woman's statutory entitlements to maternity leave and pay. Should the statutory entitlements be amended, the regulations currently in force will be applied.

This document is applicable to all staff on permanent or fixed-term appointments.

NOTIFICATION

It is the responsibility of the employee to advise her manager as soon as possible after confirmation, that she is pregnant, in order that arrangements can be made to ensure that her work will have no adverse effect on either her, her unborn child or baby. As soon as a manager is aware of an employee's pregnancy he/she must advise the Committee so that the necessary action can be taken.

HEALTH AND SAFETY

A risk assessment must be completed on all pregnant workers, workers who have recently given birth and workers who are breast feeding.

The Charity must ensure that the work will not involve a risk to the health and safety of a new or expectant mother or her baby from any processes or working condition, or physical, biological or chemical agents. These include shocks, vibrations, noise, mental and physical fatigue, exposure to chemical agents and extremes of cold and heat. Every effort should be made to reach agreement between the line manager and employee on the outcome of the risk assessment.

Should a significant risk be identified, then the manager should try to remove the hazard and prevent exposure to the risk, such as providing aids to help with manual handling duties. Should the risk still be thought to be significant then the line manager must contact the Chairperson to discuss a range of options available, including:

- temporarily adjust the employee's working conditions and/or hours of work
- offer her suitable alternative work if any is available, such as administration or clerical work, on terms and conditions no less favourable than her normal ones
- as a last resort, suspend her from work for as long as necessary to protect her safety and that of her child ensuring a letter is issued to explain why.

Should a situation arise when a pre-school child or sibling poses a potential health risk the Committee Chairman, Pre-School Manager and the pregnant member of staff will assess the situation on a case by case basis. If it is agreed that a risk is present then paid time off will be given until the risk is deemed passed.

STATUTORY MATERNITY LEAVE

Any woman, regardless of length of service or hours of work, is entitled to a minimum of 26 weeks ordinary maternity leave. A woman with at least 26 weeks continuous service by the 15th week before their expected week of childbirth (EWC) will be entitled

to take additional maternity leave immediately after ordinary leave of up to a further 26 weeks (bringing the total leave allowance up to 52 weeks).

The employee must notify the Pre-school committee of her intention to take maternity leave by the 15th week before her EWC (or as soon as is reasonably practicable). She must tell us:

- that she is pregnant
- the expected week of childbirth
- and, in writing, when she wishes to start her maternity leave.

The notified date of the start of maternity leave may be amended provided the Preschool is given at least 8 weeks notice of the change (or as soon as is reasonably practicable)

Maternity leave cannot begin before the 11th week before the expected week of childbirth, and will start automatically if the employee is absent from work wholly or partly due to the pregnancy after the beginning of the 4th week before the expected week of childbirth.

The Pre-school will confirm in writing, within 28 days of notification of the pregnancy, the employee's maternity pay and leave entitlement and the expected date of return to work if the full entitlement to leave is taken. The Pre-school will assume that the full leave entitlement will be taken unless notified otherwise (see 5.6).

An employee has the right to return to work at any time before the end of the total period of maternity leave (subject to 2 weeks compulsory leave after the birth). If she wishes to return before the end of the period of either ordinary or additional maternity leave she is required to give the Pre-school 8 weeks notice before the return date.

Childbirth is the birth of a child, or a stillbirth from the 25th week of pregnancy. In such circumstances, these Maternity Procedures would apply. A miscarriage earlier than 25 weeks would be treated as sickness absence.

PAY DURING STATUTORY MATERNITY LEAVE

A pregnant woman will normally qualify for 39 weeks statutory maternity pay (SMP) provided that she:

- has been continuously employed by the Pre-school for at least 26 weeks continuing into the 15th week before the baby is due (the "qualifying week");
- has an average weekly earnings of not less than the lower earnings limit for National Insurance contributions;
- is still pregnant at the beginning of the 11th week before the expected week of childbirth, or has had the baby by that time;
- has provided medical evidence of the date the baby is due at least 21 days before the maternity absence is due to start, by sending in her 'Mat Bi' certificate.

The maternity pay period can start any time from the 11th week before the expected week of childbirth and will last for a period of 39 weeks.

SMP consists of 9/10ths of earnings for the first 6 weeks of maternity leave, followed by the current standard rate of SMP for the remaining 33 weeks or 90% of earnings for the full 39 weeks if this is less than the current standard rate of SMP.

CONTRACTUAL MATERNITY PAY

A woman with at least 26 weeks continuous service as at the 15th week before the EWC will also be entitled to the following contractual pay:

- for the first 6 weeks of absence - full pay;

- for the next 12 weeks of absence – ½ pay plus SMP entitlement (the halfpay is conditional upon the employee returning to work for at least 3 months after maternity leave)
- for the remaining 21 weeks of ordinary maternity leave – SMP only
- any remaining period of absence up to the date of return will be absence without pay.

Any entitlement to SMP during the first 6 weeks of absence will be entirely extinguished by CMP. For the remaining 33 weeks SMP plus 12 weeks half-pay will be paid; the half-pay is conditional upon the employee returning to work for at least 3 months after maternity leave.

MATERNITY ALLOWANCE

If the employee is not entitled to SMP because her average weekly earnings are below the lower earnings limit, she may be entitled to maternity allowance, which is paid by the DSS. If there is also an entitlement to CMP the amount of maternity allowance paid will be deducted from CMP paid for the first 6 weeks of absence. For the remaining 12 weeks half-pay will be paid without any deduction, conditional upon the employee returning to work for at least 3 months after maternity leave.

MATERNITY LEAVE, SICKNESS ABSENCE AND ANNUAL LEAVE

Maternity leave will not be treated as sickness absence and will not, therefore, be taken into account for the calculation of the period of entitlement to sick pay during absence.

If an employee is absent due to a pregnancy-related illness from the 4th week before the expected week of childbirth, she will be transferred onto statutory maternity leave and will not be entitled to receive sick-pay/SSP. However, if sickness during pregnancy is not related to the pregnancy itself, an employee will be entitled to receive sick pay/SSP, unless the maternity pay period has already started.

If an employee is unfit to return to work on the expected date of her return from maternity leave, she will be deemed to have returned if a medical certificate is submitted, and the provisions of the sick pay scheme shall then apply.

The period of both paid and unpaid maternity leave, up to a maximum of 52 weeks in total, shall be regarded as service for the purpose of calculating entitlement to leave and shall not affect the annual leave entitlement in the leave year(s) in which the maternity leave falls.

RETURN TO WORK

An employee returning to work after either ordinary or additional maternity leave does not need to give notice of her return unless she wishes to return early. The Preschool will assume that the full leave entitlement will be taken unless notified otherwise, and will expect the employee to return to work on the expected return date, as notified to the employee

If an employee wishes to return before the end of the period of either ordinary or additional maternity leave she is required to give the Pre-school 28 days notice before the return date

In order to retain 12 weeks CMP at half-pay an employee must have confirmed her intention to return to work and must then return to work for a period of at least 3 months after maternity leave. This period shall run from the date on which the employee returns to duty, or is deemed to have returned to duty, and is inclusive of any

holidays or other days when the Pre-school is closed. In the event that the employee is unable to return she shall refund such sum as the Pre-school at its discretion may decide, up to the full amount of the 12 weeks half-pay.

Nothing in these Maternity Leave Regulations shall confer on an employee any right to return to work for a period extending beyond the expiry of a fixed-term contract of employment. In these circumstances the employee will be consulted about the renewal or non-renewal of her contract.

ANTE-NATAL CARE

Every pregnant employee is entitled to ante-natal care, irrespective of whether or not she qualifies for any other statutory or contractual maternity benefits.

Any pregnant employee who, on the advice of a doctor, a registered midwife or a registered health advisor, has made an appointment for ante-natal care has the right not to be unreasonably refused paid time off work, provided:

- she asks her line manager for time off work to keep each appointment, and
- she produces a certificate of pregnancy and an appointment card/other document confirming that the appointment has been made (except for the first appointment).

CONTRACT OF EMPLOYMENT

During the 26 weeks of ordinary maternity leave, all contractual benefits, including the right to return to work after the childbirth, but except for remuneration, will be maintained.

During the period of additional maternity leave the contract of employment continues and the employee is entitled to the benefit of the Pre-school implied obligation to her of trust and confidence, and she is bound by her implied obligation to the Pre-school of good faith.

Pregnant employees will be sent a letter setting out their rights, important dates, etc., and reminded of what they need to do at the appropriate time. These Procedures are designed to set out an employee's statutory and contractual rights, and to try and ensure that the employee understands what her obligations are. However, it should be noted that the pre-school is entitled, at its discretion, to invoke the disciplinary procedure currently in force if an employee fails without good reason to give the required notice, or to return to work on the expected date.

This policy was adopted at a meeting of Trustees held on

And was checked and re-affirmed on

Signed on behalf of The Little Pennies Pre-school

.....(Chairperson)