### MATERNITY POLICY

<table>
<thead>
<tr>
<th>Date of last review:</th>
<th>April 2015</th>
<th>Review period:</th>
<th>2 years</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of next review:</td>
<td>April 2017</td>
<td>Owner:</td>
<td>Head of HR</td>
</tr>
<tr>
<td>Type of policy:</td>
<td>Network</td>
<td>LGB or Board approval:</td>
<td>Board</td>
</tr>
</tbody>
</table>
Maternity Policy

1. Introduction

1.1 The purpose of maternity leave is to allow employees to give birth and to recover from giving birth to their baby, as well as to bond with and care for their new child.

1.2 All pregnant employees are entitled to 52 weeks’ maternity leave, or as much of that period as they wish to take, regardless of their length of service.

1.3 While it is up to each employee to decide how much maternity leave they wish to take, up to the 52 weeks’ maximum, the law requires that a minimum of two weeks’ leave must be taken, this is known as Compulsory Maternity Leave.

1.4 Maternity leave is a single continuous period, made up of 26 weeks’ Ordinary Maternity Leave and 26 weeks’ Additional Maternity Leave. Additional Maternity Leave follows Ordinary Maternity Leave and there must be no gap between the two.

2. Ordinary Maternity Leave

2.1 Ordinary Maternity Leave (OML) lasts for 26 weeks and may begin 11 weeks before the expected week of childbirth (EWC), but may begin later, the latest being the date of birth. If an employee is absent from work due to a pregnancy-related reason after the beginning of the fourth week before the expected week of childbirth, but before the date that she have notified that her maternity leave will commence, the maternity leave period begins automatically on the day after the first day of absence.

2.2 An employee’s contract of employment continues throughout the 26 weeks of OML. During this time, an employee will continue to benefit from the terms and conditions of employment which would have applied had the employee been at work. The only element of the employee’s contractual rights that does not continue is the employee’s full remuneration.

3. Additional Maternity Leave

3.1 Additional Maternity Leave (AML) lasts for 26 weeks and, if taken, must follow immediately after OML. There cannot be a gap between the two types of maternity leave.

3.2 An employee’s contract of employment continues throughout AML unless either party expressly ends it or it expires. During AML, an employee does not have any statutory entitlement to receive contractual remuneration. However, employees will receive full pay for keeping in touch days where these are agreed.

4. Antenatal Appointments
4.1 All pregnant employees are entitled to time off with pay to keep appointments for antenatal care made on the advice of a registered medical practitioner, registered midwife or registered health visitor. No qualifying service is required.

4.2 Antenatal care is not restricted to medical examinations. It could, for example, include relaxation classes and parent craft classes as long as these are advised by a registered medical practitioner, registered midwife or registered health visitor.

4.3 Except for the first appointment, an employee’s line manager may ask to see evidence of antenatal appointments, in which case, an employee must show the following:

- A certificate confirming the pregnancy. This can be provided by a registered medical practitioner, a registered midwife or a registered health visitor
- An appointment card or some other document showing that an appointment has been made

5. **Annual Leave During Maternity Leave**

5.1 This section applies to employees with an annual leave entitlement.

5.2 Employees will accrue Ark Schools' contractual annual leave throughout both OML (26 weeks) and AML (26 weeks). Ark Schools' annual leave which accrues during OML and AML cannot be taken until the employee returns to work. It is not possible to take annual leave at the same time as maternity leave.

5.3 It is possible for employees to use any untaken annual leave either before starting maternity leave, or once maternity leave has finished, although wherever possible, employees should take any outstanding annual leave before starting maternity leave. Annual leave may also be taken immediately before an employee returns to work following maternity leave (i.e. appended to maternity leave) provided that her manager and academy Finance and Resources Director are in agreement.

5.4 All public holidays occurring during maternity leave will be accrued as annual leave, and an employee will have the right to take these on her return to work.

5.5 Annual leave may be carried over to the following leave year but no more than the amount specified by an employee’s terms and conditions of employment or academy annual leave policy. Reference will be made to teaching or support staff national terms and conditions of employment. Annual leave immediately following maternity leave terminates an employee’s maternity leave arrangements. However, any untaken unpaid maternity leave may be reserved and taken at a later date. It is useful, once an employee has given notice that she is pregnant, to incorporate annual leave arrangements into discussions and planning with her line manager. Payment for annual leave will only be made in exceptional circumstances.

6. **Sickness Absence and Maternity Leave**

---

1 All references to Finance and Resources Director may be replaced by other nominated person responsible for HR issues locally e.g. Operations Manager, HR Administrator as appropriate

Policy Agreed by Ark Schools NJC 27th April 2015
6.1 If in the early months of pregnancy, an employee is advised by an approved medical practitioner to remain away from their academy due to risk of rubella, she will be granted leave with full pay, provided that she does not unreasonably refused to serve in another Ark academy where there is not such undue risk.

6.2 If, due to illness, an employee is unable to return to work following her maternity leave, normal sickness absence rules apply from the date she intended to resume duty. Paid sickness absence immediately following maternity leave terminates the maternity arrangements. However, any untaken unpaid Ark Schools maternity leave may be reserved and taken at a later date. Once the period of certificated sick absence has ended, the employee must return to work.

7. Redundancy During Maternity Leave

7.1 If, whilst an employee is on maternity leave, if the academy is involved in any reorganisation, the employee will be informed and given the opportunity to become involved in the process.

7.2 In cases of redundancy, where an employee on maternity leave cannot return to her former job, she is entitled to be offered (before that contract ends) a suitable alternative vacancy, where one is available. This includes vacancies with other academies within the Ark network.

7.3 A woman on maternity leave has a special right to be offered a suitable alternative post. Where a group of employees are facing redundancy, a woman taking maternity leave will be offered any suitable vacancy in priority to other employees.

7.4 If an employee is offered a suitable alternative vacancy, a four week trial period will apply, in which she may decide whether the employment is suitable. This period may be extended beyond four weeks by written agreement.

8. Sharing the news

8.1 When do employees need to inform their manager that they are pregnant?

8.1.1 Although by law employees are only required to notify their academy that they are pregnant and will take maternity leave by the end of the 15th week before the expected week of birth, the line manager, the academy and the employee will benefit if the employee shares the news as early as possible before then.

8.1.2 As an employer, Ark Schools has a duty of care to all employees, and early notice will mean that the line manager will know that the employee is entitled to paid time off for antenatal care and that particular health and safety rules apply, including a risk assessment being undertaken.

8.1.3 To claim maternity leave, employee should notify Ark Schools no later than the end of the 15th week before the expected week of childbirth of:
• The fact that she is pregnant;
• The expected week of childbirth;
• The date when she intends to start taking leave

8.1.4 Managers will need to plan ahead and make arrangements for covering the period while the employee is absent on maternity leave. Therefore, a pregnant employee should try and give the academy’s Finance and Resources Director the earliest possible notices of each the following:

• Whether or not she intends to return to work
• If she intends to return to work: the likely date of return and whether she would prefer to work the same or different hours

8.2 **What documentation needs to be supplied?**

8.2.1 Employees must supply the academy Finance and Resources Director with the following documents:

- A maternity certificate (*form MATB1*), or other statement from a registered medical practitioner or a registered midwife, stating the expected week of childbirth. The earliest that this certificate may be issued by a doctor or midwife is 20 weeks before the week in which the baby is due. Failure to produce such a certificate or statement may also result in statutory maternity pay not being paid
- If the baby is born before the date the employee intended to begin her maternity leave, written evidence of the baby’s date of birth

8.2.2 Employees must also notify their academy Finance and Resources Director and/or line manager in writing of the actual date of their child’s birth, as soon as possible after their baby is born.

8.3 **What are pregnant employees entitled to?**

8.3.1 Employees may want to ascertain whether they are entitled to statutory maternity leave and pay only or the Ark Schools maternity scheme, which encapsulates the statutory requirements and offers enhanced benefits. The following pages will provide information on both.

9. **Ark Schools Occupational Maternity Pay (OMP)**

9.1 **What is Ark Schools OMP?**

9.1.1 SMP (Statutory Maternity Pay) is paid for the first 39 weeks of maternity leave; however Ark Schools pays OMP to pregnant employees who meet the qualifying criteria.

9.2 **Qualification criteria for Ark Schools OMP**

9.2.1 If a pregnant employee is employed by Ark Schools at the beginning of her maternity leave and she has completed a year’s continuous service at the Ark Schools in full or
part time employment before the 15th week before the week their baby is due, the employee will qualify for Ark Schools OMP.

9.2.2 The qualifying period of one year’s paid service need not be continuous and may consist of:

- broken periods of paid employment in a permanent capacity with Ark Schools
- periods of paid employment within Ark Schools immediately prior to joining a particular academy
- previous periods of casual service, if these are continuous and joined to permanent service without a break

9.2.3 If an employee qualifies for Ark Schools OMP as well as SMP, Ark Schools’ OMP is adjusted to take account of the benefit.

9.2.4 Paid Ark Schools’ maternity leave cannot start earlier than the beginning of the 11th week before the expected week of childbirth. Exceptions to this are:

- If an employee gives birth earlier than the 11th week before the expected week of childbirth, then paid maternity leave automatically begins from the date of childbirth
- If an employee supplies evidence of their incapacity to work, they may be allowed paid maternity leave from the appropriate date
- If an employee’s baby is still-born after the 24th week of pregnancy (i.e. the 16th week before the expected week of childbirth), paid maternity leave may begin as early as the 16th week before the expected week of childbirth.

9.3 How much is Ark Schools OMP?

9.3.1 Ark Schools OMP is paid at the following rate:

- 6 weeks at full pay
- 20 weeks at half pay (plus SMP)
- 13 weeks at SMP, and
- up to 13 weeks unpaid maternity leave

9.3.2 Payment in lieu of benefits and pension, and any benefits in kind (e.g. laptops, mobile phones etc.) will continue throughout OML and AML

9.4 Employee’s on secondment or loan

9.4.1 Periods of secondment or loans do not affect an employee’s entitlement to paid or unpaid maternity leave.

10 Statutory Maternity Pay (SMP)

10.1 SMP provides employees with some money to help them to take time off before and after the birth of their baby. Employees will be paid SMP in the same way and at the same time as their normal salary.
10.2 Entitlement to SMP does not affect an employee’s right to any other maternity payments provided by the Ark Schools but SMP will still count towards any maternity payments that are made to an employee.

10.3 To qualify for SMP employees must have been:

- Employed by Ark Schools into the qualifying week which is the 15th week before the week their baby is due.
- Employed by Ark Schools without a break for at least 26 weeks into the 15th week before the week their baby is due. Part weeks count as full weeks.
- Earning before tax an average of £112 a week (April 2015).

10.4 When does SMP start?

10.4.1 The earliest date that SMP can start is from the 11th week before the week the baby is due and the latest from the day following the birth.

10.4.2 The important date for working out how long SMP can be paid for is the date the baby is due not when the baby is actually born.

10.4.3 If a pregnant employee continues to work after the 11th week before the week their baby is due, the employee can choose when they want SMP to start. SMP will start from any day that the employee chooses, once the employee has stopped work to have their baby. This means that SMP should start from the first day of maternity leave.

10.4.4 The start of SMP will change if:

- The employee’s baby is born before the start of the 11th week or before the start of the SMP pay period. If this happens, SMP will start from the day following the birth of the baby
- An employee is absent from work because of their pregnancy at the start of or in the 4 weeks before their baby is due, SMP will start from the day following the first complete day the employee is off work because due to the pregnancy related reason.
- If the employee is entitled to SMP and they leave their employment after the start of the 15th week before their baby is due but before the start of the 11th week – SMP will start from the beginning of the 11th week before the week their baby is due
- If an employee is entitled to SMP and their leave their employment at any time after the start of the 11th week before the week their baby is due and before the start of their maternity pay period, SMP will start from the day after the employee left employment.

10.5 How long is SMP paid for and at what rate is it paid?

10.5.1 SMP is paid for a continuous period of up to **39 weeks**. The April 2015 rate of SMP is 90% of your average weekly earnings for the first six weeks, followed by the lesser of a flat rate of £139.58 a week, or 90% of average weekly earnings for the remaining 33
weeks if that is less than £139.58. The flat rate of SMP is subject to review every April.

10.6 How do employees claim for SMP?

10.6.1 Employees must tell their Finance and Resources Director when they want their maternity pay and leave to start. Employees should do this by the 15th week before their baby is due. Employees can change the date they wish their SMP to start but must give the academy at least 28 days notice of the new date.

10.6.2 Employees must also provide evidence of when their baby is due. This is normally a maternity certificate MATB1. Employees should normally give their Finance and Resources Director this evidence no later than 3 weeks after the date SMP was due to start. Ark Schools’ cannot pay SMP without this evidence.

10.6.3 If an employee leaves their employment at anytime after the start of the 15th week before the week their baby is due they will be paid SMP if they qualify for it. If an employee does not intend to return to work for the employer paying SMP, they can still receive SMP. Employees do not have to repay SMP if they decide not to return to work.

10.6.4 The following link provides DirectGov guidance on Statutory Maternity Pay\(^2\). If an employee is not eligible for SMP and have recently been employed or are self-employed, they may be able to receive Maternity Allowance.

11. Maternity Allowance

11.1 Maternity Allowance (MA) may be available to help an employee take time off to have their baby if an employee is not entitled to Statutory Maternity Pay from an employer. MA can be paid for up to 39 weeks. The important date for working out how long MA can be paid for is the date the baby is due not when the baby is actually born.

The following link provides DirectGov guidance on Maternity Allowance\(^3\).

12. Notification Periods for Maternity Leave

12.1 Maternity leave can start no earlier than the beginning of the 11th week before the expected week of childbirth (although it could start automatically before then if an employee gives birth early). The expected date of birth is given on the MATB1 form that an employee will have been given by their healthcare provider.

12.2 Many employees will find it convenient to give notice of the date for the start of statutory maternity pay (SMP) at the same time. The date for the start of SMP can be the same as the start-date for maternity leave. If claiming maternity leave but not SMP, an employee will only need to provide a maternity certificate if requested.

---

\(^2\)https://www.gov.uk/maternity-pay-leave/pay

\(^3\)https://www.gov.uk/maternity-allowance/overview
12.3 If an employee does not give the required notification for the start of her maternity leave they may lose the right to start maternity leave on their chosen date. Academies are only required to make exceptions to this where it was not reasonably practicable for the notice to have been given any earlier.

12.4 **Changing the start date of maternity leave**

12.4.1 Once an employee has notified their academy of the date that they wish to start their maternity leave, this date may be changed as long as the academy is notified of the new start date by whichever is the earlier of either 28 days before the date the employee originally intended to start maternity leave or 28 days before the new date the employee wants to start maternity leave.

12.4.2 However, if it is not reasonably practicable (for example if the baby is born early and the employee has to start maternity leave immediately) then the employee is not required to give 28 days notice. In these circumstances the employee should give the academy as much notice as possible. The notification should be in writing if this is requested.

12.5 **Confirmation of the end date of maternity leave**

12.5.1 Once an employee has provided the necessary notice of her intended start date of their maternity leave, they will be notified of the date on which the leave will end. This will normally be 52 weeks from the start of maternity leave.

12.5.2 The academy should notify the employee of the end date within 28 days of the employee’s notification, unless the employee has since changed the date their leave will start. In this case, the academy will notify the employee of the end date within 28 days of the start of the maternity leave.

12.6 **When can maternity leave start?**

12.6.1 The maternity leave period normally starts on the date which the employee has notified the academy that they wish their maternity leave to start. There are some exceptions to this rule, as set out below:

i) **Absence due to childbirth before the intended start date**

If childbirth occurs before the date the employee has notified (or before any date has been notified) the maternity leave period starts automatically on the day after the date of the birth. This happens even if the birth takes place before the start of the 11th week before the birth was originally expected. In this circumstance, the employee should give the academy notice, of the date of the birth if it has already taken place, and the date the birth was originally expected. Evidence of the actual and expected dates of birth can be provided together on the maternity certificate (MATB1) provided by the doctor or midwife.

ii) **Absence for a pregnancy-related reason before the intended start date**
An employee who is absent from work due to illness will normally be able to take sick leave until maternity leave starts on the date notified to the academy. However, if the illness is pregnancy related, the maternity leave period starts automatically on the day after the first day of absence following the beginning of the fourth week before the expected week of childbirth.

iii) Dismissal or resignation before the intended start date

If an employee resigns or is dismissed before the notified date of the start of maternity leave, or before a date has been notified, the employee loses the right to maternity leave, but will still be eligible for SMP if employed after the 15th week before the expected week of childbirth.

13. Contact during Maternity Leave

13.1 During the maternity leave period, managers or Finance and Resources Directors may wish to make contact with employees, and in the same way employees may wish to contact their manager or Finance and Resources Director. The frequency and nature of the contact will depend on a number of factors, such as the nature of the employees work and post, any agreement that the employee and their manager might have reached before maternity leave began; and whether either party needs to communicate important information to the other, for example news of changes at the workplace that might affect the employee on their return or any promotion opportunities or job vacancies that arise during maternity leave.

14. Keeping in Touch Days

14.1 Employees may, by agreement with their manager and Finance and Resources Director, carry out up to ten days’ work – known as “Keeping in Touch days” - under their contract of employment during the maternity leave period, with the exception of the first two weeks after the employee’s baby is born. Keeping in Touch days do not end maternity leave or result in employees losing maternity pay. These days are paid and could be used for catching up with what is going on in the school, for training or to work. Such days are different to the reasonable contact described above.

14.2 Any work on any day during the maternity pay or maternity leave period will count as a whole Keeping in Touch day, up to the 10-day maximum. In other words, if an employee comes in for a one-hour training session and carry out no other work that day; the employee will have used one of the Keeping in Touch days.

14.3 The type of work that employees may undertake on Keeping in Touch days is a matter for agreement between the employee and their manager. Keeping in Touch days may be used for any activity which would ordinarily be classed as work under your contract; examples could include attending a conference, undertaking a training activity or attending a team meeting.

14.5 Work during maternity leave may only take place by agreement between both parties. Ark Schools may not require employees to work during maternity leave if they do not wish to, nor do employees have the right to work keeping in touch days if their manager and Finance and Resources Director do not agree to them. If employees are
offered an opportunity to work a keeping in touch day they are entitled to turn the opportunity down.

14.6 Payment for keeping in touch days

14.6.1 Because Keeping in Touch days allow work to be done under the contract of employment, employees are entitled to be paid for that work. Employees will be paid full pay for the hours in half day blocks unless agreed otherwise with the Finance and Resources Director.

14.6.2 If an employee is receiving statutory maternity pay, she will continue to be paid SMP for the week in which any Keeping in Touch days are taken. Ark Schools’ may count the amount of SMP for the week in which the work is done towards the contractual pay agreed. However, it will be possible to agree an amount of contractual remuneration over and above the weekly SMP rate to reflect the work that an employee may have done. This is something an employee will need to seek agreement on before any work is done.

15. Returning to Work Following Maternity Leave

15.1 Unless otherwise notified, the date on which an employee returns to work will normally be the first working day 52 weeks after maternity leave began.

15.2 Returning to work before the end of maternity leave

15.2.1 If the employee wishes to return to work before the end of the full maternity leave period (this will normally be the end date the academy confirmed to the employee before maternity leave commenced), the employee must give the academy eight weeks’ notice of the new return to work date. This notice requirement applies during both ordinary and additional maternity leave.

15.2.2 If the employee attempts to return to work earlier than the end of maternity leave without giving the academy eight weeks’ notice, the academy may postpone the return to work until the full eight weeks’ notice has been given. However, the academy may not postpone the return to work to a date later than the end of the maternity leave period.

15.2.3 For example, if an employee was due to return to work after 52 weeks’ maternity leave on 1st August, but then decided to return to work after 39 weeks of leave (that is, on 9th May) she would need to give the academy eight weeks’ notice of the new date (that is, by 14th March).

15.3 Returning to work later than expected

15.3.1 An employee who has notified the academy that she wishes to return to work before the end of her maternity leave, as set out in the paragraphs above, is entitled to change her mind. However, in these circumstances she should give the academy notice of this new, later, date of return at least eight weeks before the earlier date.
15.3.2 For example, if, having started her maternity leave, an employee decides that she does not wish to take her full entitlement of 52 weeks and gives the academy notice that she will return after six months (for example, on 1 October) she can still change her mind and tell the academy that she will take a longer period away – up to the full year of maternity leave – as long as she gives eight weeks’ notice before the earlier date (in this case, eight weeks before 1st October – i.e. 6th August).

15.4 Not returning to work after maternity leave

15.4.1 An employee who does not wish to return to work after her maternity leave must give the academy the notice of termination required by her contract of employment. It will help the academy and the manager if the employee gives as much notice as possible.

15.4.2 Absence on annual leave, public and privilege holidays, and sickness at full or half pay count towards the notice period.

15.4.3 If an employee is unable to return to work at the end of her entitlement to maternity leave because she is medically unfit to work, she should submit medical certification in the usual way and she will then transfer from maternity leave to sick leave. Subsequently, the normal sickness procedures will be followed.

15.4.4 If an employee does not return to work or does not work out her full notice period, and she has received OMP in excess of her statutory entitlement, she will have to repay the 20 weeks half pay element of her maternity pay to the academy upon termination of her contract. The employee will not be required to repay the full pay element or SMP/MA. Repayment is waived if the employee provides medical evidence that she is unable to return because her child has a disability and requires continuous attention at home. The employee must provide medical evidence of her child’s disability no later than 31 weeks after their date of birth. Individual circumstances will be considered and repayment may be waived at the discretion of the Principal or other appropriate person.

15.5 Resigning and changes of circumstances

15.5.1 If an employee resigns before the start of her maternity leave because she does not intend to return to work, but later wishes to return because of an unexpected change in her circumstances, she will have no absolute right to return. However, employees will be allowed to return if this is at all practicable.

15.5.2 If an employee resigns but is allowed to return to work within 52 weeks of the date of her resignation, her resignation is cancelled and the period of absence is converted to paid and/or unpaid Ark Schools’ maternity leave. If the employee qualifies for Ark Schools OMP, this will be paid in retrospect; less any SMP or MA she has already received.

15.5.3 If an employee resigns but wishes to return to work more than 52 weeks after the date of your resignation she may apply for reinstatement or re-employment.

16. Returning to Work Following Maternity Leave
16.1  Return to Work before, or at the end of, Ordinary Maternity Leave (OML)

16.1.1 On returning to work following OML an employee has the right to return to the same job, on the same terms and conditions as before the start of her maternity leave. The employee is entitled to benefit from any general improvements to the rate of pay, or other terms and conditions, which may have been introduced for her grade while she was away, as if she hadn’t been away.

16.2  Return to Work before, or at the end of, Additional Maternity Leave (AML)

16.2.1 If returning to work after AML, in other words, the employee has taken more than 26 weeks’ maternity leave; she is entitled to return to the same job on the same terms and conditions of employment as if she had not been absent, unless there is a reason why it is not reasonably practicable for the employee to return to her old job, in which case she will be offered a similar job on terms and conditions which are not less favourable than her original job.

16.2.2 Where an employee returns back to work before the end of AML, it may be possible for their partner to receive additional paid leave, known as ‘Additional Paternity Leave’. Employees are advised to seek advice from their partners’ workplace

16.3  Taking parental leave immediately following maternity leave

16.3.1 A period of parental leave of four weeks or less has no impact on an employee’s right of return. If an employee takes a period of parental leave of more than four weeks straight after the end of either ordinary or additional maternity leave she will be treated as though returning to work after additional maternity leave.

16.3.2 If there is a reason which makes it impracticable for an employee to return to her original job, a similar job will be found. The new job will be such that:

- The work carried out is both suitable and appropriate for the employee to do in the circumstances; and
- The terms and conditions of the employees employment are no less favourable than they would have been had the employee continued to be employed in her old job.
- If offered a new position that fulfils the criteria above and the employee refuses it, she will have effectively resigned.

17.  Shared parental leave

17.1 If they choose to do so, an eligible employee can end her maternity leave early and, with her partner or the child’s father, opt for Shared Parental Leave instead of Maternity Leave. If they both meet the qualifying requirements, they will need to decide how they want to divide their Shared Parental Leave and Pay entitlement. Further details are contained within the Ark Shared Parental Leave Policy.

18.  Review
18.1 This policy will be reviewed every two years in consultation with the recognised trade unions.
Appendix 1

Statutory Maternity leave, Pay Entitlements and Responsibilities

- All pregnant employees are entitled to paid time off for antenatal care
- All pregnant employees are entitled to 52 weeks’ maternity leave (26 weeks’ Ordinary Maternity Leave and 26 weeks’ Additional Maternity Leave)
- Pregnant employees who meet qualifying conditions based on their length of service and average earnings are entitled to up to 39 weeks’ Statutory Maternity Pay (SMP), which is paid by their employers and mostly or completely refunded by the Government
- Women who are not entitled to SMP but meet qualifying conditions based on their recent employment and earnings may claim up to 39 weeks’ Maternity Allowance, paid direct by Jobcentre Plus
- Employers may make reasonable contact with a woman on maternity leave for a number of reasons, such as to discuss arrangements for her return to work
- Employees may undertake up to ten ‘Keeping in Touch Days’ during their maternity leave – allowing work under their contract of employment – by agreement with the employer
- Employees who wish to return to work either earlier or later than agreed with the employer should provide eight weeks’ notice, unless the employer agrees to less notice being given
- Employees have a right to return to the same job after maternity leave. There may be some exceptions to this if the employee takes more than 26 weeks’ maternity leave and if it is not reasonably practicable for the employer to hold her job open, but she must still be offered a job that is suitable for her and the terms and conditions must be no less favourable
- Pregnant employees and those on maternity leave are protected under the Equality Act (2010) which outlaws unfair treatment, including dismissal, on grounds of their sex, pregnancy or maternity leave.
- Employers are by law required to protect the health and safety of employees who are pregnant, have recently given birth, or who are breast-feeding