

## Purpose

This policy sets out the statutory rights to Maternity Leave and pay.

This policy aims to enable colleagues to understand their rights and responsibilities whilst pregnant, on Maternity Leave and the process for returning to work.

## Scope

This policy applies to employees of ABCA Systems Ltd.

This policy should be read in conjunction with the Shared Parental Leave Policy, which provides parents with more flexibility to care for their child in the first year of birth. Mothers can opt to end their Maternity Leave early and opt for the Father to receive the remaining of their entitlement and statutory pay.

The policy does not form any part of the employee's contract of employment and ABCA Systems may amend it at any time.

## What to do?

An employee who discovers they are pregnant should consult with their line manager or HR to inform the Company that at the earliest opportunity. This should be in writing. The sooner the Company is informed the sooner we can begin to assess any work related risks to the colleague or their unborn child.

Complete a 'Notification of Intention to take Maternity Leave' and submit to HR as soon as possible but no later than the end of the qualifying week (e.g. the 15<sup>th</sup> week before the EWC).

The employee must also forward their original MAT B1 form to HR as soon as it is provided (usually around 20 weeks).

HR will then confirm in writing, the terms of maternity leave and the date on which the employee is expected to return to work.

## Ante-Natal Care

Once a pregnancy has been confirmed an employee who has an appointment to receive ante-natal care on the advice of a registered medical practitioner, registered midwife or registered health worker, will be entitled to take time off with pay to keep the appointment, provided they produce the documentation giving details of the appointment date and time.

This is irrespective of length of service or hours worked. Employees should give their line manager as much notice as is reasonably possible of the appointment and when arranging appointments, ensuring there is minimal disruption to the business.

## Maternity Leave

All employees are statutorily entitled to 52 weeks in total, regardless of length of service. Maternity Leave is divided into:

- Ordinary Maternity Leave (OML) for 26 weeks and;
- Additional Maternity Leave (AML) for 26 weeks.

## **Commencement of Maternity Leave**

A colleague may choose when to start her Maternity Leave, subject to the following:

- The maternity leave period cannot start before the 11<sup>th</sup> week before the EWC
- The latest date maternity can start is the date of childbirth
- The maternity leave will automatically start if the colleague is absent from work wholly or partly because of pregnancy in the 4 weeks before the EWC
- The maternity leave will automatically start if the baby is born early, in which case maternity leave will start the day after the day on which the baby is born.

Childbirth is defined as “the birth of a child whether living or dead after 24 weeks of pregnancy”.

Employees are not permitted to return from Maternity Leave until two weeks after the birth of the child, this period is classes as Compulsory Maternity Leave.

## **Eligibility for Pay**

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

- Completed at least 26 weeks of continuous service with ABCA Systems by the end of the ‘Qualifying week’ (the 15<sup>th</sup> week before the expected week of confinement (EWC)).
- Average weekly earnings in the eight weeks up to and including the 15<sup>th</sup> week before the EWC ("the Relevant Period") at least equal to the Lower Earnings Limit for National Insurance Contributions.

The EWC is the week, beginning on the Sunday, in which it is expected that the child will be born.

Any employee who is not eligible for SMP, will be provided with an SMP1 form which they should take to their local jobcentre plus office to see if they eligible to claim Maternity Allowance.

## **Statutory Maternity Pay**

SMP is a benefit for those eligible on Maternity Leave, the conditions for which and the amount of which are determined by the Government, but it is paid by the employer:

- The first 6 weeks of Ordinary Maternity Leave are paid at 90% of the employees average earnings (before tax)
- Thereafter, employees receive the Standard rate of SMP, or 90% of earnings, whichever is lower, for the next 33 weeks
- SMP is paid in the same way as your wages and tax and national deductions will be made as required.

Average earnings are calculated based on earnings over the eight weeks prior to the end of the qualifying week.

SMP may start on any day of the week.

## **Keeping in Touch (KIT) during Maternity Leave**

During maternity leave, an employee has the option to work for up to 10 KIT days without bringing maternity leave to an end or losing SMP or Maternity Allowance. This is to enable staff to keep in touch and keep up to date with developments at work, and may include working, attending training or meetings.

KIT days are optional; they must be agreed in advance by the employee and their line manager.

You may use a KIT day at any time during Maternity Leave, apart from the first 2 weeks after child birth, as this is classed as a compulsory maternity leave period.

Working for any part of a day will count as one of the 10 KIT days available. KIT days will not extend maternity leave.

During maternity leave, ABCA Systems may make reasonable contact with the colleague, for example, to discuss return to work arrangements or communicate important information.

ABCA Systems will ensure that employees are kept informed of promotion opportunities relevant to their job and any important changes in the workplace which may directly affect them on their return to work.

### **Returning to Work**

An employee who intends to return to work at the end of full Maternity leave (52 weeks), will not have to give any further notification of their return to work. However, if they intend to return to work before the end of their Maternity Leave they must provide 8 weeks' notice in writing of her intended date of return to the Company.

An employee who is only taking Ordinary Maternity Leave is entitled to return to the same job they were in before going on leave, on terms and conditions that are no less favourable than that would have applied had they not been absent.

An employee who has stated their intention to return to work during or after Additional Maternity Leave will normally be re-employed in their previous post, but if there are exceptional circumstances why this is not possible they will be employed in a similar role and on terms and conditions no less favourable than if they had not been absent.

An employee who has been working full time, but who indicates they wish to return to work on a part time basis following maternity leave should submit a request under the Flexible Working Policy and discuss this with their line manager as early as possible.

An employee not returning to work following maternity leave, should give notice under their contract of employment.

If an employee fails to return to work after Maternity Leave, and does not follow the absence reporting procedure, it will be classed as an unauthorised absence and the Company may take disciplinary action, which could ultimately be dismissal.

### **Health and Safety**

ABCA Systems Ltd. will take all reasonable steps to safeguard the health, safety and welfare of new or expectant mothers, and of their unborn children.

ABCA Systems Ltd. will also make arrangements for reasonable and appropriate risk assessments for pregnant and breastfeeding colleagues and determine whether it will be necessary to impose limitations or special arrangements on medical grounds.

### **If you lose your baby**

If your pregnancy has lasted at least 24 weeks then you are still eligible to SMP, even if the baby is still born.

If in the unfortunate event you miscarry or the baby is stillborn before 24 weeks of gestation, then this will be treated in line with the sickness absence policy (however support will be given to you during this time, in light of the circumstances).

### **Pension**

An employee has the right to receive and make pension contributions throughout any period of paid maternity leave.

**Holidays**

The employee will continue to accrue their holiday entitlement in the usual way whilst on OML and AML. If a public holiday falls within their period of maternity leave, they will be given an additional day of annual leave in lieu of that day's public holiday. Employees are encouraged to use accrued leave immediately before the period of maternity leave.