

CITIZENS ADVICE REIGATE AND BANSTEAD MATERNITY LEAVE POLICY AND PROCEDURE

1. Purpose and scope

This policy sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth and gives details of the arrangements for antenatal care and maternity leave and pay.

This policy is non contractual and applies to all paid staff.

The following definitions are used in this policy:

"Expected week of childbirth" means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.

"Qualifying week" means the 15th week before the expected week of childbirth.

2. Notification requirements

On becoming pregnant, an employee should notify her manager as soon as possible. No later than the end of the qualifying week, or as soon as reasonably practicable, the employee must notify Citizens Advice Reigate and Banstead in writing of the following:

- the fact that she is pregnant;
- her expected week of childbirth; and
- the date on which she intends to start her maternity leave.

The employee must provide a MAT B1 form from a registered medical practitioner or a certified midwife stating the expected week of childbirth.

Within 28 days of her notice Citizens Advice Reigate and Banstead will write to the employee stating the expected date of return from maternity leave. This date will be the end of her 52-week maternity leave period.

If the employee wants to change her mind about when she wishes to start maternity leave, she may do so providing she tells Citizens Advice Reigate and Banstead at least 28 days in advance of the original start date or 28 day in advance of the new start date, whichever is the sooner (unless this is not reasonably practicable).

3. Time off for antenatal care

The employee will be allowed reasonable paid time off work during pregnancy to attend antenatal appointments with the doctor or midwife, or antenatal clinics. The employee should give her manager adequate notice of any of these appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

The employee may be asked to provide evidence of such appointments.

Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife or health visitor has advised her to attend, in addition to medical examinations.

4. Health and safety

Citizens Advice Reigate and Banstead is required to protect the health and safety of new and expectant mothers by carrying out a risk assessment. If an unavoidable risk is identified, further steps will be taken to protect health and safety which may include changes to working conditions or hours or an offer of suitable alternative work.

5. Sickness absence

In the event that a pregnant employee is absent from work due to sickness, she will receive normal statutory or contractual sick pay in the same manner as she would during any other sickness absence. However, if the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before her expected week of childbirth, her maternity leave will start automatically.

6. Maternity leave

6.1 Regardless of length of service with Citizens Advice Reigate and Banstead, or the number of hours worked per week, if the employee complies with the relevant notification requirements she will be entitled to 26 weeks ordinary maternity leave and 26 weeks additional maternity leave. Additional maternity leave begins on the day after ordinary maternity leave ends.

The earliest maternity leave can commence is eleven weeks before the expected week of childbirth.

Maternity leave begins on whichever is the earliest of:

- the date on which the employee has notified Citizens Advice Reigate and Banstead that she wants her maternity leave to begin;
- the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth;
- the day after the actual birth of the child.

In the event that the baby is born before maternity leave was due to start, the employee will start her maternity leave the day after the birth. SMP will also start at this time. If the employee has not already provided the MAT B1 form she must provide medical evidence of the birth as soon as possible as well as the expected date. Both can be included in the MAT B1 form.

In the unfortunate event that the employee has a miscarriage, or her baby is stillborn before the 25th week of pregnancy (i.e. earlier than the 16th week before the 'Expected week of childbirth' (EWC)) there are no entitlements to maternity leave and pay.

All employees are obliged by law to take a minimum of two weeks compulsory maternity leave immediately after the birth of the child.

6.2 Ordinary maternity leave

During the period of ordinary maternity leave, the employee's contract of employment continues and she is entitled to receive all her contractual benefits, except for salary. Contractual annual leave entitlement will continue to accrue and pension contributions will continue to be made provided that the employee is receiving Statutory Maternity Pay. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had she not gone on maternity leave.

6.3 Additional maternity leave

During the period of additional maternity leave, the employee's contract of employment continues and she is entitled to receive all her contractual benefits, except for salary.

Contractual annual leave entitlement will continue to accrue. Pension contributions will continue to be made during the period when the employee is receiving SMP but not during any period of unpaid additional maternity leave.

7. Statutory Maternity Pay

Statutory Maternity Pay (SMP) is payable for up to 39 weeks during maternity leave. An employee is entitled to SMP if:

- she has been continuously employed by Citizens Advice Reigate and Banstead for at least 26 weeks at the end of the qualifying week;
- her average weekly earnings in the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date are not less than the lower earnings limit for national insurance contributions;
- she is still pregnant 11 weeks before the start of the expected week of childbirth (or has already given birth);
- she provides a MAT B1 form stating her expected week of childbirth; and
- she gives Citizens Advice Reigate and Banstead proper notification of her pregnancy.

SMP is payable whether or not the employee intends to return to work after her maternity leave.

For the first six weeks, SMP is paid at 90% of the employee's average weekly earnings. Average weekly earnings are calculated over the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date.

The standard rate of SMP, which is set annually by the government, is paid for the remaining 33 weeks (or less if the employee returns to work sooner). However, if the employee's average weekly earnings are less than the standard weekly rate of SMP the employee will be paid at a rate of 90% of her average weekly earnings.

SMP is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Payment of SMP cannot start prior to the 11th week before the employee's expected week of childbirth. Statutory maternity pay can start from any day of the week in accordance with the date the employee starts her maternity leave.

Employees who are not entitled to SMP may be entitled to receive maternity allowance payable by the Government. Citizens Advice Reigate and Banstead will provide the employee with a SMP1 form to complete and send to Jobcentre Plus.

8. Contact during maternity leave

8.1 Shortly before an employee's maternity leave starts her manager will discuss the arrangements for keeping in touch during her leave. A reasonable amount of contact will be necessary to update the employee on developments at work as well as discussing plans for returning to work.

8.2 Keeping-in-touch days

Except during the period of compulsory maternity leave the employee can do up to 10 days work under her contract of employment without that work bringing her maternity leave to an end and without loss of a week's SMP. These are known as "keeping-in-touch" days. The employee and Citizens Advice Reigate and Banstead will jointly agree for keeping in touch days to be used, and agree on what work is to be done and how much the employee will be paid for the work undertaken.

Once the 10 keeping-in-touch days have been used up, the employee will lose a week's SMP for any week in which she agrees to work for Citizens Advice Reigate and Banstead.

9. Returning to work

9.1 The employee will have been formally advised in writing by Citizens Advice Reigate and Banstead of the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave. The employee is expected to return on this date unless she notifies Citizens Advice Reigate and Banstead otherwise. If she is unable to attend work at the end of her maternity leave due to sickness Citizens Advice Reigate and Banstead's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While the employee is under no obligation to do so, it would assist Citizens Advice Reigate and Banstead if she confirms as soon as convenient during her maternity leave that she will be returning to work as expected.

If the employee wishes to return to work earlier than the expected return date she must give Citizens Advice Reigate and Banstead at least eight weeks' notice of the new return date, preferably in writing. If she fails to do so Citizens Advice Reigate and Banstead may postpone her return to such a date as will give Citizens Advice Reigate and Banstead eight weeks' notice, provided that this is not later than the original expected return date.

If the employee decides not to return to work after maternity leave she must give notice of resignation as soon as possible and in accordance with the terms of her contract of employment. If the notice period expires after her maternity leave has ended Citizens Advice Reigate and Banstead may require the employee to return to work for the remainder of the notice period.

9.2 Rights on return to work

At the end of the ordinary maternity leave period the employee will have the right to return to the job in which she was employed under her original contract of employment. When returning after additional maternity leave she is also entitled to return to the same job on the same terms and conditions. However, if it is not reasonably practicable for her return to the same job after additional maternity leave Citizens Advice Reigate and Banstead may offer her suitable alternative work, on terms and conditions that are no less favourable.

An employee returning from maternity leave has no automatic right to make changes to her working hours or pattern. However, she may have a statutory right to request flexible working and all requests will be considered in line with the operational requirements of Citizens Advice Reigate and Banstead. If an employee would like to request flexible

working she should write to Citizens Advice Reigate and Banstead CEO setting out her proposals as soon as possible in advance of her return date, so that there is adequate time to consider her request.

10. Redundancy

If a redundancy situation arises at any stage during an employee's maternity leave the employee is entitled to be offered suitable alternative employment (if available) on terms and conditions which are not substantially less favourable. The employee on maternity leave is entitled to be offered this in preference to any other employee.

11. Transfer of maternity leave

If an employee returns to work before the end of her statutory maternity leave period her spouse/civil partner/partner may be eligible to take up to 26 weeks additional paternity leave on her return to work. If she returns to work with at least 2 weeks remaining of her statutory maternity pay period her spouse/civil partner/partner may also be eligible to receive additional statutory paternity pay.

In the event that the employee's spouse/civil partner/partner wishes to take additional paternity leave the employee will be required to submit a written and signed declaration form to her partner's employer.