

## 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 female employees of ABCA Systems. 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 her 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?

A colleague who discovers she is pregnant should consult with her line manager or HR to inform the Company that she is pregnant 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 her 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 colleague must also forward her 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.

## Eligibility for leave

All employees are statutorily entitled to Ordinary Maternity Leave (OML) for 26 weeks and Additional Maternity Leave (AML) for 26 weeks. 52 weeks in total, regardless of length of service.

## 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). The EWC is the week, beginning on the Sunday, in which it is expected that the child will be born. Any colleague 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 state benefit for women 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.

### **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 she produces the documentation giving details of the appointment date and time. This is irrespective of length of service or hours worked.

### **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.

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

During maternity leave, ABCA Systems may offer colleagues 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 colleagues 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**

No-One is allowed to return to work during the first two weeks from the date of childbirth. This is classed as a period of Compulsory Maternity Leave.

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

A colleague who is only taking Ordinary Maternity Leave is entitled to return to the same job she was in before she went on leave, on terms and conditions that are no less favourable than that would have applied had she not been absent.

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

A colleague 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.

If a colleague 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**

Once you have informed the Company that you are pregnant you will receive a risk assessment on your work place and environment. Any health and safety concerns should be raised immediately to your line manager.

### **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).