



## **Dudley Mind New & Expectant Mothers Policy**

### **1) Policy**

1.1 This policy exists to ensure that Dudley Mind provides support and information to employees who are expectant mothers and who elect to take maternity leave or new mothers and returning to work and may be breastfeeding.

### **1.2 Maternity Leave**

1.2.1 Maternity leave is split as follows:

- Ordinary Maternity Leave of 26 weeks
- Additional Maternity Leave of 26 weeks.

1.2.2 All employees are entitled to 52 weeks maternity leave (26 weeks ordinary maternity leave and 26 weeks additional maternity leave).

1.2.3 The law states that all women must take at least 2 weeks maternity leave after their baby is born. This is called compulsory maternity leave. Compulsory maternity leave is part of Ordinary maternity leave, not additional to it.

1.2.4 Maternity leave may commence:

- at any time from the eleventh week before the expected week of childbirth provided the required notice is given.
- if an employee is absent from work due to a pregnancy related reason after the beginning of the 4<sup>th</sup> week prior to the due date this will automatically start her maternity leave.
- on the day of childbirth if the maternity leave has not already commenced.

If after notifying the organisation the employee subsequently wants to change the start date of her maternity leave she should notify her manager at least 28 days beforehand or as soon as reasonably practicable.

### **1.3 Statutory Maternity Pay**

1.3.1 In order to be eligible to receive Statutory Maternity Pay (SMP) an employee must have been:

- employed by Dudley Mind without a break for at least 26 weeks into the 15<sup>th</sup> week before the week their baby is due
- earning an average of no lower than the current lower earnings limit per week

1.3.2 The HR Officer will confirm to the employee in writing their entitlement to Maternity Pay as part of the Maternity Plan (Appendix 2).

1.3.3 During the Ordinary Maternity Leave period Dudley Mind will pay Statutory Maternity Pay (SMP) to eligible employees of:

6 weeks at 90% of average earnings

The remaining 20 weeks Ordinary Maternity Leave will be paid at the lower rate SMP, as set by the Government each year or 90% of your average earnings if this is lower than SMP.

The first 13 weeks of the Additional Maternity Leave period will be paid at the lower rate SMP, as set by the Government each year or 90% of your average earnings if this is lower than SMP.

The remaining 13 weeks of Additional Maternity leave will be unpaid.

1.3.4 Payments of 90% of average weekly earnings are based on the 2 payments made to you before the end of week -15.

Any pay rise, which is defined as basic pay, awarded after week -22 before the date of birth or whilst the employee is on maternity leave will also be paid.

1.3.5 If you are not eligible to receive SMP then you may be able to receive the Maternity Allowance (please visit the Government website for more details [www.direct.gov.uk](http://www.direct.gov.uk)).

## **2) Scope**

This policy is for all pregnant employees and new mothers returning to work following maternity leave, regardless of job title.

## **3) Procedure**

### **3.1 Accountabilities**

3.1.1 Employees are responsible for:

- Notifying their line manager or HR Officer in writing during or before the notification week (ie. the 15<sup>th</sup> week before their due date) of the fact that they are pregnant, their due date and the date they intend to start their maternity leave. (There is a standard letter to help, see Appendix 4)
- Completing the Maternity Plan (Appendix 2) with assistance from HR Officer if necessary

- Accessing the maternity policy from the Policy manual, their manager or HR Officer, and seeking additional advice if necessary
- Providing the form MATB1 to their manager/HR Officer
- Complying with requests to attend independent Occupational Health doctor if in the opinion of Dudley Mind this is necessary
- Giving the organisation 4 week's notice of any change to the intended start date of maternity leave or as soon as is reasonably practicable
- Informing their line manager/HR Officer of their intentions to return to work
- Giving 8 weeks' written notice if they wish to return from maternity leave early
- Discussing and agreeing with their line manager the process for 'reasonable contact' and 'keep in touch' days.

3.1.2 The HR Officer is responsible for:

- ensuring the pregnant employee has a copy of the maternity policy and advising her of her rights and obligations under the policy
- assisting the pregnant employee to complete the Maternity Plan within 28 days of receipt of notification from the employee that she is pregnant
- ensuring the pregnant employee has a copy of the 'BERR Employee Guide to Pregnancy and Work'
- writing to the employee within 28 days of receipt of the notification, confirming her maternity pay and leave entitlements. (Standard letter Appendix 5).
- Advising line management on completion of Maternity Risk Assessment
- keeping a copy of the Maternity Plan and Maternity Risk Assessment on the employee's personal file
- ensuring that an employee on maternity leave is kept informed of any changes that may have a significant impact on the individual (eg. restructuring) and that the employee is informed of any vacancies that may arise (if she has requested this information).

3.1.3 The pregnant employee's line manager is responsible, with guidance from the HR Officer for:

- conducting the maternity risk assessment upon notification of the employee's pregnancy and where necessary during the pregnancy
- doing what is reasonably practicable to control any risk to the health of the mother, unborn child or child of a woman who is breastfeeding.

### **3.2 Risk assessment**

3.2.1 All pregnant employees will have a risk assessment (Appendix 3) conducted by their line manager or HR Officer to identify any areas of their work that could pose a greater risk to themselves or their baby.

3.2.2 The first risk assessment will be done as soon as reasonable practicable after the employee notifies her manager of her pregnancy.

3.2.3 Additional risk assessments may be done as required during the pregnancy as there are other aspects of pregnancy that may affect work and the impact will vary during the course of pregnancy, therefore their effects must be kept under review, eg. morning sickness, increasing size, fatigue.

3.2.4 If at any time an employee or her manager requires advice on fitness to undertake specific tasks, a referral should be made to an occupational health doctor or a report requested from the employee's own GP.

3.2.5 If the risk assessment indicates, or a medical practitioner considers that an employee or her child would be at risk were she to continue with her normal duties, a temporary adjustment to working conditions or hours of work should be made. If that is not reasonable or would not avoid risk, then alternative work if any is available should be offered. Where it is not reasonably practicable to offer such adjustments the employee should be suspended on full pay as long as is necessary to protect the health and safety of the mother and child.

### **3.3 Antenatal Care**

3.3.1 All pregnant employees are entitled to reasonable paid leave at their basic rate of pay for antenatal care as prescribed by a doctor, midwife or health visitor.

3.3.2 Line managers have the right to request to see an appointment card to confirm dates in order to arrange work cover.

3.3.3 The GP, midwife or health visitor may recommend relaxation and parent craft sessions. Requests for such leave must be supported by a letter from the individual's GP stating which classes are deemed to be part of antenatal care.

3.3.4 If classes cannot be attended outside of the employee's normal working hours then reasonable paid time off at the employee's basic rate of pay should be allowed to enable attendance.

### **3.4 Reasonable contact**

3.4.1 The concept of 'reasonable contact' has been introduced by the Government which allows for reasonable contact to be made with the employee during their maternity leave. Examples include:

- Discussing working arrangements
- Facilitating the return to work process

3.4.2 There will be no payments made to the employee for this type of contact.

3.4.3 As part of the Maternity Plan (Appendix 2) the employee and her manager should discuss and agree any voluntary arrangements for keeping in touch during the employee's maternity leave.

### **3.5 Keeping in Touch Days**

3.5.1 The Government introduced 'Keep in Touch' (KIT) days, whereby an employee can work at her work location for up to 10 full days during maternity leave without losing her right to SMP or bringing maternity leave to an end.

3.5.2 An employee cannot be forced to work any days or on a particular day, or be victimised if they refuse.

3.5.3 The purpose of these days are to keep employees engaged and encourage them to remain involved in the organisation which will make their transition back to work easier.

Examples of times when employees and line managers may decide that KIT days would be beneficial include:

- Attendance at team events/briefings
- Help out at busy times

- Training events

3.5.6 The employee will be paid for any hours worked at their usual rate of pay. If the employee is currently in receipt of SMP then their total pay for that day will be inclusive of SMP. Any pay due for KIT days will be paid on the next normal pay day. Please note that there will be no reimbursements for travel expenses or childcare for these days. All KIT days worked cannot be split into half days and should therefore be full days only.

3.5.7 Employees must not undertake any paid work whilst on paid maternity leave (with the exception of keeping in touch days).

### 3.6 Return to work

3.6.1 If an employee wishes to return to work before the end of the ordinary and additional maternity leave she must give eight weeks' notice in writing to her line manager of her return date or any earlier return date. Failure to notify her manager or HR Officer of her intention to return may affect her right to return to work.

3.6.2 If an employee chooses not to return to work following a period of maternity leave they must give notice in writing equivalent to that required by their contract of employment.

3.6.3 All employees who return to work before or at the end of their Ordinary Maternity Leave period are entitled to return to their old role, or one of equivalent status on the same terms and conditions, provided they comply with the conditions of this policy and procedure.

3.6.4 All employees who return to work during or at the end of their Additional Maternity Leave period are entitled to return to their old role or one of equivalent status wherever possible. If this is not practical, then the individual may be asked to move to a similar role, on terms and conditions of employment that are no less favourable than before.

3.6.5 If at the end of maternity leave, child care responsibilities make it impossible for the individual to return to work on their original contracted hours, the organisation will consider a request to return on a part-time and/or flexible basis in the short or long term. Please see the Dudley Mind Flexible Working Policy for more details.

### 3.7 Treatment of benefits whilst on Maternity Leave:

Benefit	Maternity	
	Ordinary	Additional
Holidays	Accrue contractual holiday entitlement for whole leave as if at work	Accrue contractual holiday entitlement for whole leave as if at work
Employees can take any holiday they have accrued prior to		

	<p>starting maternity leave before their maternity leave commences.</p> <p>Employees can also take any holiday that may be accrued up to the end of their ordinary maternity leave prior to starting their maternity leave.</p> <p>Any further contractual holiday accrued should be taken when the employee returns to work.</p> <p>Normal holiday rules and provisions apply.</p>	
Sickness	Not entitled	Not entitled
Pension Scheme	<p>During the statutory pay period Dudley Mind will make it's normal contribution based on your pensionable earnings before maternity leave and you pay your normal contribution rate of any contractual/statutory pensionable earnings you receive.</p>	
Childcare Vouchers	<p>If an employee participates in the Childcare voucher scheme they should be aware that this will impact on their Statutory Maternity Pay entitlement as participation in these schemes reduces the NI pay which is used to calculate SMP.</p> <p>Employees requiring more information should contact HR.</p>	

Please refer also to **Appendix 1 Sources of Help** for details of organisations who can advise on other benefits not related to Dudley Mind to which you may be entitled. **BERR Employee Guide to Pregnancy And Work** (copy available from HR Officer) also gives further information.

### 3.8 Post-Natal Care and Breastfeeding Mothers

Women who have recently given birth should have paid time off for post-natal care eg. attendance at health clinics provided the appointment card is shown to the line manager or HR Officer.

Line Managers are required to provide breast-feeding women with suitable rest facilities.

### 3.9 Miscarriage

Where an employee has a miscarriage before the 25<sup>th</sup> week of pregnancy normal sick leave provisions will apply.

### 3.10 Still Birth

Where an employee's baby is born dead after the 24th week of pregnancy the employee will be entitled to the same amount of maternity leave and pay as if her baby was born alive.

### 3.11 Related Documents

Special Leave Policy

October 2008

Equal Opportunities & Anti-Discriminatory Practice Policy  
Flexible working Policy  
Parental Leave Policy

### **3.12 Changes**

Dudley Mind reserves the right to change the provision of the Dudley Mind Maternity Policy & Procedure by amendment, addition or deletion or substitution of new procedures from time to time at its discretion. Employees will be consulted and notified of any changes by appropriate means.

## **Appendix 1: Sources of help**

HSE Information Services  
Caerphilly Business Park  
Caerphilly  
CF83 3GG  
Infoline: 08701 545500  
Email: [hseinformationservices@natbrit.com](mailto:hseinformationservices@natbrit.com)  
Website: [www.hse.gov.uk](http://www.hse.gov.uk)

Department for Work & Pensions Public Enquiry Office  
The Adelphi  
1-11 John Adam Street  
London  
WC2N 6HT  
Tel: 020 7712 2171  
Website: [www,dwp.gov.uk](http://www.dwp.gov.uk)

Department for Trade and Industry General Enquiry Unit  
1 Victoria Steet  
London  
SW1H 0ET  
Tel: 020 7215 5000  
Email: [dti.enquiries@dti.gsi.gov.uk](mailto:dti.enquiries@dti.gsi.gov.uk)  
Website: [www.dti.gov.uk](http://www.dti.gov.uk)

Equal Opportunities Commission  
Arndale House, Arndale Centre  
Manchester  
M4 3EQ  
Tel: 0845 601 1733  
Email: [info@eoc.org.uk](mailto:info@eoc.org.uk)  
Website: [www.eoc.org.uk](http://www.eoc.org.uk)

The Maternity Alliance Information and Publications  
3<sup>rd</sup> Floor West  
2-6 Northburgh Street  
London  
EC1V 0AY  
Information line: 020 7490 7638  
Email: [info@maternityalliance.org.uk](mailto:info@maternityalliance.org.uk)

Tommy's the Baby Charity  
Nicholas House  
3 Laurence Pountney Hill  
London  
EC4R 0BB  
Information Line: 0870 777 3060  
Email: [mailbox@tommys.org](mailto:mailbox@tommys.org)  
Website: [www.tommys.org](http://www.tommys.org)

## Appendix 2: Maternity Plan

The Maternity Leave Plan is a straightforward way to ensure that we comply with the law and gives us all the information required to ensure that your maternity leave runs smoothly.

**This must be completed within 28 days of you notifying Dudley Mind of your pregnancy.**

The HR Officer can assist you in completion of the plan.

	Complete all relevant sections and return the form to the HR Officer	Notes for completion
1.	Enter your name below:	
2.	Enter your job title:	
3.	Confirm you are pregnant:  I am pregnant <input type="checkbox"/> (please tick)	You must tell us during or before the 15 <sup>th</sup> week prior to your due date that you are pregnant.  You are protected from unfair dismissal or detrimental treatment on grounds of pregnancy as soon as we know you are pregnant.
4.	I have read and understood the Dudley Mind Maternity Policy & Procedure <input type="checkbox"/> (please tick)	Please ask HR Officer if clarification is needed.
5.	My baby is due in the week beginning (expected week of childbirth):  I have given you my MAT B1 confirming this <input type="checkbox"/> (please tick)	You must produce a certification from your doctor or midwife, giving the expected week of childbirth, at least 28 days before you wish to start your maternity leave. This form is called MAT B1.
6.	I wish to start my maternity leave on:	You cannot start your maternity leave any earlier than the 11 <sup>th</sup> week before the expected week of childbirth.  You must tell us the date on which you wish to commence your maternity leave by the 15 <sup>th</sup> week before your due date. If you wish to change this date you must give us at least 28 days notice before you intend to start your

		maternity leave.
7.	<p>I intend to return to work following my Maternity Leave                  Yes <input type="checkbox"/> (please tick)</p> <p>No <input type="checkbox"/> (please tick) Please refer to section 11.</p>	<p>If you decide, whether now or later, that you do not intend to return to work you must give at least 4 weeks notice of termination of your employment or more if this is required by your contract of employment. Contact the HR Officer for more information.</p>
8.	<p>Complete this section if appropriate:</p> <p>I would like the company to remind me of my due to return date 3 months prior to the end of my maternity leave:</p> <p>Yes/No (delete as appropriate)</p> <p>If I cannot return, for example, because I am sick, I understand that the normal sick pay rules and absence policy apply.</p>	<p>We will assume that you will return at the end of your maximum leave entitlement.</p> <p>Your due date to return is:</p> <p>If you wish to return earlier than this date you must complete section 9. The HR Officer will acknowledge your leaving date and confirm your due to return date within 28 days of your notification.</p>
9.	<p>If applicable please complete. I intend to return to work earlier than the date given in section 8. I intend to return to work on:</p>	<p>If you would like to come back to work before the return date in section 8 then you must notify the HR Officer in writing 8 weeks before your intended return date.</p> <p>If you do not give this notice your date of return may be postponed for 8 weeks from the date you informed the HR Officer, or your original return date, whichever is sooner.</p>
10.	<p>I have at least 26 weeks into the 15<sup>th</sup> week continuous service and my average earnings are no lower than £90.00 a week and are therefore eligible to receive the following statutory maternity pay:</p>	<p>Dudley Mind will continue normal deductions and contribution to benefits from any Statutory Maternity Pay that you are entitled to receive. Please see Maternity Policy for</p>

	<p>6 weeks at 90% of average weekly earnings          33 weeks of lower rate SMP or 90% of my average weekly earnings if this is lower than SMP <input type="checkbox"/> (tick)</p> <p>.....</p> <p>I am not entitled to receive Statutory Maternity Pay and have been issued with form SMP1 <input type="checkbox"/> (tick)</p>	<p>details of benefits entitlements whilst on Maternity Leave.</p> <p>You can take your SMP1 form to the benefits agency who will discuss your entitlement please visit the following website for more information: <a href="http://www.directgov.uk">www.directgov.uk</a></p>
11.	<p>If NOT returning I enclose a copy of my resignation <input type="checkbox"/> (please tick).</p> <p>I understand that my employment will terminate on my last day of work and Dudley Mind will continue to pay me SMP (if applicable) and at the end of my maternity period my P45 will be posted to me.</p>	<p>You must give at least your contractual notice period to terminate your employment.</p>
12.	<p>Would you like to be kept informed of any vacancies (please specify which type of role) that become available during your maternity leave?</p> <p>Yes/No (delete as appropriate)</p>	
13.	<p>I would like to continue receiving Childcare Vouchers, with monies deducted from my SMP.</p> <p>Yes/No/Not applicable (delete as appropriate)</p>	
14.	<p>Please enter the date you received a copy of 'BERR Employee Guide to Pregnancy &amp; Work'.</p>	

Please sign below to say that you have read and understood all the details in the Maternity Leave Plan. Please keep a copy of the plan for your records and the HR Officer will keep a copy too.

Signed (Employee):

Full Name (please print):

Date:

**Appendix 4: Standard Letter to inform of pregnancy**

**To: HR Officer/Line Manager**

**From:**

**Date:**

**Re: Maternity**

I wish to advise Dudley Mind of the beginning of my maternity leave by hereby giving 28 days notice.

My maternity leave will commence  
on.....

My expected date of confinement as previously advised to you  
is.....

I understand that I am entitled to 52 weeks maternity leave and I am entitled to return to work with the company within 52 weeks of the birth of my baby. If I choose to return to work I will be reinstated to the same or similar job to my current role and I will maintain the same terms and conditions.

I authorise the Company to normal deductions and contributions to benefits from any Statutory Maternity Pay that I am entitled to receive.

I authorise the company to write and confirm my due date of return to work, 3 months prior to the end of my maternity leave – YES/NO (delete as appropriate).

I acknowledge receipt of the details pertaining to my benefits whilst I am on Maternity Leave.

Signed.....  
Full Name (Please print).....  
Date.....

October 2008

**Appendix 5: Standard Letter to acknowledge notification of maternity leave**

***(This should be sent within 28 days of receipt of employee's notification.)***

Name and address

Date:

Dear (Name)

Congratulations and thank you for telling me about your pregnancy and the date that your baby is due. I am writing to you about your maternity leave and pay.

As we have discussed, you are eligible for 52 weeks' maternity leave (26 weeks' ordinary maternity leave plus 26 weeks' additional maternity leave. Given your chosen start date of *[insert date]*, your maternity leave will end on *[insert date]*.

If you want to change the date your leave starts you must, if at all possible, tell me at least 28 days before your proposed new start date or 28 days before *[insert date leave starts]* (your original start date), whichever is sooner.

If you decide to return to work before *[insert date leave ends]*, you must give me at least eight weeks' notice.

As we discussed, you are eligible for **39 weeks' Statutory Maternity Pay / not eligible for Statutory Maternity Pay** *[delete as appropriate]*.

Your maternity pay will be £*[insert amount]* from *[insert date]* to *[insert date]* and £*[insert amount]* from *[insert date]* to *[insert date]*.

or

The form SMP1 (enclosed) explains why you do not qualify for Statutory Maternity Pay. You may however be entitled to Maternity Allowance. If you take this form to the Jobcentre Plus or Social Security Office at *[insert local details]*, they will be able to tell you more.

As your employer I want to make sure that your health and safety as a pregnant mother are protected while you are working, and that you are not exposed to risk. I have already carried out an assessment to identify hazards in our workplace that could be a risk to any new, expectant, or breastfeeding mothers. Now you have told me you are pregnant I will arrange for a specific risk assessment of your job and we will discuss what actions to take if any problems are identified. If you have any further concerns, following this assessment and specifically in relation to your pregnancy, please let me know immediately.

October 2008

During your maternity leave we are both able to make reasonable contact with each other to help with staying in touch. We are also able to agree that you can do up to ten full days' work during your maternity leave without it affecting either your maternity leave or your SMP. Before you begin your maternity leave we should discuss how we will keep in touch during your time off.

If you decide not to return to work you must still give me proper notice as stated in your contract of employment. Your decision will not affect your entitlement to SMP.

If you have any questions about any aspect of your maternity entitlement, please do not hesitate to get in touch with me. I wish you well.

Yours sincerely