



## Maternity Policy October 2025 (Updates in Red)

The aims of this policy are:

- To support staff to balance work and family life
- To maintain contact with staff and assist them in their return to work
- To retain staff and thereby encourage equality and diversity within the workplace

### **Eligibility for maternity leave**

Members of staff are statutorily entitled to 52 weeks of maternity leave regardless of length of service.

Staff may be able to share their maternity leave with their partner. Up to 26 weeks may be taken as Shared Parental Leave if the mother chooses to return to work early and transfer her entitlements. The earliest that Shared Parental Leave can commence is 20 weeks after the birth of the child.

### **Statutory Maternity Pay (SMP)**

SMP is a 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 maternity leave are paid at 90% of the employee's average earnings
- Thereafter, employees receive the Standard Rate of SMP currently **£187.18** per week, or 90% of the average earnings if this is less, for the next 33 weeks at which point SMP ceases.
- All eligible staff will receive SMP whether or not they intend to return to work after maternity leave.

To qualify for SMP staff must have:

- Completed at least 26 weeks of continuous service with the nursery prior to 15 weeks before due date.
- Average earnings above £123 per week.

A member of staff who does not meet the above criteria for SMP should make an enquiry regarding eligibility for Maternity Allowances (MA). Unlike SMP it is not paid by the employer, instead payment is made by the Department for Work and Pensions (DWP). In this event the member of staff will be provided with a SMP1 form by the nursery to start this process off.

### **Commencement of Maternity Leave**

A member of staff may choose when to start her maternity leave, subject to the following constraints:

- The maternity leave period cannot start prior to 11 weeks before the due date.
- The expected due date is reported to SMT prior to 15 weeks before the due date.
- The latest date maternity leave can start is the date of childbirth.
- The maternity leave period will be automatically triggered if the member of staff is absent from work wholly or partly because of pregnancy after the beginning of the 4<sup>th</sup> week before the EWC.
- The maternity leave period will be automatically triggered if the baby is born early, in which case maternity leave will start the day after the day on which the baby is born.
- 28 days' notice is required to change the maternity leave start date. If it's shorter notice, the new date must be agreed.

### **Return to work**

No one is allowed to return to work during the first two weeks from the date of childbirth. This is classified as a period of Compulsory Maternity Leave these 2 weeks cannot therefore be transferred as Shared Parental Leave.

A member of staff who intends to return to work at the end of full maternity leave (i.e. 52 weeks) is required to confirm their intended return date, in writing, giving 4 weeks' notice. 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.

A member of staff who is only taking under 26 weeks of 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 those that would have applied had she not been absent.

A member of staff who has stated her intention to return to work after 26 weeks of maternity leave will normally be re-employed in her previous post, but if there are exceptional reasons why this is not possible, she will be employed on similar work and on terms and conditions no less favourable than if she had not been absent.

A member of staff who has been working full time but who indicates a wish to return to work on a part time basis following maternity leave will receive sympathetic consideration of her request but the SMT reserves the right to deny requests which do not meet the requirements of the nursery.

Similarly, requests for flexible working will be carefully considered and accommodated wherever possible.

### **Keeping in Touch (KIT) days**

While on leave, an employee may work up to 10 days without losing their Statutory Maternity Leave or Maternity Allowance. These days aren't obligatory- both the employee and employer have to agree to them- but they can be used for things such as training and team events, and are designed to make the transition for all parties smoother once the period of maternity leave comes to an end. It is the employee's responsibility to initiate any discussions about arrangements for these days and they must give 4 weeks' notice before they intend to begin them.

### **Health & Safety**

The nursery is responsible for risk assessments in relation to working arrangements during pregnancy in the nursery. The member of staff is expected to take reasonable responsibility for their own health and safety and to not take unnecessary risks.

A member of staff who is pregnant, has recently given birth or is breast feeding, and is unable to continue in her post on designated health and safety grounds, will be offered alternative work or, where none is available, will be suspended from work on full pay until such time as she is able to resume her duties. This will be subject to discussion with SMT regarding terms and conditions.

### **Ante-Natal Care**

Once a pregnancy has been confirmed a member of staff who has made 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. This is irrespective of length of service or hours worked. Employees are expected to make reasonable efforts to arrange their appointments for outside of work hours wherever possible.

### **Annual Leave during Maternity Leave**

During the period of Ordinary and Additional Maternity Leave a member of staff will continue to accrue annual leave, including bank holidays and closure days, in the normal way.

Staff may take their annual leave at the beginning and/ or end of maternity leave.

Annual leave accrued prior to the start of the maternity leave period must be taken within the current leave year.

Annual leave accrued during the maternity leave period must be taken within the current leave year and cannot be carried over to the following leave year. If the dates of their maternity leave do not make this possible then the remaining leave may be converted into pay.

Staff transferring to part- time work on their return, must take their outstanding full time annual leave allowance prior to returning. If the dates of their maternity leave do not make this possible then the remaining leave may be converted into pay.

### **Other Conditions**

Employees are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to salary, throughout the 52-week period of maternity leave and will be kept informed of new positions and significant events in the nursery.

Periods of maternity leave are counted as periods of continuous employment.

Maternity leave is not treated as absence due to illness.

There is no distinction between live and still births in the granting of maternity benefits if the pregnancy has lasted at least 24 weeks.