



# Sussex Clubs for Young People Maternity Policy

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Signed

Chair of Directors: Peter Gooch

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## Purpose

This policy has been designed to ensure you are aware of all benefits and entitlements available once you become pregnant. This policy is not contractual but sets out how maternity leave will be managed.

## Scope

This policy applies to all staff whether full time or part time.

## Definitions

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

This is the payment made to employees, provided certain criteria are met.

### **Expected Week of Child Birth (EWC)**

The week which the baby is due to be born as certified by a medical practitioner using the MATB1 certificate.

### **MATB1 Certificate**

The certificates given to pregnant women by a medical practitioner this takes the expected week of childbirth and is usually provided to in the final trimester. Without this certificate SMP can't be paid.

### **Qualifying Week (QW)**

The 15<sup>th</sup> week before the EWC.

### **Ordinary Maternity Leave (OML)**

The first 26 weeks of maternity leave.

### **Additional Maternity Leave (AML)**

The second 26 weeks of maternity leave.

### **Qualified Medical Practitioner**

A midwife, health visitor or registered practitioner (e.g., doctor)

## Responsibility

### **Your responsibility**

You have a responsibility to advise your line manager or the Operations Manager as soon as your pregnancy has been confirmed by a medical practitioner.

### **Our responsibility**

Sussex Clubs for Young People has a responsibility for ensuring all relevant information is provided to you and that you understand your rights.

Sussex Clubs for Young People is also responsible for ensuring a risk assessment is undertaken.

## Operating the Procedure

### **Health and safety**

Sussex Clubs for Young People has an obligation to provide adequate health and safety protection for you during your pregnancy and once you return to work as new mother. Once you notify us of your pregnancy a risk assessment will be undertaken. Please notify us as soon as possible; if we don't know you are pregnant, we can't assess what support you may need.

If you have any concerns about your health and safety, you should speak to your line manager or the Operations Manager as soon as possible.

If you intend to return to work and are breastfeeding, we request that you let us know as soon as possible so that we can make suitable arrangements to facilitate this.

## Antenatal care

You will be entitled to paid time off during working hours for the purpose of antenatal care provided the appointment is advised by a qualified medical practitioner. Antenatal care may include GP and hospital check-up, relaxation classes and parenting classes. You may be required to produce an appointment card to confirm your appointments. Where possible you should request such appointments at the start or end of the working day.

Where IVF treatment has been used in order to become pregnant antenatal care will only be authorised after the embryo has been implanted.

## Maternity leave entitlement

You are entitled to 52 weeks statutory maternity leave irrespective of the length of your services or the number of hours worked each week. This leave is split into two parts-ordinary maternity leave (OML) for 26 weeks and then additional maternity leave (AML) for a further 26 weeks.

## Maternity leave start date

The earliest you can begin your maternity leave is the 11<sup>th</sup> week before your baby is due. The latest you can begin your maternity leave is the day after the birth.

## Notifying your maternity start date

You must write to your line manager or the Operations Manager notifying your intended maternity leave start date no later than the end of the 15<sup>th</sup> week before the EWC. Your letter must give at least 28 days' notice of your intended start date. As soon as you receive your MATB1 certificate you must also give this to your line manager or the Operations Manager.

You will receive a letter from Sussex Clubs for Young People confirming receipt of your letter and confirming the date on which your maternity leave will end.

There are some exceptional circumstances where notification occurs after the baby is born (e.g., premature birth), however under normal circumstances if you fail to provide the relevant notice you forfeit your right to take maternity leave.

## Still birth, miscarriage, and premature delivery

Should you lose your baby but meet all other criteria you will be eligible for maternity leave, if the baby is stillborn after 24 weeks or is born alive at any time during the pregnancy.

## Annual leave

Where possible you should take any unused holiday allocation prior to going on maternity leave. Holiday can be taken immediately prior to maternity leave. In this case your holiday would end, and maternity leave would begin the following day.

Where your maternity leave takes you into another holiday year the holiday accrued can be taken at the end of the maternity leave prior to returning to work.

## Contractual benefits

You will continue to accrue your full holiday entitlement during your maternity leave. All benefits will continue to be paid during your maternity leave. Your full maternity leave period will be included when making calculations related to your length of service.

If you return to work after your OML period, you have the right to return to the same job. If you choose to return after the AML period, you have the right to return to the same job unless this is not reasonably practicable. Any alternative would be suitable and appropriate and on terms not less favourable than those that would have been applied had you not been on maternity leave.

## Sickness Absence during Pregnancy

If you become sick, due to your pregnancy, during the four weeks before your EWC your maternity leave period will automatically begin.

If you are absent, due to your pregnancy, earlier than the fourth week before you EWC and the sickness absence continuous into the fourth week before the EWC your maternity leave will automatically begin four weeks before the EWC.

Absence which is directly related to the pregnancy will not be considered as a reason for disciplinary measures. However, once the SMP leave has ended, or on your return to work such absence will be counted for this purpose.

## Statutory Maternity Pay

If you have less than 26 weeks' service at the start of the qualifying week you will not be entitled to SMP but may be entitled to Maternity Allowance. This is not paid by the company. Information is available on the DWP website ([www.dwp.gov.uk](http://www.dwp.gov.uk)) and from Jobcentre Plus offices. You may also be eligible for other benefits.

Provided you have at least 26 weeks service at the start of the qualifying week, and your average earnings are equal to, or greater than, the lower earnings limit for National Insurance contributions you will be eligible for SMP. This is paid for 39 weeks, irrespective of whether you intend to return to work. You should ask a director for the current rate at the time of your pregnancy.

You must give 28 days' written notice to be eligible for SMP payments.

Sussex Clubs for Young People will offer the following enhanced:

- First 6 weeks at full pay less SMP
- Following 6 weeks half pay and SMP
- Next 21 weeks SMP only
- Final 6 weeks half pay and SMP

## Keeping in Touch (KIT)

During your maternity leave Sussex Clubs for Young People will keep in regular contact with you and will share information that may be of interest, such as company newsletters. You are requested to also keep in touch with us.

During your maternity leave you can participate in up to 10 'keeping in touch' days. There is no obligation to undertake these days, nor is there an obligation to provide such days. KIT days are designed to let you join in company activities/training allowing you to maintain a good working relationship and update your knowledge if appropriate. Where you are in receipt of SMP (or no maternity pay) you will receive a payment to ensure all monies for that day total your normal daily rate prior to going on maternity leave.

You will not lose your right to any SMP payment, or maternity leave should you agree to attend KIT days. KIT days can be taken at any time during your maternity leave excluding the first two weeks which are compulsory maternity leave weeks.

## Flexible Working

Provided you have 26 weeks service and have parental responsibilities for a child under 16, or a disabled child under 18 you have the right request flexible working.

### **Returning to work after maternity leave**

You are not permitted to return to work within two weeks of the date of birth, this is known as the 'compulsory maternity leave' period.

If you decide to come back to work after your statutory maternity leave period, you do not need to notify us in advance of your return date. This is the date we notified to you in the letter acknowledging your request for maternity leave.

If you decide to return before this date, we would appreciate as much notice as possible of your new intentions. Where you decide to return prior to the end of your statutory maternity leave you must give us 56 days' notice (eight weeks) in writing of your intended return date.

For babies born after 3<sup>rd</sup> April 2011 you can choose to return to work and transfer up to six months maternity leave to your partner. See the Staff Handbook for further information.

### Resigning after maternity leave

Should you decide not to return at the end of, or during, your statutory maternity leave period you are required to write to us giving your contractual notice period as detailed in the Staff Handbook. In such circumstances we will honour your maternity leave commitment and you will accrue holidays up to the last day of your OML or AML as appropriate.

You will be required to pay back the SCYP enhanced maternity package should you fail to return to work.