

VIAMED Ltd

Company Personnel Manual

Section 5: Absence – Maternity Rights

Ante-natal care

Should you become pregnant you are entitled to time off with pay to attend ante-natal clinics. To claim this right, you must, after your first appointment, produce a card from the hospital or clinic confirming the appointments. The company requires at least 48 hours notice of intention to be absent for such a purpose.

1. Overview

When you take time off to have a baby you might be eligible for:

- Statutory Maternity Leave
- Statutory Maternity Pay
- paid time off for antenatal care
- extra help from the government

There are rules on when and how to claim your paid leave and if you want to change your dates. You may also be eligible to get Shared Parental Leave and Pay. You can estimate your maternity pay and work out your maternity leave online at GOV.UK.

Employment rights when on leave

Your employment rights are protected while on Statutory Maternity Leave. This includes your right to:

- pay rises
- build up (accrue) holiday
- return to work

2. Leave

Statutory Maternity Leave is 52 weeks. It's made up of:

- 'Ordinary Maternity Leave' - first 26 weeks
- 'Additional Maternity Leave' - last 26 weeks

You don't have to take 52 weeks but you must take 2 weeks' leave after your baby is born (or 4 weeks if you work in a factory).

Start date and early births

Usually, the earliest you can start your leave is 11 weeks before the expected week of childbirth. Leave will also start:

- the day after the birth if the baby is early
- automatically if you're off work for a pregnancy-related illness in the 4 weeks before the week (Sunday to Saturday) that your baby is due

Change your date for returning to work

You must give Viamed at least 8 weeks' notice if you want to change your return to work date.

3. Pay

Statutory Maternity Pay (SMP) is paid for up to 39 weeks. You get:

- 90% of your average weekly earnings (before tax) for the first 6 weeks
- £138.18 or 90% of your average weekly earnings (whichever is lower) for the next 33 weeks

SMP is paid in the same way as your wages (eg monthly or weekly). Tax and National Insurance will be deducted.

Start date

SMP usually starts when you take your maternity leave.

It starts automatically if you're off work for a pregnancy-related illness in the 4 weeks before the week (Sunday to Saturday) that your baby is due.

Problems and disputes

Ask Viamed to explain your SMP if you think it's not right. If you disagree about the amount, call HM Revenue and Customs

HMRC employees' enquiry line
Telephone: 0300 200 3500
Textphone: 0300 200 3519

4. Eligibility

Statutory Maternity Leave

You qualify for Statutory Maternity Leave if:

- you're an employee not a 'worker'
- you Viamed the correct notice

It doesn't matter how long you've been with Viamed, how many hours you work or how much you get paid.

You can't get Statutory Maternity Leave if you have a child through surrogacy - you could get unpaid parental leave instead.

Statutory Maternity Pay (SMP)

To qualify for SMP you must:

- earn on average at least £111 a week
- give the correct notice
- give proof you're pregnant
- have worked for Viamed continuously for at least 26 weeks up to the 'qualifying week' - the 15th week before the expected week of childbirth

Work out your qualifying week using the maternity pay calculator, online at GOV.UK.

You can't get SMP if you go into police custody during your maternity pay period. It won't restart when you're discharged.

Early births or you lose your baby

You can still get Statutory Maternity Leave and SMP if your baby:

- is born early
- is stillborn after the start of your 24th week of pregnancy
- dies after being born

5. How to claim

Statutory Maternity Leave

At least 15 weeks before your due date, tell Viamed when the baby is due and when you want to start your maternity leave . Viamed can ask for this in writing.

Viamed will write to you within 28 days confirming your start and end dates.

Statutory Maternity Pay (SMP)

Tell Viamed you want to stop work to have a baby and the day you want your SMP to start. You must give us at least 28 days' notice (in writing if they ask for it) and proof that you're pregnant.

Viamed will confirm within 28 days how much SMP you'll get and when it will start and stop

If we decide you're not eligible, we will give you form SMP1 within 7 days of making their decision and explain why.

Proof you're pregnant

You need to give Viamed proof of the pregnancy to get SMP. You don't need it for maternity leave.

Within 21 days of your SMP start date (or as soon as possible if the baby's born early) give Viamed either:

- a letter from your doctor or midwife
- your MATB1 certificate - doctors and midwives usually issue these 20 weeks before the due date

You won't get SMP if you don't give Viamed proof that the baby is due.

Extra leave

You could get 18 weeks' unpaid parental leave after the birth - this may be restricted to 4 weeks per year.

If you return to work, your partner could get extra paid leave to look after the child - known as 'Additional Paternity Leave'.

Eligibility for maternity pay:

Do you have a maternity certificate showing expected date of childbirth? **No** ⇒ No entitlement.

↓ **Yes**

Do you have six months service by the qualifying week? **No** ⇒ No entitlement.

↓ **Yes**

Did you earn more than NIC lower earnings limit for eight weeks? **No** ⇒ No entitlement.
Lower earnings limit currently £87.00 per week.

↓ **Yes**

Have you reached the 11th week before expected week of childbirth? **No** ⇒ Not yet entitled.

↓ **Yes**

You are eligible for statutory maternity pay.

Maternity Leave Form

This form is intended for those leaving for the reason of pregnancy.

Please complete and return it to Jean Lamb as early as possible before your maternity leave commences and in any case at least 28 days before you stop work.

If it is not reasonably practicable to give 28 days notice you must inform us as soon as it is reasonably practicable, whether before or after you stop work.

You must attach to it your MATB1 Certificate, which will be provided by your midwife or doctor.

Name: _____

1) Please confirm that you are leaving because of pregnancy

YES NO (Delete as appropriate)

2) Date of commencement of maternity leave will be:

3) Your expected week of childbirth is:

4) Do you wish to return to work up to 52 weeks after childbirth, as laid down in the Employment Protection Rights Act.

YES NO (delete as appropriate)

5) What date do you intend to return to work:

Signature: _____

Date: _____