



MATERNITY LEAVE, PAY & RIGHTS

Q: What is Statutory Maternity Leave (SML)?

Statutory Maternity Leave is 52 weeks. This is made up of:

- **Ordinary Maternity Leave** – first 26 weeks
- **Additional Maternity Leave** – last 26 weeks

It is not compulsory for your employee to take the full 52 weeks, but they must take 2 weeks leave after their baby is born (or 4 weeks if they work in a factory).

Usually, the earliest your employee can start their leave is 11 weeks before the expected week of the birth of their child.

Q: Who qualifies for Statutory Maternity Leave?

Your staff qualify for SML if:

- They are an employee
- They give you (the employer) the correct notice
- Any employee can have full maternity leave regardless of service

Q: How much is Statutory Maternity Pay (SMP)?

Statutory Maternity Pay is paid for up to 39 weeks if your employee is eligible. Your employee will receive:

- 90% of their average weekly earnings for the first 6 weeks of maternity leave
- The next 33 weeks are paid at the SMP rate set by the government and changes every year. You can find more information at:

<https://www.gov.uk/maternity-pay-leave/pay>

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Call: 01756 790124

Email: sarah@clockworkhr.co.uk





Q: Who qualifies for Statutory Maternity Pay?

To qualify for SMP your employee must:

- Earn the minimum amount set by the government. You can find more information at: <https://www.gov.uk/maternity-pay-leave/eligibility>
- Give you the correct notice
- Give proof that they are pregnant
- Have worked for you continuously for at least 26 weeks

Q: What are your employees rights during SML?

- Terms and Conditions protection for example: pay rises, pension protection, holiday entitlement
- Right to return to work
- Keeping in touch days, which should be agreed between the employee and employer

Q: What are keeping in touch days (KIT)?

During maternity leave, employees have the option to work up to 10 days – these are known as “keeping in touch days” or KIT days.

When these days are taken and what type of work the member of staff will do should be agreed between the employer and employee.

Your employee’s maternity rights to leave and pay should not be affected by them taking or not taking keeping in touch days.

Q: Does my employee have to come back to the same job?

They have the right to return to the same job if they have taken only 26 weeks leave. They have the right to return to the same or similar job if they have taken more than 26 weeks leave. This is a complex area of law and further advice should be sort.

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Q: Does my employee accrue holiday, and can they take holiday during maternity leave?

Yes, they will continue to accrue holiday while on maternity leave. How they wish to use their accrued holiday during their maternity leave should be discussed between the employer and employee.

For example, they could choose a phased return to work, maybe working a 3 day week until their holiday is used up or use their holiday to extend their maternity leave.

Q: Do I have to consider part time working for my employee who is returning from maternity leave?

If your employee asks to return to work part time or requests other flexible working arrangements, you should:

- Follow your flexible working policy
- Arrange to meet with them to discuss the matter
- Give your answer in writing

This area of employment law is complex and further advice should be sort.

Q: Can the employee return earlier than 52 weeks?

Your employee may wish to return to work earlier than originally intended, for example if they are no longer receiving maternity pay.

If they choose to do this, they should give you at least 8 weeks' notice of their intention to return to work early.

If they do not give this amount of notice you are entitled to refuse their request to return to work early.

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