



READING COMMUNITY LEARNING CENTRE

MATERNITY POLICY & PROCEDURE

Signed _____ *(Company Secretary) Date: Dec 2013*

Review Date:

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1. INTRODUCTION

This policy describes the arrangements at Reading Community Learning Centre Ltd (RCLC) to support pregnant staff at work and during a period of absence due to maternity. RCLC will not disadvantage staff as a result of their maternity leave and this policy ensures that the terms and conditions relating to these staff are fair and equitable. Additionally, it ensures RCLC complies with the requirements of current legislation.

This policy applies to pregnancies where the expected date of birth is on, or after, 3rd April 2011.

2. SCOPE

This statutory provisions for Maternity leave stated in this policy are available to all pregnant staff regardless of the number of hours they work or whether they are on a permanent or fixed term contract. The level of maternity pay will be determined by the amount of accrued continuous service as set out in this policy.

3. RESPONSIBILITY AND MONITORING

The Centre Manager is responsible for maintenance, regular review and updating of this policy. Any amendments require approval by the Board of Trustees.

Any queries on the application or interpretation of this policy must be discussed with the Board of Trustees prior to any action being taken.

4. LINKS TO OTHER GUIDANCE AND/OR POLICIES

- Health and Safety Policy
- Redundancy Policy
- Annual Leave Policy
- Equality and Diversity Policy
- Employee Contracts

5. DEFINITIONS

Ordinary Maternity Leave: This is the initial period of absence due to pregnancy and childbirth. It may begin during or after the 11th week before the expected week of childbirth and will last for 26 weeks unless the individual returns to work beforehand.

Additional Maternity Leave: This is any absence, which is additional to Ordinary Maternity Leave and is due to pregnancy and childbirth. Additional Maternity Leave begins when the 26 weeks of Ordinary Maternity Leave end and may continue the period of maternity absence for a total of up to 52 weeks.

Maternity Pay: This is the collective term incorporating both statutory and RCLC payments made whilst absent - as detailed within this policy.

SMP: Statutory Maternity Pay. This is the minimum amount payable during Ordinary Maternity Leave for staff with at least 26 weeks' continuous service by the 15th week before the week that the baby is due, and who earns enough to be relevant for National Insurance purposes.

EWC: Expected week of childbirth. This means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.

Qualifying Week: This means the 15th week before the expected week of childbirth.

6. MATERNITY LEAVE

6.1 Ordinary Maternity Leave

Ordinary maternity leave can start at any time after the beginning of the 11th week before the employee's expected week of childbirth (unless her child is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever date is the earlier of:

- the employee's chosen start date;
- the day after the employee gives birth; or
- the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If the employee gives birth before her maternity leave was due to start, she must notify the Company in writing of the date of the birth as soon as reasonably practicable.

The law obliges all employees to take a minimum of two weeks of maternity leave immediately after the birth of the child.

6.2 Additional Maternity Leave

This is any absence, which is additional to Ordinary Maternity Leave and is due to pregnancy and childbirth. Additional Maternity Leave begins when the 26 weeks of Ordinary Maternity Leave end and may continue the period of maternity absence for a total of up to 52 weeks.

7. MATERNITY PAY

Maternity Pay is only payable during Ordinary Maternity Leave and the first 13 weeks of any Additional Maternity Leave.

Payment of Maternity pay benefits is subject to the individual:

- providing a MAT B1 forms stating her expected week of childbirth; and
- notifying RCLC of her pregnancy in accordance with the rules set out within this policy.

Normal pay applies whilst the individual is at work. An employee cannot receive normal pay from any employment and Statutory Maternity Pay at the same time. All SMP, therefore, ceases upon an individual's return to work.

Maternity Pay benefits are as follows:

7.1 Staff with fewer than 26 weeks' service:

If the individual has not been continuously employed by RCLC for at least 26 weeks ending on the 15th week before the expected week of childbirth the only payment during Maternity Leave may be the "Maternity Allowance" claimed from the Department of Work and Pensions. This must be claimed before the birth of the baby in order to obtain full benefit.

7.2 Staff with more than 26 weeks:

Provided the individual has been continuously employed by RCLC for at least 26 weeks up to and including the 15th week before the expected week in which the baby is due she will receive Statutory Maternity Pay:

for up to six weeks a Higher Rate SMP of 90% of her previous average weekly earnings **and** for up to the next 33 weeks, the lesser of 90% of her previous average weekly earnings or the current amount of Lower Rate SMP per week.

If there are any increases in pay that would apply to the individual, at any time during her Maternity leave, then the six weeks higher rate SMP will be recalculated using the increased pay figure.

8. INITIAL NOTIFICATION

On becoming pregnant, an employee should notify the Centre Manager or Chair of the Board of Trustees as soon as possible. This is important as the RCLC will need to consider any health and safety implications for the employee.

By the end of the qualifying week (15th week before the expected week of childbirth), or as soon as reasonably practicable afterwards, the employee is required to inform RCLC in writing of:

- the fact that she is pregnant;
- her expected week of childbirth; and
- the date on which she intends to start her maternity leave.

The employee must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. The form must have either the doctor's name and address or the midwife's name and registration number on it.

The employee is permitted to bring forward her maternity leave start date, provided that she advises the Centre Manager or Chair in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone her maternity leave start date, provided that she advises the Centre Manager or Chair in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The Centre Manager or Chair will formally respond in writing to the employee's notification of her leave plans within 28 days (see appendix 1), confirming the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave.

It is recommended that a maternity plan as in appendix 2 of this policy is completed to provide clarity to both parties.

9. RIGHTS ON NOTIFICATION OF PREGNANCY

9.1 Time off for antenatal care

Once an employee has advised the Centre Manager or Chair that she is pregnant, she will be entitled to take reasonable paid time off work to attend antenatal appointments as advised by her doctor, registered midwife or registered health visitor. This entitlement is irrespective of length of service.

In order to be entitled to take time off for antenatal care, the employee is required to produce a certificate from her doctor, registered midwife or registered health visitor, stating that she is pregnant. Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife or health visitor has advised her to attend, in addition to medical examinations.

The employee should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

9.2 Health and Safety

In order to protect the health and safety of an individual and her unborn child, it is in the individual's best interests that she informs the Centre Manager that she is pregnant as soon as is practicable. Once the Centre Manager is informed of the pregnancy, she must undertake a risk assessment. Specific health and safety guidance and instruction will be provided as appropriate. This guidance usually applies prior to the absence period and, upon her return, whilst she is breast-feeding.

Anyone who is pregnant must not lift, push or pull anything that endangers their health and safety.

Anyone who is pregnant and has any concern regarding health and safety at work, because of her pregnancy, must seek advice from the Centre Manager before undertaking the task about which she has a concern.

RCLC reserves the right to request that pregnant staff attend a medical consultation, and, if necessary, allocate work in accordance with medical opinion. Acting on advice from a doctor regarding the health of the mother/child, RCLC may transfer a pregnant individual into suitable alternative work rather than put the individual's or her colleagues' safety or health at risk. This action would only be contemplated in extreme circumstances and would be carried out with full and proper consultation. However, it is the responsibility of the individual to fully co-operate with this process. In the unlikely event that a suitable alternative is not available suspension from work on full pay will be necessary.

Any absence due to pregnancy-related sickness will be managed under the normal sick pay arrangements up to the commencement of the individual's maternity leave.

9.3 Sickness Absence

If an employee is absent from work during pregnancy owing to sickness, she will receive normal statutory or contractual sick pay in the same manner as she would during any other sickness absence provided that she has not yet begun ordinary maternity leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before her expected week of childbirth, RCLC may require the employee to start her maternity leave automatically.

Sickness absence relating to pregnancy will not be taken into account in making any decisions about redundancy selection or promotion exercises and cannot be included in any action taken over poor attendance.

9.4 Review of Work:

The Centre Manager or Chair should ensure a review of work takes place before the employee commences maternity leave. The Centre Manager or Chairman and the individual should aim to revisit objectives from the previous review and scale down appropriately so commensurate to the proportion of the performance year that will be worked.

10. RIGHTS DURING MATERNITY

10.1 Pension payments (if appropriate)

Once RCLC has established its workplace pension scheme, employee contributions will be based on actual pay. Employer contributions will continue to be paid at the usual percentage for as long as the employee receives some pay.

10.2 Annual Leave and bank holidays

An individual's annual leave entitlement and bank holiday entitlement will continue to accrue throughout maternity leave (both ordinary and additional). Before the maternity leave commences, the Centre Manager should calculate annual leave entitlement (untaken holiday and holiday that will accrue during maternity leave) and discuss with the employee a plan for taking leave to prevent the employee having an unmanageable amount of leave on return to work.

An individual may use the accrued holiday to enable a more flexible return to work. For example, if an individual had accrued 30 days holiday entitlement they could return to work on a three day week basis for 15 weeks and thereby receive full pay. (If an individual wished to do this as a replacement for some of their Additional Maternity Leave period, it would need to be restricted to 13 weeks if they wished to receive the maximum SMP payments.)

10.3 Pay increases

Where awarded after the SMP has been calculated (8 week reference period) and before the end of the statutory maternity leave RCLC will recalculate the SMP rate accordingly.

10.4 Contact during maternity leave

Shortly before an employee's maternity leave starts, the Centre Manager or Chair should discuss the arrangements for her to keep in touch during her leave, should she wish to do so. RCLC reserves the right in any event to maintain reasonable contact with the employee from time to time during her maternity leave.

The Centre Manager or Chair should make sure they contact the employee from time to time to keep her informed of any changes at work, consultation on redundancy and discussing any arrangements for the return to work. The preferred mode of contact (email, telephone, post) should ideally be agreed before maternity leave commences.

Such discussions should not put pressure on the individual e.g. demanding to know when employee is returning to work, whether she is intending to return part-time, asking the employee to undertake work unless it is part of a planned programme for her return.

10.5 Keeping-in-touch days

Except during the first two weeks after childbirth, an employee can agree to work for RCLC (or to attend training) for up to 10 days during either ordinary maternity leave or additional maternity leave without that work bringing the period of her maternity leave to an end and without loss of a week's SMP. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

RCLC has no legal right to require the employee to carry out any work, and the employee has no right or obligation to undertake any work, during her maternity leave. Any work undertaken on keeping-in-touch days, is entirely a matter for agreement between RCLC and the employee and will normally be agreed by the Board. Any keeping-in-touch days worked do not extend the period of maternity leave. Payment for KIT days will normally be at the normal day rate for the employee and will be agreed by the Board. This is paid in addition to any maternity payment. Once the keeping-in-touch days have been used up, the employee will lose a week's SMP for any week in which she agrees to work for the Company. It may also bring maternity leave to an end.

11. RETURNING TO WORK

The employee will have been formally advised in writing by the Centre Manager or Chair of the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave. The employee is expected to return on this date, unless she notifies the Centre Manager or Chair otherwise. If she is unable to attend work at the end of her maternity leave due to sickness or injury, RCLC's normal arrangements for

sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While the employee is under no obligation to do so, it would assist RCLC if she confirms as soon as convenient during her maternity leave that she will be returning to work as expected.

If the employee wishes to return to work earlier than the expected return date, she must give RCLC at least eight weeks' notice of her date of early return, preferably in writing. If she fails to do so, RCLC may postpone her return to such a date as will give RCLC eight weeks' notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after maternity leave, she must give notice of resignation as soon as possible and in accordance with the terms of her contract of employment. If the notice period would expire after maternity leave has ended, RCLC may require the employee to return to work for the remainder of the notice period.

12. RIGHTS ON OR AFTER RETURN TO WORK

12.1 Right to return to the same (or similar post)

On resuming work after ordinary maternity leave, the employee is entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent.

On resuming work after additional maternity leave, again she is entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent. However, if it is not reasonably practicable for the employee to return to the same job, RCLC may offer the employee suitable alternative work, on terms and conditions that are no less favourable than would have applied if she had not been absent.

An employee returning from maternity leave must be given priority consideration for any redeployment opportunities in a redundancy situation.

12.2 Right to request flexible working

An employee has a right to request a return to work on an amended part-time basis or to make other changes to her working patterns. If an employee would like this option to be considered, she should write to the Centre Manager or Chairman setting out her proposals as soon as possible in advance of her return date, so that there is adequate time for full consideration of the request. RCLC will make every effort to accommodate such requests but cannot guarantee that such amendments will be granted.

12.3 Breast-feeding

Where an employee returns from maternity leave and intends to continue with breast-feeding, RCLC will provide suitable rest and milk storage facilities.

Where an employee's post may pose a threat to the employee or her baby's health, a risk assessment will need to be conducted.

13. PROTECTION AGAINST DISMISSAL

The dismissal of an individual by RCLC will automatically be unfair, regardless of her length of service or hours of work, if:

- it is on maternity-related grounds and takes place during her pregnancy or Ordinary/Additional Maternity Leave period;
- it occurs after the end of her maternity leave period of absence and is on the grounds that she has taken or availed herself of the benefits of that leave;
- it is on the grounds of a health and safety provision which could give rise to maternity suspension;
- it is on the grounds of redundancy and RCLC has not first complied with the requirement to offer her any suitable alternative vacancy which is available;
- she is unfairly selected for redundancy for one of the above reasons.

An individual who is dismissed at any time and for any reason while she is pregnant or during her Ordinary/Additional Maternity Leave period will be entitled to receive a written statement of the reasons for her dismissal without having to request it and regardless of her length of service or hours of work.

14. TERMINATION OF EMPLOYMENT

- Where an individual's employment is terminated before the 15th week before expected week of confinement, the employee will not qualify for SMP.
- Where employment is terminated after the 15th week before the EWC the employee will receive SMP.
- In cases where a contract is terminated and the employee is entitled to SMP as stated above the SMP will begin as follows:
 - Termination during/after 11th week before EWC = day after employment ends.
 - Termination before 11th week = the Sunday at the beginning of the 11th week.
- Contractual maternity pay is not payable after the termination date.

16. EQUALITY AND DIVERSITY

Employees in all areas and levels of the organisation have the right to take maternity leave on the birth of their child regardless of their employment contract or any protected characteristic their or their immediate dependents might have.

Appendix 1

Sample **letter to employee regarding maternity leave.**

Dear

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 26 weeks ordinary maternity leave followed by 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 8 weeks' notice.

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

You 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 Job Centre Plus or social security office at [insert local details], they will be able to tell you more.

As your employer we 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 / working arrangements /conditions 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.

If you decide not to return to work you must still give me proper notice. Your decision will not affect your entitlement to SMP.

If you have any questions about any aspect of your maternity entitlements please do not hesitate to get in touch with me.

Yours sincerely
<Line Manager Name
Job Title>

Appendix 2

RCLC MATERNITY PLAN

How to use the plan

The plan is in three parts: notes to help you complete it are given in the right hand column of the form.

Part A will help you to work out whether you qualify for RCLC's maternity scheme. You will find it helpful to have a calendar or diary handy when you are filling out the form.

Part B should be used to set out when you would like to begin your maternity leave and to indicate when your expected date of return to work will be.

Part C should be used if you decide to return to work before the end of your planned maternity leave.

PART A – WORKING OUT YOUR ELIGIBILITY FOR LEAVE AND PAY

TO THE CENTRE MANAGER

I am giving you this form to let you know that I am pregnant and to notify you of when I want to start my maternity leave and to begin receiving maternity pay (if eligible).

Personal Details

1. Name:

Job Title:

Region:.....

Centre Manager's name:
.....

Guidance Notes

When the baby is expected

2. My baby is due in the week beginning:
Sunday
(date of expected week of childbirth)

Expected week of childbirth

The expected week of childbirth is the week, beginning Sunday, in which it is expected you will have your baby. This is the date on your MATB1 form that your doctor or midwife will give you.

3. A certificate (MATB1) confirming this:

Tick relevant box

a) Has been given to you already
b) Is enclosed with this form
c) Will be given to you as soon as possible

Certificate

Your doctor or midwife will give you a MATB1 form which will give you the expected week of childbirth. You must give this to your line manager at least 28 days before you wish to start your leave.

Qualifying for RCLC's maternity scheme

Filling in this section of the form will enable you and your line manager to see if you qualify for RCLC's maternity scheme and statutory maternity pay.

4. The 15th week before my expected week of childbirth (the date given in Question 2) is the week beginning:
Sunday

Count back 15 weeks from the beginning of your expected week of childbirth.

This date is important for working out how much maternity pay you qualify for.

5. On this date I will have worked for RCLC continuously for at least 26 weeks

Yes tick box (go to part B)
or
No tick box (see box below)

Your length of employment usually runs from the first day you started work with RCLC to the present day. If there are any gaps in your employment consult your line manager.

If you have ticked 'No' above then you do not qualify for RCLC Maternity or Statutory Maternity Pay from RCLC. However, you are still entitled to 52 weeks' unpaid leave. In addition, you may still be able to claim Maternity Allowance. You still need to complete part B of this form.

PART B – MATERNITY LEAVE

	Guidance Notes
<p>Starting maternity leave 6. I intend to start my maternity leave on: (date) (NB this can be any day of the week)</p>	<p>Start date It is your decision when you start your maternity leave, except that you cannot start it earlier than the 11th week before your expected week of childbirth. You should notify your line manager of your intended start date by the 15th week before the expected week of childbirth. If you wish to change this date you must give your line manager at least 28 days' notice of when you want to start your maternity leave. If you are absent from work for a pregnancy-related reason in the four weeks before your expected week of childbirth, or if you give birth before the date you intended to start maternity leave, your maternity leave will start automatically.</p>
<p>Returning after maternity leave 7. My maternity leave entitlement will finish on: (date)</p>	<p>End of maternity leave This is the end of the 52nd week from when you start your maternity leave. For example, if you started your maternity leave on a Wednesday, the last day will be Tuesday 52 weeks later</p>
<p>8. Return date: complete either A or B below.</p> <p>A I would like to take my full 52 weeks entitlement and I am due back to work on: (date)</p> <p>B I have already decided not to take my full 52 weeks entitlement and will return to work on: (date)</p>	<p>The RCLC Scheme provides your statutory rights: - 21 weeks Statutory Maternity Pay, plus - 13 weeks unpaid leave.</p> <p>If you have ticked 'yes' in section 5, you will be entitled to the above. Even if you are not entitled to this pay, you can still take up to 52 weeks unpaid leave. It is your decision how much of this leave you wish to take.</p> <p>You may already know that you wish to take all or only some of your leave entitlement and should state your current wish by completing either 8A or 8B as appropriate.</p>
<p>I understand that if I want to change this date, I must give you 8 weeks' notice of the date on which I want to return.</p>	<p>Changing your mind: If you change your mind about the date that you want to return to work you must give your line manager at least 8 weeks' notice before your intended return date. You can use Part C of this form for this purpose.</p>
<p>9. Contact during maternity leave I would like to be told about changes happening at work during my maternity leave</p>	<p>You and the Centre Manager may make reasonable contact during your maternity leave. Keeping in touch with work in this way</p>

<p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>If yes, I would like to be contacted by:</p> <p>Email: <input type="checkbox"/></p> <p>Telephone: <input type="checkbox"/></p> <p>Letter: <input type="checkbox"/></p> <p>If you do not mind how your department contacts you please tick here <input type="checkbox"/></p>	<p>can help to make it easier when it is time to return as you will be aware of what has been going on in your department.</p> <p>Even if you choose not to be told about changes happening at work during your maternity leave, your departmental administrator will still contact you about any matters relating to your employment.</p>
<p>10. Keeping in Touch (KIT) days</p> <p>Would you like the opportunity to work, attend a particular event or take up a training opportunity during your maternity leave?</p> <p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>If so, you can agree with the Centre Manager to consider up to a maximum of 10 days' work on KIT days during your maternity leave.</p>	<p>As well as staying in contact with the Centre Manager during your maternity leave, if you and she both agree, you can undertake up to 10 days' work during your maternity leave. These are known as Keeping in Touch (KIT) days. They are not limited to your usual job and could be used for training or other events.</p> <p>This work can only take place by agreement between both the department and the employee. If you and your department agree that you will work some KIT days then you should agree in advance including what you will be doing.</p>

Maternity plan signature page

You have now completed all the parts of the form necessary before starting your maternity leave. You should now sign the form and give it to your departmental administrator. Don't forget to keep a copy of it for yourself.

Signed: (employee)

Full Name.....

Date:

Signed:..... (Centre Manager)

Date:

PART C – RETURNING TO WORK EARLY/LATE

You will be expected back at the end of your maternity leave, on the date that you have specified in part 8 of the maternity leave plan.

If you want to return earlier or later than this date (the maximum entitlement is 52 weeks) you must write to the Centre Manager giving at least 8 weeks’ notice of this change.

If you do not give 8 weeks’ notice the Centre Manager is entitled to postpone your return until 8 weeks’ notice has expired.

To: Centre Manager:.....

Changing your notified return to work date	Guidance notes Complete this section only if you want to return to work early.
I would like to change my return to work date, and now intend to return to work on:(date)	Compulsory maternity leave. The law requires that all women take two weeks maternity leave immediately after the birth of their baby. The Centre Manager cannot let you return before your compulsory maternity leave period is up.

You should sign the form now and send it to the Centre Manager. Don’t forget to keep a copy of it for yourself.

You should talk to the Centre Manager in good time if you want to try to agree a different working pattern to the one you worked before your maternity leave.

Signed:

Full Name:.....

Date: