

The following changes came into force on 1 October 2006 as a result of the **Work and Families Act 2006**:

- The maternity **pay** period increases from 26 weeks to 39 weeks for women where the expected week of childbirth is on or after 1 April 2007 (which also applies to statutory adoption pay where the placement for adoption begins on or after 1 April 2007).
- All pregnant employees whose EWC is on or after 1 April 2007 will automatically qualify for 12 months maternity leave, no matter how long they have worked for their employer.
- The period of notice which an employee is required to give to her employer of her intention to return to work earlier than the end of her maternity leave has been extended from 28 days to 8 weeks.
- Reasonable contact is permitted during the statutory leave period with either party being able to make contact from time to time without the leave period being brought to an end.
- The Act also establishes "Keeping in Touch Days". Where both parties agree, those on maternity or adoption leave can return to work for up to 10 days during their leave without losing their right to leave or SMP/SAP. It is important to note that employers cannot compel an employee to work during their maternity leave nor do employees have the automatic right to work.
- What employees will do during KIT days will need to be agreed between the employer and employee. KIT days may be used for any activity which would ordinarily be classed as work under the woman's contract for which she would be paid. These may be useful in enabling a woman to attend a conference, undertake a training activity or attend a team meeting for example.
- It is envisaged that an employer would pay their employees for work done on KIT days but again, that is a matter for agreement between parties. The minimum that must be paid for any week during the maternity pay period is the SMP rate.

- DTI Guidance suggests that any work done on any day during the maternity pay or leave period will count as a whole KIT day so that if the Employee comes in for a one hour training session and does no other work that day, she will have used one of her KIT days.

There are also a number of provisions made under the Act or related regulations which are due to come into force at some point in the future:

- The Act gives the Government the power to extend SMP, MA and SAP to 52 weeks. The Government has intended to do this by the end of Parliament (2010) and it is expected that this will probably come in 2009.
- Sections 3 and 4 of the 2006 Act make provision of a new statutory right to an additional period of paternity leave. The new right will allow fathers or partners of the mother or an adopter to be absent from work for a maximum of 26 weeks to care for a child. The leave which will be known as Additional Paternity Leave (APL) is in addition to the current paternity leave entitlement of 1 or 2 weeks and must be taken before the child's first birthday. APL is primarily intended to allow the mother to return to work after 6 months and the father (or partner) to take a more active part in childcare responsibilities in the first year of the child's life. APL will be unpaid but a father will be entitled to additional paternity pay most likely at the same rate as the current statutory paternity pay (112.75 per week or 90% of salary whichever is lower) if the mother or adopter has not used up all of her entitlements to SMP, MA or SAP when she returns to work.