

MATERNITY POLICY

1.0 Policy statement

1.1 This council will endeavour to ensure all women are given support and encouragement before, during, and on their return to work from maternity leave.

1.2 The council aims to ensure that the employee's duties are adequately covered during maternity leave and that an effective dialogue is implemented at all stages so that employees feel fully informed about their entitlements and the process to follow.

1.3 All employees taking maternity leave are covered by this policy, including those on part-time contracts.

2.0 Definitions

The following terms are used within this policy:

2.1 EWC: The expected week of childbirth is the week, beginning on the Sunday, during which the baby's birth is expected.

2.2 MATB1: The maternity certificate, or form, which is provided to confirm a pregnancy and confirm the expected week of childbirth

2.3 Qualifying week: The 15th week before the expected week of childbirth

3.0 Notification requirements

3.1 Employees should please notify the Clerk as soon as possible of a pregnancy to enable the council to ensure that, where appropriate, any reasonable steps are taken to safeguard the safety of the employee and unborn child, and to ensure that an employee is not subject to any unnecessary risks at work.

3.2 To qualify for maternity leave the council requires that an employee provides notification by the qualifying week, or as soon as reasonably practicable after this, of the following information:

- the employee's pregnancy
- the EWC, and
- the date employee wishes to start their ordinary maternity leave period, which can be any time from the 11th week before the EWC.

An employee should also give your MATB1 to the Clerk. You will normally be provided with this at around the 20-week stage.

3.3 Once the Clerk has been notified of an intended start date of ordinary maternity leave, the council will confirm, in writing, the date that it expects the employee to return to work after additional maternity leave has ended. This confirmation will be sent within 28 days of your notification.

3.4 An informal meeting will then be arranged with the Clerk to discuss your entitlements and the organisational processes involved.

The meeting will include discussions on the following points:

- the amount of leave the employee can take and the payment arrangements
- the information that the council will need from the employee to process their maternity leave

- time off for ante-natal appointments
- risk assessments to ensure the employee's role does not pose a risk to their, or their baby's, health and safety
- the employee's right to return after maternity leave to the same or a similar role
- the opportunity to request flexible working and how a request should be made.

3.5 In order to ensure good communication and a smooth transition in the time leading up to maternity leave, and during the leave itself, the employee will be informed of the arrangements for covering their work and also for remaining in contact whilst on leave. The council will also consult the employee on how to cover their workload during their leave and whether any temporary reporting arrangements need putting in place.

3.6 The council would like to keep an employee on Maternity Leave fully informed of any news or developments at work during their leave and will send information from time to time. The council will also keep the employee informed of any recruitment exercises undertaken during their absence.

4.0 Health and safety

4.1 So that the council may assess any potential risk that the employee's role may pose to their health and safety, and the health and safety of their baby, the Clerk must be notified as soon as possible after an employee becomes aware that they are pregnant. A Health and Safety Risk Assessment will be undertaken and action taken to eliminate any risks.

4.2 This may include making adjustments to the employee's role or, if no adjustments can be identified that will reduce or remove the risk, the employee will be offered a suitable alternative role for the duration of their pregnancy. In the event that alternative work cannot be found, the council reserves the right to place you on suspension on full pay until the employee is no longer at risk. If necessary, where a risk remains, these arrangements will continue for a period of six months after the birth of the employee's child.

4.3 An employee should speak to the Clerk immediately if they are worried about their own health and safety at any time.

5.0 Time off for ante-natal care

5.1 A pregnant employee is entitled to paid time off during normal working hours to receive ante-natal care. Ante-natal care can include medical examinations, relaxation classes and parent-craft classes as advised by a medical practitioner. Time off will be provided for any time spent travelling to and from these appointments, including any waiting time.

5.2 Other than for the first appointment, an employee may be asked to provide an appointment card to confirm the details of the appointment.

5.3 A pregnant employee will receive full pay for the time taken to attend these appointments.

6.0 Length of maternity leave

6.1 Subject to meeting the notification requirements set out above, an employee is entitled to 52 weeks' maternity leave in total, broken down as follows:

- 26 weeks' ordinary maternity leave (OML), including a 2-week period of compulsory maternity leave (or 4 weeks for factory workers)
- 26 weeks' additional maternity leave (AML) that starts immediately after OML.

6.2 Unless the employee notifies the council that they wish to take a shorter period, the council will automatically assume that the full entitlement to 52 weeks is to be taken and will write to confirm an expected return date.

6.3 During periods of OML and AML, the employee will remain entitled to receive your normal contractual terms and conditions of employment that they would have received had this leave not been taken, with the exception of remuneration. This will include contractual benefits, subject to the terms of the contract of employment.

7.0 Commencing maternity leave

7.1 A pregnant employee can start maternity leave at any time from the beginning of the 11th week before the EWC until the date of birth. Employees are required to inform of the council of the date they intend to start leave however it is possible to change this date as long as 28 days' notice of the change is provided. Any application for a date change should be made in writing to the Clerk.

7.2 Compulsory maternity leave commences on the day after the childbirth occurs. Its purpose is to ensure that the employee has at least a two-week period of leave after the birth of their baby.

7.3 There are two incidences in which the maternity leave period is triggered automatically:

- Where childbirth occurs before the OML would otherwise commence. If this occurs, the council should be notified, in writing, as soon as is reasonably practicable after the birth, of the date of birth. Maternity leave period will begin automatically on the day following the date of the birth.
- Where an employee is absent from work, wholly or partly due to their pregnancy, after the beginning of the fourth week before the EWC. If this occurs, please notify the council, in writing, as soon as is reasonably practicable, that their absence from work is wholly or partly due to their pregnancy and the start date of this absence. In these circumstances, the council may require that your maternity leave period begins on the day following the first day of such absence.

7.4 Once the employee has notified the Clerk that their OML period has been triggered due to premature absence or premature childbirth, the council will confirm, in writing, the date that it expects the employee to return to work after the AML period has ended. This confirmation will be sent within 28 days of the employee's notification.

8.0 Shared parental leave

8.1 An employee may be entitled to take shared parental leave and they should refer to the council's shared parental leave policy for further information on entitlements, eligibility and notice requirements.

9.0 Maternity pay

9.1 Dependent upon an employee's length of service, they may be entitled to receive statutory maternity pay (SMP). If an employee does not qualify for such a payment, they may, dependent upon their circumstances, be eligible to receive state maternity allowance. In these circumstances, the council will provide the employee with the form SMP1 within seven days of determining that the employee does qualify.

9.2 An employee will qualify for SMP if they meet the following criteria:

- they have been continuously employed by the council for at least 26 weeks by the qualifying week

- their average weekly earnings are not less than the lower earnings limit relevant for national insurance purposes
- they are still pregnant at the 11th week before the EWC or have given birth by that time and
- they have complied with the relevant notification requirements.

9.3 The period for which SMP may be paid is called the maternity pay period. The maternity pay period may start at any time from the start of the 11th week before the EWC and can continue for up to 39 weeks, even if the employee does not intend to return to work.

9.4 Payment will be made at the rate of 90 per cent of the employee's average earnings for the first six weeks' of leave and then up to 33 weeks' at the Standard Rate of SMP or 90 per cent of their average weekly earnings (whichever is lower).

9.5 An employee's normal weekly earnings are calculated based on an average of their gross earnings for national insurance during the 'relevant period'. This will include, for example, any payments relating to overtime, commission, and bonuses. The 'relevant period' is the period ending on the last normal pay day before the qualifying week and starting with the normal pay day which is at least eight weeks earlier. The exact calculation of weekly earnings will depend on whether the employee is paid monthly, weekly or at other intervals.

9.6 Where an employee's gross earnings are increased by a pay rise, and this increase takes effect from the start of the relevant period and before the end of the AML period, this increase will result in a recalculation of their SMP. As a result of this recalculation, an employee may be entitled to a retrospective increase or may subsequently qualify to receive SMP.

10.0 Keeping in touch (KIT) days

10.1 An employee may, by mutual agreement, work for up to 10 days during their maternity leave period (but not during the compulsory maternity leave period) without losing statutory payments for that week or ending their entitlement to leave. Payment for KIT days will be discussed and agreed in advance of these being worked. For this purpose any work carried out on any day, even just an hour's work, is deemed to constitute "a day's work". Any days' work done under this provision will not have the effect of extending the total duration of the maternity leave period.

11.0 Stillbirth and miscarriage

11.1 If an employee experiences a miscarriage before 24 weeks of pregnancy, they will no longer be entitled to take maternity leave. It is anticipated that an employee may need some time off work in these circumstances and this will usually be taken as sick leave, during which the council's sickness absence policy will apply.

11.2 If an employee suffers a stillbirth after 24 weeks of pregnancy, their entitlement to maternity leave and pay will not be affected and they will still be able to take the time off, and receive pay, as planned. Parental bereavement leave is also available for employees who suffer a stillbirth. Employees can read more information on this entitlement in the council's separate policy on Parental Bereavement Leave.

12.0 Annual Leave

12.1 Employees will continue to accrue annual leave whilst on maternity leave. As this leave cannot be taken whilst on maternity leave, it is important for the council to discuss and agree the arrangements for the taking of this leave.

13.0 Returning to work

13.1 If an employee returns to work at the end of their OML period, they are entitled to return to the same job, with the same terms and conditions, in which they were employed before their absence.

13.2 If an employee returns to work after a period of AML, they are entitled to return to the same job in which they were employed before their absence. Where this is not reasonably practicable, they will be entitled to return to a suitable and appropriate job on terms that are no less favourable.

13.3 If an employee is made redundant during maternity leave, they will be offered a suitable alternative role.

13.4 Unless an employee states otherwise, it will be automatically assumed that they will return to work at the end of their full 52 week leave period. So that the council may make effective plans for their return, it would be grateful if employees would contact the council shortly before their return. However, there is no obligation on an employee to do so unless they wish to change the date of their return, in which case they must give the council eight weeks' notice.

13.5 If an employee qualifies for shared parental leave and wishes to return early from maternity leave for this purpose, they must also give the Council eight weeks' notice. Employees can find more information on this in our shared parental leave policy.

13.6 Employees may be invited to attend an informal meeting with the Clerk in order to discuss any arrangements regarding their return to work. This is likely to take place approximately two weeks before their return date. The following points will be discussed at this meeting:

- any developments that have taken place at work
- any appropriate training to take place
- any flexible working arrangements which have been agreed.

13.7 If an employee decides that they do not wish to return to work after maternity leave, they are required to give the council notice of their resignation. Their notice period is set out in their contract of employment. Where an employee chooses to resign without returning to work, the council will require repayment of any contractual maternity pay in excess of their statutory entitlement received during maternity leave.

13.8 If an employee is unable to return on the agreed date due to sickness, please inform the Clerk immediately.

14.0 Flexible working

14.1 The council recognises that women returning from maternity leave may wish to reduce their working hours or undertake home working. The council will make every effort to accommodate requests for part time working, provided that duties can still be effectively carried out on such a basis. However, the needs of the council must also be taken into account when assessing and granting any requests.

14.2 Any flexible working request should be made in writing.

15.0 Grievances related to maternity rights

15.1 The council's Grievance Procedure may be used in the event that an employee is dissatisfied with any decision made in respect of an employee's maternity rights.