

MATERNITY LEAVE POLICY & GUIDANCE

This document applies to all Council employees.

Notes:

- This policy should be read in conjunction with the relevant Service Order for fire employees on Grey & Gold Book Terms & Conditions
- For those employed on Teachers' Terms & Conditions this should be read in conjunction with the Burgundy Book

This document may not be applicable to employees who transferred into LCC under TUPE legislation and remain on the terms and conditions of their previous organisation.

Last Review	June 2016
Next Scheduled Review	June 2019
Last Updated	October 2018

CONTENTS

- INTRODUCTION 1
- OBJECTIVES 1
- MINIMUM STANDARDS 1
- RESPONSIBILITIES..... 1
 - DIRECTOR AND ASSISTANT DIRECTOR LEVEL..... 1
 - MANAGERS 1
 - SERVICE MANAGER – PEOPLE 1
 - SERCO ON BEHALF OF SERVICE MANAGER - PEOPLE MANAGEMENT 1
 - PREGNANT EMPLOYEES..... 2
 - EMPLOYEE RIGHTS..... 2
- PROCEDURE 2
 - MATERNITY LEAVE AND CONTINUOUS SERVICE 2
 - APPLYING FOR MATERNITY LEAVE 2
 - COMMENCEMENT OF MATERNITY LEAVE..... 3
 - ORDINARY MATERNITY LEAVE 3
 - ADDITIONAL MATERNITY LEAVE 3
 - CONTRACT OF EMPLOYMENT DURING MATERNITY LEAVE..... 4
- MATERNITY PAY..... 4
 - STATUTORY MATERNITY PAY..... 4
 - MATERNITY ALLOWANCE..... 4
 - OCCUPATIONAL MATERNITY PAY 5
 - RETURNING TO WORK 5
 - EXTENDING DATE OF RETURN..... 6
 - WHERE NOT FIT TO RETURN..... 6
 - FAILURE TO RETURN TO WORK..... 6
 - COMMUNICATIONS AND SUPPORT TO EMPLOYEE..... 6
 - KEEPING IN TOUCH DAYS 7
- OTHER LEAVE 7
 - TIME OFF FOR ANTENATAL CARE..... 7
 - RIGHT TO ACCOMPANY PARTNER TO PRENATAL APPOINTMENTS..... 8
 - SICK LEAVE..... 8
 - MISCARRIAGE, TERMINATION AND STILLBIRTH..... 8
 - ANNUAL LEAVE AND BANK HOLIDAYS..... 9
 - ORDINARY AND SHARED PARENTAL LEAVE..... 9
 - MATERNITY SUPPORT LEAVE..... 9
 - PATERNITY LEAVE 9
 - TIME OFF FOR DEPENDANTS 9
- GENERAL INFORMATION 9
 - HEALTH AND PREGNANCY AT WORK..... 9
 - BREASTFEEDING 10

STATUTORY MATERNITY PAY AND DAY RELEASE.....	10
PENSION SCHEME	10
FLEXIBLE WORKING ARRANGEMENTS.....	11
REDUNDANCY	11
DETRIMENT/UNFAIR TREATMENT/DISMISSAL	12
CHILDCARE VOUCHER SCHEME	12
FURTHER INFORMATION	12
ADDITIONAL RELEVANT POLICIES.....	12
CHECKLIST FOR EMPLOYEE	13
FREQUENTLY ASKED QUESTIONS	14

INTRODUCTION

This policy and guidance sets out the Council's Occupational Maternity Scheme and explains the statutory rights in relation to Maternity Leave.

OBJECTIVES

The aim of this policy is to set out pregnant employees' rights in relation to pay, right to time off and right to return to work and the responsibilities of employees, managers and People Management.

MINIMUM STANDARDS

Within individual conditions of service, and subject to all qualifying conditions, the basic provisions applying to leave and pay are:

Maternity leave of up to a maximum of 52 weeks, commencing no earlier than 11 weeks before the expected date of childbirth.

Maternity pay during leave comprises two parts - statutory maternity pay and occupational maternity pay.

Pregnant employees whose expected week of childbirth begins on or after 5 October 2008 are entitled to retain an extended range of terms and conditions e.g. essential car user allowance (except remuneration). This applies during both ordinary and additional maternity leave periods.

A right to return to work on conditions no less favourable than those which would have been applied if the leave had not been taken.

All pregnant employees regardless of length of service are also entitled to necessary time off with pay for all hospital and ante-natal appointments.

RESPONSIBILITIES

DIRECTOR AND ASSISTANT DIRECTOR LEVEL

Implementing the scheme and ensure that employees and managers have necessary information.

MANAGERS

Ensure that employees have the necessary information and that relevant forms are completed.

SERVICE MANAGER – PEOPLE

Periodic review and revision of policy and guidance as required.

SERCO ON BEHALF OF SERVICE MANAGER - PEOPLE MANAGEMENT

Making necessary payments and keeping records and certificates of expected childbirth.

Keep and maintain a computerised record of all maternity leave.

Providing the 3 month qualifying period of return to duty is complete, the record of actual and expected dates of childbirth should be deleted from the computerised record outside of the financial year(s) in which they fall.

Serco will keep records for 3 financial years after the end of the financial year to which they relate.

PREGNANT EMPLOYEES

Ensuring they meet the requirements detailed in the appropriate scheme. Notifying the Council within the timescales as set out in this guidance.

EMPLOYEE RIGHTS

An employee has a number of rights in connection with maternity leave and pay depending upon length of service:

- To take paid and/unpaid maternity leave.
- To retain their terms and conditions of service (except remuneration) during maternity leave.
- To receive an amount of Statutory Maternity Pay paid via payroll.
- To be moved to other work (if available) on health grounds or to suspension on full pay.
- To return to work following a period of maternity leave.
- Protection from dismissal for any reason connected with the pregnancy from the time of notification of pregnancy until the return to work.

PROCEDURE

MATERNITY LEAVE AND CONTINUOUS SERVICE

All pregnant women, irrespective of length of service or hours worked, have a right to 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML).

APPLYING FOR MATERNITY LEAVE

The employee should inform the manager in writing no later than the end of the 15th week before the expected week of childbirth (EWC), or as soon as reasonably practicable of:

- her pregnancy
- the expected week of childbirth
- the date she intends to start maternity leave (this can be any time from the 11th week before the expected week of childbirth).

The employee must complete and return to Payroll the [Maternity Leave Application Form](#) together with **an original** MAT B1 certificate from their GP or midwife stating the expected week of childbirth.

Payroll will write to the employee within 28 days of receipt of this form confirming the end date of the maternity leave (usually 1 year from the first day of commencement of Maternity leave).

An employee may change the date from when they wish to commence maternity leave providing that they give 28 days' notice.

COMMENCEMENT OF MATERNITY LEAVE

The earliest maternity leave can commence is the beginning of the eleventh week before the expected date of confinement, that is the Sunday 11 weeks before the week of the birth.

Beyond this date the employee is free to work up to the expected date of birth without the need for medical certification to say she is fit to do so. She must however, give 28 days' notice (wherever reasonably practicable) of the date on which she intends to commence her maternity leave.

Maternity leave will either start on:

- the date notified that the employee wishes the leave to start; or
- if the employee is absent from work due to pregnancy related illness after the 4th week before their expected week of childbirth, the day after the first day of their absence; or
- if the employee gives birth to their baby before maternity leave has started, on the day after the date of the birth.

Managers should note that the employee must take a minimum of 2 weeks' leave from the date of birth and should not be permitted to work in this time.

ORDINARY MATERNITY LEAVE

If the employee wishes to return early during this period then 7 days' notice of the date on which they wish to return is required.

If the employee returns to work and do not give the above minimum notice then the Council may postpone their return to a date which ensures it has 7 days' notice.

If the employee returns to work before the postponed date given, the Council is not obliged to pay them until the date it has given their your return.

However, the Council may not postpone their return to a date that occurs after the end of the employee's ordinary maternity leave.

ADDITIONAL MATERNITY LEAVE

If the employee wishes to return early during this period then 21 days' notice is required of the date on which they wish to return.

If they do not give the required amount of notice then the Council can postpone their return until it has received such notice.

If the employee returns to work before the postponed date given, the Council is not obliged to pay them until the date it has given for their return.

However, it cannot postpone their return to a date that falls outside the end of the additional maternity leave period.

If the employee does not wish to return to work (i.e. they wish to terminate their employment with the Council) then the employee must give proper notice in accordance with their contract of employment.

If the employee does not attend work when expected at the end of the maternity leave period without an explanation, then this absence will be regarded as unauthorised absence. The relevant disciplinary rules and procedures will apply.

CONTRACT OF EMPLOYMENT DURING MATERNITY LEAVE

During maternity leave (for both Ordinary and Additional) an employee's terms and conditions of employment will be maintained, with the exception of pay, in certain circumstances which will vary according to their length of service.

When the employee returns to work they have the right to return to the job in which they were employed under their original contract of employment and on terms and conditions no less favourable than those applicable had they not been absent.

MATERNITY PAY

STATUTORY MATERNITY PAY

Statutory Maternity Pay (SMP) is a scheme for female employees to get a basic amount of maternity pay from their employers and is paid for up to 39 weeks. It will be paid to them along with Occupational Maternity Pay (OMP) if they are entitled to this.

SMP can be received from the beginning of the 11th week before the week in which their baby is due. SMP will commence on the day the employee has specified to start their maternity leave, provided that the maternity leave does start on this day. It may be started on other days of the week if triggered by the birth of the baby or absence from work due to a pregnancy related reason in the four weeks before the expected week of childbirth (EWC).

An employee is entitled to SMP if:

- they have been continuously employed by Lincolnshire County Council for at least 26 weeks by the end of the 15th week before the EWC, i.e. the qualifying week ("continuously employed by Lincolnshire County Council " means that they must have worked for all or part of each of the 26 weeks)
- they have average weekly earnings in the 8 weeks up to and including the 15th week of over the lower limit for National Insurance Contributions
- they have commenced maternity leave.

If entitled to SMP the employee will receive:

- For the first 6 weeks - 9/10ths or 90% of their average weekly earnings.
- For the subsequent 33 weeks – the lesser of the standard rate of SMP or 90% of their average weekly earnings.

This will be reviewed annually by the Government.

MATERNITY ALLOWANCE

An employee who doesn't qualify for SMP may be entitled to Maternity Allowance (MA). They must have been employed or self-employed in at least 26 weeks in the

66 week period before their baby is due and if they are earning (gross) £30 per week averaged over a 13 week period.

Maternity Allowance (MA) is an allowance paid for up to 39 weeks and claimed from the social security / Jobcentre Plus office on form SMP1 which will be sent to them by Payroll on behalf of the Council following receipt of the relevant Maternity Leave Application Form.

Employees should contact their local social security/Jobcentre Plus office for further details.

The earliest Maternity Allowance can be paid is the start of the 11th week before the expected date of birth and can only be paid if they have stopped working.

OCCUPATIONAL MATERNITY PAY

To qualify for Occupational Maternity Pay (OMP) from the Council an employee must have at least 1 year's continuous service by the 11th week before the EWC.

Continuous service for Occupational Maternity Pay purposes means working without a break with either Lincolnshire County Council or with another Local Authority or with certain other bodies eg Probation or Magistrates' Courts Committees. If an employee has worked with another organisation which they think might count they should bring this to the attention of their manager.

If entitled they will receive:

- For the first 6 weeks of absence - 9/10ths or 90% of a week's pay offset against SMP or Maternity Allowance payments.
- For the subsequent 12 weeks – If they intend to return to work they will also be entitled to half pay. This is not offset against SMP except where their combined pay and benefits (e.g. SMP or MA) exceed full pay. In this instance a week's full pay will be offset against the SMP payments.
- For the subsequent 21 weeks – the lesser of the standard rate of SMP or 90% of their average weekly earnings.

Both SMP and Occupational Pay will be subject to normal deductions, i.e. tax and national insurance.

The employee has a choice with regard to payment arrangements, for instance payments may be made during maternity leave or in a lump sum when they return to work. Employees should inform the Council before they start maternity leave about their intentions for returning to work in order that suitable payment arrangements can be made.

Having returned to work an employee must work for a period of at least 3 months. If they do not return to work for the stated period then they will have to refund such sum of Occupational Maternity Pay as the Council or the Governing Body, at their discretion, may decide.

RETURNING TO WORK

The date on which the employee returns to work is for her to decide providing it is before the end of the period of 52 weeks beginning with the week in which maternity leave commences.

It is suggested that the manager discuss an anticipated date of return with the employee before her maternity leave commences.

An employee on maternity leave will need to give at least 21 days' notice in writing should she wish to return to work prior to the end of her full maternity leave entitlement.

If an employee on maternity leave changes her mind about the date she wished to return where she has already notified an earlier return date, she should give at least 21 days' written notice of this before the new date.

Managers must complete and return to Payroll the [Maternity Leave Return to Work Form](#)

EXTENDING DATE OF RETURN

It is recognised that some employees are reluctant to work after the birth of the baby because they do not want to leave their baby so soon after the birth. To encourage the retention of staff, managers may offer staff a period of unpaid leave in excess of their entitlement. Further advice on unpaid leave managers should check the [Flexible Working Policy](#) and/or contact their HR Adviser.

If an employee returns to local government service following a break of not more than 8 years for maternity reasons, then their previous service will be counted towards their sickness payments and any other maternity leave provided they did not undertake any full-time permanent paid work during that break.

WHERE NOT FIT TO RETURN

If an employee, for any reason connected with their health, is not fit to return to work at the end of the maternity leave period (or at an earlier notified date), then they will be deemed as having returned to work and the usual sickness reporting procedures and policies will apply.

FAILURE TO RETURN TO WORK

If an employee does not attend work when expected at the end of the maternity leave period without an explanation, then this absence will be regarded as unauthorised absence. The relevant disciplinary rules and procedures will apply.

COMMUNICATIONS AND SUPPORT TO EMPLOYEE

Before the employee commences maternity leave the manager should discuss with them suitable arrangements for contact being maintained during their leave. It is recommended that employees taking maternity leave are kept informed about organisational and department issues. For example, managers could forward copies of departmental correspondence, newsletters, minutes of staff meetings and where possible, invitations to social events.

It is recognised that if employees continue to feel part of the organisation, their return to work will be easier and their commitment is more likely to be maintained. It is recommended that managers and employees taking maternity leave also consider arranging 'keeping in touch days'.

KEEPING IN TOUCH DAYS

Under maternity leave regulations an employee on maternity leave can do 10 days' (or less) work during her maternity leave without bringing her maternity leave to an end. These 10 days are known as 'keeping in touch (KIT) days'.

Working for part of a day will count as one full day out of the 10.

Such days will be by mutual arrangement, including the timing and type of work to be undertaken, in addition to the agreed amount of working time. These days are intended to encourage employees on maternity leave to keep abreast of developments within the Council as a whole, as well as their own department. They may include attending team meetings, attending training or undertaking any work which they may do as determined by their contract of employment. However, they are more than social visits or visits to discuss the employee's return to work.

Managers cannot insist on an employee attending any 'keeping in touch' days. Equally, an employee on maternity leave cannot insist on being given any work to do. However, managers are encouraged to arrange such days should the employee on maternity leave wish to attend them.

An employee on maternity leave does not have the right to extend her maximum maternity leave due to the fact that she has attended 'keeping in touch' days.

Employees on maternity leave cannot attend 'keeping in touch' days during the first two weeks following the birth of the child.

Once the keeping in touch days have been used up, the employee will lose a week's SMP for any subsequent week in which they agree to work for the Council.

Employees will be paid their normal standard rate of pay for the actual hours that they work.

Managers must complete and return to Payroll the [KIT Day Form](#) so that appropriate payment can be arranged.

As an alternative to receiving pay for KIT days worked employees could take Time off in Lieu (TOIL) for the hours which they work as 'keeping in touch' days on their return to work. This TOIL must be used within one year of the employee's return to work from maternity leave.

OTHER LEAVE

TIME OFF FOR ANTENATAL CARE

An expectant mother is entitled to necessary time off with full pay for all hospital and antenatal clinic appointments resulting from their pregnancy. This includes relaxation, exercise and parent-craft classes where the appointment has been made on the advice of a registered GP, midwife or health visitor.

These rights are subject to the following conditions:

- that the employee has made an appointment for antenatal care and the time off must be requested in order to keep the appointment

- with the exception of the first appointment, the employee should be able to produce, upon request, an appointment card confirming the date of appointment.

RIGHT TO ACCOMPANY PARTNER TO PRENATAL APPOINTMENTS

The right for fathers and partners to accompany a partner to prenatal appointments came into force on 1 October 2014.

An employee (from day one of employment) and who has a qualifying relationship with a pregnant woman or an expected child is entitled to take unpaid time off to accompany that pregnant woman at up to two antenatal appointments. The right to time off is capped at six-and-a-half hours on each occasion, although no more than half a day is normally needed for an antenatal appointment and you should take only the time that you need to attend the appointment.

An employee has a qualifying relationship with a pregnant woman or her expected child if he or she:

- is the husband or civil partner of the pregnant woman
- lives with the pregnant woman in an enduring family relationship, although is not her parent, grandparent, sister, brother, aunt or uncle
- is the father of the expected child
- is an intended parent in a surrogacy situation who meets certain conditions (for example, is a potential applicant for a parental order in respect of the expected child).

The employee must notify their manager if they require leave to accompany their partner to a prenatal appointment, giving as much notice as possible.

If the employee would prefer not to use unpaid leave they may request annual leave or time under the terms of a flexible working hours scheme if this is in operation.

SICK LEAVE

Any sickness absence before the 4th week before the expected week of childbirth (EWC) shall be treated and paid as normal sick leave, regardless of the reason for the sickness.

Absence after the 4th week before the EWC for health reasons not connected with the pregnancy will also be treated as sick leave. However, if the employee is absent for a pregnancy related reason after the beginning of the 4th week before the expected birth, her maternity leave will start automatically on the day after the first day of such absence.

The employee must notify her manager that she was absent for a pregnancy related reason as soon as is reasonably practicable. This means that the maternity leave period may commence even though this was not the intention of either the employee or her manager.

MISCARRIAGE, TERMINATION AND STILLBIRTH

Any absence from work due to miscarriage, termination or stillbirth earlier than the 25th week of pregnancy will be treated as normal sickness and the employee is entitled to statutory or contractual sick pay.

If miscarriage or stillbirth occurs from the 25th week onwards or should the baby die following its birth, the employee is entitled to receive maternity leave and pay in the usual way.

ANNUAL LEAVE AND BANK HOLIDAYS

Employees continue to accrue annual leave during the full period of maternity leave.

Employees may wish to “anticipate” this annual leave and take it before their maternity leave commences subject to the needs of their service area. Accrued leave should be treated in accordance with the normal annual leave policies, i.e. accrued leave over 5 days may be lost in a new leave year but this is at the discretion of senior management.

This also applies to any bank holidays that fall during Maternity Leave. A compensatory day will be given for each bank holiday that occurs (or for part time employees, the number of bank holidays that they would have received had they not been on maternity leave). These can be taken on return to work or arranged to be taken before they commence maternity leave.

The period of time an employee spends on maternity leave, paid or unpaid, does qualify for the purpose of entitlement to additional annual leave based on years of service.

ORDINARY AND SHARED PARENTAL LEAVE

This is a statutory right that allows for parents, subject to qualifying conditions, to spend more time with their children and to try and strike a balance between their work and family commitments.

For full details please see the Ordinary [Parental Leave and Maternity Support Leave Policy](#) and [Shared Parental Leave Policy](#).

MATERNITY SUPPORT LEAVE

For full details please see the [Parental Leave and Maternity Support Leave Policy](#).

PATERNITY LEAVE

For full details please see the [Paternity Leave Policy](#).

TIME OFF FOR DEPENDANTS

Employees may also have the right to have reasonable unpaid time off to look after their dependants, defined as spouse, child, parent, someone living in the same household or someone who reasonably relies on the employee.

For full details please see the [Special Leave Policy](#).

GENERAL INFORMATION

HEALTH AND PREGNANCY AT WORK

The Council wishes to provide a healthy working environment for all of its employees and has a legal obligation to assess the risks to all employees.

As soon as an employee informs the Council of their pregnancy managers must take action to ensure that they are not exposed to any significant risk. Please refer to Section [G11 New and Expectant Mothers](#) of the Health and Safety Manual for further information.

If an employee is unable to continue working in their normal job because their health and safety as a new or expectant mother may be jeopardised, then the Council has certain obligations. It must assess the risk to the employee whilst pregnant, if they have recently returned to work after giving birth or if they are still breast-feeding when they return to work, and take appropriate preventative measures to either eliminate or reduce the risk.

If the preventative action does not allow the employee to continue in their normal job then the Council must offer suitable, alternative work, if it is available. It must be (a) of a kind which is both suitable and appropriate to the employee in their circumstances, and (b) the terms and conditions must be the same as or not substantially less favourable than those applicable for performing their normal duties under their normal contract.

If there is no suitable, alternative work then the Council may suspend the employee from work on full pay on the grounds that there are compelling health and safety reasons which may affect them and their unborn child. Suspension must continue for as long as necessary in order to avoid the risk. However, the employee will not be paid if they refuse suitable, alternative work.

Employees can contact a qualified counsellor from the Employee Support and Counselling Service on (01522) 555440 if they have any particular concerns which cannot be resolved by their manager.

Should the manager have concerns about an employee's fitness to continue working they may wish to refer them to Occupational Health or organise for a risk assessment to take place.

BREASTFEEDING

Those nursing mothers who return to work after maternity leave and wish to continue to breastfeed will require a clean and private facility to express milk during the working day. It will be the responsibility of the employee, should they require these facilities, to inform their manager in advance of their return to work. Please refer to [POEL12 Health Guidance for New and Expectant Mothers at Work](#) for further information.

STATUTORY MATERNITY PAY AND DAY RELEASE

If an employee attends a day release or inset course and they begin their maternity leave they will need to decide whether or not to continue with the course. If the employee decides to continue day release work, including college attendance, during maternity leave, this will be on an entirely voluntary basis.

PENSION SCHEME

If an employee is a member of the Local Government Pension Scheme or Firefighter Pension Scheme contributions are automatically deducted from their maternity pay based on what they actually receive. The Council will continue to pay pension contributions whether or not they receive any pay during the ordinary maternity pay

period and these will be based on what they would have been earning had you been working normally.

No contributions will be payable by either the employer or employee during any period of no pay in the additional maternity leave period.

If the employee would like to make contributions to cover periods of maternity leave when they are not receiving Occupational/Statutory Maternity Pay they may do so by confirming this in writing not later than 30 days after their return to work or the date confirming their wish to cease work (notification should be to the Pensions Section). The rate of contributions will be the rate applying immediately before their pay ceased.

FLEXIBLE WORKING ARRANGEMENTS

An employee has a right to request to return to reduced or increased hours of work under the [Flexible Working Policy](#). The Council should ensure that women, returning part-time or as a job share following maternity leave, return at a grade commensurate with their leaving grade and to work of a similar status. Managers seeking further information should consult with their HR Adviser.

REDUNDANCY

If there is a redundancy situation when the employee is on maternity leave (either ordinary or extended leave), they have a right to be included in the consultation and selection process just as if they had not been absent. The Council will ensure that employees do not suffer any detriment because of pregnancy.

Where an employee's job is redundant, they are entitled to be offered suitable alternative employment. If there are no suitable, alternative vacancies then they will need to consider alternative vacancies which may be acceptable but on less favourable terms, e.g. although salary protection applies, holiday entitlement could be affected. Where a vacancy does exist, the employee must be offered it before their existing contract comes to an end. It must take effect immediately when the old one terminates.

What is suitable work?

Any vacancies within the organisation will be classed as suitable alternative work if:

- they are suitable for that employee, i.e. they must be compatible with the employee's skills, qualifications and status before they started maternity leave; and
- they are appropriate for the employee to do in the circumstances; and
- they are offered on terms and conditions which are not in any respect substantially less favourable than those which they enjoyed before starting maternity leave.

If the Council does not have a suitable or unsuitable alternative job to offer or the employee refuses to accept an offer of a suitable alternative job, then the Council is entitled to terminate employment on grounds of redundancy.

Those employees who have the qualifying period of employment then will be entitled to a redundancy payment.

DETRIMENT/UNFAIR TREATMENT/DISMISSAL

Employees must not be subjected to any detriment or be unfairly treated by any act or any deliberate failure to act by their employer for any pregnancy-related matter.

It is unlawful for the Council to dismiss an employee for any pregnancy-related matter.

CHILDCARE VOUCHER SCHEME

Employees who were members of the Council's Childcare Voucher scheme provided by Sodexo prior to 5th October 2018 may remain in the scheme or rejoin the scheme as long as there has not been a break of more than 12 months.

Otherwise employees may choose to join the government's [Tax Free Childcare Scheme](#).

FURTHER INFORMATION

Advice on Statutory Maternity Pay and Maternity Allowance is available from the Benefits Agency.

ADDITIONAL RELEVANT POLICIES

[POEL12 Health Guidance for New and Expectant Mothers at Work](#)
[Flexible Working Policy](#)

CHECKLIST FOR EMPLOYEE

WHEN	ACTION REQUIRED
As soon as they know they are pregnant	Tell their Manager and discuss their intentions: to return, to defer the decision or not to return
After 20 weeks pregnant	Ask their Doctor or midwife for a maternity certificate (Form MATB1) showing when the baby is due. This must be the original MATB1
During or before the 15th week before the EWC (Expected week of childbirth)	Complete the appropriate Application for Maternity Leave form confirming when they intend to commence maternity leave. Within 28 days Payroll will confirm acknowledgement in writing
After 29 weeks pregnant	Commence maternity leave if they have chosen to do so
During maternity leave	If the employee wish to return early (before 52 weeks) then 21 days' notice is required in writing to their Manager. The notice period is 7 days during Ordinary maternity leave (first 26 weeks)
52 weeks from the beginning of the week in which maternity leave started	Latest time by which the employee has a right to return to their job.

FREQUENTLY ASKED QUESTIONS

What happens to my terms and conditions of employment during maternity leave?

All pregnant women are entitled to receive the same terms and conditions (except remuneration) that they currently receive during ordinary and additional maternity leave.

I may be on maternity leave for most of my annual leave year-how do I ensure I do not lose my annual leave entitlement?

To avoid losing out as much as possible you should discuss this with your manager before you commence your maternity leave. It should be possible, where business needs allow, to consider using it on one of the following ways:

- a. taking some before you commence maternity leave
- b. commence maternity leave earlier and “tag” the annual leave onto the end of your maternity leave
- c. return earlier from maternity leave to enable you to take the annual leave

Am I allowed time off to attend antenatal clinic appointments?

You are entitled to necessary time off with full pay for all hospital and antenatal clinic appointments resulting from your pregnancy. This includes relaxation, exercise and parent-craft classes where the appointment has been made on the advice of a registered GP, midwife or health visitor.

Your manager may wish to see your appointment card. Please try to give as much notice as possible of appointments. If you have any special needs during your pregnancy please discuss this with your manager.

There is no specific leave provision for fathers or partners who may wish to attend antenatal clinic appointments. In most cases though this may be accommodated under the terms of a flexible working hours scheme if in operation.

If I give birth before I have started maternity leave when does my maternity leave start?

It will start on the day after the birth, e.g. if you give birth on a Monday maternity leave will commence from the Tuesday. Statutory Maternity Pay (SMP) also starts from this day.

If I am off work sick with a pregnancy related condition when does my maternity leave start?

A woman’s maternity leave can only be triggered by pregnancy-related sickness from the beginning of the 4th week before the expected week of childbirth. If you are off sick with a pregnancy related condition during this period then your maternity leave will commence on the day following the first day on which you were absent. Your SMP will also start on this day and run for 39 weeks.

Does Maternity leave/pay have any implications on my pension?

During Ordinary maternity leave the employer must pay pension contributions based on the pay you would have received had you been at work your contributions are based on the amount of pay you actually receives during this period.

During any period of Additional Maternity Leave during which you receive no pay you do not make any contributions. However after the end of maternity leave you can within 30 days elect to pay contributions for this unpaid period to count as pensionable service.

What is the earliest date I can commence my maternity leave?

The earliest date that you may start your maternity leave is after the beginning of the 11th week before the expected week of childbirth.