

OADBY & WIGSTON BOROUGH COUNCIL

Maternity Policy and Procedure 2017



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Oadby & Wigston
BOROUGH COUNCIL

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1.0 Background

Oadby and Wigston Borough Council ("the Council") is committed to ensuring equality and diversity across the organisation. It will ensure that it supports the employees covered by this policy and procedure not only through its statutory obligations, but also as a supportive employer who recognises the importance of family life and its balance with work. The Council encourages open discussion with employees to ensure that questions and problems can be resolved as quickly as possible.

2.0 Purpose

This policy and procedure is designed to ensure that any employee who becomes pregnant during the course of their employment is aware of the statutory rights to maternity leave and pay. It sets out the role and responsibilities of those Officers who play a part in ensuring its effective delivery; the employee, HR team, line manager and Health and Safety Officer.

3.0 Scope

This policy and procedure applies to all Council employees including those on fixed term contracts and secondments. It does not apply to agency or casual workers. The Council reserves the right to revise and change policies and procedures from time to time.

4.0 Legislation relating to this document

- Maternity and Parental Leave Regulations 1999
- Equality Act 2010
- Shared Parental Leave Regulations 2014
- Maternity and Adoption Leave Regulations 2014

5.0 Equal Opportunities

The Equality Act 2010 provides a legal framework to combat unlawful discrimination and provides general and specific duties organisations must follow in relation to Equality in the workplace. The Council aims to eliminate discrimination on the grounds of age, being or becoming a transsexual person, being married or in a civil partnership, being pregnant or on maternity leave, disability, race (including colour, nationality, ethnicity or national origin), religion, belief or lack of religion/belief, sex or sexual orientation.

6.0 Glossary

• EWC	Expected week of childbirth
• CML	Compulsory Maternity Leave
• OML	Ordinary Maternity Leave
• AML	Additional Maternity Leave
• MA	Maternity Allowance
• SMP	Statutory Maternity Pay
• OMP	Occupational Maternity Pay
• SMP1	The form to Claim MA if you are not entitled to SMP
• MATB1	The maternity certificate which is issued by your Doctor or Midwife at the end of the 2nd trimester and confirms a viable pregnancy
• Qualifying Week	15th week before the EWC
• DSE	Display Screen Equipment

7.0 Introduction

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The policy will guide expectant and new mothers through everything you need to know and be aware of during your pregnancy and after the birth of your baby. The pack is for information only and in no way alters your conditions of employment.

The policy explains your rights, benefits and the options available to you before and after the birth of your baby.

Once you have informed your manager of your pregnancy we advise that you make an appointment with a member of the HR team who will be able to go through the policy in more detail with you, discuss the arrangements of your leave and answer any questions you have relating to maternity leave and pay. A member of the HR team will be able to explain to you the notification periods you must comply with in order to be eligible for maternity leave and pay.

8.0 Notification of pregnancy

8.0 Notification of pregnancy

You should notify your line manager and a member of the HR team as soon as possible if you are pregnant, this is important so the Council can ensure the Health and Safety of you and your baby.

You must however inform your line manager and the HR team no later than the end of the 15th week before the Expected Week of Childbirth (EWC) in order to be entitled to take maternity leave and receive Statutory Maternity Pay (SMP). You must inform your line manager by confirming in writing the following information;

- The fact that you are pregnant and wish to take maternity leave
- The date your baby is due
- The date you would like your maternity leave to start

You must also provide the HR team with your MATB1 form, this is usually available from your doctor or midwife by the end of the second trimester of your pregnancy.

9.0 Health and Safety

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Once you have informed the Council that you are pregnant your line manager will arrange to carry out a maternity risk assessment with you, this is to ensure there is minimal risk to you and your unborn baby whilst carrying out your duties. Your maternity risk assessment will be reviewed every 3 months by your line manager. Your risk assessment may be reviewed before the 3 months if you or your line manager feels it is necessary to do so.

You will also be asked to carry out a DSE work station risk assessment to ensure your work station area is set up appropriately for you during your pregnancy.

Both risk assessments should be passed to the HR team and will be reviewed by a member of the HR team in conjunction with your line manager and the Health and Safety Officer.

If a risk is identified during either risk assessment the Council will seek to reduce or eliminate the risk as far as is reasonable practicable. Identified risks may be reduced or eliminated by temporary adjusting your working conditions or hours, or offering you suitable alternative work.

Any adjustments will remain in place for the duration of your pregnancy or until it is identified as no longer being a risk.

If the Council is unable to apply any reasonable adjustments in order to reduce or eliminate any risk/s then paid leave maybe considered as an alternative. This will only be considered in exceptional circumstances and will be discuss with employees on a case by case basis.

10.0 Employees undergoing IVF treatment

10.0 Employees undergoing IVF treatment

If you are planning to undergo a round of IVF treatment we strongly recommend you inform your manager as soon as you feel comfortable to do so.

Your manager or a member of the HR team will be able to meet with you if you wish to go through the options available to you in relation to time off for medical appointments.

It is recommended that you discuss any planned appointments with your line manager and agree how this time off will be taken. There are a number of options open to employees wishing to take time off for medical appointments including flexi leave, annual leave or an agreed amount of unpaid leave.

You will be entitled to paid time off for antenatal appointments from the point of plantation of the fertilised ova, if your treatment is successful. Any further medical appointments relating to your pregnancy will come under time off for antenatal care as per section 9.0 of this policy.

If your treatment is unsuccessful you will be entitled to paid time off for any related appointments for a further two weeks from the date a negative result is confirmed.

If you become unwell following any treatment and are not able to attend work due to sickness or you are advised by your doctor/GP to rest following any treatment then the sickness policy will apply. As with any period of sickness if you are off work due to sickness

for more than 7 calendar days the Council does require you to provide a Fit Note from your doctor or GP.

Your entitlement to occupational and statutory sick pay is not affected if you are off work due to sickness following any treatment.

11.0 Antenatal care and appointments

11.0 Antenatal care and appointments

Once you have advised the Council that you are pregnant, you are entitled to take reasonable paid time off work to attend antenatal appointments made on the advice of a doctor, registered midwife or registered health visitor. You will be asked to provide evidence of the advice of your doctor, registered midwife or registered health visitor if you wish to take any paid time off for antenatal care or appointments. Antenatal care may include relaxation and parent craft classes that you have been advised to attend by your doctor, midwife or health visitor.

You should give your manager reasonable notice and, when possible, you should try to make appointments as near to the start or end of the working day as possible.

In order to be entitled to paid time off you are required to produce a certificate from a doctor, registered midwife or registered health visitor stating that you are pregnant. With the exception of the first appointment, you should also produce evidence of the appointment, such as an appointment card, if requested.

12.0 Maternity Leave

12.1 Entitlement to Maternity Leave

You will be entitled to take up to 52 weeks maternity leave providing you have 26 weeks continuous service at the end of your qualifying week and are still employed during this week and you have given the correct amount of notice of your intention to take maternity leave. There are three types of maternity leave;

- Compulsory Maternity Leave (CML). It is a legal requirement that all new mothers take a minimum of two weeks' leave starting the day after the birth. CML forms the first two weeks of Ordinary Maternity Leave.
- Ordinary Maternity Leave (OML). All employees are entitled to take up to 26 weeks' OML.
- Additional Maternity Leave (AML). All employees are entitled to take up to 26 weeks' AML. AML commences the day after OML ends.

12.2 Starting your Maternity Leave

You can start your maternity leave at any time after the beginning of the 11th week before your expected week of childbirth (unless your baby is born prematurely before

the 11th week before your EWC in which case it will start earlier). You can start your maternity leave on whichever date is the earlier of;

- Your chosen start date
- The day after you give birth
- The day after any day on which you are absent from work for a pregnancy related reason in the four weeks before the EWC.

You must give the Council the correct notice of the date you intend to start your maternity leave as set out in section 7.0 'Notification of Pregnancy'.

You are able to change the date you intend to start your maternity leave providing you give 28 days notice. If you wish to bring forward your maternity leave you must give 28 days notice of the new start date or, if that is not possible, as soon as reasonable practicable and if you wish to postpone your maternity leave you must inform the Council 28 days before the original date agreed or, if that is not possible, as soon as reasonable practicable.

The Council will respond in writing to your notification of leave plans within 28 days, confirming the date on which you are expected to return to work if you were to take your full 52 week entitlement to maternity leave.

Providing that you are fit and well enough to work you can continue up to the date you give birth.

13.0 Rights during maternity leave

13.0 Rights during maternity leave

During your ordinary maternity leave and your additional maternity leave, you are entitled to receive all your contractual benefits, except salary. For example;

- You will continue to accrue annual leave and bank holidays
- You will remain in the Local Government Pension Scheme, contributions will continue whilst you are receiving any maternity pay
- Your continuous service will continue to accrue

Your salary will be replaced with either enhanced maternity pay or statutory maternity pay providing that you meet the qualifying criteria.

14.0 Contact during maternity leave

14.0 Contact during maternity leave

The Council reserves the right to maintain reasonable contact with you from time to time. If you would like regular contact during your maternity leave please discuss this and agree arrangements with your line manager. The Council may contact you during your maternity leave to discuss your plans to return to work, any special arrangements, training that you may require to help you return back to work easily and updating you on developments at work whilst you have been absent. Such discussions do not constitute work and are, therefore, unpaid.

If you would like to be forwarded any job vacancies at the Council whilst you are on maternity leave please discuss this with a member of the HR team.

15.0 Keeping In Touch (KIT) days

15.0 KIT Days

With the exception of the compulsory part of your maternity leave which is the first two weeks after giving birth, you are able to work up to 10 KIT days during your maternity leave. If you wish to work a KIT day you can without losing any entitlement to maternity leave or maternity pay. KIT days are subject to mutual agreement therefore the Council cannot insist that you work any KIT days and you cannot insist the Council allows you to work any KIT days.

If you wish to work any KIT days you should arrange this with your line manager. It is important that the amount of hours you agree to work is sufficient to be able to allow you to carry out work that is relevant and contributes to the needs of the service.

Any part day worked as a KIT day counts as a full day against your 10 day entitlement. You will be paid for the work that you carry out either by the hour, ½ day or full day, this should be agreed in advance with your manager. If you work any KIT days during the paid part of your maternity leave then your pay for that day will not exceed your normal day rate meaning your KIT day/s will be topped up from SMP.

Please be aware that, depending on where in the month your KIT days fall, it may not be possible to pay you until the following month due to Payroll deadlines.

16.0 Maternity Pay

16.1 Maternity Pay

As long as you meet the criteria set out below you will be eligible to receive 39 weeks Statutory Maternity Pay, this will commence from the first day of your maternity leave. If you have at least 1 year's local government service you will also be able to apply for the Council's Occupational Maternity Pay scheme if you wish to. The Statutory Maternity and Occupational Maternity pay schemes are outlined in the table in section 16.4.

16.2 Statutory Maternity Pay (SMP)

You will be eligible to receive SMP if you meet the following criteria;

- You have given the correct notification of your pregnancy as set out in section 7.0 of this policy.
- You have provided the Council with your MATB1 certificate
- You have 26 weeks' continuous service at the end of the 15th week before the date your baby is due
- In the eight weeks up to and including the 15th week before your baby is due, your average weekly earnings exceeded the lower earnings limit for national insurance contributions.

The rate of SMP varies each year. To find out the current rate of SMP please visit <https://www.gov.uk/maternity-pay-leave/pay> .

16.3 Occupational Maternity Pay (OMP)

You will be eligible for the Council's Occupational Maternity Pay if in addition to the above criteria you also meet the following;

- You have at least one year's continuous service with the Council by the 11th week before the EWC
- You intend to return to work after your maternity leave ends for at least 3 months and;
- You have signed the Occupational Maternity Pay agreement form which can be found in appendix 2 of this policy

16.4 Maternity Pay Table

‘Standard Maternity Pay Entitlement’		‘Occupational Maternity Pay Entitlement’	
Weeks 1-6	The equivalent of 90% of your average weekly earnings calculated in the eight weeks up to and including the 15th week before your baby is due.	Weeks 1-6	The equivalent of 90% of your average weekly earnings calculated in the eight weeks up to and including the 15th week before your baby is due.
Weeks 7-39	Lower rate SMP or 90% of your average weekly earnings calculated in the eight weeks up to and including the 15th week before your baby is due if this is less.	Weeks 7-18	The equivalent of 50% of your average weekly earnings calculated in the eight weeks up to and including the 15th week before your baby is due plus lower rate SMP. This will not exceed 90% of your average weekly earnings.
		Weeks 19-39	Lower rate SMP or 90% of your average weekly earnings calculated in the eight weeks up to and including the 15th week before your baby is due if this is less.
Weeks 40-52	Unpaid	Weeks 40-52	Unpaid

17.0 Annual Leave and Maternity Leave

17.1 Annual Leave

During your maternity leave you will continue to accrue your annual leave and bank holidays in the usual way.

You are encouraged to take all your annual leave before you commence your maternity leave, unless you are planning to take a short period of leave and wish to start and end your maternity leave in the same annual leave year.

Annual leave cannot be paid in lieu under any circumstances other than if you decided not to return to work at the end of your maternity leave.

At the end of your maternity leave you may wish to consider using holiday entitlement that has been accrued in the leave year in which you are returning, thereby extending your total period of leave.

17.2 Bank Holidays

You are entitled to take any Bank Holidays which fall during your OML and AML as paid leave. These will be accrued during your maternity leave and taken as paid leave before returning to work.

Any Bank Holidays accrued during your maternity leave must be taken immediately prior to your return to work, thereby extending your total period of leave (The amount of bank holidays will be calculated on a pro rata basis for part time staff).

17.2.1 Part time working and Bank Holidays

If you work part time or have your annual leave entitlement given to you in hours, you can choose to take all your annual leave entitlement including your bank holidays before commencing your maternity leave, or choose to have your bank holiday entitlement calculated separately. You will then be able to take the bank holidays you would have accrued during your maternity leave immediately after your maternity leave ends.

18.0 Returning to Work

18.1 Returning to work

Unless you inform us otherwise it will be assumed that you will return to work after 52 weeks.

If you wish to return to work earlier than at the end of 52 weeks it would assist us if you confirm as soon as convenient during your maternity leave your expected return to work date. You must however as a minimum give the organisation 8 weeks' notice. Failure to give this notice could result in having to postpone your return to the original expected return date.

If you are unable to return to work at the end of your maternity leave due to sickness or injury you must report this in line with the organisations "Sickness Absence Management Policy and Procedure".

18.2 Return to work options

There are a number of options available to new mothers when deciding to return to work after maternity leave;

- **Return to work immediately after Maternity Leave**
If you return to work after a period of ordinary maternity leave you are entitled to return to work to the same job as before commencing your maternity leave. You may return to work to the same hours and conditions as before you went on maternity leave. *(Any major changes which may affect your post would be notified to you personally during your maternity leave and the necessary consultation undertaken.)*
- **Return to work in order to share the remainder of your leave with your partner**
You may return to work before your 52 weeks of maternity leave has ended in order to share the remaining leave with your husband/partner. This is referred to as 'Shared Parental Leave'. If you are considering the option of sharing your leave please speak to a member of the HR team as soon as reasonable practicable.
- **Return to work immediately after maternity leave to a different job within Local Government**
You are also entitled to accept a job with another authority whilst on maternity leave without having to refund occupational maternity pay or lose continuous local government service. The same applies if you apply and gain a promotion or you apply for and are successful in filling a lower graded post whilst you are on maternity leave; you can return to work to the new post without losing any entitlements.
- **Request to work flexibly**
You may be entitled to request a flexible working arrangement if:
 - You have at least 26 weeks continuous service with the organisation and;
 - You have not made an official request for flexible working within the last 12 months.

Please be aware that if you request to reduce your hours and your request is accepted you will be expected to take any annual leave accrued from your full time hours before commencing any part time working hours.

18.3 Risk Assessments

When you return to work your line manager will complete a further maternity risk assessment and as long as no risks are identified this will be your final risk assessment.

18.4 Breast feeding

If you are breast-feeding when you return from maternity leave, and want to discuss arrangements to either express milk or feed your baby, please speak to a member of the HR team.

18.5 Not returning

If you decide not to return to work following your maternity leave you must give the Council notice of your resignation in accordance with the terms of your contract, e.g. if your contract states a notice period of 2 months you must give a minimum of 2 months' notice before your expected date of return. Where the appropriate notice is not given we reserve the right to

require you to return to work from the expected date of return until the notice period is complete. The more notice you can give us of your resignation, the better.

19.0 Pension

19.0 Pension

Pension contributions will continue to be taken during your paid maternity leave, your contributions will continue at the same rate as if you were at work and will be deducted from your maternity pay.

Once your unpaid period of maternity leave commences your pension contributions will be suspended. You have the choice upon your return to work whether you would like to repay the pension contributions that accrued during your unpaid part of maternity leave. If you wish to repay the contributions for this period you must do so within 30 days of your return to work.

In order to repay your pension contributions you must complete an 'APC quote request form'. The pensions section will then be able to calculate and send out a quote directly to you for the amount due. You will then have the option to decide if you wish to repay the amount or not. The form can be found by following the link below.

http://www.leics.gov.uk/index/pensions/information_for_current_pension_scheme_members/increasing_your_pension_benefits.htm

Appendix 1 – Roles and Responsibilities

Roles and Responsibilities

Line Managers	<ul style="list-style-type: none"> Assess the risks to the health and safety of women employees who are pregnant, have recently given birth or who are breastfeeding, ensuring they are not exposed to risks identified by the risk assessment. They must ensure they conduct a thorough risk assessment and submit a copy to HR. Ensure that HR paperwork is completed in a timely manner so that individuals are accurately recorded as absent on maternity leave and are restored to payroll upon their return. HR should be notified in a timely manner if there are any changes in the working patterns of the employee upon their return from maternity leave. Ensure that the employee has taken the correct amount of annual leave in line with this policy before commencing Maternity Leave
Employees	<ul style="list-style-type: none"> Employees should notify their Line Manager in writing of their intention to take maternity leave and attach the MATB1 form. Must inform their Line Manager if they intend to return to work earlier than the end of their full maternity period, if their proposed date changes, or if they intend to vary their contracted hours.
Human Resources (HR) Corporate Resources	<ul style="list-style-type: none"> HR is responsible for ensuring the timely processing of the maternity information and forms and instructing payroll to the correct payment of maternity pay. Where assistance from HR is unavailable or not permissible a suitably trained officer from Corporate Resources will be nominated to assist and advise.
Corporate Health and Safety Officer	<ul style="list-style-type: none"> The Corporate Health and Safety Officer will review and advise on the outcome of all Maternity Risk Assessments The Corporate Health and Safety Officer will review and advise on the outcome of all Maternity related DSE Work Station Risk Assessments

Appendix 2 – Occupational Maternity Pay Agreement

Occupational Maternity Pay Agreement Form

‘Standard Maternity Pay Entitlement’		‘Occupational Maternity Pay Entitlement’	
Weeks 1-6	The equivalent of 90% of your average weekly earnings calculated in the eight weeks up to and including the 15th week before your baby is due.	Weeks 1-6	The equivalent of 90% of your average weekly earnings calculated in the eight weeks up to and including the 15th week before your baby is due.
Weeks 7-39	Lower rate SMP or 90% of your average weekly earnings calculated in the eight weeks up to and including the 15th week before your baby is due if this is less.	Weeks 7-18	The equivalent of 50% of your average weekly earnings calculated in the eight weeks up to and including the 15th week before your baby is due plus lower rate SMP.
		Weeks 19-39	Lower rate SMP or 90% of your average weekly earnings calculated in the eight weeks up to and including the 15th week before your baby is due if this is less.
Weeks 40-52	Unpaid	Weeks 40-52	Unpaid

I, the undersigned, confirm that:

- I have one year's continuous service at the end of the 11th week before my baby is due.
- It is my intention to return to work following my maternity leave.
- I agree that, if I do not return to work for Oadby and Wigston Borough Council or another local authority for a minimum of three months directly following my maternity leave, I will pay back the difference between the ‘Occupational Entitlement’ and the ‘Standard Entitlement’, prior to the date on which my employment terminates. I understand that outstanding monies may be deducted from any pay (including holiday pay) owed to me by Oadby and Wigston Borough Council.

Signature: Print Name:

Date: