

Worcester City Council

MATERNITY LEAVE & PAY POLICY AND PROCEDURE

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Commonly Used Abbreviations

Additional Maternity Leave	AML
Expected week of childbirth/confinement	EWC
Keeping In Touch Days	KIT
Maternity Allowance	MA
Maternity Certificate	MATB1
Ordinary Maternity Leave	OML
Occupational Maternity Pay	OMP
Shared Parental Leave Keep in Touch Days	SPLIT
Statutory Maternity Pay	SMP

1. Introduction

The Council is committed to helping its employees balance their family and work commitments. This policy and procedure explain the leave and pay available to you during your pregnancy and in the first year following the birth of your child. It will support you in planning for maternity leave and returning to work after leave.

2. Scope

This policy applies to employees of the Council who meet the eligibility criteria.

3. What am I entitled to?

- You have the right, regardless of service, of up to 52 weeks Maternity Leave, made up of 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML).
- You may be entitled to a maximum of 39 weeks Statutory Maternity Pay (SMP) or Maternity Allowance (MA).
- You may also qualify for the Council's Occupational Maternity Pay (OMP).
- You have the right to return to work in the same role, with the same terms and conditions during OML. Additionally, a suitable alternative job could also be offered on return from AML (if your original job no longer exists).
- During Maternity Leave, you can agree to have up to 10 Keeping In Touch (KIT) days.
- You have the right to a risk assessment.
- You have the right to paid reasonable time off for antenatal care.
- You have the right to protection against unfavourable treatment during pregnancy and maternity.
- You have the right to pay rises and accrued holidays.
- You may also be eligible to get Shared Parental Leave and Pay.

4. What is a Risk Assessment?

If you are pregnant or breastfeeding, we have a legal obligation to ensure you have a healthy and safe working environment.

Pregnancy: When you notify us that you are pregnant, we will complete a risk assessment. There may be a need to alter your working conditions, or to adjust working hours, or to offer you suitable alternative work.

New mothers: When at work and you need to express breast milk, we will arrange for suitable private facilities to be made available for you. It would be helpful if you could give us adequate notice to organise this. For further advice on risk assessments,

please contact Health & Safety or People Services.

5. What about antenatal appointments?

Regardless of length of service, you are entitled to paid reasonable time off for antenatal care made on the advice of a registered GP, registered health visitor or registered midwife.

You will be expected to give reasonable notice and may need to provide evidence of antenatal appointments, e.g. an appointment card or a certificate signed by your GP. Please try to make your appointments at the beginning or end of the working day to minimise disruption in your team.

Fathers and partners who are employees can take unpaid time off (subject to business need) to accompany their partner to up to two appointments. They can take up to 6.5 hours per appointment, including travelling and waiting time

6. What else should I know?

- You must take at least 2 weeks Maternity Leave directly after the birth.
- Usually, the earliest time you can start Maternity Leave is at the beginning of the 11th week before your expected week of childbirth/confinement (EWC).
- Leave will also start the day after the birth if the baby is early or automatically if you're off work for a pregnancy-related illness in the 4 weeks before the week (Sunday to Saturday) that your baby is due.

7. How do I qualify for Maternity Leave?

You must notify the Council of your pregnancy by the end of the 15th week before the EWC. You must be in continuous employment up to the beginning of the 11th week before the EWC. This is the earliest time you can start your maternity leave (unless the baby is premature in which case it will start earlier).

8. How do I notify the Council of my pregnancy?

You must notify us in writing, at least 28 days before you wish to start your Maternity Leave. Tell us:

- That you are pregnant and your expected week of childbirth. (EWC)
- The date you wish your Maternity Leave to start.
- If you wish to receive OMP, you should also indicate that you intend to return to work and state how you would like your OMP to be paid. (See *What Maternity Pay am I entitled to?*)
- You must obtain a Maternity Certificate (MATB1) from a registered GP or midwife and forward the document to People Services within 21 days of the date you wish to start your maternity leave. .

People Services will write to you within 28 days of receiving your request to start Maternity Leave confirming your entitlements and to let you know your expected date of return.

You must give us 8 weeks notice if you wish to change your return date. You can also change the start date for your Maternity Leave provided that you give us 28 days notice.

9. What are the types of Maternity Pay?

Occupational Maternity Pay

To qualify for OMP:

- You must have completed a minimum of one year's continuous service with the Council by the 11th week before the expected week of childbirth.
- You must indicate in writing before you start your Maternity Leave that you intend to return to work following your Maternity Leave.
- You are required to return to work for a minimum of 3 months at the end of your Maternity Leave period to qualify for OMP. If you do not return for the required time then any OMP paid will be claimed back.
- If you return on reduced hours, you must return for a period equivalent to 3 months at the hours worked before Maternity Leave commenced. For example, someone who worked 37 hours per week, returning at 18.5 hours, you would be required to return for at least 6 months. If you are unsure of your intention to return, you can elect to have your OMP deferred and paid usually in a lump sum at a later date. Please speak with People Services.
- Payments are based on your current salary and will be adjusted to reflect any pay increases during the Maternity Leave period.

Statutory Maternity Pay

SMP is payable for up to 39 weeks during your Maternity Pay period.

To qualify for SMP:

- You will have been employed continuously for at least 26 weeks ending with the 15th week before the expected week of childbirth.
- You will have average weekly earnings in the eight weeks preceding the qualifying week, at least equal to the lower earnings limit for National Insurance contributions. The Council will inform you if your average weekly earnings are below the lower earnings limit.
- You will be employed by the Council during the period of SMP and have complied with our notice requirements.
- You will still be pregnant eleven weeks before the start of the EWC or have already given birth.
- You are not required to pay back any SMP received, even if you do not return to work.
- If your employment ends for any reason during or after the 15th week before the EWC, you retain your full entitlement to SMP.
- If you do not qualify for SMP, you may be entitled to Maternity Allowance.

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Maternity Allowance

MA is paid for up to 39 weeks. To qualify, you must have been employed or self-employed for 26 weeks out of the 66 weeks before the expected week of childbirth. Maternity Allowance is paid every 2 or 4 weeks.

People Services can provide further advice regarding how Maternity Allowance should be claimed, or visit www.gov.uk.

10. What if I do not qualify for any type of Maternity Pay?

If you are not entitled to OMP, SMP or MA, you will still be entitled to take up to 52 weeks unpaid maternity leave.

11. How much will I be paid?

Maternity Leave period	Occupational Maternity Pay (OMP)	Statutory Maternity Pay (SMP)
Weeks 1 - 6		SMP is paid at 90% of average weekly earnings (before Tax).
Maternity Leave period	Occupational Maternity Pay (OMP)	Statutory Maternity Pay (SMP)
Weeks 7-39	<p>6 weeks of pay in addition to SMP at standard rate.</p> <p>OMP can be spread over a mutually agreed distribution period (providing the total does not exceed normal pay). e.g. 12 weeks at half pay from weeks 7 – 18</p> <p>You could also opt to be paid this amount in full when you return to work after Maternity Leave period. However the combination of OMP and SMP cannot exceed full pay.</p>	£151.20 per week (as at 1.4.20) or 90% of your average weekly earnings (whichever is lower).

12. What is Shared Parental Leave and Pay?

If you are eligible, Shared Parental Leave enables both you and your partner to share the care of your child during the first year of birth or adoption. You or your partner would end maternity / adoption leave and pay early, then take the rest of the 52 weeks as Shared Parental Leave and pay. Please refer to the policy on Staff Room which contains full guidance or speak with People Services can provide further advice.

13. Should the Council and I maintain contact during Maternity Leave?

Yes, there should be 'reasonable contact' between yourself and the Council whilst you are on Maternity Leave, which can be agreed in advance. We will aim to keep you informed of vacancies, training opportunities and any important workforce developments as they occur. All job opportunities can also be accessed on www.wmjobs.co.uk or our own website, www.worcester.gov.uk

14. What is my contractual status whilst on Maternity Leave?

Your employment terms and conditions are protected during Maternity Leave and you are entitled to any pay rises and improvements in terms and conditions awarded during the leave. You should not enter into any other form of contractual employment (paid or otherwise) during this time. You may however, undertake training courses.

15. What about my pension?

Whilst on Maternity Leave, the amount of LGPS pension you build up will not be affected. This means that if you have a period of reduced contractual pay during Maternity Leave, your pension is still worked out using an average of your usual pensionable pay (before the reduction in pay took place). You will only pay your contributions on any pay that you receive.

If you decide to take a period of unpaid Maternity Leave (usually from week 40 to week 52), you will not build up pension benefits. You can elect to cover the period of pension "lost" by taking out an Additional Pension Contribution (APC) contract.

Where an APC contract is taken out to cover the pension "lost" during a period of unpaid Maternity Leave, the cost is shared 1/3rd to the employee and 2/3rds to the employer, provided that you make an election to buy the "lost" pension within 30 days of returning to work. For more information please speak to People Services.

16. What about the subscriptions I pay through my salary?

Salary deductions, including the Orchard Healthcare Plan (WHCA), Trade Union subscriptions, Childcare vouchers and the Cycle to Work Scheme, will continue as long as you are receiving pay and it is enough to cover the deductions. After this time you should make arrangements directly with the appropriate organisations to ensure correct payment.

17. What are Keeping In Touch days (KIT)?

Whilst you are on Maternity Leave you are able to work up to 10 days without bringing your Maternity Leave to an end. These days are known as KIT days.

- Working for only part of a day will count as one whole KIT day.
- Any work done during this period must be agreed with the Council and you will be paid full pay for the exact time worked.
- You are not obliged to take any KIT days and the Council is not required to allow them.
- You are not able to take KIT days during the first two weeks following a birth.
- During these 10 days, which may or may not be taken as a block, you will not lose any OMP, SMP or MA.
- KIT days may include training /team away days/ team meetings/Council briefings.
- Once you have used your 10 KIT days, if you do any further work you will lose OMP, SMP or MA for each week in which you do that work.
- If you undertake KIT days, this does not mean that your Maternity Leave is extended. It will remain at 52 weeks.
- Shared Parental Leave in touch (SPLIT) days are for parents taking Shared Parental Leave. Each parent is entitled to 20 SPLIT days. See the Shared Parental Leave Procedure, for further details.

The KIT and SPLIT Application Forms are available on Staff Room or contact People Services.

18. What annual leave am I entitled to?

Annual leave will continue to accrue during all of your Maternity Leave. You will also be granted the appropriate number of days off in lieu of any public / bank holidays that occur during your Maternity Leave. You are advised to discuss arrangements for taking this accrued leave with your manager before you return to work.

19. When do I return to work following Maternity Leave?

It is assumed that you will return to work after your Maternity Leave. You must take at least 2 weeks Maternity Leave after a birth.

- If you return to work at the end of your full 52 weeks of Maternity Leave you do not need to provide any notice.
- If you wish to return early from your Maternity Leave you must give 8 weeks notice.
- If you decide not to return to work and you have received any Occupational Maternity Pay whilst you have been on Maternity Leave, you will normally be required to repay it (although you will not have to repay your SMP).
- If you are unable to return to work on the expected date because of sickness, this will still be classed as a return to work and you should follow the same notification and certification procedures as for any other sickness absence.
- Following OML you are entitled to return to the same job in which you were employed before, on the same terms and conditions. If you take AML and it is

not practical for you to return to your original post, then you will be offered another post appropriate for you in the circumstances.

- If during Maternity Leave, there is a Council restructure and your post then ceases to exist after consultation, you will be kept updated and the appropriate Council policies will apply.

20. Sometimes difficult situations arise...

- Miscarriage, Stillbirth or Termination: If a miscarriage or termination occurs before 24 weeks of pregnancy then Maternity Leave and Pay does not apply. If you are unfit to be at work, then normal sickness reporting procedures will apply. If a miscarriage or termination happens after 24 weeks then Maternity Leave and Pay will apply. Entitlements to Paternity Leave, Maternity /Adoption Support Leave and Shared Parental Leave also apply.
- Premature Birth: A baby born prematurely (even if prior to 24 weeks) will mean that Maternity Leave and Pay entitlements will begin from the date of birth. If the baby subsequently does not survive, then Maternity Leave and Pay will still apply because a live birth did take place.
- Multiple Births: Maternity Leave remains at 52 weeks regardless of the number of children resulting from a single pregnancy.

21. Can I request Flexible Working?

All employees have the statutory right to request Flexible Working after 26 weeks continuous employment with the Council. For further information, please see our Flexible Working Procedure.

22. Am I eligible for Tax Credits?

If you return to work you may be eligible for Working Tax Credits. To review, please visit www.gov.uk

23. What if I am unhappy with a decision on Maternity?

You have the right to protection against unfavourable treatment during pregnancy and maternity. If you are dissatisfied with any decision made in respect of Maternity rights, you should firstly highlight it to your manager, or speak to People Services. You are also able to raise your concern via the Council's formal grievance procedure, which is found on the Intranet.

24. Our other Family Friendly Procedures.

Parental Leave
Adoption Leave and Pay
Shared Parental Leave
Parental Bereavement Leave

Flexible Working
Paternity Leave and Pay
Maternity and Adoption Support Leave