



Maternity Policy

Brixham Town Council

1 Definitions

The following definitions are used in this policy:

- "Expected week of childbirth" (EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth; and
- "Qualifying week" means the fifteenth week before the expected week of childbirth.

2 To Whom This Policy Applies

The occupational maternity scheme shall apply to all pregnant employees regardless of the number of hours worked per week.

3 Notification Requirements

An employee shall notify the Town Clerk in writing at least 28 days before her absence begins or as soon as is reasonably practical:

- That she is pregnant;
- Of the EWC, providing a copy of form MATB1 as supplied by a registered medical practitioner; and
- The date on which she intends to start her maternity leave.

An employee can change her notified start date as long as she gives 28 days' notice or as soon as is reasonably practical.

4 Health and Safety

On receipt of written notification from an employee that she is pregnant, the Town Clerk should carry out a risk assessment. The employee and line manager should be fully informed of any risks identified. The line manager and employee have an ongoing responsibility to monitor any potential risks that may be present.

5 Ante-Natal Appointments

Any pregnant employee has the right to a reasonable amount of paid time off to attend ante-natal appointments made on the advice of a registered medical practitioner, which may include relaxation classes and parent-craft classes. Employees must produce evidence of appointments if requested to do so.

6 Pregnancy related Illness

If an employee is unable to attend work due to a pregnancy related illness, they should report in the usual way. An employer should record those absences, but keep them separate to any other sickness absences. Pregnancy related absences must not count towards any review points or trigger points an employer may have in its absence policy.

7 Maternity Leave

7.1 Ordinary and Additional Maternity Leave

All women, regardless of their length of service, are entitled to 26 weeks' ordinary maternity leave (OML) and 26 weeks' additional maternity leave (AML) providing a right to one year's maternity leave in total.

Maternity leave shall commence no earlier than 11 weeks before the EWC or from the time of childbirth if that is earlier. From the beginning of the fourth week before the EWC, a woman's maternity leave may be triggered if she is absent due to a pregnancy-related illness.

7.2 Premature or Sick Babies

If the baby arrives early, maternity leave will automatically start on the day after the birth. In the unfortunate event of a stillborn after the twenty fourth week of pregnancy or if the baby is born alive at any point (even if the baby later dies) the employee is entitled to full maternity rights.

8 Maternity Pay

8.1 Less Than One Year's Continuous Service

The employee is entitled to receive Statutory Maternity Pay (SMP) or Maternity Allowance (MA) which will be payable to employees who have less than 1 year's continuous local government service at the beginning of the eleventh week before the EWC.

Statutory maternity pay (SMP) will be payable if the employee has been employed continuously for at least 26 weeks ending with the 15th week before the EWC, and has an average weekly earnings at least equal to the lower earnings limit for National Insurance contributions.

SMP is payable for 39 weeks; for the first six weeks it is paid at 90 percent of the average weekly earnings. The following 33 weeks will be paid at the SMP rate or 90 per cent of the average weekly earnings whichever is the lower.

Women who do not qualify for Statutory Maternity Pay may be entitled to Maternity Allowance, paid by the Benefits Agency, for up to 39 weeks. To qualify, they must have been employed or self-employed for 26 weeks out of the 66 weeks before the expected week of childbirth.

Details of the current rates of Statutory Maternity Pay and Maternity Allowance may be found on the government's website www.gov.uk.

8.2 More Than One Year's Continuous Service

Payments for employees who have completed 1 year's continuous local government service at the 11th week before the EWC shall be as follows:

First six weeks of absence:

The employee will be entitled to nine-tenths of a week's pay. This will be offset against payments made by way of SMP (or Maternity Allowance [MA] for employees not eligible for SMP). This means that any SMP or MA payments will not be paid in addition to the nine-tenths of a week's pay; instead the higher of these amounts will be paid.

Weeks 7 – 52 of absence:

An employee who declares in writing that she intends to return to work will, for the subsequent 12 weeks' absence, receive half a week's pay. She will also receive SMP, if eligible to do so, and the only reason that any deduction will be made is if the combined pay and SMP (or MA and any dependent's allowances if the employee is not eligible for SMP) exceeds her contractual full pay.

As an alternative to the twelve weeks' half pay the equivalent amount (i.e. 6 weeks' pay) may be paid over any other mutually agreed distribution.

The twelve weeks' half pay (or equivalent payment) made by Brixham Town Council during maternity leave is made on the understanding that the employee will return to work for Brixham Town Council for a period of at least three months. In the event that she does not do so, she will be required to refund the monies paid. This may be varied at the discretion of the Council if there is good reason to do so. Payments made to the employee by way of SMP are not refundable.

For the remainder of the maternity leave period the employee will receive their entitlement to SMP (which currently ends after 39 weeks in total), where eligible. Once the SMP payments have ended any remaining maternity period will be unpaid.

For employees not intending to return to work, payments during their maternity leave period following the first 6 weeks will only be their entitlement to SMP (currently ending after week 39), where eligible.

9 Pension

The following information relates to employees who are members of the Local Government Pension Scheme.

Employee Contributions During Maternity/Paternity/Adoption Leave

Employees will pay pension contributions at their 'normal' percentage rate during any period of paid leave.

Employees will not pay pension contributions during any period of unpaid leave. However, there is a distinction between the following:

- Periods of unpaid Ordinary Maternity Leave, Ordinary Adoption Leave and Paternity Leave, when the employer continues to make pension contributions.
- Periods of unpaid Additional Maternity Leave and Additional Adoption Leave, when the employer does not make any pension contributions.

In the latter case the employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount 'lost' during the unpaid leave. Information about this is set out in the employer's information below.

Employer Contributions During Maternity/Paternity/Adoption Leave

The Town Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however, the employee's pay during their leave is higher than APP, the Town Council will pay contributions based on this higher amount.

APP does not apply during any unpaid period of Additional Maternity Leave or Additional Adoption Leave. The employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the unpaid leave.

If the employee notifies the Town Clerk in writing within 30 days of returning to work that they wish to enter into an APC then:

- The employee will pay 1/3 of the cost of the APC
- The employer will pay 2/3 of the cost of the APC.

If the employee notifies the Town Clerk of this decision later than 30 days after returning to work then the whole cost will be borne by the employee, unless the Town Council voluntarily agrees to contribute to the APC.

10 Continuous Service

Maternity leave counts as continuous service for statutory and contractual purposes.

11 Leave During Maternity Leave

11.1 Annual Leave

Annual leave continues to accrue during maternity leave.

11.2 Bank/Public Holidays

Bank/public holidays continue to accrue during maternity leave.

11.3 Carry Forward of Annual Leave

The employee and their line manager should review annual leave arrangements prior to maternity leave being taken. Where taking maternity leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

11.4 Treatment of Leave Where a Woman Changes Her Hours after Maternity Leave

If an employee changes their hours after taking maternity leave, all leave accrued up to the agreed date when their hours change is calculated based on their original hours and any leave accrued subsequently is calculated on their new hours.

For an example of calculating this, see Appendix A.

12 Returning To Work

12.1 Notification requirements

Managers must assume that an employee will return after 52 weeks. An employee need only notify her employer that she is returning to work if she is going to do so before the end of her maternity leave. Otherwise, the employee simply returns at the end of her maternity leave. However, as the return to work impacts on the half pay element of the Green Book maternity pay, a manager can ask the employee to inform them if they intend to return to work. Please note that an employee can change their mind up to the point when they actually give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

12.2 Early return

If an employee wishes to return early or on a different date than they had previously notified, they must give 21 days' notice.

12.3 Keeping In Touch

A woman can do up to 10 days' work during her maternity leave, in agreement with her manager, without bringing her maternity leave to an end. Working for part of a day will count as one day. A woman will not lose any SMP (Statutory Maternity Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employees whilst they are on maternity leave. If you do not wish to be contacted, please notify your manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on maternity leave.

Appendix A

Example:

A woman working full-time (37 hours per week) and entitled to 24 days' annual leave per year takes maternity leave. She requests to reduce her hours to 20 hours per week on her return to work and her employer agrees. The employer's annual leave year runs from 1 April to 31 March. Although she had used all the previous annual leave year's entitlement before taking maternity leave, she had not taken any of the current annual leave year's entitlement.*

Her maternity leave ends on 30 June. If her hours are changed with effect from 1 July, her accrued annual leave will be calculated as follows:

1 April to 30 June (when her working day was 7.4 hours)

24 days' annual leave per year = 2 days per month

Leave accrued 1 April to 30 June (3 months) = 6 days @ 7.4 hours = 44.4 hours

Plus

1 July to 31 March (when her average working day will be 4 hours)

24 days' annual leave per year = 2 days per month

Leave accrued 1 July to 31 March (9 months) = 18 days @ 4 hours = 72 hours

The employee's total annual leave for the current year will be 116.4 hours. Because she will be reducing the length of her working day to 4 hours, this will equate to 29.1 days on her return to work.

* For simplicity, this example does not take account of bank/public holidays, although these accrue during maternity leave and would also need to be factored in to any calculations.

Adopted:

Reviewed: