

Maternity Timetable

During Pregnancy	
In the Early Weeks	Advise the Parish Administrator that you are pregnant as soon as possible Consideration should be given to whether you wish to return to work following maternity leave, if you wish to change your hours on return to work, if you would like to take annual leave before commencing your maternity leave. All these items should be discuss with the Parish Administrator as soon as practicable possible. You can take reasonable paid time off for antenatal care.
Week 20	Your Doctor or Midwife will give you your MATB1 Form between this week and week 28.
Week 25	'Qualifying week' – your Statutory Maternity Pay is calculated by reference to this week (15 weeks before the baby is due). If your baby is stillborn after week 24, all maternity rights will still apply.
Week 28	You should have received your MATB1 Form by this week. You need to give notice of your intended start date for Maternity Leave as soon as possible, and not later than 28 days before your intended start date. Complete the appropriate Maternity Application Form and send with Original MATB1 form to the Parish Administrator.
Week 29	This week is used to calculate your service with the Council to date. As long as you have given the correct amount of notice, you can go on Maternity Leave any time from now (11 weeks before the baby is due).
Week 36	If you are still working and go sick with a pregnancy related illness any time from now on (4 weeks before the baby is due) you will have to start your Maternity Leave.
Week 40	Expected Week of Confinement (EWC) – the week the baby is due, starts on a Sunday and ends on a Saturday.
After the Birth	
	If the baby arrives earlier than expected, the maternity leave will start on the day after the baby is born. Please provide a copy of the baby's birth certificate to the Parish Administrator as soon as is reasonably practicable. You can come back to work for a maximum of 10 Keeping in Touch (KIT) days during your maternity leave. If you received Occupational Maternity Pay (OMP) and remain employed by the Council for at least three months after the end of maternity leave, you will not have to repay OMP if you decide to leave the Council.
Preparing to Return to Work	
	You are not allowed to return to work within 2 weeks of giving birth. If you wish to change your return to work date, you must give eight weeks' notice to the Council. If you haven't already done so, discuss with the Parish Administrator if you wish to change your hours or working pattern (with reference to the Work Life Balance Policy). If you do not wish to return to work, you should inform the Parish Administrator as soon as possible in writing.

1. Pregnant Employees

1.1 All pregnant employees are entitled to:

- 52 weeks' Statutory Maternity Leave (SML) if they give the correct notice period to their employer;
- 39 weeks could be paid which may be Occupational Maternity Pay Statutory Maternity Pay and Maternity Allowance (depending on qualifying criteria)
- Be protected against unfair treatment and discrimination;
- Reasonable paid time off to attend antenatal care.
- Benefit from existing terms and conditions of employment, except those relating to wages or salary, during maternity leave;
- During maternity leave 10 keeping in touch (KIT) days can be used.
- Have the right to return to the original job or suitable alternative job following Maternity Leave.

1.2 If requested, you will need to produce evidence of antenatal care appointments in order to receive payments. These appointments are treated the same as other medical appointments and reasonable paid time off will include travel time to and from the hospital or health centre. Ante-natal has been defined to include relaxation and parent craft classes.

1.3 The Council has a duty of care to you and may carry out a risk assessment to ensure your workplace and role are safe for you whilst pregnant.

1.4 You are requested to inform the Parish Administrator at the earliest possible date when you are likely to be absent due to pregnancy. An early indication from you as to when your maternity leave will commence will assist the Council in planning for temporary cover. At this time the implications and procedures for maternity leave can be discussed.

2. Statutory Maternity Leave (SML)

2.1 The 52 week SML period is made up of 26 weeks Ordinary Maternity Leave (OML) followed immediately by 26 weeks Additional Maternity Leave (AML).

2.2 SML remains at 52 weeks regardless of the number of children resulting from a single pregnancy.

2.3 All employees automatically qualify for SML; it does not matter how long you have worked for the Council.

2.4 You must continue to be employed by the Council until immediately before the beginning of the 11th week before the EWC unless certified medically unfit to do so.

2.5 You don't have to take all of your SML but you must take a minimum of two weeks compulsory maternity leave straight after the birth of your child. You are not permitted to work during this compulsory leave.

2.6 If the baby was born alive but later dies, or a still birth occurs after 24 weeks of pregnancy, employees are still entitled to SML and if applicable, maternity pay. If a still birth or miscarriage occurs before 24 weeks of pregnancy, the Parish Administrator and Finance and Resources Committee will consider the circumstances of the case on a compassionate basis and where necessary grant special leave or confirming the absence as due to ill health may be appropriate.

2.7 You are not entitled to SML if you have a child through surrogacy. However, you may be entitled to Adoption Leave and Pay or unpaid Parental Leave if you meet the eligibility requirements.

3. When SML Can Begin

- 3.1 You can choose to begin SML any time from 11 weeks before the EWC up until the birth itself (date as confirmed on MATB1).
- 3.2 If you are still working after the beginning of the fourth week before the EWC and you have a period of sickness which is related to your pregnancy, this will automatically trigger your SML and pay, which will start on the day after the first day of the pregnancy related absence.
- 3.3 If the birth occurs before the notified SML date and you have not yet notified of a SML date, SML will begin on the day after the day of childbirth.
- 3.4 Notification and confirmation of SML - You should inform the Parish Administrator at the earliest possible date and no later than the 15th week before the EWC that you are pregnant, the expected date of birth and when you would like your SML to commence. The original MATB1 form and Maternity Application form should be sent to the Parish Administrator no later than 28 days before the maternity leave begins.
- 3.5 If you intend to resign rather than take SML you must write to the Council giving the required period of notice (as stated in your employment contract). You may be entitled to maternity pay, so you must send your MATB1 form to the Parish Administrator to prepare your payments.
- 3.6 When the Parish Administrator receives the Application form and MATB1 they will write to you during the month your maternity leave commences confirming your SML start and end dates. You will need to confirm the actual date of birth with the Parish Administrator and send a copy of the birth certificate for this purpose.

4. Annual Leave Entitlement

- 4.1 Your annual leave entitlement will continue to accrue throughout your period of SML, as normal and as previously notified to you.
- 4.2 Prior to commencement of SML, where possible you should take at least the proportion of annual leave to which you are entitled up until the commencement of SML. In addition, you may also take any remaining current year leave entitlement. However, should you not take all of your leave prior to the commencement of your SML and the period of your SML spans two leave years, any untaken leave will carry over to your next leave year.
- 4.3 This leave will be taken immediately before returning to work unless written agreement is given by the Council.
- 4.4 You and the Parish Administrator should discuss and plan the scheduling of your annual leave at an early stage, in order to allow you to plan when you intend to begin and end your maternity leave.
- 4.5 If you have worked full-time prior to taking maternity leave and it has been agreed that you will return to work on a part-time basis, you will need to take any accrued annual leave immediately following your maternity leave. Your part-time working will then commence once the accrued leave has been taken. From this point any annual leave accrued will be on a pro rata basis for your part-time hours.
- 4.6 Should you not return to work following your absence on maternity leave and you have overtaken your annual leave entitlement, you will be liable to repay any excess taken leave.
- 4.7 An employee cannot take annual leave during SML.
- 4.8 Shared Parental Leave (SPL) and Pay (ShPP) enables eligible mothers, fathers, partners and adopters to share time off work after their child is born or placed for adoption.

5. Maternity Pay

5.1 Occupational Maternity Pay (OMP)

- 5.1.1 If you have completed at least one year's continuous local government service at the beginning of the 11th week before the EWC, you are entitled to:
- Statutory Maternity Pay – first 6 weeks at 90% of your average weekly earnings, the next 33 weeks at the SMP rate (set by the government and reviewed annually) or 90% of your average weekly earnings, whichever is lower; FOLLOWED BY;
 - Occupational Maternity Pay – 12 weeks half pay (if you return to work for three months). If you are not entitled to Statutory Maternity Pay (as this is based on National Insurance contributions amongst other qualifying criteria), then you will receive the first 6 weeks at 90% as Occupational Maternity Pay instead, minus the equivalent value of Maternity Allowance. Lower rate Statutory Maternity Pay – for a further 21 weeks.
- 5.1.2 If you have less than one year's continuous local government service at the beginning of the 11th week before the EWC, you may be entitled to one of the following:
- Statutory Maternity Pay – first 6 weeks at 90% of a week's pay, next 33 weeks at the SMP rate (set by the government and reviewed annually) or 90% of a week's pay, whichever is lower; or
 - Maternity Allowance (see below).
- 5.1.3 The half pay payment made by the Council during maternity leave is made on the understanding that you *declare in writing that you will return to work for the Council for a period of at least three months*. If you are unsure whether you will be returning you can choose to delay this payment until later in your maternity or until you return to work, if you wish. If you do receive the payment and do not return for the required period, you will have to repay this to the Council.
- 5.1.4 In order to ensure there is no delay in payment, you will be requested to make a declaration about your return preferably no later than the commencement of your SML.
- 5.1.5 You need to be aware that the amounts to be repaid may exceed the amounts received because of complicated tax and National Insurance regulations. Please ask the Parish Administrator if this affects you.

5.2 Statutory Maternity Pay (SMP)

- 5.2.1 Statutory Maternity Pay is:-
An allowance payable for up to 39 weeks, known as Maternity Period (MPP). Statutory Maternity Pay can start on any day during the week and is paid for complete weeks only.
Subject to Income Tax, National Insurance and where appropriate pension.
- 5.2.2 There are two rates of SMP:
- First six weeks – 90% of average weekly earnings;
 - Next 33 weeks – SMP rate (fixed by the Government and reviewed annually) or 90% of average weekly earnings, whichever is the lower.
- 5.2.3 SMP is normally payable to a woman who:-
- Has at least 26 weeks' continuous employment with Local Government at the beginning of the 15th week before the EWC;
 - Is pregnant
 - Has average weekly earnings (AWE) in the eight week period prior to the end of the Qualifying week, of not less than the lower earnings limit for National Insurance contributions (NICs) purposes and
 - Has provided the Council with the Maternity Certificate (a form MATB1);
 - Has given the Council at least 28 days' notice of her intention to stop work.
- 5.2.4 Payment can only be made for any week in which you do not work (excluding Keeping in Touch days see below) for the Council or another employer.

5.2.5 The Council will issue a form SMP1 to any woman who does not qualify for SMP. The form should be completed and sent to the Local Jobcentre Plus office who may make alternative state benefit payments.

5.2.6 If you are absent with a pregnancy related illness at any time from the beginning of the fourth week before the EWC the MPP must start from the fourth week, or if later, the day following the first day of that absence.

5.3 Statutory Maternity Pay and its Effect on Occupational Maternity Pay

5.3.1 Where Occupational Maternity Pay (OMP) is payable this goes towards discharging the employer's liability to pay Statutory Maternity Pay.

5.3.2 Occupational Maternity pay is based on your substantive salary/wages at the beginning of your maternity leave. Future incremental or cost of living rises on your substantive salary/wages during your maternity leave period will be included in your maternity pay.

5.3.3 Statutory Maternity Pay is based on actual earnings in the eight weeks before the 15th week before the EWC. During the first six weeks of your Maternity Pay Period you will receive 10% of whichever is the higher OMP or SMP.

5.3.4 During the 12 week half pay period you will receive the lower rate of SMP plus half pay based on your substantive salary/wages. However, in the event of the SMP and half pay exceeding your normal weekly pay then the half pay would be reduced by the excess – you cannot receive more than a normal week's pay during this half pay period.

5.3.5 If you return to work during your pay period, your partner/husband may be eligible for Statutory Additional Paternity Leave and Pay. Please see the Paternity Leave guide for full details.

5.4 Payment of Maternity Pay (OMP and SMP)

5.4.1 Maternity Pay will be paid on your normal pay day. When your completed Maternity Leave Application Form and your form MATB1 have been received, details of the amounts payable will be supplied to you during the month your maternity leave commences

5.4.2 Statutory Maternity Pay and Occupational Maternity Pay will be identified separately on your pay advice slip.

5.4.3 Pay advice slips will normally be sent to your home address during the Maternity Pay Period.

Note: The Statutory Maternity Pay (SMP) 7 day period begins at midnight between Saturday/Sunday unless MPP is triggered by the birth or by an absence from work because of a pregnancy related illness. Occupational Maternity Pays (OMP) and Statutory Maternity Pay (SMP) generally run in parallel.

5.5 Maternity Allowance (MA)

5.5.1 If you do not qualify for SMP, you will receive a completed form SMP1 plus return of your MATB1 allowing you to commence a possible claim for MA instead. In this event, you will need to contact your local Jobcentre Plus office or ask at your ante-natal clinic for a MA1 Maternity Allowance Claim Pack. MA is payable for up to 39 weeks. For more details contact Jobcentre Plus.

5.5.2 If you are not entitled to SMP, MA will be deducted from any OMP paid in respect of the first six weeks Maternity Leave.

5.5.3 During half pay periods you will receive both half pay and MA except where the MA and half pay exceed your normal weekly wage when the half pay will be reduced by the excess.

5.5.4 Should the Department of Work and Pensions advise you that you have no entitlement to MA, give the letter to the Parish Administrator and any MA which has been deducted will be refunded. It is your responsibility to claim and declare your entitlement to MA.

6. Pension

6.1 The employee pays pension contributions on the maternity and contractual pay you actually receive during paid maternity leave, even though that pay may be less than what she would normally receive. For pension purposes, the period of paid maternity absence should be treated throughout as if it were a period during which the employee was working normally.

6.2 During any period of unpaid Ordinary Maternity Leave, you will be deemed to have paid basic pension contributions. The service will count as normal for pension purposes.

6.3 For any period of unpaid Additional Maternity Leave, the unpaid period will not count for pension purposes unless you make an election for it to count. Such an election has to be made within the period of 30 days beginning with the day you return to work or resign. If you wish to make such contributions please notify Payroll.

7. Contact and Work during Statutory Maternity Leave – Keeping in Touch (KIT days)

7.1 During maternity leave, you and the Parish Administrator are encouraged to stay in contact. The Council may make reasonable contact with you at home during this time to discuss such issues as your return to work, workplace developments, training opportunities, etc. You may also wish to keep in contact with the Council whilst you are on maternity leave.

7.2 In addition, keeping in touch (KIT) days allow you, if you wish, to come back into work up to a maximum of 10 days during SML, at a time agreed with the Council. This may be to attend a particular training course, meeting, etc.

7.3 Any amount of work you do under your Contract of Employment will count as a whole KIT day so, if you attend a one hour training session for example, you will have used up one of your KIT days. If you use up all of your 10 KIT days, you will thereafter lose a week's SMP for any week in which you work. (If a week during SML contains one or more KIT days but no other work, you will retain SMP for that week. If however, a week contains the last of the KIT days and another day(s) work, you will lose SMP for that whole week.

7.4 When you use a KIT day you will be paid your normal contractual pay for actual hours worked on that KIT day. In this case, any SMP due for that day will be offset against the contractual pay earned that day. You will however still be entitled to OMP (if due) in addition to payment for the hours worked.

7.5 Pension contributions will be payable on any KIT days worked, based on the pay you receive for that day.

7.6 The Council has a duty of care towards you under the Health & Safety regulations and you should ensure that the Council is aware of any condition(s) which may affect your ability to undertake your role on a KIT day, for example, a Caesarean section.

7.7 You will suffer no detriment because you took, considered taking, or did not take KIT days.

7.8 KIT days must be agreed in advance between you and the Council.

7.9 The above provisions do not preclude you from coming into the workplace for the purpose of informal visits of a social nature. Informal contact during SML is to be welcomed and such visits will not count towards your KIT day entitlement.

7.10 Any work is still prohibited during the two weeks immediately following childbirth.

8. Pregnancy During Statutory Maternity Leave

- 8.1 If you become pregnant again whilst on SML, you will still accrue and be entitled to all maternity entitlements for the second pregnancy.
- 8.2 You must notify the Council of the pregnancy following the guidance contained within this guide.
- 8.3 If you are receiving OMP then you will have to return to work for six months (three months per SML) following the end of the second period of SML, in order to retain/receive OMP.

9. Returning to Work and Right to Return

- 9.1 If you intend to return to work before the end of Maternity Leave, you should give 8 weeks' notice of this earlier date.
- 9.2 If you attempt to return to work early without giving the required notice, the Council is entitled to postpone your return so that 21 days' notice has been given.
- 9.3 If you are incapable of work for health reasons following SML, the sickness should be reported to the Parish Administrator as usual.
- 9.4 If you decide not to return to work, you must inform the Council as soon as possible in writing. The usual notice periods for resignation as stated in your employment contract will apply. If you do not specify a date of termination, then the date of your letter will be used. You will continue to receive any SMP to which you are entitled.
- 9.5 All pregnant employees, irrespective of the hours worked or length of service, during OMP have the right to return to the job in which they were employed and on the same terms and conditions as when they took SML. If returning at the end of the AML, the right will be to a similar job. This should not be substantially less favourable.
- 9.6 If you are considering returning to work on a part-time or job-share basis, then you should make this known before commencing SML if possible. You still have the option to return to your current full-time job, but the possibility of reduced hours can be explored. See Flexible Working Policy for more details.
- 9.7 If you return from SML on reduced hours you will be able to keep/receive any 'half pay' OMP to which you are entitled so long as you remain in employment for a period of at least three months from the end of your SML.

10. Additional Maternity Rights

10.1 **Maternity suspension**

The Council will consider health and safety risks in work activities to new and expectant mothers. i.e. heavy lifting or carrying, standing or sitting for long periods without adequate breaks, exposure to toxic substances or long working hours. If the risk cannot be avoided, the Council will take steps to remove the risk or offer suitable alternative work (on no less favourable terms and conditions). If not suitable alternative work is available, the Council must suspend the expectant mother on full pay for as long as necessary to protect her health and safety or that of the baby.

10.2 **Maternity and redundancy**

Where a potential redundancy situation exists or there is a planned reorganisation, any employee on Maternity Leave will be fully consulted. The employee must be offered a suitable alternative job if one is available and will not need to apply for it. If there is no suitable alternative work and it is a genuine redundancy situation, they could get redundancy pay. The Council will not select a woman for redundancy because of her pregnancy, maternity leave or a related reason.

10.3 Provision for Rest for a Pregnant Woman and Breastfeeding on Returning to Work

The Health and Safety Executive advise is that employers are legally required to provide somewhere for pregnant and breastfeeding employees to rest and express milk – toilets are not suitable. The employee should provide written notification they are breastfeeding ideally before they return to work.