



Purpose and scope

This policy and procedure applies to all current employees, whether full or part-time, temporary or fixed-term.

The purpose of this policy and procedure is to provide clear information about Swillington Village Council's maternity provisions. This document sets out our policies on maternity leave, pay, and arrangements surrounding returning to work after maternity leave. It also sets out the procedures which we need to follow at various stages before, during and after maternity leave.

This document also provides basic guidance on the health and safety aspects of working whilst pregnant.

Procedure

As soon as you know that you are pregnant, you are encouraged to let us know. This is in your own interests, and ensures that we can take any necessary steps to look after your health and safety and that of your baby.

As soon as you tell us that you are pregnant, we will conduct an assessment of any health and safety risks to you or your baby. Early notice also allows us to let you know what your rights will be to maternity leave and pay. However, you do have the right to wait until the 15th week before you expect the baby before telling us that you're pregnant. Either way, you are required to confirm in writing the fact that you are pregnant, attaching a copy of your MAT-B1 certificate and indicating when you expect to start your maternity leave. You should note that you have the right to change the start date of your maternity leave provided that you give at least 28 days written notice of the change.

Note on the MAT-B1 certificate: The MAT-B1 is a form signed by a doctor/midwife confirming your expected week of childbirth (EWC). Hospitals and GP surgeries have different policies regarding when the MAT-B1 should be signed and by whom. The MAT-B1 is not always issued automatically and you may have to ask your doctor/midwife for a copy.

Entitlements

Antenatal care

During your pregnancy, your doctor/midwife will make regular appointments with you for antenatal checks, scans, tests, etc. You are entitled to take reasonable time off work to

attend these appointments, regardless of your length of service or the hours that you work. This time off will be paid and you will not be expected to make up the time. You should however give us as much notice as possible of your appointments and, after the first one, should present the appointment card from the hospital or clinic.

Maternity leave

You are entitled to take up to 52 weeks of maternity leave. This is made up of 26 weeks of Ordinary Maternity Leave (OML) plus 26 weeks of Additional Maternity Leave (AML). You also have the right to return to work after the end of your OML or AML. This right applies to all female employees regardless of length of service or the number of hours worked per week.

You can choose when to start your maternity leave. This can be any date from the beginning of the 11th week before the baby is due. The law requires that an employee take a minimum of two weeks of maternity leave immediately following the birth.

Sick leave during your pregnancy or maternity leave

If you are off sick due to a pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), then your maternity leave period will begin straight away.

If you are off sick due to a non-pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), it will be treated as sick leave in the usual way.

Any pregnancy-related sick leave taken before the start of the fourth week will be treated as sick leave in the usual way.

Early births

If the birth of your baby occurs before the 11th week before the EWC or your planned date of leaving, your maternity leave will commence the day after your baby is born.

Maternity payments

You are eligible to receive 39 weeks of statutory maternity pay (SMP) if:

- You have at least 26 weeks of continuous service with the Council by the end of the 15th week before the expected week of childbirth (EWC) ('the qualifying week'), and
- You have average weekly earnings in the 8 weeks up to and including the qualifying week of at least the lower earnings limit for Class 1 National Insurance contributions

If you qualify for SMP, it will usually be paid for a period of up to 39 weeks. Rates are fixed by law and are subject to tax and National Insurance deductions. During the first 6 weeks of this

39-week period, SMP is paid at 90% of your average weekly earnings; thereafter you will receive the weekly statutory maternity rate or 90% of your weekly earnings, whichever is the lesser amount. Your average weekly earnings are calculated over the 8 weeks prior to the end of your qualifying week (15th week before EWC). Statutory rates of maternity pay can be found [here](#).

If you do not qualify for SMP you may be eligible to receive Maternity Allowance. If you are not entitled to statutory maternity pay, we will issue you an SMP1 form to allow you to claim the Maternity Allowance.

Shared Parental Leave (SPL)

You are entitled to curtail your maternity leave and pay and instead take SPL and pay with your partner/the father of your child, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how best to care for, and bond with, their child. See the [Shared Parental Leave Policy](#).

The effect of maternity leave on contractual benefits

During your maternity leave you will be entitled to receive the contractual benefits that you would normally receive if you were at work with the exception of cash benefits (e.g. remuneration and allowances).

On return to work following OML and AML you are entitled to benefit from any general improvements to the rate of pay (or other terms and conditions) that you would have received had you been at work. This may also lead to a recalculation of your SMP entitlements.

- Annual Leave: Your contractual annual leave entitlement continues to accrue during your maternity leave. You can choose to take any leave accrued as a block, either before you commence maternity leave, immediately upon your return to work, or a combination of the two. You should be aware that if you take the annual leave before starting maternity leave and then leave employment midway through the maternity leave, the usual deductions will apply from your final salary or we may ask for an appropriate refund.
- Pension Scheme: Occupational pension contributions continue during OML and during any period of paid maternity absence.

Maintaining contact during maternity leave

Some people choose to have little if any contact with work during their maternity leave, while others want to maintain a high level of contact. Before you start your maternity leave, we will meet with you to discuss reasonable contact arrangements during your maternity leave. Below is a list of the sorts of information you may want to be kept informed about:

- Notes of important meetings or announcements affecting staff
- Details of internal vacancies which arise
- Details of significant developments to working practice
- Details of any training courses which are offered to the team

There may be occasions where we need to contact you even if you have indicated that you do not wish to be contacted. In these circumstances contact will only be made when there is significant information which might affect you - for example, where there are changes proposed to the job you are expected to return to.

Keep In Touch (KIT) days

You may work for up to 10 days during your maternity leave. KIT days can only be worked by mutual agreement – that is to say, both you and the Council must agree to the work/training taking place. When agreeing KIT days, we will agree the type of work to be carried out and the duration, in advance. Particular care should be taken when agreeing a rate of pay because payment for KIT days is offset against SMP and not in addition to it. Therefore, we should agree a rate for that week which must be equal to or in excess of the rate of SMP.

Returning to work

We will assume that you will take your full maternity leave entitlement and intend to return to work doing the same job, with the same hours, unless you notify us in writing or request otherwise. In other words, you do not have to notify us if you intend to return to work at the end of your AML.

If you want to return to work before the end of your maternity leave, you will need to notify us in writing giving at least 8 weeks' notice of your intended return date. If you do not give us at least 8 weeks' notice, we may delay your return to work by up to a further 8 weeks where there is good reason.

You have the right to resume working in the same job if returning to work from OML. If you return to work after a period of AML, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

If you decide not to return to work after your maternity leave, you will need to resign giving the appropriate notice as specified in your contract of employment.

Requesting a change to your pattern of work

You have the right to request that we consider changing your pattern of work, subject to eligibility criteria – see the [Flexible Working Policy](#).

Your health and safety

Risk assessment

Whilst most women are able to work normally during pregnancy there are some duties which are best avoided or minimised. We may be able to reorganise your work to avoid/minimise such duties, or may arrange different work for you for health and safety reasons. Only in exceptional cases would other action be required, e.g. suspension on medical grounds or other appropriate action.

Once you tell us of your pregnancy, we will hold a meeting with you to discuss health and safety issues. In consultation with you, we will complete a risk assessment, agreeing with you any measures to be taken. We will hold regular meetings with you throughout your pregnancy in order to review the initial assessment. If you have any concerns please raise these directly with the council.

Data protection

When managing your maternity leave and pay, we will process personal data collected in accordance with the [HR Data Protection Policy](#). Personal and/or sensitive information is held securely and accessed by, and disclosed to, those who need to manage maternity leave and pay. Inappropriate access or disclosure of personal data would breach our data protection policies and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

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