



# **MATERNITY LEAVE SCHEME**

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REFERENCE

# MATERNITY LEAVE SCHEME

## 1. Scope

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

## 2. Initial Obligations on the Employee

An employee will notify her Head of Service in writing at least 21 days before her absence begins or as soon as is reasonably practicable:

- that she is pregnant, confirming the expected week of childbirth and attaching a certificate from a registered medical practitioner or a certified midwife stating the expected week of childbirth; and
- the date of the beginning of her absence; and
- that she intends to return to work with the Council if that is her intention.

Note: Childbirth means the live birth of a child, or a pregnancy lasting at least 24 weeks which results in a stillbirth.

## 3. Maternity leave Entitlement

All pregnant women, irrespective of service or hours worked, have a right to 26 weeks ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML) and can:

- Take up to 11 weeks' maternity leave before the expected week of confinement,
- Take up to 52 weeks' maternity leave in total.

## 4. Maternity Pay

### 4.1 Employees with more than one year's continuous service

Employees with more than one year's continuous local government service at the 11th week before the expected week of confinement are entitled to: -

- Six weeks at 9/10ths of a week's pay whether or not they intend to return to work.
- 12 weeks' statutory maternity pay (SMP) (providing they earn more than the national insurance lower earnings limit);

*plus*

- 12 weeks at half pay if they intend to return to work for a minimum of 3 months (providing the half pay plus SMP does not exceed full pay).

*then*

- a further 21 weeks' lower rate SMP.

## **4.2 Employees with less than one year's continuous service**

Employees with less than one year's continuous local government service at the 11th week before the expected week of confinement are entitled to: -

- Six weeks at 9/10ths of a week's pay, whether or not they intend to return to work.
- 33 weeks SMP (providing they earn more than the national insurance lower earnings limit). If they are not entitled to SMP they may be able to claim Maternity Allowance.

## **4.3 Additional points**

Employees whose earnings are below the National Insurance lower limit will be entitled to 52 weeks' unpaid maternity leave only.

Payments made by the Council during maternity leave will be made on the understanding that the employee will return to local authority employment for a period of at least three months and, in the event of an employee not doing so, she will refund the monies paid.

Payments made to the employee by way of SMP are not refundable.

## **5. Right to Return to Work**

Employees have the right to return to work to the post in which they were originally employed before maternity leave began.

Employees wishing to return to work on different terms and conditions to their established post, should notify their Head of Service at the earliest opportunity in writing. Each request will be considered by the relevant Head of Service in consultation with the Head of Human Resources. There is no right to return to work on different terms and conditions but all requests will be considered balancing the needs of the service and the individual employee.

## 6. Relationship with Sickness and Sick Pay

Employees who fall sick because of pregnancy, will be deemed to be on maternity leave and entitled to maternity pay, if there are fewer than four weeks before the baby is due. If the illness is not pregnancy-related the employee is eligible to receive statutory sick pay and occupational sick pay. This may be paid up to the date the employee intends to start their maternity pay period.

Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation for the period of entitlement to sickness leave.

Paid maternity leave and authorised unpaid maternity leave will be regarded as continuous service for the purposes of the NJC sickness scheme.

### 6.1 Miscarriage and Stillbirth

From 6 April 2024, if an employee suffers a miscarriage before 24 weeks of pregnancy, they will have protection under the Equality Act during their pregnancy and for a two-week period following the miscarriage.

If an employee suffers a miscarriage after 24 weeks of pregnancy, this is classed as a stillbirth and they shall be entitled to maternity leave under the same protection as any other employee taking maternity leave. In cases of miscarriage, the Chief Executive in conjunction with the HR Department may use discretion on a case by case basis

If a child is stillborn after 24 weeks of pregnancy, the:

- birth mother can get up to 52 weeks of statutory maternity leave or pay
- birth father can get up to 2 weeks of paternity leave or pay
- partner of the birth mother or adopter can get up to 2 weeks of paternity leave or pay
- They will both be entitled to 2 weeks of parental bereavement leave after they finish their maternity or paternity leave.

Support will be provided by the Council, and this may include Counselling, Occupational Health, reasonable adjustments, phased returns and any other relevant support.

## 7. Annual Leave/Bank Holidays

Annual leave and bank holiday entitlement will not be affected by maternity absence. However, if an employee takes their full entitlement prior to commencing maternity leave and then does not return to work following the baby's birth, they will be required to pay back a proportion of the entitlement.

## 8. Pension

For employees who are in the Local Government Pension Scheme, contributions are required on any payment received.

After the period of paid maternity leave ends employees may either: -

- Choose to continue paying contributions monthly at a reduced rate;
- Opt to pay the contributions on their return. (This option must be made within 30 days of their return, but the arrears may be repaid over a period of up to 6 months);
- Accept this non-contributory period as a break in service for pension purposes only.

Note: Although the pension contributions during the maternity period are based on a reduced rate, the service for pension purposes will be counted as if full contributions have been made. If they do not return to work and complete three months' service, they will be required to repay these lump sum allowances.

## 9. Period of Notice and Redundancy Payments

Maternity leave counts as continuous employment for the purposes of calculating entitlement to statutory rights for periods of notice and redundancy payments.

From 6 April 2024, legislation (The Protection from Redundancy (Pregnancy and Family Leave) Act 2023) extends to employees who are pregnant and protects from the date they inform their employer of their pregnancy, for the full period of pregnancy.

Employees on Maternity Leave that ends on or after 6 April 2024 shall be protected for 18 months from the first day of the estimated week of childbirth.

An employee on maternity leave can also alter the 18-month period to start from the actual date of childbirth (as opposed to the due date, for example), provided they inform their employer in writing of the actual date of childbirth during their maternity leave period.

## 10. Return to Local Government Service

Where an employee returns to local government service following a break for maternity reasons, or reasons concerned with caring for children or other dependants, he or she will be entitled to have previous service taken into account in respect of the sickness and maternity schemes provided that the break in service does not exceed eight years and that no permanent paid full time employment has intervened. For the purpose of

the entitlement to annual leave the eight years' time limit does not apply provided that no permanent full time employment has intervened.

## **11. Childcare Vouchers**

This scheme enables employees to exchange part of their pay for childcare vouchers. As National Insurance contributions and tax are not paid on the value of the vouchers, financial savings can be made. They can be used to pay for a registered nursery, out of school schemes, registered childminder, or an approved relative. The vouchers cannot be paid to spouses or partners. Employees should contact the Human Resources Division for further details.

## **12. Ordinary Parental Leave**

Employees who have been employed by the Council for more than one year will be eligible to take up to 18 weeks' unpaid leave for the purpose of caring for a child in accordance with the Council's parental leave scheme.

## **13. Keeping in Touch Days**

The introduction of 10 'Keeping in Touch' days are to help maintain contact with employees who may be off for extended periods of time but for whom a smooth transition back into the workplace will be vital in the long run. Provisions will be introduced in the Employment Rights Act to prevent an employee being forced to come to work for a KIT day and equally an employer cannot be forced to offer work. This will make it easier for employees to attend training courses and appraisals without the loss of a full week's statutory payment. The employee's normal rate will be paid and the SMP due for that day will be offset against it. Any work done under their contract on any day will count as a whole KIT day.

E.g. if any employee attends work for a one-hour training session they will have used one of their KIT days.

## **14. Shared Parental Leave**

Shared Parental Leave will enable eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption. This could mean that the mother or adopter shares some of the leave with her partner, perhaps returning to work for part of the time and then resuming leave at a later date.

It is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

Full details of the scheme are available on the Council's Intranet.

REFERENCE