



ADUR & WORTHING
COUNCILS

Maternity Policy

1.0 Overview

- 1.1 The Councils are committed to all its employees being able to support their families alongside their work commitments, whilst appreciating that this can, at times, be a challenge.
- 1.2 The aim of this policy is to provide a standard and equitable approach to the management and payment of maternity leave.
- 1.3 This policy only applies to employees, with the exception of the right to time off for antenatal appointments. They also apply to certain agency workers. See section 5.0 for further details.

2.0 Areas of responsibility

2.1 All employees have the responsibility for complying with this policy. Individual areas of responsibility are:

- **Corporate Leadership Team** – publicising the policy
- **HR team** - reviewing this policy to ensure it is effective and advising managers on the interpretation and consistent application of the policy and on best practice
- **Managers** - responsibility for ensuring the fair application of this policy, liaising with employees before and during maternity leave.
- **Employees and those working on behalf of the Councils** – complying with the spirit and wording of this policy, ensuring they read and understand this policy and submit relevant documentation as required.

3.0 Maternity Leave

- 3.1 The Councils' policy on maternity leave applies to all pregnant employees, regardless of the number of hours worked per week.
- 3.2 All pregnant employees must take maternity leave for the two weeks immediately after the birth of their child.

Notification of pregnancy

- 3.3 Employees are encouraged for health and safety reasons to inform their line manager that they are pregnant as soon as possible.
- 3.4 In any event, employees must notify their manager before the end of the 15th week before the week that they expect to give birth, or as soon as reasonably practical afterwards, that:
- a. They are pregnant
 - b. the week, starting on a Sunday, in which the doctor or midwife expects the baby to be born (the **'Expected Week of Childbirth'**) and
 - c. the date on which the employee would like to start her maternity leave (**'the intended start date'**).
- 3.5 The employee must provide as soon as practicably possible a MATB1 certificate issued by a doctor or a midwife to their line manager confirming the Expected Week of Childbirth. The manager should pass this to the HR team.

Health and safety with pregnancy

- 3.6 Once a manager is aware that one of their team members is pregnant, they should ensure a risk assessment, available on the organisation's Health & Safety system, is completed and ensure that any actions identified are taken. The risk assessment will identify any preventative and protective measures that need to be taken. The risk assessment must be reviewed regularly during the pregnancy as the risks may alter based on which trimester the employee is in. The manager will, in consultation with HR, take such steps as are necessary to avoid any risks identified affecting the employee's health and safety as a new and expectant mother of that of the baby. This may involve:
- a. changing the employee's working conditions or hours of work;
 - b. offering the employee suitable alternative work on terms and conditions that are the same or not substantially less favourable or
 - c. suspending the employee from duties, which will be on full pay unless the employee has unreasonably refused suitable alternative work.
- 3.7 The Safety & Resilience Team should be notified through the organisation's Health & Safety system in the later stages of pregnancy to determine whether a Personal Emergency Evacuation Plan (PEEP) is required to ensure the employee can safely exit the building in the event of fire or bomb alert.

Pregnancy Related Sickness

- 3.8 Periods of pregnancy-related sickness absence shall be paid in accordance with the employee's contract of employment.
- 3.9 If the employee is absent for a pregnancy-related reason during the four weeks before their Expected Week of Childbirth, their maternity leave will start automatically unless there are exceptional circumstances.

- 3.10 If an employee is unable to return to work on the expected day of return due to sickness, the absence will be covered by the sickness scheme in the normal way.

Starting maternity leave

- 3.11 The earliest date that an employee can start maternity leave is 11 weeks before the Expected Week of Childbirth (unless the baby is born prematurely before that date).
- 3.12 The maternity leave will start on the earliest of:
- a. the intended start date (if notified in accordance with this policy)
 - b. the day after any day on which the employee is absent for any pregnancy-related reason during the four weeks before the Expected Week of Childbirth.
 - c. In the case of premature birth, the day after the employee gives birth.
- 3.13 The employee can postpone or bring forward their intended start date by informing their line manager in writing at least 28 days before the original intended start date, or if that is not possible, as soon as reasonably practicable.
- 3.14 Where the intended start date is changed due to any of the reasons mentioned above (3.12(b), 3.12(c) or 3.13), the employee should notify their line manager as soon as possible and the line manager must notify HR.

Maternity pay

Employees who have less than one years continuous service at the beginning of the 11th week before the Expected Week of Childbirth:

- 3.15 On receipt of your MATB1 certificate the payroll office will assess to see if you are eligible to payment of statutory maternity pay via your normal pay, if you are not legible an SSP1 form will be sent to you advising the reason. You will then be able to apply for payment of maternity allowance from the DWP.
- 3.16 If entitled, the individual will have the right to a maximum of 39 weeks statutory maternity pay. This pay is treated as earnings and is therefore subject to the normal pay deductions (i.e. national insurance, income tax and pension contributions). Statutory maternity pay will cease if an individual returns to work before the end of the 39 week period or choses to curtail it for a period due to shared parental leave.

Employees who have completed one year's continuous service at the beginning of the 11th week before the Expected Week of Childbirth:

- 3.17 The maternity pay entitlement for those with one year's continuous local government service at the beginning of the 11th week before the Expected Week of Childbirth is shown on the table below. This pay is treated as earnings and is therefore subject to

the normal pay deductions (i.e. national insurance, income tax and pension contributions).

Working whilst on maternity leave

3.18 The general rule is, if you work for another employer (who is not liable to pay you statutory maternity pay) whilst on maternity leave, you lose your entitlement to Statutory Maternity Pay (SMP) for the week in which you work and for the remainder of your maternity pay period.

However, your maternity pay is not affected if you were employed by that employer in the 15th week before your Expected Week of Childbirth (EWC). Therefore, as long as your second employer is not paying you any SMP and you were employed by them 15 weeks before your EWC, any work you do for them now should not affect your entitlement to SMP. You should notify your employer paying your SMP (of any work that you do for your second employer during maternity leave a minimum of seven days before you commence working.

In relation to any contractual maternity pay that you are receiving from the Councils you would need to check the policy to make sure there are no implications.

Period of leave	Paid if an individual confirms in writing that they intend to return to work following the maternity leave ('occupational maternity pay')	Paid if an individual is not intending to return to work following the maternity leave
First six weeks	90% of a week's pay (including allowances) offset against payment made by way of statutory maternity pay	90% of a week's pay (including allowances) offset against payment made by way of statutory maternity pay
Following 12 weeks (weeks 7 to 18)	Occupational maternity pay at 50% (including allowances) of a week's pay plus statutory maternity pay (this amount cannot exceed an individual's normal full pay).	Statutory maternity pay
Following 21 weeks (weeks 19 to 39)	Statutory maternity pay	Statutory maternity pay
Following 13 weeks (weeks 40 to 52)	No pay	No pay

3.18 The individual can either choose to receive the pay as detailed above or in another pattern (i.e. divided equally across the period of time that they will be on maternity

leave or in one lump sum). It is normally paid as above so the individual benefits from reduced tax and national insurance contributions. To be paid in a different pattern, individuals should contact the payroll department.

- 3.19 Individuals intending to return to work must confirm in writing before the start of their maternity leave that they intend to return to work for at least 3 months. This does not necessarily have to be at their contractual hours prior to taking maternity leave, they may put in a flexible working request to their line manager to change their hours of work. If they do not return for this period, any occupational maternity pay must be repaid.
- 3.20 If the individual is unsure if they will return to work for the required 3 months after maternity leave ends, then they can opt to receive payment of the statutory maternity pay only, which is not repayable, and thus avoid having to repay back (in a lump sum) any occupational maternity pay. Once confirmed that the individual will return to work the occupational half pay can then be paid in one lump sum, minus the normal deductions for tax, national insurance & pension contributions.

Returning to work date

- 3.21 Once the employee has notified the line manager of the intended start date, the line manager shall notify HR. A letter will be sent to the employee within 28 days to inform the employee of the expected return date. If the start date has been changed (either because the employee gave notice to change it, or because maternity leave started early due to illness or premature childbirth), HR will write to the employee within 28 days of the start of maternity leave with a revised expected return date.

Changing the return date

- 3.22 If the employee wishes to return to work earlier than the expected return date, she must give her line manager 8 weeks' notice. This notice should be in writing. If the employee does not give enough notice, the return may be postponed until 8 weeks after the employee gave the notice, or the expected return date if sooner.
- 3.23 If the employee wishes to return later than the expected return date, the employee shall either:
- a. request unpaid parental leave in accordance with section 13 below.
 - b. request paid annual leave in accordance with the Leave policy and the employee's contract of employment.

Switching to shared parental leave

- 3.24 In some cases, the employee may be eligible to have shared parental leave. If the employee wishes to change to shared parental leave, they will need to give at least 8 weeks' notice to end the maternity leave and opt into shared parental leave. The employee must still take the first two weeks after birth. Please refer to the Shared Parental Leave Policy for further details.

Deciding not to return

- 3.25 If the employee does not intend to return to work, it is helpful to discuss this as early as possible. If an employee decides not to return, they shall give notice of resignation in accordance with their contract of employment. The amount of maternity leave left to run when notice is given must be at least equal to the contractual notice period. Once notice of resignation has been given this cannot be changed without the Councils' agreement.

Stillbirth, miscarriage and termination

- 3.26 The Councils' aim is to be a supportive employer. Our counselling and employee assistance service is available 24 hours a day. Details of how to access this service are on the intranet. This is a fully confidential service and can provide counselling in the event of a stillbirth, miscarriage or termination. If an individual has a miscarriage or termination, although maternity leave and maternity pay will not apply, either sickness absence or special paid leave will normally be available, and managers will also be available to discuss any support needed.
- 3.27 Maternity leave and maternity pay (both statutory and occupational) will apply in the event of a stillbirth after the end of the 24th week of pregnancy.

4.0 Returning to work

- 4.1 Once the employee has notified the line manager of the intended start date, the line manager shall notify HR. A letter will be sent to the employee within 28 days to inform the employee of the expected return date. If the start date has been changed (either because the employee gave notice to change it, or because maternity leave started early due to illness or premature childbirth), HR will write to the employee within 28 days of the start of maternity leave with a revised expected return date.
- 4.2 The employee will be expected back at work on their Expected Return Date unless the employee informs otherwise. It would assist if the employee confirms during their maternity leave that they will be returning to work as expected.
- 4.3 If the employee wishes to return to work earlier than their Expected Return Date, they must give at least eight weeks' notice. It is helpful if this notice is given in writing. If eight weeks' notice is not given, the return date may be postponed until eight weeks after the notice is given, or to the Expected Return Date if sooner.
- 4.4 If the employee wishes to return later than their Expected Return Date, they should either:
- a. request unpaid parental leave (in accordance with the Councils' policy), giving as much notice as possible but not less than 21 days or

- b. request paid annual leave in accordance with their contract, which will be at the Councils' discretion.

4.5 If the employee is unable to return to work due to sickness or injury, this will be treated as sickness absence and the Councils' Sickness Absence Policy will apply. In all other cases, late return will be treated as unauthorised absence.

Deciding not to return

4.6 If the employee decides not to return to work, or are unsure, it is helpful if this is discussed as early as possible. If the employee decides not to return, notice of resignation should be given in accordance with their contract. Once notice of resignation has been given, please note that this cannot be changed without the Councils' agreement.

5.0 Time off to attend antenatal appointments appointments

5.1 The Councils will support individuals to attend antenatal appointments.

5.2 The entitlements to time off for antenatal appointments in this section apply to employees and qualifying agency workers.

5.3 An agency worker is a qualifying agency worker if the agency worker has worked in the same role with the Councils for at least 12 continuous weeks (which may include more than one assignment).

5.4 The entitlements are detailed in the table below:

	Mother	Father/cohabiting partner
Maternity	Reasonable time off with pay for antenatal care made on the advice of a registered medical practitioner. Except for the first appointment, employees should show the employer (if requested), an appointment card or other documents showing that an appointment has been made.	Unpaid time off (up to 6.5 hours per appointment) during working hours to accompany the partner to 2 antenatal appointments.

5.5 Please give as much notice of the appointment as possible. Further information (including formal confirmation of appointment) may be requested by the manager and, if so, the employee must provide this information.

- 5.6 Managers should try to be flexible in supporting the father/partner to attend these antenatal appointments, allowing the use of annual leave or accrued hours, as detailed in the flexible working policy, where possible.

6.0 Keeping in touch (KIT) days

- 6.1 Individuals may attend work for a maximum of 10 Keeping in Touch Days (KIT Days) at any time during maternity leave. However, those on maternity leave are excluded during the 2 weeks' compulsory maternity leave period immediately following childbirth.
- 6.2 A KIT Day can include training, team meetings or any activity undertaken to enable individuals to keep in touch with their workplace. KIT days are valuable in supporting an individual to have a smooth transition back to work and should be encouraged.
- 6.3 KIT Days are not compulsory for either the employee or the Councils and should be discussed before an individual goes on leave. This should be part of a wider discussion about ways of keeping in touch over the leave period and whether the individual would like to have KIT days.
- 6.4 Up to a maximum of 10 KIT Days may be worked during a period of leave without affecting payments. Working for part of a day will count as one day for the purposes of your KIT day allocation.
- 6.5 It is the Councils' policy that where an employee attends work on a KIT day, they will be paid for the number of hours they work at their normal rate of pay. Maternity leave weeks 3 to 39: paid statutory maternity pay plus any kit hours at normal rate of pay maternity leave weeks 40 to 52: paid kit hours at normal rate of pay.

7.0 Pension regulations

- 7.1 Those receiving maternity leave pay (occupational or statutory) who contribute to the local government pension scheme must continue to pay pension contributions. This will be based on the actual remuneration (including statutory pay) received.
- 7.2 If you are away for the full 52 weeks of maternity leave then weeks 40 to 52 will be unpaid. On your return to work, payroll will write advising how you may repay pension contributions lost on the pensionable pay during this time by way of Additional Pension Contributions (APCs)
- 7.3 If you do not elect to repay the pension for weeks 40 to 52 then this period of your employment will not count as service for pension purposes only.

8.0 Annual leave

- 8.1 Holiday entitlement will continue to accrue during maternity leave in accordance with the employee's contract of employment.
- 8.2
- 8.2 If an employee returns to work in a new annual leave year, they have the option to:
- a. use their leave to 'return to work' at an earlier point (but be on annual leave)
 - b. use the leave in the first weeks of their return to 'phase' back into work or
 - c. attach it to the end of their maternity leave.
 - d. may have any leave above the statutory days and bank holiday entitlement paid to them (statutory days and bank holidays must legally be taken and cannot be paid)
- 8.3 Any holiday carried over from a previous leave year should be taken within three months of returning to work following maternity leave.

9.0 Right to return to work

- 9.1 Individuals on maternity leave are entitled to return to the job they were employed to do if the period of leave is 26 weeks or less.
- 9.2 If the leave is more than 26 weeks, then the individual has the right to return to the same job they had before their absence unless it is not reasonably practicable (other than by reason of redundancy) for the employee to return to their former job. In that case, the employee is entitled to return to another job that is both suitable and appropriate for them to do. The terms and conditions cannot be less favourable.
- 9.3 For more information about returning to work if the individual's team is going through a restructure, please see the managing people change policy available on the intranet or in the workplace.

Temporary contract information

- 9.4 If an individual is on a temporary contract which expires during their maternity leave, providing the post is still required, the contract should be extended.
- 9.5 If the post is not required or funding no longer exists, the temporary contract will come to an end. If the leave date is during the 39 weeks of maternity pay and the employee is eligible for payment of statutory maternity pay, then the Council will continue to pay this in the normal monthly way until the 39 weeks of payment has been completed and then they will be made a leaver on the payroll and a P45 form will then be issued.
- 9.6 If the individual has received occupational maternity pay and the temporary contract comes to an end, the occupational maternity pay will continue until the final day of service. If you are unsure about your particular circumstances, please contact your manager. You would be expected to return to work for a period for at least 3 months in order to keep your occupational maternity pay. If your contract does not allow you

to return for 3 months, an individual conversation will need to be had in terms of paying back the occupational maternity pay element.

9.7 For details about specific circumstances, please contact HR.

10.0 Flexible working

13.1 Requests to change the working pattern (such as working part-time) after the leave will be dealt with in accordance with the Councils' Flexible Working Policy. It is helpful if flexible working requests are made as early as possible.

11.0 Monitoring and Review

16.1 This policy will be monitored and reviewed on a regular basis by the HR team. It does not form part of any contract of employment.

Date policy agreed with Unison: (31st March 2021)

Date agreed by Joint Staff Committee: (date)

Date policy formally adopted: (date)

Date for review: 3 years from formal adoption of policy (date)