

MATERNITY POLICY

The following policy details the provision for pregnant employees and applies to employees who are expected to give birth either on or after the 1st April 2007

1. INITIAL OBLIGATIONS ON THE OFFICER

- 1.1 Continues to be employed by the Council (whether at work or not) until immediately before the beginning of the 11th week before the expected week of childbirth (EWC).
- 1.2 Does not remain at work if certified medically unfit to do so.
- 1.3 Provides a MATB1 certificate from a registered medical practitioner or a certified midwife stating the expected week of childbirth.

2. MATERNITY LEAVE AND MATERNITY PAY

- 2.1 Employees with more than 1 year's service at the beginning of the 15th week before the expected week of childbirth (EWC) week regardless of hours of work are entitled to:
 - (i) 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave.
 - (ii) 6 weeks at 9/10ths average earnings; 12 weeks at ½ pay with Statutory Maternity Pay (dependent on entitlement) and a further 21 weeks at SMP.
- 2.2 Employees with less than 1 year's service but more than 26 weeks' service at the beginning of the 15th week before EWC, regardless of hours of work are entitled to:
 - (i) 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave.
 - (ii) 6 weeks at 9/10ths average earnings, 33 weeks at SMP.
- 2.3 Employees with less than 26 weeks' service at the beginning of the 15th week before the EWC, regardless of hours of work are entitled to:
 - (i) 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave.
- 2.4 The earliest date that maternity leave can commence is 11 weeks before the Expected Week of Childbirth.
- 2.5 Maternity leave will commence on the day after the date of birth if this is earlier than the notified leave date.

3. RELATIONSHIP WITH SICKNESS

- 3.1 Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sick leave. If however the member of staff falls ill after the 36 week, i.e. 4 week before the EWC and it is pregnancy related the maternity leave will automatically commence.
- 3.2 Paid maternity leave and authorised unpaid maternity leave of up to and including 26 weeks duration shall be regarded as service for the purposes of the Council's sickness scheme.

4. NOTIONAL DEDUCTIONS

- 4.1 There is an obligation on the employee, with no entitlement to SMP, to both claim and declare their entitlement to maternity allowance. Account will only be taken of the amount of SMP or maternity allowance actually received.

5. MATERNITY SUPPORT LEAVE

- 5.1 Maternity support leave of 5 days with pay shall be granted to the child's father or partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of birth. (Please also refer to the Dover District Council Paternity Policy)
- 5.2 Requests can be made after the 15th week before the expected week of childbirth. Leave, as a nominated carer must be approved by the Head of Service in conjunction with the Human Resources Manager.

6. NOTIFICATION OF MATERNITY LEAVE

- 6.1 Employees are required to notify the Council of their intention to take maternity leave by the 15th week before the Expected Week of Childbirth.
- 6.2 The notification should be made in writing to the line manager with copies for Human Resources and Payroll sections and confirm:
 - (i) That they are pregnant and when the baby is due.
 - (ii) The date of the beginning of the absence.
 - (ii) The intention to return to work if applicable.
- 6.3 The payroll section will respond to the notification within the 28-days of receipt, setting out the date they expect the the employee to return to work.
- 6.4 The employee should notify the Council of any changes to the date of commencement of maternity leave at least 28 days in advance.

7. ANNUAL LEAVE

- 7.1 Employees continue to accrue annual leave during the whole of their

maternity leave.

- 7.2 Any outstanding annual leave due at the point of maternity leave may be taken prior to going on maternity leave or taken on return to work provided that the return to work is in the same holiday year. A maximum of 5 days' annual leave may be carried over into the next financial year.

8.. ANTE-NATAL CARE

- 8.1 Any pregnant employee has the right to paid time off to attend for antenatal care and should produce evidence of appointments.

9.. CONTRACTUAL BENEFITS DURING MATERNITY LEAVE

- 9.1 The following existing benefits will continue in full:-
- (i) Essential Car users lump sum allowance, this will be paid at 90% for the first 6 weeks, and at half pay for 20 weeks.
 - (ii) Lease car or cash for car allowance
 - (iii) Private medical insurance.

10. THE RIGHT TO RETURN TO WORK

- 10.1 All employees are prohibited from returning to work within 2 weeks of childbirth. If an employee wishes to return before their statutory maternity leave entitlement they must give 8 weeks notice in writing. The Council may be prepared to waive some of this notice after discussion with the manager, individual and Human Resources.
- 10.2 Subject to 10.3, an employee has the right to return to the job in which she was employed under her original contract of employment and on terms and conditions not less favourable than those which would have been applicable to her if she had not been absent.
- 10.3 Where it is not practicable, by reason of redundancy, for the Council to permit her to return to work in her job as defined in 10.2 above, the officer shall be entitled to be offered a suitable alternative vacancy where one exists. This is provided that the work to be done in that post is suitable to her and appropriate to the circumstances, and that the capacity and place in which she is to be employed and her terms and conditions of employment are not substantially less favourable to her than if she had been able to return to the job in which she was originally employed.
- 10.4 Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general reorganisation), which would have occurred if the officer had not been absent, necessitate a change in the job in which she was employed prior to her absence. The work to be done should be suitable to her and appropriate to the circumstances and the

capacity and place in which she is to be employed and her terms and conditions of employment should not be less favourable to her than if she had been able to return to the job in which she was originally employed.

- 10.5 If you decide not to return to work after your maternity leave, you will be required to pay back the occupational maternity pay element. The Payroll section will be able to give you further information on your maternity pay and superannuation.
- 10.6 Any return of three months or more will be classed as a return to work for the purposes of 10.5 above.

11. CONTACT DURING MATERNITY LEAVE

- 11.1 During the maternity leave period, the Council may make reasonable contact with an employee and, in the same way, an employee may wish to make reasonable contact with the Council.
- 11.2 The Council will keep employees informed of promotion opportunities and other information relating to her job that she would normally be made aware of if she was working.

12. KEEPING IN TOUCH DAYS

- 12.1 Employees may, by prior agreement, with the Head of Service and Human Resources, do up to 10 days paid work known as Keeping in Touch Days, under their contract of employment during the maternity pay period.
- 12.2 Keeping in Touch Days may be worked at any time during the maternity pay period except within the 2 weeks Compulsory Leave Period.
- 12.3 Working during the Maternity Leave Period may only take place by agreement between both parties. The Council may not require an employee to work during maternity leave if she does not wish to, nor does the employee have the right to work if the Council does not agree to it.
- 12.4 Payment rates for Keeping in Touch Days should be agreed in advance and the payments do not affect the employee's rights to receive Statutory Maternity Pay. Payment will be made based on the employee's standard payment rate less any maternity payments that are due for that period.

13. HEALTH AND SAFETY

- 13.1 Managers of pregnant employees will be responsible for the ongoing risk assessment process and will conduct a risk assessment, using the Council's Maternity Risk Assessment Form, to identify any hazards or risks to the employee at work and any control measures to be taken.

- 13.2 Where reasonable adjustments cannot be provided, employees who can no longer continue in their role due to health and safety risk will be suspended on full pay.

14. DEFINITIONS

- 14.1 The term "a week's pay" for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the authority to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.
- 14.2 Childbirth means the birth of a child, whether living or dead, after 24 weeks of pregnancy.