



# Maternity Policy

## Honiton Town Council

### 1. To Whom This Policy Applies

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

### 2. Definitions

The following definitions are used in this policy:

- "Expected week of childbirth" (EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects them to give birth; and
- "Qualifying week" means the fifteenth week before the expected week of childbirth.

### 3. Notification Requirements

An employee must notify the Town/Parish Clerk in writing no later than the end of the 15th week before the expected week of childbirth (the EWC):

- That they are pregnant;
- Of the EWC, providing a copy of form MATB1 as supplied by a registered medical practitioner; and
- The date on which they intend to start their maternity leave.

The employee may vary the date on which they intend to start their maternity leave provided that they notify their employer of the revised start date. To start the leave sooner, the employee must tell the employer at least 28 days before the **new** start date. To start the leave later, the employee must tell the employer at least 28 days before the **old** start date. If either of these are not reasonably practicable, the employee must tell the employer as soon as is reasonably practicable.

### 4. Health and Safety

On receipt of written notification from an employee that they are pregnant, the Town Clerk should carry out a risk assessment. The employee and their line manager should be present at the risk assessment so that they are fully informed of any risks identified. The line manager and employee have an ongoing responsibility to monitor any potential risks that may be present.

## **5. Ante-Natal Care**

Any pregnant employee has the right to a reasonable amount of paid time off to attend ante-natal appointments made on the advice of a registered medical practitioner, which may include relaxation classes and parent-craft classes. Where possible these should be arranged outside normal working hours. Employees must produce evidence of appointments if requested to do so.

## **6. Maternity Leave**

### **6.1 Ordinary and Additional Maternity Leave**

All pregnant employees, regardless of their length of service, are entitled to 26 weeks' ordinary maternity leave (OML) and 26 weeks' additional maternity leave (AML) providing a right to one year's maternity leave in total.

Maternity leave shall commence no earlier than 11 weeks before the EWC or from the time of childbirth if that is earlier.

From the beginning of the fourth week before the EWC, an employee's maternity leave may be triggered if they are absent due to a pregnancy-related illness.

## **7. Maternity Pay**

### **7.1 Statutory Maternity Pay**

Statutory maternity pay (SMP) will be payable if the employee has been employed continuously for at least 26 weeks ending with the 15th week before the EWC, and has an average weekly earnings at least equal to the lower earnings limit for National Insurance contributions.

SMP is payable for 39 weeks. For the first six weeks it is paid at 90 percent of the average weekly earnings. The following 33 weeks will be paid at the lower SMP rate or 90 per cent of the average weekly earnings, whichever is the lower.

Details of the current rates of Statutory Maternity Pay and Maternity Allowance may be found on the government's website [www.gov.uk](http://www.gov.uk)

### **7.2 Maternity Allowance**

Employees who do not qualify for Statutory Maternity Pay may be entitled to Maternity Allowance, for up to 39 weeks. To qualify, they must have been employed or self-employed for 26 weeks out of the 66 weeks before the

expected week of childbirth. If employed, they must have met the current earnings threshold.

Information regarding Maternity Allowance eligibility and rates may be found on the government's website [www.gov.uk](http://www.gov.uk).

## 8. Pension

The following information relates to employees who are members of the Local Government Pension Scheme.

Relevant child-related leave in the Local Government Pension Scheme means:

- ordinary maternity or adoption leave – normally the first 26 weeks
- paid additional maternity or adoption leave – normally week 27 to week 39
- paid shared parental leave
- paternity leave
- paid parental bereavement leave and
- paid neonatal care leave.

During a period of relevant child-related leave, the employee's pension is usually worked out using their Assumed Pensionable Pay. Assumed Pensionable Pay is a notional figure that is used to make sure their pension is not affected by the pay reduction. They would continue to build up a pension in the LGPS as if they were working normally and receiving normal pay.

Assumed Pensionable Pay does not apply during:

- **unpaid** additional maternity/adoption leave (normally from week 40 – 52)
- **unpaid** shared parental leave
- **unpaid** parental bereavement leave
- **unpaid** neonatal care leave
- **unpaid** carers leave
- parental leave, which is always **unpaid**
- bereaved partner's paternity leave, which is always **unpaid**

These unpaid periods of leave will not count for pension purposes unless the employee pays extra pension contributions to buy the pension they have 'lost'. The extra contributions are known as Additional Pension Contributions or APCs. If an employee elects to pay APCs to buy 'lost' pension, they must notify the Town Clerk of this in writing. If they do so **within 30 days** of returning to work, the cost will be split between the employee and employer.

Employees can use the 'Buy Lost Pension Calculator' on the LGPS Member website to find out more about this option. To do so, they would need some information about the amount of pay 'lost' in the unpaid period. This can be requested from the Town Clerk.

## 8. Continuous Service

Maternity leave counts as continuous service for statutory and contractual purposes.

## **9. Leave During Maternity Leave**

### **9.1 Annual Leave**

Annual leave continues to accrue during maternity leave.

### **9.2 Bank/Public Holidays**

Bank/public holidays continue to accrue during maternity leave.

### **9.3 Carry Forward of Annual Leave**

The employee and their line manager should review annual leave arrangements prior to maternity leave being taken. Where taking maternity leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

### **9.4 Treatment of Leave Where an Employee Changes Their Hours after Maternity Leave**

If an employee changes their hours after taking maternity leave, all leave accrued up to the agreed date when their hours change is calculated based on their original hours and any leave accrued subsequently is calculated on their new hours.

## **10. Returning To Work**

### **10.1 Notification requirements**

Managers must assume that an employee will return after 52 weeks. An employee need only notify their employer that they are returning to work if they are going to do so before the end of their maternity leave. Otherwise, the employee simply returns at the end of their maternity leave.

An employee can change their mind up to the point when they actually give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

## **10.2 Early return**

If an employee wishes to return early or on a different date than they had previously notified, they must give 8 weeks' notice.

## **10.3 Keeping In Touch**

An employee can do up to 10 days' work during their maternity leave, in agreement with their manager, without bringing their maternity leave to an end. Working for part of a day will count as one day. An employee will not lose any SMP (Statutory Maternity Pay) for working up to 10 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Managers need to ensure that they keep in touch with their employees whilst they are on maternity leave. If the employee does not wish to be contacted, then they should notify their line manager. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on maternity leave.

## **11. Surrogacy and Maternity Leave**

An employee who acts as a surrogate is entitled to maternity leave and maternity pay in accordance with this policy, as maternity entitlements are based on pregnancy and childbirth. This entitlement applies regardless of whether the employee intends to keep the child following the birth or enter into a surrogacy arrangement.

Employees acting as surrogates are encouraged to inform the organisation as early as reasonably practicable so that appropriate support and arrangements can be made. This may include health and safety risk assessments, time off for antenatal appointments, and planning for maternity leave. All information will be handled sensitively and confidentially.

An employee who is an intended parent in a surrogacy arrangement is not entitled to maternity leave. However, intended parents may be entitled to other forms of statutory leave and pay, such as adoption leave, paternity leave or shared parental leave, subject to eligibility. Further information is set out in the organisation's Adoption Leave, Paternity Leave and Leave policies.