



MATERNITY POLICY

This policy sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy-related illness, and maternity leave and pay.

Our objectives:

This policy sets out the statutory rights and responsibilities of employees of Boston Borough Council who wish to take maternity leave.

We recognise that, from time to time, employees may have questions or concerns relating to their rights. It is our policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As these provisions are complex, employees should clarify the relevant procedures with their Line Manager or People Services to ensure that they are followed.

This procedure applies to all employees of Boston Borough Council.

Principles

This policy incorporates the following principles.

- **Good faith**
This policy and procedure will be applied in a consistent manner and without discrimination.
- **Fairness**
Any action taken will be reasonable and necessary. Members of staff involved are entitled to be heard with courtesy and respect.
- **Confidentiality**
Information relating to Maternity Leave will only be shared with individuals who have a need to know.
- **Representation**
If issues arise within these procedures and a formal approach is required to deal with them, employees will be entitled to be accompanied by a trade union representative or by a work colleague.

Version History

| Version | Author | Reason For Issue |
|----------------|-----------------|-------------------------|
| 2004 | People Services | Review of 1998 policy |
| June 2005 | People Services | Review of 2004 policy |
| April 2007 | People Services | Review of 2005 policy |
| August 2012 | People Services | Review of 2007 policy |

Document Distribution

| Name | Role |
|-------------|--|
| JCC | For consideration of amendments for policy |
| CMT | For approval of amendments to policy |
| SMT | For implementation. |
| All staff | Revised scheme/ staff benefit. |

Document References

| Reference | Document Title |
|------------------|---|
| Appendix A | Notification of intention to take maternity leave |
| Appendix B | Vary start date of maternity leave |
| Appendix C | Absence for pregnancy related illness within 4 weeks of EWC |
| Appendix D | Notification of early birth |
| Appendix E | Notification of early return date |

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GLOSSARY OF TERMS

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| EWC | "Expected week of childbirth" means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth. |
| KIT | Keeping in touch |
| MA | Maternity Allowance |
| QW | "Qualifying week" means the 15 th week before the expected week of childbirth. |
| SMP | Statutory Maternity pay |

1. Introduction

Boston Borough Council recognises that, from time to time, employees may have questions or concerns relating to their maternity rights. It is our policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the maternity provisions are complex, if you become pregnant you should clarify the relevant procedures with either your manager or People Services to ensure that they are followed correctly.

2. How and when should I give notification of my pregnancy?

On becoming pregnant, you should notify your line manager as soon as possible. Please use Appendix A at the back of this policy to make this notification. This is important, as there are health and safety considerations for you as an employee and the Council has a responsibility to consider any implications for you and your baby.

By the end of the qualifying week, or as soon as reasonably practicable afterwards, you are required to inform the Council in writing of:

- the fact that you are pregnant;
- your expected week of childbirth; and
- the date on which you intend to start your maternity leave.

You must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. The form must have either the doctor's name and address or the midwife's name and registration number on it. This should be forwarded to People Services at the earliest opportunity after you have been issued with it.

3. Can I change my mind about when to start my maternity leave?

Yes. You are permitted to bring forward your maternity leave start date, provided that you advise the Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your maternity leave start date, provided that you advise the Council in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The Council will formally respond in writing to your notification of your leave plans within 28 days, confirming the date on which you are expected to return to work if you take your full 52-week entitlement to maternity leave.

3. What time off am I allowed for antenatal care?

Once you have advised the Council that you are pregnant, you will be entitled not to be unreasonably refused paid time off work to attend antenatal appointments as advised by your doctor, registered midwife or registered health visitor. Where possible you should try and arrange appointments outside of working hours.

In order to be entitled to take time off for antenatal care, you are required to produce a certificate from your doctor, registered midwife or registered health visitor, stating that you are pregnant. Except in the case of the first appointment, you should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

Antenatal care may include relaxation and parent craft classes that your doctor, midwife or health visitor has advised you to attend, in addition to medical examinations.

You should endeavour to give your line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible if it is not possible to arrange them outside of working times.

4. How will the Council look after my health and safety while I am pregnant?

The Council has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding where the work is of a kind that could involve a risk of harm or danger to your health and safety or the health and safety of your baby and the risk arises from either processes, working conditions or physical, chemical or biological agents in the workplace. If applicable, the Council will provide you with information as to any risks identified in the risk assessment. If the risk assessment reveals that you would be exposed to health hazards in carrying out your normal job duties, the Council will take such steps as are reasonably necessary to avoid those risks, such as altering your working conditions. In some cases, this may mean offering you suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

If it is not possible for the Council to alter your working conditions to remove the risks to your health and there is no suitable alternative work available to offer you on a temporary basis, the Council may suspend you from work on maternity grounds until such time as there are no longer any risks to your health. This may be for the remainder of your pregnancy until the commencement of your maternity leave. If you are suspended in these circumstances, your employment will continue during the period of the suspension and it does not in any way affect your statutory or contractual employment and maternity rights. You will be entitled to your normal salary and contractual benefits during the period of your suspension, unless you have unreasonably refused an offer of suitable alternative employment.

5. How does sickness absence work when I am pregnant?

If you are absent from work during pregnancy owing to sickness, you will receive normal statutory or contractual sick pay in the same manner as you would during

any other sickness absence provided that you have not yet begun ordinary maternity leave. This will be paid as detailed in the Sickness policy (HR030) If, however, you are absent from work due to a pregnancy-related illness after the beginning of the fourth week before your expected week of childbirth, your maternity leave will start automatically.

If you are absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, you must notify the Council in writing of this as soon as reasonably practicable. Use Appendix C for this purpose.

6. How do I know if I am entitled to take Maternity leave?

All pregnant employees are entitled to take up to 26 weeks ordinary maternity leave and up to 26 weeks additional maternity leave, making a total of 52 weeks. This is regardless of the number of hours you work, your length of service or your contract/employment status.

7. When can Ordinary and Additional Maternity Leave start?

Ordinary maternity leave can start at any time after the beginning of the 11th week before your expected week of childbirth (unless your child is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever date is the earlier of:

- your chosen start date;
- the day after you give birth; or
- the day after any day on which you are absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

Additional maternity leave begins on the day after ordinary maternity leave ends

If you give birth before your maternity leave was due to start, you must notify the Council in writing of the date of the birth as soon as reasonably practicable. Use Appendix D for this purpose.

8. Can I return to work straight after my baby is born?

The law obliges all employees to take a minimum of two weeks of maternity leave immediately after the birth of the child.

9. What happens to my pension and other contributions and benefits when I take maternity leave?

During the period of ordinary maternity leave, your contract of employment continues in force and you are entitled to receive all your contractual benefits, except for salary. In particular, any benefits in kind (such as laptop, mobile phone) will continue; contractual annual leave entitlement will continue to accrue; and pension contributions will continue to be made.

During any OML, you pay your normal contribution rate on whatever pay you receive. If you are on less than your normal pay, or even not paid, your membership still builds up as usual. So there is no effect on your pension benefits.

During any paid AML, you pay your normal contribution rate on whatever pay you receive. Even if this is less than your normal pay, your membership still builds up as usual, so there is no effect on your pension benefits.

We will continue, as your employer, to pay pension contributions whether or not you receive any pay during the ordinary maternity pay period and these will be based on what you would have been earning had you been working normally.

No contributions will be payable by either the employer or yourself during any period of no pay in the additional maternity leave period.

During periods of unpaid AML you will only pay contributions if you choose to. You have 30 days from returning to decide and the cost is your normal contribution rate of the last pay you received. If you choose not to, you will not build up any membership for this period, and this will affect your pension benefits.

Salary will be replaced by SMP if you are eligible to receive it.

10. How does maternity leave fit with my annual leave?

Maternity leave is granted in addition to your normal annual holiday entitlement.

Contractual annual leave entitlement will continue to accrue whilst you are on leave. Annual Leave must be taken in the year that it is earned and therefore if your holiday year is due to end during maternity leave, you should take your outstanding entitlement before starting your maternity leave.

11. What Statutory maternity pay will I get?

Statutory maternity pay is payable for up to 39 weeks during maternity leave. You are entitled to SMP if:

- You have been continuously employed by the Council for at least 26 weeks at the end of the qualifying week and you are still employed during that week;
- Your average weekly earnings in the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date are not less than the lower earnings limit for national insurance contributions;
- You are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth);
- You provide a MAT B1 form stating your expected week of childbirth; and
- You give the Council proper notification of your pregnancy in accordance with the rules set out above.

Weeks 1-6 SMP is paid at the higher rate, which is equivalent to 90% of your average weekly earnings calculated over the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date. For the purpose of calculating average weekly earnings, shift allowances, overtime payments, arrears etc are all included.

Weeks 7-18 Where you have declared in writing that you intend to return to work you will received half pay plus SMP for these 12 weeks, provided that this amount does not exceed the amount of full pay. Where half pay plus SMP is more than your normal weekly pay entitlement will be to SMP only.

If you are uncertain whether you will return to work you may elect to have the 12 weeks half pay “frozen”. It will then be paid to you in the nearest salary run after you have satisfied the criteria on length of service following maternity leave, subject to payroll deadlines.

Weeks 19-39 For the remaining 21 weeks you will receive SMP entitlement only.

The standard rate of SMP is paid at a rate set by the Government for the relevant tax year, or 90% of your average weekly earnings calculated over the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date if this is lower than the Government's set weekly rate.

Salary will be replaced by statutory maternity pay (SMP) for the first 13 weeks of additional maternity leave if you are eligible to receive it. The remaining 13 weeks of additional maternity leave are unpaid.

Statutory maternity pay is treated as earnings and is therefore subject to PAYE, national insurance and pension deductions.

12. What if I receive half pay and change my hours or don't return?

To remain eligible for half pay, employees must return to work for a period equivalent to 13 weeks at the number of hours for which half pay was calculated upon. If you do not return for this period of time you will be required to refund any half pay you have received from your final pay.

For example, a full time worker (working 37 hours per week) returning on the same hours would be required to work 37 hours per week for 13 weeks. If an employee, paid the equivalent of full time hours at half pay during maternity leave wishes to return on part-time hours (say, 18.5 hours per week) , then the period they would be required to return to work for ensuring they remain eligible for half pay would be calculated as follows:

13 weeks /18.5 (new hours) x 37 (full time hours) = 26 (weeks).

Any change to hours either before returning to work or during the return to work qualifying period will require a recalculation of the length of the qualifying period.

13. What if there's a pay rise – will it affect my maternity pay?

If you become eligible for a pay rise between the start of the original calculation period and the end of your maternity leave (whether ordinary maternity leave or additional maternity leave), the higher or standard rate of SMP will be recalculated to take account of the pay rise, regardless of whether SMP has already been paid. This means that your SMP will be recalculated and increased retrospectively, or that you may qualify for SMP if you did not previously. You will be paid a lump sum to make up any difference between SMP already paid and the amount payable as a result of the pay rise.

If you become entitled to SMP as a consequence of taking into account a backdated pay rise, the Council must assume that you received Maternity Allowance (MA) at the standard rate (which is the same as the standard rate of SMP) and either:

- Pay you arrears of SMP which exceed the standard rate of SMP for each week due (and half pay if applicable) or
- As you to provide evidence of the rate of MA paid to you. We can then calculate the arrears of SMP by deducting the MA paid from the amount of SMP which should have been paid.

If you have not received MA you can get a letter from the Jobcentre Plus stating this, which you should give to Payroll.

14. When can I start my maternity leave?

Payment of SMP cannot start prior to the 11th week before your expected week of childbirth, so your maternity leave cannot start before this date. Statutory maternity pay can start from any day of the week in accordance with the date you start your maternity leave, so after the 11th week before your EWC you could start maternity leave at any day of your choosing. Statutory maternity pay is payable whether or not you intend to return to work after your maternity leave.

15. What if I am not entitled to SMP?

If you are not entitled to SMP you may be entitled to receive maternity allowance payable directly by the Government. In this instance, Payroll will provide you with a SMP1 form to allow you to pursue a claim for maternity allowance.

16. What contact will the Council make during my maternity leave?

Shortly before your maternity leave starts, the Council will discuss the arrangements for you to keep in touch during your leave, should you wish to do so. The Council reserves the right in any event to maintain reasonable contact with you from time to time during your maternity leave, this will include sending you details of vacancies within the authority. This may also be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

17. What are Keeping-in-touch (KIT) days?

Except during the first two weeks after childbirth, you can agree to work for the Council (or to attend training) for up to 10 days during either ordinary maternity leave or additional maternity leave without that work bringing the period of your maternity leave to an end and without loss of a week's SMP. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The Council has no right to require you to carry out any work, and you have no right to undertake any work, during your maternity leave.

Pay for each KIT day worked will be paid at your current hourly rate less the total amount of any SMP/half pay due on that date. The amount of weekly pay for a week in which you worked a KIT day will not be lower than the weekly rate of SMP to which you are entitled.

Any work undertaken is entirely a matter for agreement between the Council and the employee.

Any KIT days worked do not extend the period of maternity leave. Once the KIT days have been used up, you would lose a week's SMP for any week in which you agree to work for the Council. It may also bring maternity leave to an end.

18. What do I do about returning to work?

You will have been formally advised in writing by the Council of the date on which you are expected to return to work if you take your full 52-week entitlement to maternity leave. You are expected to return on this date, unless you notify the Council otherwise. Please use Appendix E for this purpose. If you are unable to attend work at the end of your maternity leave due to sickness or injury, the Council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While you are under no obligation to do so, it would assist the Council if you confirm as soon as convenient during your maternity leave that you will be returning to work as expected.

If you wish to return to work earlier than the expected return date, you must give the Council at least eight weeks notice of your date of early return, preferably in writing. If you fail to do so, the Council may postpone your return to such a date as will give us eight weeks notice, provided that this is not later than the expected return date. Use Appendix E for this purpose.

If you decide not to return to work after maternity leave, you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment. If the notice period would expire after maternity leave has ended, the Council may require you to return to work for the remainder of the notice period.

19. Transfer of maternity leave

If you propose to return to work by giving proper notification in accordance with the rules set above, your spouse, civil partner or partner may be eligible to take up to 26 weeks additional paternity leave (and additional statutory paternity pay) on your return to work. You should refer to the Paternity Leave policy (HR060) for details.

20. What are my rights on and after return to work?

On resuming work after ordinary maternity leave, you are entitled to return to the same job as you occupied before commencing maternity leave on the same terms and conditions of employment as if you had not been absent.

On resuming work after additional maternity leave, again you are entitled to return to the same job as you occupied before commencing maternity leave on the same terms and conditions of employment as if you had not been absent. However, if it is not reasonably practicable for the Council to allow you to return to the same job, the Council may offer you suitable alternative work, on terms and conditions that are no less favourable than would have applied if you had not been absent.

21. How do I ask to change my hours when I return from maternity leave?

If you worked full-time prior to your maternity leave, you have no automatic right to return to work on a part-time basis or to make other changes to your working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the Council. If you would like this option to be considered, you should write to your line manager setting out your proposals as soon as possible in advance of your return date, so that there is adequate time for full consideration of the request. The procedure for dealing with such requests is set out in the Council's policy on flexible working (HR024).

22. How do Childcare Vouchers work?

Boston Borough Council offer a Childcare Voucher scheme called Childcare Plus, which is run in conjunction with a partner, currently P&MM Ltd. Childcare vouchers (currently Childcare Plus) is an employee benefit that saves you money by allowing you to receive part of your salary free of tax and national insurance to pay for government approved childcare. You can use the service to replace or run alongside your existing childcare payments. In order to qualify you must be paying for childcare for children under the age of 15, or 16 if disabled.

The amount you save depends on how much tax and national insurance you pay. If you are a basic rate taxpayer you can save as much as £933 per parent, per year! For higher rate tax payers you can make savings of up to £624 per parent, per year.

Your childcare, after-school club or holiday club provider **MUST** be government registered e.g. by Ofsted, if you want to pay them through childcareplus. You can use a combination of providers or change providers as often as you wish.

Details of the scheme are available on the intranet or online at www.salaryplus.co.uk/bostonbc

APPENDIX A

Use this form to providing formal notification of your intention to take maternity leave.

| | |
|---|--|
| Name of employee (please print) | |
| Department | |
| Date of commencement of employment | |
| I wish to inform you that I am pregnant and I intend to take maternity leave as follows: | |
| My last day of work will be on | |
| I will start my maternity leave on | |
| My expected date of childbirth is | |
| I enclose herewith my MAT B1/medical certificate issued by my doctor/midwife/recognised medical practitioner confirming when my baby is due. | |
| I believe that I am entitled to statutory maternity pay.* | |
| I intend to return to work after my maternity leave.* | |
| I do not intend to return to work after my maternity leave and I therefore confirm that I wish to resign from my employment with the Council and leave on the last day prior to the commencement of my maternity leave* | |
| For staff entitled to Additional Maternity Leave Only | |
| * I would like to make arrangements for me to receive 12 weeks half pay and I agree that I will repay any half pay should I fail to return for the required length of time as specified in the maternity policy | |
| * I would prefer my 12 weeks half pay to be frozen until my return. | |
| (*delete as appropriate) | |
| Signed | |
| Dated | |
| To qualify for maternity leave, you must return this form to People Services by no later than the end of the 15 th week prior to your expected week of childbirth. | |

APPENDIX B

Use this form to vary the start date of your maternity leave

| | |
|--|--|
| Name of Employee | |
| Department | |
| Date of commencement of employment | |
| I previously notified you that I wished to commence my maternity leave (and pay) on | |
| I now wish to vary this date. Instead of starting my maternity leave (and pay) on the above date I would like to start my leave on | |
| My expected date of childbirth is | |
| Signed | |
| Dated | |
| <p>If you have applied to bring forward your maternity leave (and pay) start date, please return this form to People Services at least 28 days prior to the new date on which you wish your maternity to commence.</p> <p>If you have applied to postpone your maternity leave (and pay) start date please return this form to People Services at least 28 days before your original proposed start date.</p> <p>You must agree your new dates with your Manager before returning this form.</p> | |

APPENDIX C

Employees should use this form to inform the Council that they are absent for a pregnancy related reason after the start of the fourth week before the expected week of childbirth.

This form is not a substitute for a Fit note or Self Certificate, and should be completed in addition to these.

| | |
|--|--|
| Name of Employee | |
| Department | |
| I wish to inform you that I am absent for a pregnancy related reason | |
| My pregnancy related absence began on | |
| My expected date of childbirth is | |
| | |
| Signed | |
| Dated | |
| Notice of absence for a pregnancy related reason should be given as soon as is reasonably practicable. If you are absent from work for a reason wholly or partly related to pregnancy from the start of the fourth week before your expected week of childbirth, your maternity leave and statutory maternity pay will begin on the day following your first day of absence. | |

APPENDIX D

Employees should use this form to notify the council that they have given birth early.

| | |
|---|--|
| Name of Employee | |
| Department | |
| I wish to inform you that I have given birth | |
| My baby/babies was/were born on | |
| Signed | |
| Dated | |
| <p>Notice should be given as soon as reasonably practicable after the birth.</p> <p>Maternity leave and statutory maternity pay will start on the day after the day on which the baby was born.</p> | |

APPENDIX E

Employees should use this form to notify the Council of their return date if they wish to return early i.e. before the end of their 52 week maternity leave.

| | |
|--|--|
| Name of Employee | |
| Department | |
| I wish to inform you that I have given birth on | |
| I wish to confirm that it is my intention to return to work on | |
| Signed | |
| Dated | |
| Additional Maternity Leave: Please return this form 8 weeks before you intend to return to work, if you intend to return to work early. | |

This policy has been agreed by Boston Borough Council and the Trade Union representatives for the workforce at Joint Consultative Committee.

Signed: **Date:**

Chief Executive:

Signed: **Date:**

UNISON branch Secretary:

Signed: **Date:**

GMB Representative: