

APPENDIX 5



# MATERNITY SCHEME

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## MATERNITY SCHEME

### 1. PURPOSE

- 1.1. This document is designed to advise employees and managers about pregnancy and maternity related provisions, and about what should be done in order to claim benefits.

### 2. SCOPE

- 2.1. The entitlement outlined in this document applies to all employees of the Council, apart from teachers and lecturers who have separate provisions.

### 3. MATERNITY BENEFITS

- 3.1. The maternity benefits outlined in this scheme incorporate statutory maternity rights and the maternity provisions negotiated by National Joint Council for employees and legislative provision.
- 3.2. All pregnant employees are entitled to some form of maternity benefits regardless of their length of service. This includes permanent, part-time, temporary and casual staff. Individual elements will depend on the length and status of employment.
- 3.3. Details of maternity related provisions can also be found on IRIS.
- 3.4. As the regulations relating to maternity and other related provisions are complex and confusing, the employee should contact their respective HR team if they have any queries or require any more information.

### 4. DEFINITIONS OF KEY TERMS

Expected week of childbirth (confinement) (EWC)	The week that the baby is due to be born.
Qualifying week	This is for Statutory Maternity Pay; it is the 15 <sup>th</sup> week before the week in which the baby is due.
Statutory Maternity Pay	A weekly payment that is paid by the Council on behalf of the Department for Work and Pensions (DWP). There are two rates; the higher rate is 90% of average weekly earnings and is

	payable for the first 6 weeks of maternity leave; the lower rate, which is paid from week 7 to week 39, is a set rate which is reviewed every year by the Government.
Maternity Allowance	A weekly allowance which can be claimed from Department for Work and Pensions if there is no entitlement to SMP. Maternity Allowance is payable for a maximum of 39 weeks. Payroll will issue the relevant form.
Employment and Support Allowance	If there is no entitlement to either SMP or Maternity Allowance, it may be possible to claim for Employment and Support Allowance.  More information on these allowances may be found on the <a href="http://www.gov.uk">www.gov.uk</a> website.
A Week's Pay	A week's pay for working standard hours is the amount payable by the authority under a contract of employment.  Where there are no normal working hours, a week's pay is taken from the average pay in the 12 preceding weeks.  The calculation for other working patterns can be provided by Payroll.

## 5. EARLY STAGES OF PREGNANCY

- 5.1. In the early stages you may not want to tell everyone that you are pregnant. It would be helpful, however, if your manager is informed as early as possible to allow any cover arrangements to be discussed.
- 5.2. In any event, you must complete and return the maternity form ([Appendix 1](#)) to your manager at least 28 days before planned maternity leave. It gives details of the EWC and intentions regarding leave and returning to work. Your MAT B1 certificate must accompany this notification.

## 6. EMPLOYER'S NOTIFICATION

- 6.1. Once you have told your manager that you intend to take maternity leave, your manager must, within 28 days of receiving notice, tell you when your maternity leave period will end.
- 6.2. A model letter to assist your manager in compiling the letter to you is attached as [Appendix 2](#).

## 7. ASSESSMENTS

### 7.1. Health and Safety - Risk Assessment

- i. Once you have notified your manager of your pregnancy, your manager should carry out a risk assessment to ensure that any risks or hazards have been identified. There is a specific [risk assessment for pregnant workers](#). More information can be obtained from HR Teams or the Corporate Health and Safety Team.
- ii. You will continue to be employed in your existing job, unless the risk assessment identifies that the job is potentially unsuitable for you because it involves one or more risks either to the employee or the unborn child.
- iii. If risks are identified then the following options apply:
  - a. Your manager needs to decide if your job can be altered to eliminate the risk
  - b. If this is not possible then alternative employment may need to be considered. This would need to be a suitable alternative post at an equivalent grade and rate of pay.
  - c. If these options are not possible, paid leave needs to be considered until the risks are eliminated or maternity leave starts, whichever happens first.
  - d. If a suitable offer of alternative employment is refused, then you will be granted unpaid leave.
- iv. Consideration must be given to any health and safety implications for pregnant women, new mothers or breast-feeding mothers as identified in the [Workplace Risk Assessment](#).

## 7.2. Occupational Health - Pregnancy Assessments

The Occupational Health Service is available to provide pregnancy assessments if required. The assessment, following a referral from management, would normally be when the pregnancy reaches 18 weeks, although this can be earlier if there are concerns. Whenever possible, you should take with you the pregnancy risk assessment, which should have been completed by your manager. Managers should make appointments through the Occupational Health Administrator on ext. 72894. This **does not** replace any appointments with a GP or midwife.

## 8. TIME OFF

### 8.1. Antenatal Care

- i. You are entitled to take paid time off during working hours to attend antenatal appointments. These may be with a GP or midwife, hospital clinics or appointments for scans and tests, or antenatal (sometimes called parentcraft) classes recommended by a GP or midwife.
- ii. You should give as much notice as possible to attend appointments and, wherever possible, these should be made for the beginning or end of the working day.
- iii. You may be asked to produce appointment cards or some other confirmation of the appointment.
- iv. Time off for antenatal classes will be granted to fathers-to-be, partners or nominated carers, eg, to attend antenatal (parentcraft) classes or to accompany you when undergoing a medical examination. Evidence of the appointments may be requested. A nominated carer is the person nominated by you to assist in the care of the child and to provide support to you at or around the time of birth.

### 8.2. Sick Leave

- i. Maternity leave will not be treated as sick leave. However, if you are sick during your pregnancy before you start your maternity leave, the normal arrangements for sick notification (sick notes, sick leave and sick pay entitlements) will apply.
- ii. If you are sick as a result of a pregnancy related illness, at any time after the start of the fourth week before your baby is due, it will automatically trigger maternity leave and your entitlement to maternity pay. This will commence on the

day following notification of the birth. If sickness is not pregnancy related this will be classed as sick leave and the period of maternity leave will start when it was intended.

- iii. A decision may be made not to trigger the start of maternity leave if you are only absent for a short period of time and wish to continue working.
- iv. Maternity leave counts as continuous service in the calculation of extra leave, redundancy and sick pay entitlement. You will be entitled to any pay awards and annual increments (see [appraisal scheme](#)) which you would have received if you had been at work. You do not have to clock up another year's service before going on maternity leave for a second time.

### 8.3. Annual Leave

- i. Paid maternity leave and authorised unpaid maternity leave are regarded as continuous service and annual leave is accrued during that period.
- ii. You are entitled to take this annual leave during a period other than maternity leave. In many cases, you will still be able to take annual leave in the leave year in which it has been accrued and carry forward up to five days leave as normal. However, if you take maternity leave for the majority or all of a leave year, eg April to April, and so are not at work to take annual leave, you and your manager will need to discuss when this accrued annual leave is taken. This means that more than five days annual leave may be carried into the next leave year.
- iii. Bank Holidays are also accrued and can be taken outside maternity leave and do not have to be taken by a certain date. You are entitled to a paid day's leave for each of the Bank Holidays as they occur.

## 9. BENEFITS

### 9.1. Pension

- i. The maternity leave period is treated as pensionable service and the Council will therefore continue to make contributions on your behalf into the Local Government Pension Scheme (if appropriate). Deductions will be made from maternity pay and will be based on the maternity pay received rather than the usual salary.



- ii. However, during unpaid maternity leave, as your contributions have ceased they are not counted as pensionable service. You can choose to pay contributions whilst absent or elect to make up the deductions on her return to work. The Payroll section will contact you to discuss your options for pension contributions while on unpaid maternity leave.

## 9.2. Other Benefits

You should receive all non-pay related contractual benefits during their maternity leave, eg, childcare vouchers.

## 10. MATERNITY LEAVE

- a. **How much maternity leave can I have?**
  - i. Irrespective of length of service, you are entitled to 26 weeks Ordinary Maternity Leave (OML) and 26 weeks of Additional Maternity Leave (AML), which gives a total of 52 weeks maternity leave.
  - ii. You must be on maternity leave for at least 2 weeks after the birth of the baby (compulsory leave).
- b. **When can I start my maternity leave?**
  - i. The earliest you can start your maternity leave is the 11<sup>th</sup> week before the Expected Week of Childbirth (Confinement) (EWC), or from the day after childbirth, if earlier.
- c. **What happens if I start my maternity leave before this?**
  - i. You will have no entitlements to maternity leave and pay (unless your baby is born early). If your baby is born prematurely, your situation will be looked at on its merits and the appropriate action decided.
  - ii. If your baby is born early, contact Payroll as this may affect maternity pay.
  - iii. If your baby dies, or is stillborn, after 24 weeks of pregnancy, the occupational maternity scheme applies and you will be entitled to Statutory Maternity Pay.
  - iv. If your baby dies, or is stillborn, before 24 weeks of pregnancy, sympathetic consideration will be given to the

circumstances and where necessary compassionate or sick leave will be granted, as appropriate, depending on the individual circumstances. You may be entitled to Statutory Sick Pay or Employment and Support Allowance.

- v. If your baby is born alive at any stage of the pregnancy, even if he or she dies an instant later, you will be entitled to Statutory Maternity pay.

More information on your rights may be found on various websites including the [Equality and Human Rights Commission](#) website, the [DWP](#) website and [www.gov.uk](http://www.gov.uk).

## 11. MATERNITY PAY

### 11.1 Less than one year's continuous service

- i. If you have worked continuously for the Council for 26 weeks, by the beginning of the 15<sup>th</sup> week before the Expected Week of Childbirth (Confinement), you are entitled to 39 weeks of SMP.
- ii. If you qualify for SMP, you will receive:
  - a. full pay for the first 6 weeks
  - b. followed by 33 weeks at the lower rate of SMP or the average weekly earnings, whichever is lower
- iii. This is set by the government each year and is £136.78 per week as at April 2013 (the current amount can be found [here](#) on the Department for Work and Pensions (DWP) website).

### 11.2 At least one year's continuous service

- i. If you have over one year's continuous local government service (ie one year before the 11<sup>th</sup> week before the baby is due) and meet the conditions of SMP, you are entitled to 39 weeks maternity pay as follows:
  - a. Full pay for the first 6 weeks of absence.
  - b. For the following 12 weeks the lower rate of SMP.
  - c. If you have declared your intention to return to work, you will also receive 50% of your contracted weekly pay in addition to the SMP for the 12-week period. This amount cannot exceed full pay.

- d. For the remaining 21 weeks, the lower rate of SMP will be paid.
- ii. SMP can start on any day of the week.
- iii. Any payment made to you under (i) (c) above is made on the understanding that you will return to work for a period of at least 3 months.
- iv. If you change your mind and do not return to work for 3 months, then the monies paid out under (i) (c) will have to be refunded by you minus the SMP.
- v. Alternatively, the 12 weeks half pay may be spread over any other mutually agreed distribution. For example, it may be agreed to pay 3/10<sup>th</sup> pay for the remaining 20 weeks of the OML period, or to pay the amount in full after the employee returns to work after the maternity leave period.
- vi. The distribution of the payment needs to be agreed between you and the Council.

### 11.3 What if I don't qualify for SMP?

- i. Maternity Allowance

If you do not qualify for SMP, a [maternity allowance](#), which is a weekly allowance, can be claimed from Department for Work and Pensions (DWP). Payroll will issue the relevant form. It is payable for a maximum of 39 weeks. To claim this, you will need to have paid at least 26 weeks national insurance contributions in the 66 weeks before the baby is due. If insufficient contributions have been made, means tested benefits are available from the DWP.

- ii. Employment and Support Allowance

- i. If there is no entitlement to either SMP or Maternity Allowance, you may be able to claim for Employment and Support Allowance.

- ii. More information on these allowances may be found on the [www.gov.uk](http://www.gov.uk) website.

## 12. RETURNING TO WORK

### 12.1 *What rights do I have if I want to return to work?*

- i. Subject to 12.1 (ii), you are entitled to return to the job which you were employed to do under your original contract, on terms and conditions not less favourable than those which would have been applicable if you had not been absent.
- ii. Where it is not practicable, due to redundancy, to return to the job under your original contract, you are entitled to be offered a suitable alternative vacancy where one exists. The work to be done must be suitable and appropriate, and the terms and conditions of employment must not be substantially less favourable than the job in which you were originally employed.
- iii. Suitable alternative employment may also be offered in exceptional circumstances other than redundancy (eg reorganisation), which would have occurred if you had not been absent, result in a change to the job in which you were employed prior to your absence.
- iv. The work to be done must be suitable and appropriate, and the terms and conditions of employment must not be less favourable than the job in which you were originally employed.

### 12.2 *What if I want to return to work before the date I originally told my manager?*

- i. You must give 21 days notice to return early (para 11.7(a) (ii) Green Book). An additional 21 days will be required if the original early return date is altered.
- ii. Where the notice given is less than 21 days, your manager may postpone the return to ensure 21 days notice, but not beyond the end of maternity leave.

### 12.3 *What do I need to do if I am returning to work on the date I originally planned?*

- i. No notification is required if you intend to return to work at the end of your maternity leave.
- ii. Your manager should have completed an [HRPRS1 form](#) confirming the return from maternity leave, including date, hours etc.

#### 12.4 *What if I don't return to work on the date I originally told my manager?*

- i. If you fail to return to work against expectations, the last day of service for payroll purposes is the last day of your paid maternity leave, to ensure you receive all benefits you are entitled to receive.
- ii. If you are unable to return on the expected day of return, due to sickness, the absence is covered by the sickness scheme in the normal way (ie a self certification form/doctor's certificate should be submitted).
- iii. If there is an interruption of work (eg due to industrial action), you may return when work resumes, or as soon as reasonably practicable afterwards.

#### 12.5 **Flexible Working Arrangements**

- i. The full range of flexible working arrangements and support facilities should be considered when you return to work.
- ii. These include:
  - a. Flexitime - working certain core hours (10 am to 12 noon and 2pm to 4pm) but also choosing when to start and end within agreed limits
  - b. Job sharing - two people do one job and split the hours
  - c. Working from home - it may be possible to do some or all of the work from home
  - d. Working part time hours - working fewer than full time hours
  - e. Working compressed hours - working full time hours over fewer days
  - f. Annualised hours - working a certain number of hours over the year with some flexibility about when to work
  - g. Staggered hours - working different start, finish and break times from other employees
  - h. Term time hours - working during school terms only
  - i. Career break - this will be unpaid
- iii. Only some of these options may be appropriate for your service area.
- iv. The needs of breast-feeding employees should be taken into account. The Health & Safety Executive has produced [guidance](#) that should be referred to if a facility for breast-feeding is requested.

## 13. WHILE YOU ARE ON MATERNITY LEAVE

### 13.1 Reasonable contact

- i. Your manager has a legal right to initiate contact with you while you are on maternity leave, to reduce uncertainty regarding date of return to work and to discuss other aspects relating to your maternity leave or return to work.

### 13.2 Keeping in touch days

- i. Keeping in touch days will allow you, if it is acceptable to your manager, to carry out up to 10 days work during maternity leave without it ending maternity leave or pay. This may include training days or team meetings. You and your manager can decide how to manage these, whether individual days or in blocks.
- ii. Your manager cannot require this work to be carried out and you cannot demand that you carry it out.
- iii. These days cannot be taken during the 2 week compulsory maternity leave.
- iv. Your maternity leave will not be extended if any work is carried out.
- v. Working part of a day counts as one day from the 10 days allowed. However, you will only be paid for the hours worked; this will be offset against any SMP claimed.
- vi. You are entitled to protection from detriment under the Employment Rights Act 1996 (sec 47c) in respect of undertaking, considering and not undertaking any keeping in touch days. If you are dismissed for undertaking, considering or not undertaking such work you will have been unfairly dismissed in accordance with the Act.

13.3 You may consider it important to continue with a subscription to any journals relevant to the job and to keep up membership of any professional bodies to which you belong.

13.4 If you are a temporary or casual member of staff and your contract of employment expires during your maternity leave, this will end employment as well as your maternity leave. You will continue to receive any Statutory Maternity Pay. The termination of the contract will have nothing to do with the fact that you are pregnant.

## 14. OTHER MATERNITY RELATED ISSUES

14.1 Further information on the following types of leave can be found on IRIS:

- i.      Paternity leave and pay (~~including Additional Paternity Leave and Pay~~)
- ~~ii.~~ ii. Shared Parental Leave and pay
- ~~iii.~~ iii. Maternity Support Leave
- ~~iv.~~ iv.      Parental Leave
- ~~v.~~ v. Flexible Working

## MATERNITY COUNTDOWN

18 weeks	Occupational Health pregnancy assessment should be done, if required, unless this has been undertaken earlier due to concerns.
15 weeks before baby is due	Qualifying week for statutory maternity pay.  The employee must give at least 3 weeks notice of intention to be absent. If the employee intends to start maternity leave 11 weeks before the baby is due, the manager should be told now. <a href="#">Formal notification/Request for maternity leave and pay</a> form should be completed and returned to HR.
14 weeks before baby is due	A copy of the MAT B1 (certificate of expected childbirth (confinement)) should be given to the directorate HR team. The MAT B1 must not be dated earlier than 14 weeks before the baby is due.
11 weeks before baby is due	Maternity leave can start at any time from this week right up until the week before the baby is due (the employee should not go on maternity leave if she wishes to exercise her rights to maternity leave and pay). Statutory Maternity Pay may be payable from the beginning of this week, provided that the employee is not working.
4 weeks before baby is due	If the employee is ill for a reason related to pregnancy at any time after the start of the 4 <sup>th</sup> week before the baby is due, this will automatically trigger maternity leave. If the sickness is not pregnancy related this will be classed as sick leave and maternity leave will then start when it was intended to start.
28 days	The employee must have completed and returned the maternity form (Appendix 1) to her manager at least 28 days before planned maternity leave.  The manager should let the employee know when her maternity leave ends within 28 days of receiving notice of planned maternity leave.



## Childcare for Staff

### Kennet Day Nursery

The Kennet Day Nursery is a day nursery situated in the Civic Centre of Reading.

The nursery was previously a workplace day nursery for Reading Borough Council employees only, but we are now also open to other public sector workers.

The nursery is open from 08:00 am through until 6:00 pm. There are also half day sessions available from 08:00 am until 1:00 pm and 1:00 pm until 6:00 pm.

We offer breakfast, a mid morning snack, hot lunch and a hot or cold tea. We provide all formula milks for babies and only ask that you provide nappies for your child.

At the nursery the children are divided into 3 areas: Minnows 3 months to 18 months, Dragonflies 18 months to 30 months and the Kingfishers 30 months to 4 years old.

The staff at the nursery are very caring and committed. They have chosen to work with children as their vocation and are very passionate in ensuring that they deliver a high quality of care. The children each have a key person who forms a close bond with them and their family and will be responsible for feeding, changing and liaising with the parents.

We offer a fantastic range of activities and experiences for the children. This can range from painting, cooking, dressing up, sand and water, looking at the letters in our name and music and movement to name but a few. We go on outings to the market, the library or even the Hexagon to watch a show.

We work closely with the child and parents to settle the child into the nursery and offer home visits and lots of visits leading up to taking up a place. We will ease the transition for both parents and the child in order that you are both happy and ready for your exciting time with us.

We do a lot of preparation for school. Again, this will involve working with both the child and their parents to talk about this important transition to ensure it is a smooth and happy one.

For more information about the nursery, please contact the Under 5s Manager on (0118) 937 2509 or internal extension 72509.

### Other Childcare Providers

For information about other forms of childcare in Reading, please visit the Reading Borough Council website or contact the [Family Resource Centre UK](#).

APPENDIX 1



**FORMAL NOTIFICATION/REQUEST FOR MATERNITY LEAVE AND PAY**

Name: .....

Payroll reference no. ....

Directorate: ..... Service: .....

Length of continuous Local Government service: .....

Date of commencement with Reading Borough Council: .....

Home address: .....

.....

Expected date of childbirth (confinement): .....

Form MAT B1\* attached/to follow (\*delete as appropriate)

I wish to take advantage of my entitlement to maternity leave and pay under Reading Borough Council's provisions for maternity leave.

I expect to commence my maternity leave on: .....

*(give the date)*

*Please tick the appropriate box:*

I do not wish to return to work

I wish to reserve the right to return to work

<input type="checkbox"/>
<input type="checkbox"/>

Request for pay: *(tick box)*

I wish to receive my entitlement to SMP

I wish to receive my SMP plus 12 weeks half pay which will be repayable if I do not return to work for a period of 3 months or more

I do not wish to receive my 12 weeks half pay until I return to work (contact Payments Section at that time). I understand that payment will be made once I have returned to work for a period of at least 3 months.

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Signed: ..... Date: .....

Please return this form to your HR contact who will pass it to the Payroll  
Section

## APPENDIX 2

Model letter for employers to acknowledge notification of maternity leave

(Employer must respond within 28 days of receipt of employee's notification)

Date:

Dear (*name of employee*)

Congratulations and thank you for advising me that you intend to take maternity leave. I note that you intend to commence your maternity leave on (*insert date*). Under current legislation, you are entitled to 26 weeks of Ordinary Maternity Leave (OML) and a further 26 weeks of Additional Maternity Leave (AML). You are therefore entitled to remain absent for a total of up to fifty two weeks from (*insert date*) ending on (*insert date*).

You may also be eligible to receive 39 weeks Statutory Maternity Pay (SMP). Please refer to the Guide to the Maternity Scheme for more details or contact Human Resources. For employees who do not qualify for Statutory Maternity Pay, then maternity allowance may be payable by the Department for Work and Pensions.

You are not obliged to inform us if you are returning to work after your period of AML, as we will assume you intend to take the full period of leave. However, if you decide to return to work before (*insert date*), you must give at least 21 days notice. You may not return to work within two weeks of the birth of your child at the earliest. If you decide not to return to work you must still give appropriate notice, according to your employment contract. Your decision may affect your maternity pay entitlement.

Annual leave and leave in lieu of bank and public holidays accrue while you are on maternity leave. You will need to liaise with your manager about how and when you take the accrued leave. How long you take as maternity leave, how much annual leave you have already used in the leave year and when the bank/public holidays fall will all determine how many days you will need to take on your return.

You will already have seen the Guide to the Maternity Scheme and noted the principle of reasonable contact and opportunity for keeping in touch days. I hope this information is useful and will help you to make plans during your pregnancy. If you have any questions about any aspect of your maternity entitlement, please do not hesitate to contact me or any member of the Human Resources team on the telephone number above.

Please accept my best wishes for your pregnancy.

Yours sincerely