



Rutland County Council

MATERNITY POLICY

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Glossary of Terms

AML	Additional Maternity Leave
EWC	Expected Week of Childbirth
KIT	Keeping in Touch days
MAT B1	Certificate issued by a doctor or midwife showing the date on which your baby is due.
MPP	Maternity Pay Period – the continuous period of up to 39 weeks in which you can be paid maternity allowance.
OML	Ordinary Maternity Leave
OMP	Occupational Maternity Pay
SMP	Statutory Maternity Pay

1.0 INTRODUCTION

This policy applies to direct employees of Rutland County Council and does not apply to individuals employed by schools or colleges.

Congratulations and best wishes for a happy and trouble free pregnancy. This information pack will try to answer some of the questions you may have regarding your rights, benefits and options open to you before and after the birth of your baby.

These are some of the benefits:

- All pregnant employees are entitled to paid time off for antenatal care
- All pregnant employees are entitled to 52 weeks maternity leave (26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML).
- Pregnant employees who meet qualifying conditions based on their length of service and average earnings are entitled to up to 39 weeks Statutory Maternity Pay (SMP). Average earnings may include allowances and overtime.
- Pregnant employees who meet qualifying conditions based on their length of service are entitled to Occupational Maternity Pay (OMP) if they return to work for a minimum of 3 months.
- Women who are not entitled to SMP but meet qualifying conditions based on their recent employment and earnings may claim up to 39 weeks Maternity Allowance, paid direct by Jobcentre Plus.
- Up to 10 "Keeping in Touch Days" (KIT) during maternity leave allowing work under the contract of employment without forfeiting maternity pay.

Should you have any queries about your pregnancy in relation to your employment, please contact the Human Resources Section who will be pleased to discuss any aspect which is not clear to you.

2.0 TIME OFF FOR ANTENATAL APPOINTMENTS

Paid time off for antenatal appointments applies to all pregnant employees regardless of length of service.

All pregnant employees are entitled to time off to keep appointments for antenatal care made on the advice of a registered medical practitioner, midwife or health visitor. Antenatal care may include relaxation classes and parent-craft classes.

Except for the first appointment, you must show the employer, if requested, a certificate from a registered medical practitioner, midwife or health visitor, confirming the pregnancy together with an appointment card or some other document showing that an appointment has been made.

In addition, you may also be able to attend other appointments e.g. relaxation classes that are not advised by a registered medical practitioner, midwife or health visitor. For unpaid time off relating to this you should speak to your Line Manager in the first instance.

3.0 MATERNITY LEAVE

All pregnant employees, regardless of length of service, are eligible for a maximum of 52 weeks maternity leave. Maternity leave is a single continuous period made up of 26 weeks of Ordinary Maternity Leave and 26 weeks of Additional Maternity Leave.

You should notify the Authority of your intention to take maternity leave by the 15th week before your Expected Week of Childbirth (EWC). The start date of your Ordinary Maternity Leave can be any day of the week in line with Statutory Maternity Pay which can commence on the same day. This notification will be acknowledged within 28 days and you will also be advised of the date when you will be expected to return. If you change your mind about when you want to start maternity leave you must give 28 days notice prior to your new date. (unless this is not reasonably practicable).

To qualify you will need to provide a certificate from your Doctor or Midwife (FORM MATB1) which states when your baby is due. This is provided to you on or around the 21st week of your pregnancy.

You are entitled to 26 weeks Ordinary Maternity Leave which commences any time from the 11th week before your expected week of childbirth (EWC). However, should your baby be born before maternity leave commences, the first day after the birth will be regarded as the first day of maternity leave.

During both OML and AML you are entitled to all of your current terms and conditions, apart from remuneration. This includes leave and bank holidays throughout the whole of your maternity leave period.

All employees must take a minimum of two weeks maternity leave immediately following the birth.

3.1 Maternity leave trigger if sick

If you are absent from work due to a pregnancy-related reason after the beginning of the fourth week before the EWC, but before the date you have notified, the maternity leave period begins automatically on the day after the first day of absence.

3.2 Keeping in touch days

In order to maintain contact with you, your Line Manager may be in touch with you during your Maternity Leave. This will enable you to discuss matters such as arrangements for return to work, e.g. dates and working hours, and will play an important part in keeping you abreast of developments at the workplace.

In addition you will be able to work under your contract of service for the employer paying you SMP for up to 10 days during your Maternity Pay Period without losing any SMP.

These special days are known as KIT (Keeping in touch) days. They are intended to help you keep in touch with your workplace and allow you to do some work during

your Maternity Pay Period without affecting your Statutory Maternity Pay. KIT days could also help ease your eventual return to work. The type of work you do could be attending work for a training course or for an appraisal interview. These are just examples, but whether you take advantage of these days is your choice. Both you and your employer should agree that you can work on those days. Your employer does not have any right to insist that you work.

Any work you do as a KIT day, even as little as half an hour for example, will be counted as a whole day for KIT days. They can be taken as single days; in blocks of two or more days; or can be taken consecutively. Once you have used up your 10 KIT days and you do any further work, you will lose a week's SMP for the week in the Maternity Pay Period in which you have done that work. If a week in your Maternity Pay Period contains only KIT days, you will be paid SMP for that week. If a week in your Maternity Pay Period contains the last KIT day and you do a further days work in the same week for the employer paying you SMP, you will lose SMP for that week.

For any KIT days that you work under your contract of service you will receive SMP for that week as a minimum. Additionally, you will receive contractual payment for the work done as a KIT day. To receive payment for any KIT days worked, a claim form is submitted to Payroll as authorised by the Line Manager.

3.3 Maternity Pay

Maternity pay is made up of Statutory Maternity Pay and Occupational Maternity Pay.

Statutory Maternity Pay is funded by the Government and paid to you by Rutland County Council.

3.4 Eligibility for Statutory Maternity Pay

To be eligible for SMP you will need to:

- Earn at least the Lower Earnings limit for National Insurance (current rate £107.00 per week as of 6 April 2012)
- Have 26 weeks continuous local government service by the 15th week before your expected week of childbirth
- Be pregnant 11 weeks before the expected date of childbirth.

Factors which will affect your entitlement to SMP and of which you must notify your Line Manager:

- If you go outside the EU at any time during the period for which you are entitled to receive SMP.
- If you start work for another employer after you have had the baby but before your entitlement to SMP ends
- If you are in legal custody during any of the period for which you are entitled to SMP

Occupational Maternity Pay, is paid subject to qualification and in addition to SMP. It equates to 12 weeks of half pay, is funded by the Council and paid to you if you intend to return to work. If you have not yet made the decision whether or not to return to work, you can receive the payment at a later date.

However, if you fail to return to work for 3 months, you will be required to pay back any OMP paid to you.

The maternity pay that you are entitled to is shown on the table below:

Length of Continuous Service	Weeks 1-6 For the first 6 weeks	Weeks 7-18 For the next 12 weeks	Weeks 19-39 For the remaining 21 weeks
Less than 26 weeks at the qualifying week	Nil	Nil	Nil
More than 26 weeks at the qualifying week but less than a year	The high rate of SMP (9/10 of normal weeks pay)	Payment at the low rate of SMP	Payments at the low rate of SMP
More than 1 year at the 11 th week before childbirth and returning to work	The high rate of SMP (9/10 of normal weeks pay)	½ a normal week's pay + SMP (to a maximum of what would be a full week's pay)	Payment at the low rate of SMP
More than 1 year at the 11 th week before childbirth and not returning to work	The high rate of SMP (9/10 of normal weeks pay)	Entitlement to SMP	Entitlement to SMP

The rate of SMP is 90% of your average weekly earnings for the first six weeks, followed by the lesser of a flat rate of £136.78 per week (current rate as of 7th April 2013) or 90% of your average weekly earnings for the remaining 33 weeks.

If you do not qualify for SMP or OMP:

You may be entitled to benefits from the Jobcentre Plus and you must provide a MAT B1 Certificate and send this to the Human Resources Section. Payroll will issue you with an SMP 1 form which you should take to the Jobcentre Plus so that you can apply for Maternity Allowance. There are time limits for application, so if you think you may not qualify for SMP, discuss the situation with the Human Resources Section as soon as possible and send your MAT B1 as soon as you receive it.

4.0 PREGNANCY AND WORK

4.1 Risk Assessment

As soon as possible, your Manager should undertake a risk assessment with you – a form is attached and this should be returned to the Human Resources Section once completed.

4.2 Sickness

If you suffer complications associated with the pregnancy and are deemed not fit to work you may be entitled to sick pay. These absences will be recorded as pregnancy related. If this occurs within 4 weeks of your EWC, maternity leave will automatically be triggered. (See section 3.1)

4.3 Annual Leave

You will continue to accrue annual leave during both OML and AML as if you were at work and, therefore, this could mean that you have a significant amount of leave to take when you return from maternity leave.

This situation can be managed to some extent by endeavouring to use the annual leave accrued during normal working throughout the current leave year. Additionally, the Human Resources department will notify you of the amount of leave that you will accrue during your OML and AML and you may be able to use a significant proportion of this before starting your OML.

However, if, due to the timing of your OML you are unable to take all of your annual leave in the leave year in which your maternity leave begins, you will be able to take the outstanding leave at a later date.

It may be possible for you to take the leave at the end of your paid period of maternity leave, ie after 39 weeks and you should discuss this with your Line Manager or at the Maternity meeting with a representative of Human Resources.

Where you are unable to take all of your annual leave in the current leave year, either due to the early birth of your baby, pregnancy related sickness or where your maternity leave overlaps with your annual leave year an exception to the Authority's carry over of annual leave policy may be made. This will enable you to carry forward any remaining leave to the next leave year.

4.4 Bank Holidays

For bank holidays that fall during OML or AML, you will be allowed to take the equivalent number of days at the end of your AML.

4.5 Discussion with Line Manager

You must discuss with your Line Manager what contact you want during your leave. Please, also, complete the attached "Notification of Maternity Leave" form signed by yourself and your Line Manager and return this to the Human Resources Section.

5.0 RETURN TO WORK

Unless you have told us differently, we will assume that you are taking the full 52 weeks entitlement. If you wish to change the date on which you wish to return to work, you must give 8 weeks notice of this intention.

If you have given notification of your intention to return to work, and are then unable to do so because of sickness, you will need to produce a medical certificate. If you are unable to return for other reasons, this should be discussed with the Human Resources Section and your Line Manager.

5.1 Returning to work after OML

You have a right to return to the same job and the same terms and conditions as if you haven't been away.

5.2 Returning to work after AML

You have the right to return to the same job and the same terms and conditions, unless it is not reasonably practical i.e. if the job no longer exists. In that case, you will be offered alternative work with the same terms and conditions.

5.3 Part-Time

You may wish to consider expressing a wish to return to work part-time. This may be granted if the job can be undertaken efficiently on a part time basis. Ultimately, it is a management decision, and each case must be judged on its merits by considering the nature of the duties and working arrangements.

You will need to put your request in writing to your line manager and send a copy to the Human Resources Section. Please refer to the Flexible Working Policy for more detailed information.

5.4 Illness after the end of your Statutory Maternity Leave

If you are unable to return to work at the end of your maternity leave, you should follow the normal Sickness Absence reporting procedure.

5.5 Starting work with a new employer

If you start work with a new employer before your baby is born your SMP is not affected. However, if you start work with a new employer after your baby is born i.e. begin working for an employer who did not employ you in the 15th week before the EWC, you must advise your current employer and your SMP will cease to be paid by them.

5.6 Child Care Facilities

The availability of suitable childcare arrangements is a major factor in any decision to return to work. Provisions can be inadequate and expensive and this may deter many women who would otherwise consider returning. However, it is possible to make suitable arrangements. Your Health Visitor can often be a good source of advice and information, or alternatively, you can contact the Social Services Department at your local Council Offices who will be able to give you a list of suitable childminders/childcare facilities.

5.7 Childminders

All childminders who care for children for more than two hours per day, should be registered and hold a certificate which specifies the conditions of the registration and the number of children they have been registered for.

When choosing a childminder, you should ensure their suitability for your child(ren). Think about questions and issues you wish to discuss - some of which may include:

- childminder's experience, training, employment history
- numbers and age range of other children she/he is currently minding
- look at where your child(ren) would eat, sleep and play
- discuss financial arrangements and payment for annual holidays/when child is sick
- find out whether a cooked meal or snack is provided, and whether there is an additional charge
- other areas of discussion may include, attitudes, equal opportunities, smoking, managing behaviour, toilet training etc.

5.8 Nannies

A full time nanny is an expensive option. You may be able to share a nanny with another family. When contacting an agency, you should be clear whether you require a qualified nanny or a less expensive 'mother's help'

5.9 Private Day Nurseries

Private nursery care is normally more expensive than employing the services of a childminder. Some nurseries provide care for babies, most only provide care for children from the age of 2 to 4. Look in the local telephone directory for nursery care or contact Social Services Department for a list. As for advice under childminder heading, visit the nursery and ask questions, tell them what your needs and requirements are. Make sure you know what time they end their day - some will keep your children for you until 6.00pm.

5.10 Salary sacrifice scheme for child care vouchers

As part of your pay package you may wish to take advantage of the child care voucher scheme operated by the council in conjunction with Computershare (formally Busy Bees).

The vouchers can be used to pay for most types of childcare and are non-taxable and exempt from National Insurance the value of the vouchers you require is deducted from your salary and exchanged for childcare vouchers. Both parents are entitled to this benefit.

If you wish to request an application form for child care vouchers please telephone 0845 002 1111 or visit the Computershare Voucher Services website at <http://www.computersharevoucherservices.com/Pages/default.aspx>

6.0 FREQUENCY ASKED QUESTIONS

6.1 What is the latest date I may work up until the expected week of childbirth?

- You may work right up until the EWC and your Maternity Pay Period (MPP) will commence when the leave commences.
- If you are sick within the four weeks prior to your EWC and the sickness is pregnancy related your maternity leave will commence.

6.2 What if my baby is born prematurely?

- Your leave and MPP will start on the day after childbirth occurs.
- You should let your manager know as soon as is practically possible of the premature birth and, in addition, put this in writing if possible.

6.3 I am not sure I want to return to work, but wish to delay my decision until the baby is born.

- You will need to indicate if you wish to do this. If you then return to work you may be entitled to a lump sum of 12 weeks half pay, which you will need to repay if you do not complete at least 3 months service upon your return.

6.4 What happens if I am sick with a pregnancy related illness?

- If you are sick you will be paid sick pay in the normal way. However, if the period of sickness coincides with the 4th week prior to the EWC or occurs after the 4th week prior to the EWC and you are still in work, then maternity will automatically be triggered.
- Your maternity leave will begin on the first day following the start of your absence and SMP will also begin on this day and continue for 39 weeks.

6.5 What happens to continuous service?

- Paid and unpaid maternity leave will count as continuous service for the purpose of sick pay and annual leave entitlements.

6.6 What if my baby is stillborn or dies shortly after the birth?

- If this happens after the 24th week of pregnancy, you may be entitled to our SMP or, alternatively, Statutory Sick Pay.

7.0 FORM NML1

NOTIFICATION OF MATERNITY LEAVE

TO BE RETURNED TO THE HUMAN RESOURCES SECTION NO LATER THAN 15TH WEEK BEFORE EWC

FULL NAME.....

CONTINUOUS SERVICE DATE

TITLE OF POST

EXPECTED WEEK OF CHILDBIRTH

(attach Form MatB1)

I WISH TO COMMENCE MY MATERNITY LEAVE ON

For those NOT intending to return to work

I do NOT intend to return to work.

SIGNED
(Employee)

DATE

For those intending to return to work

I have read and understood the Maternity information package, and accept my obligations to pay back the 12 weeks half pay received under the Occupational Maternity Scheme should I decide NOT to return to work, or to return to work for less than 3 months.

I DO intend to return to work

SIGNED
(Employee)

DATE

For those wishing to defer the decision to return to work until after childbirth

The Council recognise that it may be difficult to decide before childbirth whether it will be possible to return to work. In order to overcome this problem the following alternative is available.

- (a) To receive statutory maternity pay and Maternity Leave (where applicable).
- (b) To have the right to return to work.
- (c) In the event of such return to work to receive 12 weeks half pay in a lump sum.

This is subject to the requirement that if you do not complete at least 3 months service, you must refund all of the 12 weeks half pay to the Council (where applicable).

SIGNED DATE
(Employee)

SIGNED DATE
(Line Manager)

For employees in receipt of a loan for car purchase.

- (i) I wish to continue with my loan agreement and agree to the conditions regarding repayments during my absence.

Please note:
Before receiving OMP you must arrange prior to this with The Payroll Section how you will pay your loan for the months with no pay. One option is to submit a cheque for the amount due on or around the normal pay day .
This process is also applicable for any other deductions ie. Council Tax.

Signed

- (ii) I wish to terminate my loan agreement before commencing maternity leave.

Please note:
If you choose this option you must contact the Payroll Section for an outstanding balance.

Signed

8.0 Local Government Superannuation

You will continue to pay pension contributions on the pay **actually received** during any paid period of maternity leave. This period of contribution will be treated as if it were a period throughout which you had normally worked.

You will also have the opportunity to pay contributions on the unpaid period of your maternity leave. These contributions will be based on the pay you received immediately before the beginning of the unpaid period i.e. usually the half pay period.

Electing to Pay Contributions

An election to pay contributions for the unpaid period must be made within 30 days following the day you return to work. A form will be sent to you by the Human Resources Department at the appropriate time. Payment of the contributions will allow your service to be recognised as continuous.

If you decide not to pay for the unpaid period then pension rights will cease at the end of your maternity pay period, and recommence on your return to work.

Should you decide at the beginning of your maternity leave that you do not wish to return then your pensionable service will end on your last day of employment i.e. the date when maternity payments ceased.

Opting Out of the Scheme for your Maternity Leave

Any pensionable employee has the right to 'opt out' of scheme membership at any time. If you do not wish to have superannuation contributions deducted from your maternity payments covering your paid period of maternity leave, you can exercise the option to 'opt out'. On returning to work, you can seek re-admission, but must satisfy medical entry requirements at a cost to yourself.

Should you wish to opt out, contact Human Resources who will send you an opt out form to complete and return to them. You are only allowed to rejoin the scheme once, therefore please consider this option carefully.

Leaving Rutland County Council Within 12 Months of Returning

If you had agreed to pay arrears there will be no break in pensionable service for the maternity leave period. However, if you did not agree to pay arrears then your pensionable pay will be adjusted to show the break in pensionable service. If you would like further details on your pension contributions please contact the Pensions Section at Leicestershire County Council on 0116 2323232.

A large print version of this document is available on request



Rutland
County Council

Rutland County Council
Catmose, Oakham, Rutland LE15 6HP

01572 722 577
enquiries@rutland.gov.uk
www.rutland.gov.uk