

BECCLES TOWN COUNCIL

Maternity Leave Policy and Scheme

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1. Policy Statement

- 1.1 Beccles Town Council (BTC) is committed to supporting best practice in relation to maternity recognising the value of achieving a gender-diverse workforce and retaining and promoting female talent.
- 1.2 This policy and scheme set out the rights of employees who are pregnant or have recently given birth, including time off for antenatal appointments and entitlement to maternity leave and pay.
- 1.3 The following definitions are used in this policy:
 - *'Childbirth'* means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks.
 - *"Expected week of childbirth"* (EWC) means the week, starting on a Sunday, when your doctor or midwife expects you to give birth.
 - *"Qualifying week"* means the 15th week before your expected week of childbirth.

2. Policy Scope

- 2.1 This policy and scheme shall apply to all pregnant employees employed by BTC regardless of length of service or number of hours worked per week. It does not apply to workers, contractors, consultants or any self-employed individuals working for the organisation.

3. Initial obligations on the employee/notification

- 3.1 You should notify your line manager as soon as possible that you are pregnant so that you may take paid time off to attend antenatal appointments. This will also help us to ensure that we are able to address any health and safety concerns in a timely manner. See our 'New & Expectant Mothers Policy' for more information on how we will do this.

4. Entitlement to ordinary and additional maternity leave

- 4.1 All pregnant employees are entitled to take 26 weeks' ordinary maternity leave (OML) followed immediately by 26 weeks' additional maternity leave (AML) giving a total of 52 week's continuous leave – the 'maternity leave period'.
- 4.2 The employee can decide how much maternity leave they wish to take. However, they must take at least two weeks of compulsory maternity leave immediately after the baby

is born.

- 4.3 To exercise their right to take maternity leave, the employee must comply with the notification procedure set out below.
- 4.4 The employee can start their OML when they choose, so long as it is not earlier than 11 weeks before the EWC. The maternity provisions remain the same if the employee has multiple births e.g. twins.
- 4.5 If the baby is born early, before the employee has given notice, this will automatically start the OML on the date after the baby's birth. The employee must notify their line manager of the birth, preferably in writing, as soon as reasonably practicable after the birth. BTC will consider requests for extended leave on an individual basis when a baby is born prematurely.

5. Time off for antenatal appointments

- 5.1 Once you have told us that you are pregnant, you will be entitled to reasonable paid time off work to attend antenatal appointments. This may include relaxation and parent craft classes that their doctor, midwife or nurse has advised you to attend, in addition to medical examinations, screening tests and any midwife appointments.
- 5.2 After the first antenatal appointment, you may be asked by your line manager to provide proof of further antenatal appointments such as an appointment card or an equivalent document confirming bookings.
- 5.3 You should give your line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them outside their core hours or as near to the start or end of the working day.
- 5.4 Any individual who you have a qualifying relationship with (which includes spouses, civil partners and the father of the expected child), have a statutory right to unpaid time off to accompany you to up to two antenatal appointments. They would need to contact their employer to request time off in these circumstances.

6. Health and Safety

- 6.1 BTC has a duty to take care of the health and safety of all our employees. We have an additional duty to carry out an individual risk assessment as soon as we receive written notice that an employee is pregnant, has given birth in the last six months or is breastfeeding where the work is of a kind that could pose a risk to their health or their baby.

- 6.2 Where an individual risk assessment is carried out the employee will be informed of any risks that have been identified and the steps that are proposed to eliminate or reduce them. This may mean altering the employees' working hours, changing working conditions, or offering suitable alternative work. Further details of this risk assessment procedure are included in our 'New & Expectant Mothers Policy'.

7. Sickness Absence

- 7.1 If you are absent from work due to a pregnancy-related illness, you will receive statutory or contractual sick pay in the same way as you would during any other sickness absence.
- 7.2 However, if you are absent from work due to a pregnancy-related illness in the four weeks immediately before the expected week of childbirth, your maternity leave will start automatically even if you had intended to start maternity leave later. You must notify your line manager as soon as reasonably practicable that you are absent for a pregnancy-related illness and the date that your absence began.
- 7.3 If the sickness is not pregnancy related, then you start your maternity leave on the date you intended; you must provide the appropriate notice of commencement of maternity leave and the necessary sickness certificates (Fit Notes).

8. Notification to take maternity leave

- 8.1 You can start your maternity leave at any time from the Sunday at the beginning of the 11th week before your expected week of childbirth.
- 8.2 To take maternity leave, you need to give your line manager notice in writing by the end of the qualifying week, or as soon as possible afterwards, of:
- the fact that you are pregnant;
 - your expected week of childbirth; and

- the date on which you wish your maternity leave to start.

8.3 You will also have to provide your MAT B1 form, which is a certificate from your doctor or midwife confirming your expected week of childbirth.

8.4 Failure to give the required notice and provide us with your MAT B1 form may affect your entitlement to maternity leave and pay.

8.5 We will write to you within 28 of receipt of your notice confirming the date on which you are expected to return to work if you take your full 52-week entitlement to maternity leave.

9. Changing your maternity leave start date

9.1 If you wish to bring forward your maternity leave start date, you must inform your line manager in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

9.2 The date that you select as your maternity leave start date cannot be before the Sunday at the beginning of the 11th week before your expected week of childbirth.

9.3 If you wish to postpone your maternity leave start date, you must inform your line manager in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

9.4 If you change your maternity leave start date, we will write to you within 28 days of the start of your maternity leave confirming the revised date that you must return to work if you take your full 52-week entitlement to maternity leave.

10. Starting your maternity leave

10.1 To confirm, your maternity leave will usually start on the date that you have chosen, unless:

- your baby is born early, before you have given notice, as this will automatically start your OML and you must notify your line manager of the birth, preferably in writing as soon as reasonably practicable after the birth. BTC will consider requests for extended leave on an individual basis when a baby is born prematurely; or
- you are absent for a pregnancy-related reason (for example, if you are off sick for a pregnancy-related illness or suspended on health and safety grounds) in the four weeks before your expected week of childbirth, in which case your maternity leave

will start on the day after your first day of absence.

11. Maternity Pay

- 11.1 Statutory maternity pay (SMP) is payable for up to 39 weeks of your maternity leave.
- 11.2 Your maternity pay entitlement is calculated based on your average salary for the eight weeks prior to the 15th week before your EWC (for the purposes of calculating average weekly earnings shift allowance and overtime are included). Detailed below is a summary of what you are entitled to:

12. Employees with less than 26 weeks continuous service by the end of the 15th week before EWC

- 12.1 If you have less than 26 weeks continuous service by the end of the 15th week before the EWC you will not be entitled to SMP. You may be entitled to Maternity Allowance which you can apply for at the local Jobcentre Plus.

13. Employees with less than 26 weeks continuous service by the end of the 15th week before EWC but less than 1 years' service at the start of the 11th week before EWC

- 13.1 If you are in this category you are entitled to 39 weeks SMP provided that your average weekly earnings in the eight weeks up to and including the qualifying week were at the least equal to the lower earnings limit for National Insurance Contributions.
- 13.2 The first six weeks of SMP are paid at 90% of your average weekly earnings. The remaining 33 weeks are paid at the SMP rate set by the Government for the relevant tax year, or at 90% of your average weekly earnings (whichever is lower).
- 13.3 Statutory maternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

14. Employees with 1 years' service or more at the 11th week before the EWC

- 14.1 Statutory and occupational arrangements are such that you will be entitled to up to 39 weeks' pay. The first six weeks of SMP are paid at 90% of your average weekly earnings. The remaining 33 weeks are paid at the SMP standard rate (or 90% of your average weekly earnings if lower).
- 14.2 In addition, if you are intending to return to work you are also entitled to 12 weeks at half

normal pay (Occupational Maternity Pay (OMP)). However, OMP and SMP must not exceed your normal pay. You must return to work for a minimum of 13 weeks to secure your entitlement to this additional payment. This can be paid either on return from maternity leave in one lump sum or paid spread over 12 or 33 weeks, but you must inform your line manager in writing, prior to your maternity leave. The declaration form also states that if you do not return to work for the 13-week period you will pay back the money in full. The 12 weeks at half pay will be paid from week 7 of your leave.

- 14.3 You will not need to repay any SMP payments, even if you do not return to work.
- 14.4 If you decide during your period of AML leave that you will not be returning to work, you should let your manager know of your decision in writing giving your full contractual notice.

15. Employees whose earnings are lower than the lower earnings limit for National Insurance Contributions

- 15.1 If you do not pay NI, the entitlements are different. You will not be paid the standard rate SMP by BTC, instead you may be able to claim Maternity Allowance through the Jobcentre Plus.
- 15.2 If you do not for whatever reason qualify for SMP, your line manager will send a SMP1 form direct to you, in order that you may claim Maternity Allowance. These forms are also available from the Benefits Agency and antenatal clinics.
- 15.3 You may, however, still qualify for OMP because of your length of service. Even if you have no entitlement to SMP or MA and are not entitled to OMP due to your service being less than one year at the 11th week before EWC, you will still be entitled to maternity leave, Ordinary and Additional.

<http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/Pregnancyandmaternityrights/index.htm>

16. Your rights during maternity leave

- 16.1 During ordinary maternity leave and additional maternity leave, all the terms and conditions of your contract except normal pay will continue. Your pay will be replaced with statutory maternity/enhanced maternity pay depending on your eligibility. However, other benefits such as holiday entitlement and pension contributions will continue as set out below.

17. Holiday Entitlement

- 17.1 You will continue to accrue your holiday entitlement during your maternity leave.
- 17.2 You must use all of your holiday accrued during your maternity leave prior to return to work.

18. Pension

- 18.1 We will continue to make pension contributions based on your normal pay during ordinary maternity leave and any period of paid additional maternity leave. The contributions that you make will be based on the actual pay that you receive during your maternity leave.
- 18.2 The organisation's pension contributions will cease during any period of unpaid additional maternity leave although you may elect to pay pension contributions for that period. Such an election must be made in writing within 30 days of your return to work, or if you do not return to work, within 30 days of the date your employment ceases. Pension contributions for any period of unpaid maternity absence are based on the pay you were entitled to receive immediately before the beginning of the unpaid period. If you do not elect to pay pension contributions for this period of unpaid absence, then this period will constitute a break in service for pension purposes.

19. Redundancy

- 19.1 Maternity leave counts as continuous service for redundancy purposes and does not adversely affect your right to a redundancy payment. If a redundancy situation arises while you are on maternity leave a suitable alternative vacancy will be offered where possible. If no suitable alternative is offered, a redundancy payment will be made.

20. Contact during maternity leave

- 20.1 We reserve the right to maintain reasonable contact with you during your maternity leave. This may be to discuss your plans for returning to work, to discuss any special arrangements to be made or training to be given to ease your return to work, or to update you on developments at work during your absence.

21. Keeping-in-touch (KIT) days during maternity leave

- 21.1 KIT days are intended to facilitate a smooth return to work for women returning from maternity leave. Before going on leave, you should discuss and agree any voluntary arrangements, for keeping in touch during your maternity leave with your line manager. You can agree to work (or attend training) for up to 10 days during your maternity leave without that work bringing your maternity leave or statutory maternity pay to an end. These are known as "keeping-in-touch" days. Any work carried out on a keeping-in-touch day will count as a whole working day and you will be paid your normal rate of pay.
- 21.2 We have no right to require you to carry out any work and you have no right to undertake any work during your maternity leave. Any work undertaken on keeping-in-touch days is entirely a matter for agreement between you and your line manager.

22. Notice for ending maternity leave

- 22.1 You may take your full period of maternity leave entitlement and return to work at the end of the additional leave period without having to provide notice.
- 22.2 If you wish to return to work earlier than the end of your additional maternity leave period, you must give at least eight weeks' notice in writing to your line manager confirming the date on which you intend to return.
- 22.3 If you have notified the organisation of an early return date, but subsequently change your mind about returning to work on this date, you must give notice in writing to your line manager at least eight weeks before the earlier of the date on which you intend to return and the date on which you had previously given notice to return.

23. Returning to work after maternity leave

- 23.1 You have the right to resume working in the same job and on the same terms and conditions if returning to work from a period of ordinary maternity leave. If you have taken a period of additional maternity leave, you have the right to return to the same job wherever possible. However, if this is not reasonably practicable, we will offer you a suitable alternative job on terms and conditions that are no less favourable.
- 23.2 We will write to you as the end of your maternity leave approaches to remind you of your expected date of return and the arrangements for your first day back.
- 23.3 We recognise that returning to work from maternity leave after a significant period of time away from work can be challenging. We will take steps to ensure that your return to

work is as smooth as possible and work will be handed back to you on a gradual basis.

- 23.4 If you decide that you do not wish to return to work, you must give written notice of resignation as soon as possible in accordance with the terms of your contract of employment.

24. Requests for flexible working

- 24.1 You may wish to return to work on fewer hours than you worked before taking maternity leave or on a job share or term time working basis. You do not have an absolute right to return to work on different terms as the right to return after maternity leave relates to the position held before the leave began. In addition, although we will take all reasonable steps to accommodate a request for flexible working, the full range of flexible working options will not be appropriate for all jobs in the organisation.
- 24.2 You should discuss flexible working options with your manager in the first instance. Please bear in mind that it may take some time to consider and implement and you should therefore raise the matter with your manager as early as possible.

25. Shared parental leave

- 25.1 If you and your partner meet the eligibility and notice requirements, you may choose to end your maternity leave and pay early and take shared parental leave instead. This will enable you and your partner to take it in turns to have periods of leave to care for your child, return to work while your partner takes leave, or take leave at the same time as each other.

26. In the event of something going wrong

- 26.1 If you have any concerns relating to your pregnancy, please contact your line manager who will ensure that sensitive consideration is given to any issues raised.
- 26.2 In the extremely painful circumstance that your baby is still born or dies after 24 weeks of pregnancy, you will still be entitled to maternity pay/leave as set out above. However, please contact your line manager, as soon as possible so that any necessary arrangements can be made. You will additionally be entitled to two working weeks' paid parental bereavement leave which can be taken as one or two week blocks during the 56 weeks following your bereavement.

26.3 If you have a miscarriage or your baby dies before 24 weeks of pregnancy, you will be eligible for sick leave or possibly compassionate leave according to the circumstances.

Amendment schedule:

May 2025: add last sentence to each of sections 3.1 and 6.2.