



Stepney Primary School



A Small School With Great Expectations

Maternity Scheme

**Hull City Council
Workforce Strategy
Implementation Date: 6th April 2003
Revised: April 2007, October 2008
Updated: November 2009, January 2010**

MATERNITY SCHEME

INTRODUCTION

1. The Council has adopted the nationally agreed Maternity Scheme for local authority employees and this document reflects the provisions of the Scheme.
2. It is important that this policy is read in conjunction with the Maternity Scheme Manager's Guide which gives detailed advice on the interpretation of the policy.
3. Employees who qualify for maternity leave are also eligible to apply for up to thirteen weeks unpaid Parental Leave (see the Council's Parental Leave Policy for details and an application form).
4. This scheme and the accompanying manager's guide outline the entitlements to maternity leave and pay for eligible employees and the procedure to be followed.

ANTENATAL CARE

5. All pregnant employees, whatever their length of service, have the right to paid time off to attend for antenatal care. They must produce evidence of their appointments if requested.

ENTITLEMENT TO MATERNITY LEAVE

6. Under the statutory maternity scheme an employee must notify her manager of the fact that she is pregnant, her Expected Week of Childbirth (EWC) and the date on which she intends to start her Ordinary Maternity Leave.(OML) no later than the end of the 15th week prior to her EWC.

The total amount of maternity leave a woman can have is 52 weeks, providing the required amount of notice, as above, is given.

7. **Ordinary Maternity Leave (OML)**

All pregnant women are entitled to 26 weeks' ordinary maternity leave.

8. **Additional Maternity Leave (AML)**

All pregnant women are entitled to 26 weeks' additional maternity leave. This begins the day after the end of OML

9. **Minimum 2 Weeks' Leave Following the Birth**

Under the Management of Health and Safety Regulations 1992, women must not work for 2 weeks after the baby's birth. If they work in an area which can be classed as a "factory" under the Factories Act, this period is extended to 4 weeks.

MATERNITY PAY

10. The amount of maternity pay to which a woman is entitled depends firstly on how much service she has at the Qualifying Week (QW), which is the 15th week before the week in which the baby is due. However, contractual maternity pay is dependent on how much service the employee has at the beginning (Sunday) of the 11th week before the week in which the baby is due. Current rates of Statutory Maternity Pay (SMP) are shown [here](#) (Rates of allowance and payments).

If you are eligible for Statutory Maternity Pay and also participate in a salary sacrifice scheme e.g. childcare vouchers, the 9/10 of pay calculation will be based on your adjusted, reduced salary level

11. **Employees with less than 26 weeks' service**

Women who have less than 26 weeks' service at the QW are not entitled to Statutory Maternity Pay (SMP) during maternity leave, although they may be entitled to Maternity Allowance.

12. **Employees with 26 weeks' but less than 1 year's service**

Women who have at least 26 weeks' service at the QW but less than 1 year's service at the beginning of the 11th week before the week the baby is due and make regular National Insurance Contributions, are entitled to up to 39 weeks' SMP whilst on maternity leave.

13. The first 6 weeks' SMP will be equivalent to 9/10ths pay; the next 33 weeks will be at the current rate of SMP. If 9/10ths pay works out at less than the current rate of SMP then the employee will be paid 9/10ths of pay for the full 39 weeks.

14. **Employees with at least 1 year's service**

If the woman has a full year's service at the beginning of the 11th week before the EWC, she will be entitled to the following payments whilst on maternity leave:-

(i) Weeks 1-6: 9/10ths of pay

(ii) Weeks 7-18: SMP at the current rate (or 9/10ths of pay if this is less)

plus (provided she returns to local authority employment for at least 3 months)

12 weeks at half pay (if this plus (ii) exceeds her normal contractual pay, then an adjustment will be made for the excess)

(iii) Weeks 19-39: For the remaining 21 weeks the employee will receive SMP at the current rate (or 9/10ths of pay if this is less)

15. The 12 weeks' half pay (or equivalent amount) may be spread over any other mutually agreed distribution or paid in full when the employee returns to work.

16. If the employee does not return to local authority employment at the end of her maternity leave or if she returns, but works for less than 3 months, she will have to repay the 12 weeks' half pay (or equivalent alternative).
17. Where a woman's employment ends, for whatever reason, after the 15th week before the EWC she retains her entitlement to SMP.

HEALTH AND SAFETY

18. For Health and Safety reasons, women are required to inform their manager, in writing, as soon as they know they are pregnant, so that Risk Assessments can be carried out and, if necessary, adjustments made to their work activities.
19. If a risk has been identified which cannot be eliminated by adjustments to the employee's working activities, the employee may have to be moved to other duties for the duration of her pregnancy. If an employee does have to be moved and is offered suitable alternative work, but she unreasonably refuses to carry out that work, she may be suspended on health and safety grounds and loses her right to be paid during the period of suspension. If alternative duties are not available, the employee may have to be suspended on full pay until the commencement of her maternity leave.

COMMENCEMENT OF MATERNITY LEAVE

20. The earliest any employee can take maternity leave is 11 weeks before the EWC i.e. when she is 29 weeks pregnant.
21. If the employee's baby is born early and she has not yet started her maternity leave then her maternity leave and pay will start on the day after the birth.
22. If the employee is still working at the 4th week before her baby is due and she goes off sick with a pregnancy-related illness, her maternity leave and pay will start on the day after the first day of absence.
23. Additional Maternity Leave commences on the day after the last day of the employee's Ordinary Maternity Leave.

NOTICE REQUIREMENTS

24. The Council requires the employee to give at least 28 days' notice of the date she intends to commence maternity leave. She must make the notification by completing Form M2 (Appendix A) which should be submitted with her MATB1 form to her manager. The manager must send Form M2, and Form MATB1 to Employee Services without delay. At the same time the manager must also send the Variations form (VM4) by email to the Workforce Management Group mailbox. In section 3 of the VM4 form the manager should record the maternity leave as "Other" and leave section 4 blank. The VM4 form will then be sent to Employee Services from the Workforce Management Group mailbox.
25. If it is not possible for the employee to give 28 days' notice because her maternity leave is triggered by birth or sickness absence then she must give notice as soon as it is reasonably practicable.

26. The employee can change her mind about the date on which she wants her leave to start providing she gives at least 28 days' notice, or as soon as possible if this is not reasonably practicable.

ACKNOWLEDGING THE EMPLOYEE'S NOTIFICATION

27. The manager must write back to the employee within 28 days of receiving notice of the date on which the employee wishes to commence her maternity leave and must state the date on which her additional maternity leave will end.

RETURN TO WORK

28. It will be assumed that the employee will return at the end of her 52 weeks' maternity leave period. The employee does not need to give notice of her return to work if she returns on the day after the end of the additional maternity leave period, as notified in the manager's letter.
29. If an employee wishes to return before the end of her 52 weeks' maternity leave, she must give at least 21 days notice, in writing, before the date of the intended return using M3 (Appendix B) The manager must send Form M3 to Employee services without delay. At the same time they should also email the Variations form VM4 to the Workforce Management Group mailbox without delay in order to notify the employee's date of return from maternity leave. If applicable, once the return date is known, the manager will also need to terminate any temporary maternity leave cover in accordance with the notice requirements of their contract, and send a Leavers form to Employee Services to document their termination.
30. If the employee changes her return to work date the minimum 21 days notice, in writing, must be given, highlighting the revised return to work date.
31. If the employee does not give the required notice the Council may postpone her return to work to a date that will secure the full notice. However, the manager has the discretion to agree to a mutually acceptable earlier return date where the required notice has not been given.

MAINTAINING CONTACT DURING MATERNITY LEAVE

32. During the maternity leave period the manager may make reasonable contact with the employee to discuss such issues as the return to work, promotion opportunities and other information relating to the job.
33. Reasonable contact will vary according to the individual circumstances. Some employees will be happy to stay in close contact with the workplace and will not mind frequent contact; others will prefer to keep contact to a minimum.
34. Reasonable contact does not constitute 'work' and would not therefore count towards the 10 keeping in touch days.
35. Employees and managers may find it helpful, before maternity leave commences, to discuss arrangements for staying in touch with each other. This might include the way in which contact will happen, for example by telephone, e-mail, letter or in person, how often and who will initiate the

contact.

KEEPING IN TOUCH DAYS

36. The employee is allowed to work up to 10 days during ordinary or additional maternity leave without bringing the maternity leave period to an end, with the proviso that an employee cannot work during the two weeks of compulsory maternity leave immediately after the birth.
37. The keeping in touch days do not have to be consecutive and can be used for training, a staff meeting or any other activity that enables the employee to keep in touch with the workplace.
38. If the employee works part of the day this will count as a full day's work.
39. Any work carried out during maternity leave must be done so by agreement of both the employee and the Council. The employee or the Council cannot insist that these days are taken.
40. The number of keeping in touch days taken will not extend the maternity leave period.
41. Once the keeping in touch days have been used up, the employee will lose a week's SMP for any week in which she does any work under her contract of service for the employer paying her SMP.

PAYMENT OF KEEPING IN TOUCH DAYS

42. If the employee does some work under her contract of service for the Council, who will be paying her SMP, she will receive contractual pay for the work done.
43. The amount of contractual remuneration, above the weekly SMP rate needs to be agreed before the work is carried out. The employee will receive a pro-rata amount of her normal pay for the work done.
44. The minimum that must be paid is the SMP rate to which the employee is entitled for that SMP week.
45. The Council will be able to reclaim the SMP due for a week against its contractual pay obligations for the same week.

DEATH/STILL BIRTH

46. If a baby dies or is still-born after 24 weeks' pregnancy, the Maternity Scheme still applies and the employee can take her full entitlements under the Scheme if she so wishes.

RIGHT TO RETURN TO WORK

47. The employee will be entitled to return to the job in which she was employed under her original contract of employment and on terms and conditions not less favourable than those which would have been applicable if the period of maternity leave had not intervened. The only exception to this is where a return to her exact job is not possible, because of redundancy or exceptional circumstances such as a general reorganisation. In this case, she will be

offered suitable alternative employment.

LOCAL GOVERNMENT PENSION SCHEME (LGPS)

48. Pension contributions must normally be paid on any monies received. However, the employee can choose to opt out of the LGPS as soon as she commences her maternity leave. Once the employee comes back to work, she can re-apply to join the pension scheme.
49. The employee will be credited with paying contributions as if she had been on full pay during the 26-week ordinary maternity leave period and 13 weeks of the additional maternity leave period. This is the case, even if the employee, due to her short length of service, is not entitled to receive contractual or statutory maternity pay.
50. The employee can elect to pay contributions on any unpaid period of additional maternity leave. Contributions will be based on the pay she was entitled to receive immediately before the start of the unpaid leave. If the employee wishes to make such contributions, she must decide to do so within 30 days of returning to work.
51. Paying pension contributions will mean that service in the pension scheme will be counted in full, as though the employee had been at work without any absence for maternity leave.

CONTRACTUAL TERMS AND CONDITIONS

52. For those with an expected week of childbirth on or after the 5th October 2008 there is no distinction between ordinary and additional maternity leave for the purpose of contractual entitlements. During ordinary and additional maternity leave, all contractual and statutory entitlements (except normal pay) will continue.
This means that the whole of the maternity leave period counts for entitlements such as annual leave, bank holidays, length of service, essential user car allowance, provision of childcare vouchers etc.
53. Ordinary Maternity Leave – For those with an expected week of childbirth before 5th October 2008 they are entitled to the benefit of all the terms and conditions which would have applied if they had not been absent, except for salary/wage payments (apart from contractual maternity pay). An employee is bound by any obligations in her terms and conditions unless they are inconsistent with the right to take maternity leave.
54. Additional Maternity Leave – For those with an expected week of childbirth before 5th October 2008 they are entitled to any terms and conditions relating to notice, redundancy pay and discipline and grievance procedures. The employee is bound by any terms and conditions relating to notice, disclosure of confidential information, acceptance of gifts or other benefits and participation in any other business.

RIGHT NOT TO BE DISMISSED

55. It is automatically unfair to dismiss an employee during her pregnancy, or her ordinary or additional maternity leave, or to select her for redundancy in

preference to other comparable employees, solely or mainly because she is pregnant or has given birth, or for any other reason connected with her pregnancy or childbirth.

PROTECTION AGAINST DETRIMENT

56. An employee is protected against being subjected to any detriment connected with her pregnancy or maternity leave. Detriment covers a wide range of unfair treatment, such as denial of promotion, training opportunities, for not agreeing to work a Keeping in Touch Day, or for working or considering such work, etc.

[Maternity – Expectant Mothers Guide](#)

[Maternity – Managers Guide](#)

PERSON RESPONSIBLE WITHIN SCHOOL

This is a Local Authorities Policy which was adopted at the Full Governing Body Meeting. Mrs M Codd will continue to monitor and update in accordance with the Local Authorities updates.

HULL CITY COUNCIL

**NOTIFICATION FOR MATERNITY PAY AND LEAVE
FORM M2**

HOW TO COMPLETE THIS FORM

1. Read the information contained in the Council's Maternity Information Pack so that you understand your entitlements.
2. Fill in this form and give it to your line manager at least 28 days before your maternity leave begins.
3. Attach your maternity certificate (Form MAT.B1).

SECTION 1: Please complete the following

1. Name:
2. Address:
3. Service Area:
4. Post and Section/Location:
5. Pay Reference Number (this is shown on your pay advice):
6. Date you began work with the Council:
7. Start date of continuous local government service (if different from 6):
8. Normal weekly hours of work:
9. Expected date of childbirth:

SECTION 2: Please complete as appropriate

1. Date you wish to start maternity leave:
2. I claim any maternity pay to which I am entitled.

Signed: Date:

SECTION 3: For Shared Support Services, use only

All dates confirmed
 Normal weekly hours confirmed
 MAT.B1 received
 Copy of Form to the East Riding Pension Fund Administrators

Signed: Date: Designation:

Data Protection: Please note that this form, when completed, will be used for payroll purposes and may be used for statistical and monitoring purposes. It will be stored securely and confidentially on your personal file for a period of up to two years.

HULL CITY COUNCIL

**NOTICE OF PROPOSED EARLY RETURN TO WORK FROM MATERNITY LEAVE
FORM M3**

If you do not wish to take your full maternity leave entitlement, you must use this form to inform your Manager. You must ensure the completed form arrives in time to give the required 21 days notice.

Name:

Address:

Proposed date of return to work:

Ensure that you have considered when you will take the annual leave and bank holidays that have accrued during your maternity leave and discussed it with your line manager.

If you have obtained employment with another local authority and will not be returning to the Council, please give details:

Name and Address of Authority:

Department/Section:

Post:

Date you will start work for that Authority:

Signature:

Date:

For Manager's use only:

Date copy of M3 sent to Shared Support Services.

Data Protection: Please note that this form, when completed, will be used for payroll purposes and may be used for statistical and monitoring purposes. It will be stored securely and confidentially on your personal file for a period of up to two years.