

Maternity Leave

1. Who does this policy apply to?

1.1 All employees of Lancaster City Council.

2. What is the purpose of this policy?

2.1 To provide guidance to employees who intend to take maternity leave during the course of their employment. It sets out the entitlements, notice requirements, responsibilities of employees and LCC, and other matters that may arise during or after a period of maternity leave.

3. What roles do the employee, line managers, the Council and HR play in this policy?

3.1 Employee Responsibilities

- To notify their line manager of their pregnancy as soon as they feel comfortable to. Employees are encouraged to share this as soon as possible to ensure that a risk assessment can be carried out.

3.2 Line Manager Responsibilities

- As soon as they are notified that an employee is pregnant or breastfeeding, to arrange for a risk assessment to be carried out and if the risk assessment identifies any concerns, to raise these with HR or the Health and Safety Manager as soon as possible.
- Upon receipt of the Maternity Leave Notification form, to countersign the form and pass to HR.

3.3 HR Responsibilities

- To write to the employee and line manager confirming the maternity leave arrangements.
- To inform payroll to ensure that the correct payments are made.
- To enter into MyView any recredited bank holidays during maternity leave on behalf of the employee, as well as any annual leave.

3.4 Council responsibilities

- To take reasonable steps to avoid health risks to the employee. This could involve temporarily removing duties highlighted by the risk assessment, offering suitable alternatives, or in exceptional cases medically suspending an employee from work until such time as the risk is removed, or there is no longer a risk.
- To ensure this policy is updated in line with any changes in legislation.

4. Entitlements to leave and pay

- 4.1 Pregnant employees may take up to a maximum of 52 weeks maternity leave. The first 26 weeks are known as “Ordinary Maternity Leave” (OML) and the second 26 weeks are known as “Additional Maternity Leave” (AML).
- 4.2 For all employees, the first 2 weeks after the birth are compulsory maternity leave, so an employee may not return until at least 2 weeks and 1 day following the birth.
- 4.3 Employees remain bound by all terms and conditions of employment during maternity leave, save for those applying to pay.
- 4.4 Employees who have less than one year’s service at the beginning of the 15th week before the expected week of childbirth (which is the Sunday before the child’s expected due date) (“EWC”) will be entitled to either Statutory Maternity Pay (SMP) or Maternity Allowance (MA). Employees who have more than one year’s service at the beginning of the 15th week before the EWC, may be entitled to an occupational enhancement.
- 4.5 To be entitled to SMP an employee must have at least 26 weeks’ service at the beginning of the 15th week before the EWC (and to still be employed at this point), and their average weekly earnings must be over the lower earnings limit for National Insurance purposes. Employees who qualify for SMP will receive:
- 90% of a weeks’ pay for the first 6 weeks of absence (and a weeks’ pay for the purposes of this policy is normal pay where hours do not vary, or where there are no normal working hours, an average of pay in the 8 weeks preceding the 15th week before the EWC); and
 - The standard rate of SMP for the remaining 33 weeks; and
 - Any additional weeks of maternity leave will be unpaid.
- 4.6 Due to the length of service requirement for SMP, some newer employees may not be entitled to SMP, but MA may be available to them, which is payable by the government at the rates of SMP set out above.
- 4.7 Employees who have completed one years’ continuous service at the 15th week before the EWC and who intend to return to work will be entitled to:
- 90% of a weeks’ pay for the first 6 weeks of absence (inclusive of SMP/MA); and
 - Half a weeks’ pay for the next 12 weeks of maternity absence plus SMP or MA. Where half pay plus SMP/MA exceeds the normal weekly rate of full pay; the payment made will be capped at full pay;
 - SMP for the following 21 weeks of maternity absence; and
 - Any additional weeks of maternity leave will be unpaid.
- 4.8 Enhanced payments are made on the understanding that the employee will return to work for at least 3 months following the end of maternity leave. If an employee resigns before 3 months are completed, LCC will seek to recoup the enhanced element of pay by way of deductions from salary. Employees going on maternity leave who do not intend to return will only be entitled to the pay as set out above at paragraph 4.5.
- 4.9 If an employees’ pay increases whilst they are on maternity leave maternity pay will automatically be recalculated to take any increases into account.

5. Maternity leave arrangements

- 5.1 On becoming pregnant, an employee should notify their line manager as soon as possible so that a risk assessment can be carried out.

- 5.2 In addition to providing the MATB1 form as soon as it is available, the employee should also submit the Maternity Leave Notification form to confirm the pregnancy, the EWC, the intended start and end date of maternity leave (noting that the earliest maternity leave can begin is 11 weeks prior to the EWC). The Maternity Leave Notification Form should be completed no later than 28 days prior to leave being taken, but employees are encouraged to do this as soon as possible to ensure plans can be put in place in a timely manner.
- 5.3 An employee is entitled to bring forward or postpone the intended start date of maternity leave provided this is requested by submitting another Maternity Leave Notification Form 28 days in advance of leave commencing (unless that is not possible).
- 5.4 In the event that the birth occurs earlier than anticipated, the employee should advise their line manager of the birth date who will notify HR. The schedule will then be amended as maternity leave will have started automatically on the day after childbirth and this will be communicated to the employee in writing by HR.
- 5.5 If an employee is absent due to pregnancy related ill health (or pregnancy related medical suspension) in the 4 weeks prior to the EWC, maternity leave will commence automatically, and a revised maternity schedule will be communicated to the employee by HR.

6. Pension contributions

- 6.1 During periods of paid maternity leave, the employee will continue to make pension contributions based on the amount the employee is actually paid, whilst the Council will make contributions based on Assumed Pensionable Pay, which is what an employee would have earned, but for the maternity leave. Any employees who wish to explore the option of paying additional contributions when they are in a period of unpaid maternity leave, should contact payroll@lancaster.gov.uk at the earliest opportunity.

7. Annual Leave

- 7.1 Annual leave continues to accrue as normal throughout the period of OML and AML and due to the length of maternity leave, most maternity absences are likely to fall between two annual leave years. Although it is encouraged to try and take all annual leave in the leave year, maternity may often mean this is not possible, so all outstanding annual leave can be carried over, and it is permissible to use this to extend the period of paid leave following the birth of a child. Employees may wish to end their maternity leave after the 39 weeks of paid leave, and top this up with accrued holiday entitlement, or they may wish to have the whole 52 weeks leave, and then supplement this with annual leave.
- 7.2 Any carried over leave must be taken or pre-booked within 2 months of the employee's return. If the carried over leave is pre-booked, this can be booked at any time in that leave year; the requirement is only to ensure that all carried over leave is either taken or booked (for a later date) in the first two months following the employees' return. Line managers will engage in a return-to-work conversation with employees, and work with them to use annual leave effectively.
- 7.3 Bank holidays that fall during any period of maternity absence will be recredited to the employee, on a pro-rata basis in line with their existing working pattern, and subject to any bank holidays already taken during the relevant leave year.

8. Contact during maternity leave

- 8.1 LCC acknowledges how important the bonding process is during maternity leave, and how exhausting it can be, so contact will be kept to a minimum, and only where necessary to inform employees about

changes at work and ahead of the employees' return to work date (unless of course the employee would like to have a more frequent dialogue with their line manager or colleagues).

- 8.2 Except for in the first 2 weeks of maternity leave, an employee can carry out up to 10 "keeping in touch" (KIT) days without bringing maternity leave to an end. They are optional and must be agreed between both parties. A KIT day is used to carry out usual work duties or training. KIT days do not extend the period of maternity leave and will be paid at the usual rate of pay for the hours worked in addition to either the occupational maternity pay or SMP. If all 10 KIT days are used during maternity leave, any further work performed would mean that a weeks' SMP is lost for any week in which work is performed.

9. Returning to work

- 9.1 If the employee intends to return to work on the date previously agreed, there is no requirement for her to confirm this to LCC, although it will be natural for the line manager and the employee to have had dialogue prior to this point to discuss the return to work.
- 9.2 For any employee who wishes to return from maternity leave earlier than the date originally agreed, 8 weeks' notice must be given of the proposed return date. If 8 weeks is not possible, it may be necessary for LCC to postpone the return date until such time as 8 weeks has been achieved (provided this is not later than the original return date). If the employee would like to extend the period of maternity leave (up to a maximum of 52 weeks), they should provide as much notice as possible to their line manager who will confirm the revised return date in writing within 28 days.
- 9.3 Employees who return just after or during the period of OML i.e. the first 26 weeks following the birth, they have the right to return to the same job occupied before maternity leave on the same terms and conditions of employment. An employee who returns to work during or after AML retains the right to return to the original job on the same terms and conditions of employment, however where it is not reasonably practicable i.e. due to a general reorganisation, LCC may offer the employee suitable alternative work on terms and conditions which are no less favourable.
- 9.4 If there is a genuine redundancy situation which arises after the notification of pregnancy, the role of a pregnant employee or an employee on or returning from maternity leave can be put at risk of and confirmed as redundant. However, the period starting with the notification of the pregnancy, and ending 18 months after the birth date of the child, is a "protected period", and if a genuine redundancy situation did arise during that time, a pregnant employee, or an employee on or returning from maternity leave will be prioritised for any suitable alternative vacancies.

10. Flexible Working Requests

- 10.1 LCC understands that having a child *may* necessitate a desire to work differently, for any number of reasons. Full consideration will be given to requests from employees who, upon their return from maternity leave, wish to change their working commitment. Employees should submit their requests as far in advance of their scheduled return date as possible, to allow adequate time for the request to be considered, and where appropriate, the necessary arrangements to be put in place.

11. When will this policy be reviewed?

- 11.1 This policy will be reviewed every two years or earlier in the event of changes in legislation.

Document Control:

Version no.	Effective Date	Reason	Review due
1.0	01.06.2003	Policy agreed by Personnel Committee	
2.0	01.05.2008	Revisions agreed by Personnel Committee	
3.0	11.10.2011	Revisions agreed by Personnel Committee	
4.0	01.04.2015	Revisions agreed by Management Team	10.07.2017
5.0		Revisions agreed by People & OD Committee	

FAQ's:

Do I get time off for appointments?

Pregnant employees have the right to reasonable paid time off for ante-natal care. We ask that as much notice as possible be given, and where possible to try and minimise disruption to work by scheduling appointments at the beginning or end of day where possible. Partners of pregnant employees are eligible to take *unpaid* time off to accompany their pregnant partners for up to two antenatal appointments. Evidence of appointments *may* be requested by a line manager.

What if I have pregnancy sickness?

If an employee is sick during maternity leave, they will receive normal contractual sick pay. Pregnancy related absences will be disregarded when calculating absence indicator points.

What if the worst happens?

We truly hope that none of our employees ever have to go through a miscarriage or suffer the bereavement of their baby, but we are conscious that this can happen, and we will provide all the support we are able to if the worst were to happen.

If an employee were to miscarry prior to being 24 weeks pregnant, they are not entitled to maternity leave and pay, but their absence will be considered a sickness absence and absence indicator points will not accrue as it is a pregnancy related reason for absence.

For any pregnancies lasting 24 weeks or more, but where the baby does not survive, the employee will be entitled to maternity leave and pay in line with this policy.

We encourage any employees who may be impacted by these devastating circumstances to reach out to the Employee Assistance Programme.