



# SHREWSBURY TOWN COUNCIL

## Maternity Leave Policy

### AIMS OF THE POLICY

If you are due to give birth the following policy should be applied. It is the intention of this policy to prevent any woman being treated less favourably on the grounds of her pregnancy or maternity leave.

All pregnant employees regardless to their length of service or hours they work are entitled to:

- Paid time off for ante-natal care
- Normal sick pay rights for pregnancy-related sickness
- Ordinary and Additional Maternity Leave

### ELIGIBILITY

All employees who provide correct notice are entitled to a maximum of 52 weeks of Maternity Leave. In order to qualify for this you must have been employed with the Council into the qualifying week, which is the 15<sup>th</sup> week before the week your baby is due.

Maternity leave consists of 52 weeks. It will be assumed that all eligible will take the full 52 weeks entitlement unless they inform us otherwise.

The law requires an employee to take a minimum of two weeks maternity leave immediately following the birth.

A woman can choose when to start her maternity leave. This can usually be any date from the beginning of the 11<sup>th</sup> week before the baby is due.

### STATUTORY MATERNITY PAY

An employee who meets the relevant conditions for SMP as stated above is entitled to receive 6 weeks at 90% of an average week's earnings, followed by 33 weeks at the standard rate of SMP or a rate equal to 90% of your average weekly earnings. You will get whichever rate is lower.

If an employee is not entitled to SMP but meets qualifying conditions based on their recent employment and earnings, they may claim up to 39 weeks Maternity Allowance, paid directly by Jobcentre Plus.

### OCCUPATIONAL MATERNITY PAY AT SHREWSBURY TOWN COUNCIL

If you have less than one year's continuous local government service at the beginning of the 15<sup>th</sup> week before your estimated due date you will be paid SMP only.

If you have more than one year's continuous local government service at the beginning of the 15<sup>th</sup> week before your estimated due date, payments will be as follows:

- SMP as described above plus:
- 12 weeks at half pay in addition to SMP, given that the two combined do not exceed full pay and that the Council has been notified in writing of the individual's intention to return to work following their maternity leave.

An alternative agreement can be arranged so that same sum (six weeks' full pay) may be spread over any other mutually agreed distribution. The distribution of the payment should be agreed between the employee and the Town Council.

Following receipt of occupational maternity pay the individual is obliged to return to Town Council employment for a period of at least three months. If the individual is unable to return to work they will be expected to refund all or part of this payment, dependent on Town Council agreement. Payments made to you by way of SMP do not have to be repaid.

## **PENSION**

If an individual is a member of the Local Government Pension Scheme, they will be required to pay contributions based on the total SMP and other maternity pay they receive. There is the option to pay contributions in respect of the period of their maternity leave when they are no longer in receipt of pay. If they wish to do this, the individual should advise the HR team who will contact Payroll to notify them of the amount payable.

## **ANNUAL LEAVE**

If an individual intends to return to work they will continue to accrue annual leave during all 52 weeks of their maternity leave. However, if they do not return to work following their maternity leave, holiday entitlement will only be accrued during the first 26 weeks of their maternity leave (during the ordinary maternity leave period). Bank holidays do not accrue during any of an individual's maternity leave as these are granted in addition to an individual's contractual annual leave entitlement.

Every effort should be made to take leave within the individual's designated leave year that it is accrued. So, once the individual has given notice of their pregnancy, it is useful to incorporate annual leave arrangements into their planning. As holidays cannot automatically be carried over into the next leave year arrangements to do so must be done in advance and are at the discretion of the Town Council.

An individual is eligible to request they return to work on a part time basis. If this request is accepted, the annual leave that has been accrued during their full-time contract should be taken prior to the part time contract coming into effect; following this all annual leave will be calculated on a pro-rata basis.

## **TIME OFF FOR ANTENATAL CARE**

All pregnant employees are entitled to time off for antenatal care. This includes medical examinations and can include relaxation and parentcraft classes (on advice of a healthcare professional). Your line manager may ask you to provide proof of the appointment, except for your first appointment. Your absence should be recorded in the same way as for a general medical appointment. If your appointment means that you are unable to attend work for the whole day this absence should be recorded as a day off due to sickness absence (Pregnancy-related conditions). This will not be counted towards your contractual sick pay entitlement.

## **PREGNANCY RELATED ILLNESS**

Absences due to a pregnancy related illness, at any time from conception to the start of maternity leave, will not be counted towards contractual sick pay entitlement. Instead it must be recorded as pregnancy-related condition. Absences of this nature must not be used as a trigger for disciplinary purposes, in redundancy decisions or for any other detrimental purpose.

If an individual is continually absent from work on or after the beginning of the fourth week before EWC maternity leave will automatically start from the following day. This applies even if the date is before the intended maternity leave start date. If absence from work is due to a pregnancy related illness the individual should inform their line manager on their first day of absence or as soon as is reasonably

practical. The line manager must then inform the HR team who will issue the individual with a letter and will, in conjunction with their line manager, revise maternity leave dates.

## **PREMATURE BIRTH**

If a baby is born prematurely, each case will be considered on its merits and the action decided accordingly (for example, extension of maternity leave might be appropriate).

## **DEATH OF A BABY AND STILL-BIRTH**

If the baby dies or is still-born after 24 weeks' pregnancy the Maternity Scheme applies. If this occurs before 24 weeks (miscarriage), careful consideration to the circumstances will be given and where necessary Parental Bereavement Leave may be granted as appropriate to the individual circumstances.

## **PROCEDURE**

### **Commencement Date of Maternity Leave**

As soon as reasonably practical, the individual must advise their line manager of their pregnancy. This will allow a workplace risk assessment to be undertaken and personal records to be updated. Here a checklist is issued to the pregnant employee.

After the 14<sup>th</sup> week before the expected week of childbirth (EWC), the individual is required to confirm in writing with their Line Manager the date that they wish their maternity leave to start, with their original MAT B1 form attached.

The individual should endeavour to notify their line manager and HR team of their intention as early as possible and **at least 28 days** before the date they intend to commence maternity leave. Please note SMP will not be paid until a MAT B1 form has been submitted. The start date of maternity leave can be any day determined by the individual.

At this stage the line manager will then write to the individual confirming the dates of their maternity leave. Unless the individual specifies otherwise at this stage it will be assumed that they are taking the full 52-week entitlement. Annual leave will not be mentioned here. This must be arranged between the individual and their line manager. This letter will also enclose details of the keeping in touch scheme, details of which the individual will have to return to their line manager **no later** than two weeks before their intended date to commence maternity leave.

The individual can change the date they wish to start maternity leave as long as they provide 28 days notice.

## **DURING MATERNITY LEAVE**

### **Keeping in Touch**

To ensure that the individual does not miss out on developmental opportunities, such as job opportunities, while on maternity leave we have introduced a Keeping in Touch Scheme. As part of this, individuals have the option to select if they wish to receive updates regarding Town Council matters. This is done electronically or by mail. As individuals may not wish to receive all information, or may only want to receive selected articles, a checklist is issued with the conformation of dates letter as mentioned above.

This checklist also provides the opportunity for the individual to indicate whether they wish to return to work during their maternity leave for up to 10 days. If the individual wishes to do this, the HR team will advise the individual's line manager on receipt of the checklist and assist the line manager in the implementation of this.

If the individual does return during this period they will be entitled to receive their pay as defined in their contract of employment and will be offset against their SMP. In order that the individual receives payment for this, the line manager must inform the HR team of the dates that the individual has attended work.

### **RETURNING TO WORK**

Unless an individual amends the date which has been confirmed as their return to work date (usually at the end of the 52 weeks of maternity leave) she does not need to provide any further notice.

If the individual wishes to return to work earlier than this date, or amend an earlier date that was agreed, she is required to give 21 days' notice in writing to her line manager.

If the individual decides not to return to work at the end of her maternity leave she is entitled to continue to receive full amount of statutory maternity leave and pay. The individual must ensure that she provides the notice required in her contract of employment.

### **PAY ON RETURN TO WORK**

Should the individual's return to work date be after the 12<sup>th</sup> of the month it would be advisable that they contact HR team to confirm that they are returning to work by the 12<sup>th</sup> of that month. This is to ensure that they are paid on the 25<sup>th</sup> of that month. Otherwise they will receive their pay in the following month.

<b>Approved by Personnel Committee</b>	<b>7 December 2023</b>
<b>Adopted by Council</b>	
<b>Review Date</b>	