

MATERNITY POLICY

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please contact Human Resources

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CONTENTS

	<u>Page</u>
1. Who is covered	2
2. Entitlements	2
3. Responsibilities: employees, managers, HR	3
4. Steps by step notification process	4

Further guidance, as well as all necessary forms, can be found
on [RIO's Maternity Leave and Pay page](#)

1. WHO IS COVERED

All pregnant employees are covered by this policy, regardless of hours worked. However entitlements vary depending on length of service, as detailed below.

Pregnant workers (eg agency workers etc) should refer to their employing agency for details of their entitlements. They may also wish to consult direct.gov.uk, which provides information on statutory maternity rights.

2. ENTITLEMENTS

2.1. Maternity leave and pay

All pregnant employees are entitled to a total of 52 weeks maternity leave, including 26 weeks of Ordinary Maternity Leave (OML), with some pay, and 26 weeks of Additional Maternity Leave (AML), partly unpaid. Employees may decide to take all or only part of their maternity leave. However it is not possible to forfeit the first 2 weeks, immediately after childbirth, which are compulsory for health and safety reasons.

Maternity leave is paid at different rates, depending on a number of factors, including length of service and levels of earnings, in the weeks preceding maternity leave. In particular, the Council offers a Contractual Scheme for Maternity Pay, over and above statutory entitlements, which is available to employees with over 52 weeks service in local government by the end of the 26th week of their pregnancy.

For more information, please refer to the [Council's Maternity Provisions flow chart on RIO](#), and for pay estimates, please use the [Council's Maternity Pay Calculator](#), also on RIO.

2.2. Keep In Touch (KIT) days

Employees on maternity leave have the option to carry out some work or to attend training courses for their employer, for up to 10 work days during their maternity leave, without loss of maternity benefits. This means that they will be paid their normal salary during the KIT days, and the maternity pay during the rest of the time.

KIT days are not an obligation for either the employee or their employer. Therefore, in practice, these days must be agreed in advance by the employee and their manager, either before maternity leave starts and/or during the course of that leave. A [KIT Day Request Form](#) must be completed and signed by manager and employee for each day that is arranged. Every month in which a KIT day is worked, a record of the corresponding hours must be sent to HR Advice, using the [KIT Day Payment Form](#), for the necessary pay adjustments to be made.

2.3. Transfer of maternity leave

Mothers of babies born on or after 3rd April 2011, also have the option to return early from maternity leave, and to transfer the remainder of their leave (up to 26 weeks) to the father of their baby or their partner. More information is available on [RIO's paternity page](#).

This Additional Paternity Leave may be paid depending on the point at which the transfer occurs and on the pay the mother was due to receive at that time, and it is subject to the mother formally relinquishing her right to the corresponding proportion of maternity pay. Please note that if the mother is on sick leave or annual leave immediately after maternity leave, this does not count as having returned to work for additional paternity leave purposes.

3. RESPONSIBILITIES: EMPLOYEE, MANAGER, HR

Employees have specific responsibilities in relation to their pregnancy:

- To inform their manager of their pregnancy in order that any work related risks can be fully assessed at the earliest.
- To give formal notification to their manager and HR of their intention to take maternity leave by the 15th week before their Expected Week of Childbirth (EWC) (ie pregnancy week 26 approximately) - please use [Maternity Leave Request Form](#). They must also provide their MATB1 Form (the certificate issued by a doctor or midwife to confirm the pregnancy) at the same time.
- To provide 28 days notice if they wish to change their maternity leave start date from an earlier notified date - please use [Notification of Change in Leave Start Date Form](#).
- To inform their manager and HR of the child's birth date, within 4 weeks of it taking place - please use [Notification of Birth Date Form](#).
- To provide 3 weeks notice of their return work, to their manager and HR, in order to help prepare their return - please use [Notification of Return Form](#).
- To agree any KIT day in advance with their manager and to record these formally – please use [KIT Day Request Form](#).
- To provide Payroll with a timesheet for all KIT days worked during maternity leave, for calculation of related pay – please use [KIT Day Payment Form](#).

Managers have a special duty of care towards employees who are pregnant, have recently given birth or are breast feeding:

- To undertake a number of risk assessments with the pregnant employee, in order to identify any risks to the employee and/or her baby (see form and guidance on RIO at http://rio/new_and_expectant_mothers_-_risk_assessment.htm), and to make adjustments as necessary.
- To liaise closely with HR, and in particular to immediately forward any correspondence related to the employee's maternity leave and pay, so that they can provide necessary advice and written notices within set timescales.
- To enable the employee to take time off to attend antenatal and parent craft classes.
- To ensure the employee does not return to work for the first two weeks following childbirth.
- To keep in touch with their employee on a regular and reasonable basis, during the course of their leave, so that she remains informed about the developments at work. In particular, they should discuss and arrange any necessary and mutually agreeable KIT day, during the course of maternity leave (liaising with HR to ensure appropriate salary payments are made on such days).
- To enable the employee to return to the same job on the same terms and conditions (unless a restructuring/redundancy situation has arisen, which the individual would have been fully consulted about).

HR (including Payroll) have a duty to provide accurate information and advice to managers and employees on maternity related issues, and in particular:

- To confirm maternity leave and pay entitlement, as well as procedures, in writing to employees within 4 weeks of receiving a written notification of pregnancy.
- To notify payroll accordingly within the same timescales to ensure timely accurate payment.
- To notify the employee in writing of her expected return date, based on the start date notified by the employee (or the birth date if earlier).

4. STEP BY STEP NOTIFICATION PROCESS

Step 1 Employee advises manager of pregnancy

As soon as possible once she is aware of her pregnancy

Although this is left at the employee's discretion, it is in her interest to do this as soon as possible so that a risk assessment can be undertaken. The manager organises the risk assessment with the employee (using the form on RIO at http://rio/new_and_expectant_mothers_-_risk_assessment.htm) and makes any necessary adjustments, within one week of notification. The Occupational Health and the Health & Safety teams can be consulted to assist with this process. Any adjustments may have to be reviewed periodically throughout the pregnancy, depending on the level of identified risk.

Step 2 Employee formally requests maternity leave

15 weeks before EWC (pregnancy week 26 approx.)

The employee completes the [Maternity Leave Request Form](#) and returns the original to HR, with a copy to her manager. This must include the following:

- Expected due date,
- Intended start date for maternity leave,
- Statement of intention to return to work, for teachers, or other employees if they meet the minimum criteria for CMP (see [Maternity Entitlements Chart](#), on RIO). This is a necessary requirement to enable payment of CMP during maternity leave.
- MATB1 Form, if available at that point (if not, this must be forwarded as soon as possible and by the 11th week before EWC at the latest).

NB: Failure to comply with this step could prejudice the employee's entitlement to maternity benefits. There may be circumstances where the employee can demonstrate that it was not practicable to give that notification, and in such an event, managers should seek advice from HR.

Step 3 HR and Payroll write to employee

Within 4 weeks of receipt

HR confirms to the employee in writing her leave and pay entitlement, and her expected date of return (having checked details of the request, recorded it and advised Payroll, who will also write to the employee to confirm payment details).

Step 4 If employee wishes to change start date

Min 4 weeks before leave start

If she wishes to change her maternity leave start date, the employee must notify her manager and HR in writing, using the [Notification of Change in Leave Start Date Form](#) (original to HR, copy to the manager).

Maternity leave starts automatically if the baby is born early (see [RIO's Maternity FAQ page](#) for further guidance).

From 11 weeks before EWC (pregnancy week 29 approximately), the employee can choose to start her maternity leave

In the 4 weeks before EWC (pregnancy weeks 36 to 40), maternity leave starts automatically if the employee is absent due pregnancy related illness.

In the first two weeks immediately following her baby's birth, the employee cannot return to work.

Contact: It is good practice for the manager to maintain contact with their member of staff during maternity leave, to update her on work developments and to discuss return to work plans. This will assist all parties once maternity leave is over and the employee returns to work. Managers should discuss with employees before hand how they wish this contact to be maintained.

KIT days: These must be agreed in advance by the manager and the employee, and the [KIT Day Request Form](#) (available on RIO) must be completed and signed for each agreed day. Every month in which a KIT day is worked, a record of the corresponding hours must be sent to HR Advice using the [KIT Day Payment Form](#) (also available on RIO).

Step 5 Employee notifies HR of actual birth date

Within 4 weeks of birth

The employee notifies her manager and HR in writing of the actual birth date, using the [Notification of Birth Form](#) (original to HR, copy to the manager).

Step 6 Employee confirms her return to manager

3 weeks before intended return date (as stated in MF1)

In order to help with administration and logistics, the employee must notify her manager in writing of her confirmed return date, using the [Notification of Return to Work Form](#) (original to HR, copy to the manager). This is especially important where the employee wishes to return earlier than originally stated (eg to transfer some of her remaining maternity leave to her partner). In such cases, failure to give appropriate notice may result in the return being delayed accordingly. HR/Payroll adjust payments accordingly.

Step 7 Return to work interview

On return date

The manager carries out a return to work interview (including a risk assessment, available at http://rio/new_and_expectant_mothers_-_risk_assessment.htm) with the employee, as soon as she is back, and provides any necessary adjustments.