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## **MATERNITY LEAVE POLICY**

### **Purpose**

The purpose of this Policy is to confirm and communicate the Council's maternity arrangements which will enable employees to prepare for their absence.

The right to maternity leave and pay is contained in various employment related legislation and the Council will comply with these rules and regulations.

The Policy applies to all pregnant employees whether working full or part time irrespective of length of service. However, some provisions are dependent upon the employee having completed 26 weeks of continuous service by the end of the qualifying week.

### **Definitions**

The following definitions are used in this Policy:

- Expected Week of Childbirth – means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth; and
- Qualifying week – means the fifteenth week before the expected week of childbirth.

### **Aim**

To ensure that all employees who become pregnant, undergo a risk assessment as early in the pregnancy as possible.

That all reasonable and practicable measures are taken, to avoid or reduce hazards to new and expectant mothers.

The law requires that employers risk assess their employees including new and expectant mothers. Management of Health and Safety Regulations 1999.

Pregnancy is not considered to be an illness and the health and safety implications of the pregnancy can be addressed by normal health and safety procedures.

The Council recognises that pregnancy is not a static condition and the nature and degree of risk will change as the pregnancy progresses. The Council will ensure that the employee receives additional supervision and monitoring throughout the maternity period to prevent problems arising.

### **Notification Requirements**

An employee shall notify the Staffing Committee using the attached form (Form 1) at least 28 days before her absence begins or as soon as is reasonably practical:

- That she is pregnant;
- Of the Expected Week of Childbirth, providing a copy of form MATB1 as supplied by a registered medical practitioner; and
- The date on which she intends to start her maternity leave.

An employee can change her notified start date as long as she gives 28 days' notice or as soon as is reasonably practical.

### **Health and Safety**

On receipt of written notification from an employee that she is pregnant, a risk assessment will be carried out by the Parish Clerk or an appropriate person as nominated by the Staffing Committee if it is the Clerk that is pregnant. The employee and relevant manager should be fully informed of any risks identified. The manager and employee have an ongoing responsibility to monitor any potential risks that may be present.

The employee can request for a female person to complete the risk assessments.

### **Antenatal Care**

Any pregnant employee has the right to a reasonable amount of paid time off to attend ante-natal appointments made on the advice of a registered medical practitioner, which may include relaxation classes and parent-craft classes. Employees must produce evidence of appointments if requested to do so.

## **Ordinary and Additional Maternity Leave**

All women, regardless of their length of service, are entitled to 26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave providing a right to one year's maternity leave in total.

Maternity leave shall commence no earlier than 11 weeks before the Expected Week of Childbirth or from the time of childbirth if that is earlier. From the beginning of the fourth week before the EWC, a woman's maternity leave may be triggered if she is absent due to a pregnancy-related illness. The Staffing Committee will complete and send to the employee Form 3 – Early Commencement of Maternity Leave.

## **Maternity Pay**

### **Less Than One Year's Continuous Service**

Payments for employees who have less than 1 year's continuous local government service at the beginning of the eleventh week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP) or Maternity Allowance.

Statutory Maternity Pay will be payable if the employee has been employed continuously for at least 26 weeks ending with the 15th week before the Expected Week of Childbirth and has average weekly earnings at least equal to the lower earnings limit for National Insurance contributions.

Statutory Maternity Pay is payable for 39 weeks; for the first six weeks it is paid at 90 percent of the average weekly earnings. The following 33 weeks will be paid at the SMP rate or 90 per cent of the average weekly earnings whichever is the lower.

Women who do not qualify for Statutory Maternity Pay may be entitled to Maternity Allowance, paid by the Benefits Agency, for up to 39 weeks. To qualify, they must have been employed or self-employed for 26 weeks out of the 66 weeks before the expected week of childbirth.

Details of the current rates of Statutory Maternity Pay and Maternity Allowance may be found on the government's website [www.gov.uk](http://www.gov.uk)

### **More Than One Year's Continuous Service**

Payments for employees who have completed 1 year's continuous local government service at the 11th week before the Expected Week of Childbirth shall be as follows:

First six weeks of absence: The employee will be entitled to nine-tenths of a week's pay. This will be offset against payments made by way of Statutory Maternity Pay (or Maternity Allowance for employees not eligible for Statutory Maternity Pay). This means that any Statutory Maternity Pay or Maternity Allowance payments will not be paid in addition to the nine-tenths of a week's pay; instead the higher of these amounts will be paid.

Weeks 7 – 52 of absence: **An employee who declares in writing that she intends to return to work** will, for the subsequent 12 weeks' absence, receive half a week's pay. She will also receive Statutory Maternity Pay, if eligible to do so, and the only reason that any deduction will be made is if the combined pay and Statutory Maternity Pay (or Maternity Allowance and any dependent's allowances if the employee is not eligible for Statutory Maternity Pay) exceeds her contractual full pay.

As an alternative to the twelve weeks' half pay the equivalent amount (i.e. 6 weeks' pay) may be paid over any other mutually agreed distribution.

The twelve weeks' half pay (or equivalent payment) made by the authority during maternity leave is made on the understanding that the employee will return to local authority employment for a period of at least three months. In the event that the employee does not do so, they be required to refund the monies paid. This may be varied at the discretion of the Council if there is good reason to do so. Payments made to the employee by way of Statutory Maternity Pay are not refundable.

For the remainder of the maternity leave period the employee will receive their entitlement to Statutory Maternity Pay (which currently ends after 39 weeks in total), where eligible. Once the Statutory Maternity Pay payments have ended any remaining maternity period will be unpaid.

**For employees not intending to return to work**, payments during their maternity leave period following the first 6 weeks will only be their entitlement to Statutory Maternity Pay (currently ending after week 39), where eligible.

## **Pension**

The following information relates to employees who are members of the Local Government Pension Scheme.

### **Employee Contributions During Maternity Leave**

Employees will pay pension contributions at their 'normal' percentage rate during any period of paid leave.

Employees will not pay pension contributions during any period of unpaid leave. However, there is a distinction between the following:

- Periods of unpaid Ordinary Maternity Leave, when the employer continues to make pension contributions.

- Periods of unpaid Additional Maternity Leave and Additional Adoption Leave, when the employer does not make any pension contributions.

In the latter case the employee can, if they wish, choose to enter an age-related Additional Pension Contribution to cover the amount 'lost' during the unpaid leave. Information about this is set out in the employer's information below.

### **Employer Contributions During Maternity/Paternity/Adoption Leave**

The Parish Council will pay employer contributions on the employee's Assumed Pensionable Pay. Assumed Pensionable Pay is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however, the employee's pay during their leave is higher than Assumed Pensionable Pay, the Parish Council will pay contributions based on this higher amount.

Assumed Pensionable Pay does not apply during any unpaid period of Additional Maternity Leave. The employee can, if they wish, choose to enter an age-related Additional Pension Contribution to cover the amount of pension 'lost' during the unpaid leave.

If the employee notifies the Parish Clerk in writing within 30 days of returning to work that they wish to enter an Additional Pension Contribution, then:

- The employee will pay 1/3 of the cost of the Additional Pension Contribution
- The employer will pay 2/3 of the cost of the Additional Pension Contribution.

If the employee notifies the Parish Clerk of this decision later than 30 days after returning to work then the whole cost will be borne by the employee, unless the Parish Council voluntarily agrees to contribute to the Additional Pension Contribution.

### **Continuous Service**

Maternity leave counts as continuous service for statutory and contractual purposes.

### **Leave During Maternity Leave**

**Annual Leave** - Annual leave continues to accrue during maternity leave.

**Bank/Public Holidays** - Bank/public holidays continue to accrue during maternity leave.

## **Carry Forward of Annual Leave**

The employee and the Staffing Committee should review annual leave arrangements prior to maternity leave being taken. Where taking maternity leave means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.

## **Return to Work**

The employee will normally be entitled to return to work in the same capacity in which you were employed prior to maternity absence. However, there may be circumstances when this is not reasonably practicable, then you may be offered an alternative position but on terms and conditions not less favourable.

If the employee does not wish to return to work following maternity leave, they must give the Council notice in accordance with their terms of employment.

## **Treatment of Leave Where a Woman Changes Her Hours after Maternity Leave**

If an employee changes their hours after taking maternity leave, all leave accrued up to the agreed date when their hours change is calculated based on their original hours and any leave accrued subsequently is calculated on their new hours.

For an example of calculating this, see Appendix A.

## **Returning to Work**

**Notification requirements** - Managers must assume that an employee will return after 52 weeks. An employee need only notify her employer that she is returning to work if she is going to do so before the end of her maternity leave. Otherwise, the employee simply returns at the end of her maternity leave. However, as the return to work impacts on the half pay element of the Green Book maternity pay, a manager can ask the employee to inform them if they intend to return to work. Please note that an employee can change their mind up to the point when they give notice and resign. If an employee can let their manager know when they are likely to return as soon as possible that would be appreciated.

Employees must complete Form 2 – Notification of Intention Relating to Maternity Leave to assist the Council in planning your return to work.

**Early return** - If an employee wishes to return early or on a different date than they had previously notified, they must give 21 days' notice.

## **Informal Contact**

Managers need to ensure that they keep in touch with their employees whilst they are on maternity leave. If the employee does not wish to be contacted, they must notify the Staffing Committee before starting maternity leave. Newsletters and any other relevant correspondence will be sent to all employees whilst they are on maternity leave.

## **Keeping in Touch Days**

Keeping in touch (KIT) days are intended to facilitate a smooth return to work for women returning from maternity leave. Before going on leave, the employer and the employee should discuss and agree any voluntary arrangements for keeping in touch during the employee's maternity leave. An employee may work for up to 10 KIT days during Ordinary Maternity Leave or Additional Maternity Leave without bringing her maternity leave to an end. An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby.

The work can be consecutive or not and can include training or other activities which enable the employee to keep in touch with the workplace. Any such work must be by agreement and neither the employer nor the employee can insist upon it.

The Staffing Committee will discuss Informal Contact and Keeping in Touch Days with the employee and will complete and send a copy of Form 4 – Contact/Keeping In Touch Agreement. A copy of the Agreement will be provided to employee and kept on file by the Council.

# Illogan Parish Council Risk Assessment

## Activity – Maternity Risk Assessment for Expectant Mothers

Name of Employee:

Date of Expected Delivery:

Date of Assessment:

Assessment Complete By:

<b>Job Role:</b>	
<b>Environment</b>	
<b>Any health / wellbeing or other issues identified by employee</b>	
<b>Following the assessment are there any action points:</b>	
<b>XXX (month) review date</b>	

Hazard	What are the risks	Existing Control Measures	Is further action required? If yes: Please state	Risk Rating
Display Screen Equipment	Increased susceptibility to musculoskeletal disorders and DVT	<ul style="list-style-type: none"> <li>• Encourage regular movements;</li> <li>• Workstation needs adequate space to accommodate increase in abdominal size;</li> <li>• Avoid continuous sitting at work station; and</li> <li>• DSE assessment completed needs repeating.</li> <li>•</li> </ul>		
Manual handling	Musculoskeletal injury  Weakening of the skeletal structure	<ul style="list-style-type: none"> <li>• Reduce the amount of physical work associated with the task;</li> <li>• Avoid carrying heavier loads;</li> <li>• Avoid reaching above head height;</li> <li>• Avoid carrying over distance;</li> <li>• Avoid lifting from below waist; and</li> <li>• Handling heavy / awkward objects should be avoided for 3 months following birth.</li> <li>•</li> </ul>		
Fatigue  Mental and physical	Physical tasks become difficult as pregnancy progresses because of fatigue in expectant and postnatal mothers	<ul style="list-style-type: none"> <li>• Increased risk of injury when tired;</li> <li>• Prolonged physical activity should be avoided; and</li> <li>• Regular breaks should be taken.</li> </ul>		
Welfare	Increased visits to the toilet; back pain  Poor nutrition; skipping breaks  Inadequate fluid intake  Nausea	<ul style="list-style-type: none"> <li>• Regular breaks must be taken;</li> <li>• Walking around recommended;</li> <li>• May require more frequent breaks; and</li> <li>• May need to eat little and often, particularly in the earlier stages of the pregnancy.</li> </ul>		
Slips / Trips and Falls	Increased risk of injury due to altered centre of gravity.	<ul style="list-style-type: none"> <li>• Maintain high standards of housekeeping within the workplace;</li> </ul>		

<b>Hazard</b>	<b>What are the risks</b>	<b>Existing Control Measures</b>	<b>Is further action required? If yes: Please state</b>	<b>Risk Rating</b>
	Increased risk due to physical changes / hormonal changes.	<ul style="list-style-type: none"> <li>• Keep floor areas clear;</li> <li>• Do not have trailing leads that are a trip hazard; and</li> <li>• Ensure flooring remains in good repair.</li> </ul>		
Work related stress	Employee will be vulnerable to stress due to hormonal, psychological and physiological changes during pregnancy  Crying / heightened emotions may give rise to sudden irrational outbursts	<ul style="list-style-type: none"> <li>• Monitor with regular supervision;</li> <li>• Reduction of risks in relation to work demands / pressures;</li> <li>• Emotions / mental attitude may vary;</li> <li>• Monitor and supervision;</li> <li>• Colleagues sympathetic and understanding; and</li> <li>• Plan work schedule to reduce pressure.</li> </ul>		
Lone working	Pregnant women can be affected by lone working  Can increase levels of anxiety	<ul style="list-style-type: none"> <li>• Monitoring with regular supervision;</li> <li>• Reduce the amount of lone working, if this becomes an issue with the employee; door locked when alone;</li> <li>• Buddy system for some of the time spent alone; and</li> <li>• Contact number for employee to call if concerned whilst on own.</li> </ul>		
Personal safety	During pregnancy the fear of violence can increase	<ul style="list-style-type: none"> <li>• Monitoring with regular supervision;</li> <li>• If necessary, arrange for the employee to receive extra support;</li> <li>• All other safe systems remain relevant; and</li> <li>• Personal alarm issued.</li> </ul>		
Access / egress		<ul style="list-style-type: none"> <li>• Level entrance and no steps or gradients within the building or car park.</li> </ul>		
Temperature / humidity	Whilst pregnant individuals have a lower tolerance to heat and	<ul style="list-style-type: none"> <li>• Temperature of the environment to be suitably controlled;</li> </ul>		

Hazard	What are the risks	Existing Control Measures	Is further action required? If yes: Please state	Risk Rating
	humidity which can lead to discomfort and fainting	<ul style="list-style-type: none"> <li>• Individual encourage to access fresh air for short periods during the day; and</li> <li>• Access to cool fresh drinking water.</li> </ul>		

To be signed following each review:

Employee Signature: Date:	Assessor Signature: Date:

# Form 1

## Notification of Maternity Leave

This form should be completed at least 28 days before the start date of your maternity leave and sent, along with your MTB1 form to the Staffing Committee.

(if you give birth earlier than expected, you must inform the Chairman and Vice Chairman of the Staffing Committee as soon as possible in order that appropriate arrangements for Payroll and maternity leave if appropriate can be made)

### Your Details

Full Name:	
Job Title:	

### Expected date of childbirth:

DAY		MONTH		YEAR			

### Proposed Last Day of Work:

DAY		MONTH		YEAR			

### Date on which Maternity Pay to Commence (maternity pay can start on any day of the week)

DAY		MONTH		YEAR			

I certify that the details shown above are correct. I enclose my MATB1 certificate.

Signed: ..... Date: .....

## Form 2

### Notification of Intention Relating to Maternity Leave

Completing this form will help the Council to understand your intentions in respect of your forthcoming maternity leave and effectively plan for your return to work. When completed please return to the Staffing Committee.

1. I would like to start my maternity leave on .....

2. Please tick the appropriate statement:

<input type="checkbox"/>	I intend to return to work after my maternity leave ( <i>now go to question 3</i> )
<input type="checkbox"/>	I do not intend to return to work after my maternity leave ( <i>now sign and date the form</i> )

3. Please tick the appropriate statement:

<input type="checkbox"/>	I wish to receive my contractual entitlement to 12 weeks at ½ pay whilst I am absent on maternity leave. I understand that if I do not return to work, I will be required to repay this money
<input type="checkbox"/>	Please withhold my payment of ½ pay until I return to work

4. Please tick/complete the appropriate statement:

<input type="checkbox"/>	It is my intention to return to work on .....
<input type="checkbox"/>	I do not know when I intend to return to work at this stage

I undertake to supply the Staffing Committee with all necessary information, e.g.

- a. To notify the Staffing Committee not less than 28 days prior to the intended date of leaving;
- b. To inform the Chairman and Vice Chairman of the Staffing Committee and my line manager of my actual date of childbirth;
- c. To advise the Staffing Committee of any circumstances that may affect my entitlement to maternity pay or leave;
- d. To notify the Staffing Committee, giving the notice required, of the date I intend to return to work.

Full Name: ..... Signed: ..... Date: .....

# Form 3

## Early Commencement of Maternity Leave

I confirm the following employee will commence maternity leave earlier than the original planned date due to pregnancy related illness during the four weeks immediately before the expected week of childbirth.

### Employee details:

Full Name:	
Job Title:	

### Date on which maternity leave will start:

DAY		MONTH		YEAR		

CLLr: ..... Signed: ..... Date: .....

## Form 4

### Contact/Keeping In Touch Agreement

This is a record of the discussions and agreements made between the Staffing Committee and the Employee in relation to Informal Contact and Keeping In Touch Days.

#### Employee details:

Full Name:	
Job Title:	

#### Arrangements – Informal Contact:

Form of contact preferred: e.g. telephone, e-mail, post	
Frequency of contact:	
Who will initiate contact?	

#### Arrangements – Keeping In Touch Days (KIT):

Keeping In Touch days – provide known dates of and reason for wishing to use KIT day e.g. training events, work shadow colleagues prior to return, conference	
Agreed rate of pay for KIT days e.g. current salary; hourly	

#### Declaration

Signed Employee:	Signed Staffing Committee:
Date:	Date: