

Totton & Eling Town Council

Maternity Policy

June 2023

1. Introduction

- 1.1 It is the policy of Totton & Eling Town Council (“the Council”) to ensure that, as far as possible, employees are able to combine their career and family responsibilities. The Council recognises that parenthood brings additional responsibilities. The Council values the contributions of our female staff and every effort is made to encourage women to return to work from Maternity Leave.
- 1.2 This Maternity Policy sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth. The Council implements the maternity rights set down in legislation.
- 1.3 The following abbreviations are used in this Maternity Policy:
 - 1.3.1 EWC – Expected Week of Childbirth, means the week starting on a Sunday, in which the employee’s doctor or midwife expects her to give birth.
 - 1.3.2 QW – Qualifying Week means the 15th week before the EWC.
- 1.4 The employee and his or her spouse/partner may be eligible for Shared Parental Leave (SPL), which gives employees more flexibility to share the available leave and pay in the first year. Employees must give at least 8 weeks’ notice to opt into SPL and must remain on maternity leave for at least two weeks after the birth (see below).
- 1.5 This policy only applies to employees and does not apply to agency workers or self-employed contractors. This policy does not form part of any employee’s contract of employment and the Council may amend it at any time.

2. Time off for Antenatal Care

- 2.1 Once an employee has advised her line manager that she is pregnant, she is entitled to take reasonable paid time off to attend antenatal appointments made on the advice of her doctor, midwife or health visitor. Antenatal care may include relaxation and parentcraft classes.
- 2.2 This right applies irrespective of length of service.
- 2.3 Employees have the right to time off to accompany a pregnant woman to up to two antenatal care appointments, if the employee is the father of the baby, or the partner of the pregnant woman. There is no right to be paid for this time off and the employee can take a maximum of six and a half hours for each appointment.

3. Entitlement

All employees are entitled to up to 52 weeks' maternity leave, consisting of 26 weeks' ordinary maternity leave (OML) and 26 weeks' additional maternity leave (AML).

4. Notification of Pregnancy

- 4.1 On becoming pregnant, an employee should notify her line manager as soon as she feels able to do so. This is important because there are health and safety considerations for the employee and the Council.
- 4.2 By the end of the Qualifying Week (QW), or as soon as reasonably practicable afterwards, the employee is required to provide the following information in writing to the Council:
 - 4.2.1 that she is pregnant;
 - 4.2.2 her Expected Week of Childbirth (EWC);
 - 4.2.3 the date on which she intends to start her maternity leave.
- 4.3 The employee must also provide her line manager with a MAT B1 form. The form must have either the doctor's name and address or the midwife's name and registration number on it. The MAT B1 form confirms the employee's EWC.

5. Maternity Leave

- 5.1 All pregnant employees are entitled to a maximum of 26 weeks' Ordinary Maternity Leave ("OML") and 26 weeks' Additional Maternity Leave ("AML"), making a total of 52 weeks.
- 5.2 Maternity leave should normally commence no earlier than 11 weeks before the EWC, unless the child is born prematurely before that date.
- 5.3 Maternity leave will start on whichever date is the earliest of:
 - 5.3.1 The employee's chosen start date;
 - 5.3.2 The day after the employee gives birth; or
 - 5.3.3 The day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the EWC.
- 5.4 The employee is permitted to bring forward her maternity leave start date, provided she advises the Council in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone her maternity leave start date, provided she advises the Council in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.
- 5.5 The Council will formally respond in writing to the employee's notification of her leave plans within 28 days, confirming the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave.
- 5.6 Shortly before the start of the employee's maternity leave, the Council will discuss with the employee the arrangements for covering the employee's work. As far as possible, such arrangement will be finalised in consultation with the employee herself.

If she has staff reporting to her, she will be involved in all decisions relating to the temporary reporting arrangements to cover her maternity leave. The Council will also discuss opportunities for the employee to remain in contact during her maternity leave.

- 5.7 The law obliges all employees to take a minimum of two weeks' compulsory maternity leave after the birth of the child.

6. Maternity Pay

- 6.1 For 39 weeks of the 52-week maternity leave period, employees are entitled to receive Statutory Maternity Pay ("SMP") provided that she has at least 26 weeks' continuous employment with the Council at the end of the QW and her average earnings are not less than the lower earnings limit set by the government.
- 6.2 The first six weeks of SMP are paid at 90% of the employee's average earnings and the remaining 33 weeks are paid at a rate set by the government each year.

7. Rights during Maternity Leave Period

- 7.1 The employee will continue to benefit from all of the rights conferred by her Terms and Conditions of Employment, except for the right to remuneration.
- 7.2 The employee will:
- 7.2.1 Retains the right to notice, right to redundancy pay, access to disciplinary and grievance procedures and the employer's implied obligation of trust and confidence; and
 - 7.2.2 Remain bound by the implied obligation of good faith and any express terms about termination, disclosure of confidential information, acceptance of gifts and her participation in any business.
- 7.3 As stated above, the employee's contract of employment remains in force during OML and AML for all purposes except remuneration. Therefore, both statutory and contractual annual holiday entitlement continue to accrue in the normal way during maternity leave.
- 7.4 Prior to the commencement of maternity leave, the employee's will discuss the timing of the employee's holiday in relation to her forthcoming maternity leave. The Council may:
- 7.4.1 require the employee to use all her outstanding holiday entitlement before starting maternity leave; or
 - 7.4.2 agree that the employee may carry the holiday forward and take it on her return to work after maternity leave; or
 - 7.4.3 pay the employee for any outstanding holiday entitlement as if the employee were leaving the Council. This applies to holiday entitlement in excess of the statutory minimum.
 - 7.4.4 On the employee's return to work during the next holiday year, the employee will be able to take her full annual leave entitlement in the usual way in accordance with Council's annual leave policy.

- 7.5 If the employee is a member of the pension scheme, the Council shall make pension contributions during OML and any period of paid AML, based on the employee's normal salary. Any employee contributions will be based on the amount of any maternity pay the employee is receiving unless the employee informs the HR Officer that she wishes to make up the shortfall.
- 7.6 Employees can agree to work for the Council (or attend training) for up to 10 days during their maternity leave without that work bringing to an end their maternity leave. These are known as 'keeping in touch' (KIT) days. The Council has no right to require employees to carry out any work and employees have no right to undertake any work during maternity leave. Employees will be paid at their normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any maternity pay entitlement.
- 7.7 The Council may make reasonable contact with the employee during maternity leave.

8. Returning to Work after Maternity Leave

- 8.1 Employees must return to work on the expected return date unless they advise the Council otherwise. Employees who wish to return to work early must give the Council at least eight weeks' notice. Employees who wish to return later than their expected return date may be able to do so if they request annual leave or parental leave, which will be at the Council's discretion. Employees who do not wish to return to work should give notice in accordance with their contract of employment.
- 8.2 On returning from OML, the employee will be entitled to return to the job in which she was employed before her absence on terms and conditions not less favourable than those which would have applied if she had not been absent.
- 8.3 The employee is entitled to return after AML to the same job or, if it is not reasonably practicable for us to provide that, to a job which is both suitable for her and appropriate for her to do in the circumstances. The terms and conditions of such employment will be the same as would have been applied to her if she had not been absent.
- 8.4 Employees who wish to change their hours or other working arrangements on returning from adoption leave should make a request under the Flexible Working Policy.

9. Shared Parental Leave

- 9.1 In some cases, employees may be eligible to opt into the Shared Parental Leave (SPL) scheme, which gives employees the flexibility to share the leave and pay available in the first year after the baby's birth. Employees' partners should check with their employer if they are eligible.
- 9.2 Employees should give at least eight weeks' written notice to end their maternity leave and opt into SPL. Notice can be given before or after the birth but the employee must remain on maternity leave until at least two weeks after the birth. Employees would then be able to share any remaining leave with their partner.

This policy has been approved & authorised by:

Name: Susan Cutler

Position: Town clerk & Chief Executive

Date: 21st June 2023

Signature: