



## Maternity Leave Policy and Procedure

### Introduction

West Oxfordshire District Council (WODC) prides itself on being an employer of choice. With an incredibly varied role in delivering the very best for our residents, communities and businesses, our employees are committed and really make a difference. In return we seek to support and empower our employees, to give their best.

This policy sets out the rights of employees who are pregnant or have recently given birth, including time off for antenatal appointments and entitlement to maternity leave and pay.

The following definitions are used in this policy:

"Expected week of childbirth" means the week, starting on a Sunday, when your doctor or midwife expects you to give birth.

"Qualifying week" means the 15th week before your expected week of childbirth.

The policy does not form part of your contract of employment, and we reserve the right to amend it at any time.

### Scope

This policy applies to employees employed by WODC. It does not apply to contractors, consultants or any self-employed individuals working for the organisation.

### Entitlement to Ordinary and Additional Maternity Leave

All pregnant employees are entitled to take 26 weeks' ordinary maternity leave followed immediately by 26 weeks' additional maternity leave.

You can decide how much maternity leave you wish to take. However, you must take at least two weeks of compulsory maternity leave immediately after your child is born.

To exercise your right to take maternity leave, you must comply with the notification procedure set out in this policy.

Ideally, you should notify your line manager as soon as possible that you are pregnant so that you may take paid time off to attend your antenatal appointments. This will also help us to ensure that we are able to address any health and safety concerns in a timely manner.

## Time Off for Antenatal Appointments

Once you have told us that you are pregnant, you will be entitled to reasonable paid time off work to attend your antenatal appointments. This may include relaxation and parent craft classes that your doctor, midwife or nurse has advised you to attend, in addition to medical examinations, screening tests and any midwife appointments.

After your first appointment, we may ask you to provide proof of your further antenatal appointments such as an appointment card or an equivalent document confirming your booking.

You should give your line manager as much notice as possible of your antenatal appointments and, wherever possible, try to arrange them outside your core hours/as near to the start or end of the working day.

Any individual who has a qualifying relationship with you (which includes your spouse, civil partner and the father of your expected child), has a statutory right to unpaid time off to accompany you to up to two antenatal appointments. They would need to contact their employer to request time off in these circumstances.

## Health and Safety

We have a duty to take care of the health and safety of all our employees.

We have an additional duty to carry out an individual risk assessment as soon as we receive written notice that an employee is pregnant, has given birth in the last six months or is breastfeeding where the work is of a kind that could pose a risk to their health or their baby.

Where we carry out an individual risk assessment, we will inform you of any risks that we have identified and the steps that we propose to take to eliminate or reduce them. This may mean altering your working hours, changing your working conditions, or offering you suitable alternative work.

In certain cases, we may have to suspend you from work until the risk to you or your baby has been removed. If you are suspended, your employment will continue during any period of suspension. You will also be entitled to your normal salary and contractual benefits, unless you have unreasonably refused an offer of suitable alternative employment.

## Sickness Absence

If you are absent from work due to a pregnancy-related illness, you will receive sick pay in the same way as you would during any other sickness absence.

However, if you are absent from work due to a pregnancy-related illness in the four weeks immediately before your expected week of childbirth, your maternity leave will start automatically. You must notify your line manager as soon as reasonably practicable that you are absent for a pregnancy-related illness and the date that your absence began.

## Notice to take Maternity Leave

You can start your maternity leave at any time from the Sunday at the beginning of the 11th week before your expected week of childbirth.

To take maternity leave, you need to give your line manager notice in writing by the end of the qualifying week, or as soon as possible afterwards, of:

- the fact that you are pregnant
- your expected week of childbirth and
- the date on which you wish your maternity leave to start.

You will also have to provide your line manager with your MAT BI form, which is a certificate from your doctor or midwife confirming your expected week of childbirth.

Failure to give the required notice and provide us with your MAT BI form may affect your entitlement to maternity leave and pay.

We will write to you within 28 days of receipt of your notice confirming the date on which you are expected to return to work if you take your full 52-week entitlement to maternity leave.

### Changing your Maternity Leave Start Date

If you wish to bring forward your maternity leave start date, you must inform your line manager in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

The date that you select as your maternity leave start date cannot be before the Sunday at the beginning of the 11th week before your expected week of childbirth.

If you wish to postpone your maternity leave start date, you must inform your line manager in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

If you change your maternity leave start date, we will write to you within 28 days of the start of your maternity leave confirming the revised date that you must return to work if you take your full 52-week entitlement to maternity leave.

### Starting your Maternity Leave

Your maternity leave will usually start on the date that you have chosen, unless:

- your child is born before your chosen maternity leave start date, in which case your maternity leave will start on the day after you give birth; or
- you are absent for a pregnancy-related reason (for example, if you are off sick for a pregnancy-related illness or suspended on health and safety grounds) in the four weeks before your expected week of childbirth, in which case your maternity leave will start on the day after your first day of absence.

If you give birth before your intended maternity leave start date, you must notify your line manager in writing of the date that you have given birth as soon as reasonably practicable.

### Maternity Pay

Statutory maternity pay is payable for up to 39 weeks of your maternity leave.

The first six weeks is payable at 90% of your average weekly earnings. The remaining 33 weeks is payable at a rate set by the Government for the relevant tax year, or at 90% of your average weekly earnings (whichever is lower).

You will qualify for statutory maternity pay if :

- you have been continuously employed for at least 26 weeks at the end of your qualifying week
- you are still pregnant 11 weeks before the start of your expected week of childbirth (or have already given birth)
- you have provided us with a MAT B1 form confirming your expected week of childbirth
- you have stopped working and
- your average weekly earnings are not less than the lower earnings limit for national insurance contributions.

If you become eligible for a pay rise between the start of the original calculation period and the end of your maternity leave, your statutory maternity pay will be recalculated to take account of your pay rise, regardless of whether statutory maternity pay has already been paid. This means that your statutory maternity pay will be recalculated and increased retrospectively, or that you may qualify for statutory maternity pay if you did not previously. In these circumstances, you will be paid a lump sum to make up any difference between statutory maternity pay already paid and the amount payable as a result of the pay rise.

Statutory maternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

### Occupational Maternity Pay (OMP)

You may be entitled to receive Occupational Maternity Pay (OMP)

To qualify for OMP you must:

- Have at least one year's continuous service at the beginning of the 11th week before the Expected Week of Childbirth (EWC).
- Declare that you intend to return to work at the end of your maternity leave.

At what rate is OMP paid and for how long?

- For the first 6 weeks, you will receive 9/10 of a week's pay (this will be offset against any entitlement to SMP or Maternity Allowance receivable during those 6 weeks)
- For the following 12 weeks you will receive half pay plus SMP (if you qualify). The sum of the half pay plus the SMP must not exceed your normal full pay. If it does, your pay will be adjusted accordingly.
- The 12 weeks' half pay is paid on the understanding that you return to work for a period of at least 3 months. If you do not return for a 3-month period, you will have to pay the money back
- If you are unsure about returning, you can opt not to receive the half pay whilst you are on maternity leave. If you do subsequently return (providing it is for at least 3 months), the half pay can be paid retrospectively as a lump sum. You can choose to have the half pay spread evenly over the 33 remaining weeks of paid Maternity Leave rather than paid over 12 weeks

Both SMP and OMP are subject to the usual deductions for Income Tax, National Insurance and, where applicable, Superannuation.

Payment of enhanced maternity pay includes any entitlement to statutory maternity pay that may be due to you for the same period.

Maternity Pay will be paid in the usual way on your normal pay day.

## Maternity Allowance

If you are not entitled to statutory maternity pay, you may qualify for maternity allowance from the Government. If this is the case, we will provide you with an SMP1 form so that you are able to pursue a claim for maternity allowance.

## Your Rights During Maternity Leave

During ordinary maternity leave and additional maternity leave, all the terms and conditions of your contract except normal pay will continue. Your pay will be replaced with statutory maternity pay if you are eligible for it. However, other benefits such as holiday entitlement and pension contributions will continue as set out below.

### Holiday Entitlement

You will continue to accrue your holiday entitlement during your maternity leave.

You should make every effort to take any outstanding holiday entitlement before commencing maternity leave or immediately after your maternity leave has ended. Any holiday entitlement that has not been taken because of maternity leave may be carried over into the next holiday year with the agreement of your line manager or a director.

### Pension Contributions

We will continue to make pension contributions based on your normal pay during ordinary maternity leave and any period of paid additional maternity leave. The contributions that you make will be based on the actual pay that you receive during your maternity leave.

Our pension contributions will cease during any period of unpaid additional maternity leave.

### Contact during Maternity Leave

We reserve the right to maintain reasonable contact with you during your maternity leave. This may be to discuss your plans for returning to work, to discuss any special arrangements to be made or training to be given to ease your return to work, or to update you on developments at work during your absence.

### Keeping-in-Touch Days during Maternity Leave

You can agree to work (or attend training) for up to 10 days during your maternity leave without that work bringing your maternity leave or statutory maternity pay to an end. These are known as "keeping-in-touch" days. Any work carried out on a keeping-in-touch day will count as a whole working day and you will be paid your normal rate of pay.

We have no right to require you to carry out any work and you have no right to undertake any work during your maternity leave. Any work undertaken on keeping-in-touch days is entirely a matter for agreement between you and your line manager.

### Notice for Ending Maternity Leave

You may take your full period of maternity leave entitlement and return to work at the end of the additional leave period without having to provide notice.

If you wish to return to work earlier than the end of your additional maternity leave period, you must give at least eight weeks' notice in writing to your line manager confirming the date on which you intend to return.

If you have notified us of an early return date, but subsequently change your mind about returning to work on this date, you must give notice in writing to your line manager at least eight weeks before the earlier of the date on which you intend to return and the date on which you had previously given notice to return.

## Returning to Work after Maternity Leave

You have the right to resume working in the same job and on the same terms and conditions if returning to work from a period of ordinary maternity leave. If you have taken a period of additional maternity leave, you have the right to return to the same job wherever possible. However, if this is not reasonably practicable, we will offer you a suitable alternative job on terms and conditions that are no less favourable.

We will write to you as the end of your maternity leave approaches to remind you of your expected date of return and the arrangements for your first day back.

We recognise that returning to work from maternity leave after a significant period of time away from work can be challenging. We will take steps to ensure that your return to work is as smooth as possible and work will be handed back to you on a gradual basis.

## What do you need to do if you decide not to come back to work?

If you decide that you do not wish to return to work, you must give written notice of resignation as soon as possible in accordance with the terms of your contract of employment. You should note that:

- if you have been paid Occupational Maternity Pay (OMP), you will have to pay it back
- depending on the timing of your maternity leave, you may have used up more of your annual leave entitlement than has been accrued at the time of resignation so you may have to pay that back
- if you have been paid SMP, that does not have to be repaid.

## Requests for Flexible Working

If, following a period of maternity leave, you feel that you would benefit from a change to your working arrangement, you should make a request for flexible working in accordance with the policy in place. Although we will take all reasonable steps to accommodate a request for flexible working, the full range of flexible working options will not be appropriate for all jobs across all areas of the organisation.

## Shared Parental Leave

If you and your partner meet the eligibility and notice requirements, you may choose to end your maternity leave and pay early and take shared parental leave instead. This will enable you and your partner to take it in turns to have periods of leave to care for your child, return to work while your partner takes leave, or take leave at the same time as each other.

Further information can be found in our shared parental leave policy.

## Experiencing Loss

If you experience a miscarriage or sadly the loss of a child after 24 weeks or at birth, separate policies to cover parental bereavement leave are in place, supporting employees experiencing pregnancy loss and the statutory right to take time off for dependants.

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