

Maternity Policy & Procedure

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Scope and Definitions

- 1.0 The Maternity Procedure applies to all employees of NYCC. There are some differences in entitlement depending on the conditions of service that apply, and these differences are detailed in the body of the scheme. Definitions can be found in the [Maternity guidance](#)

Continuity of service

- 1.1 Entitlement to SMP is calculated by reference to continuous service with NYCC only. For maternity leave and occupational maternity pay, continuous service depends upon service with NYCC and related employers.

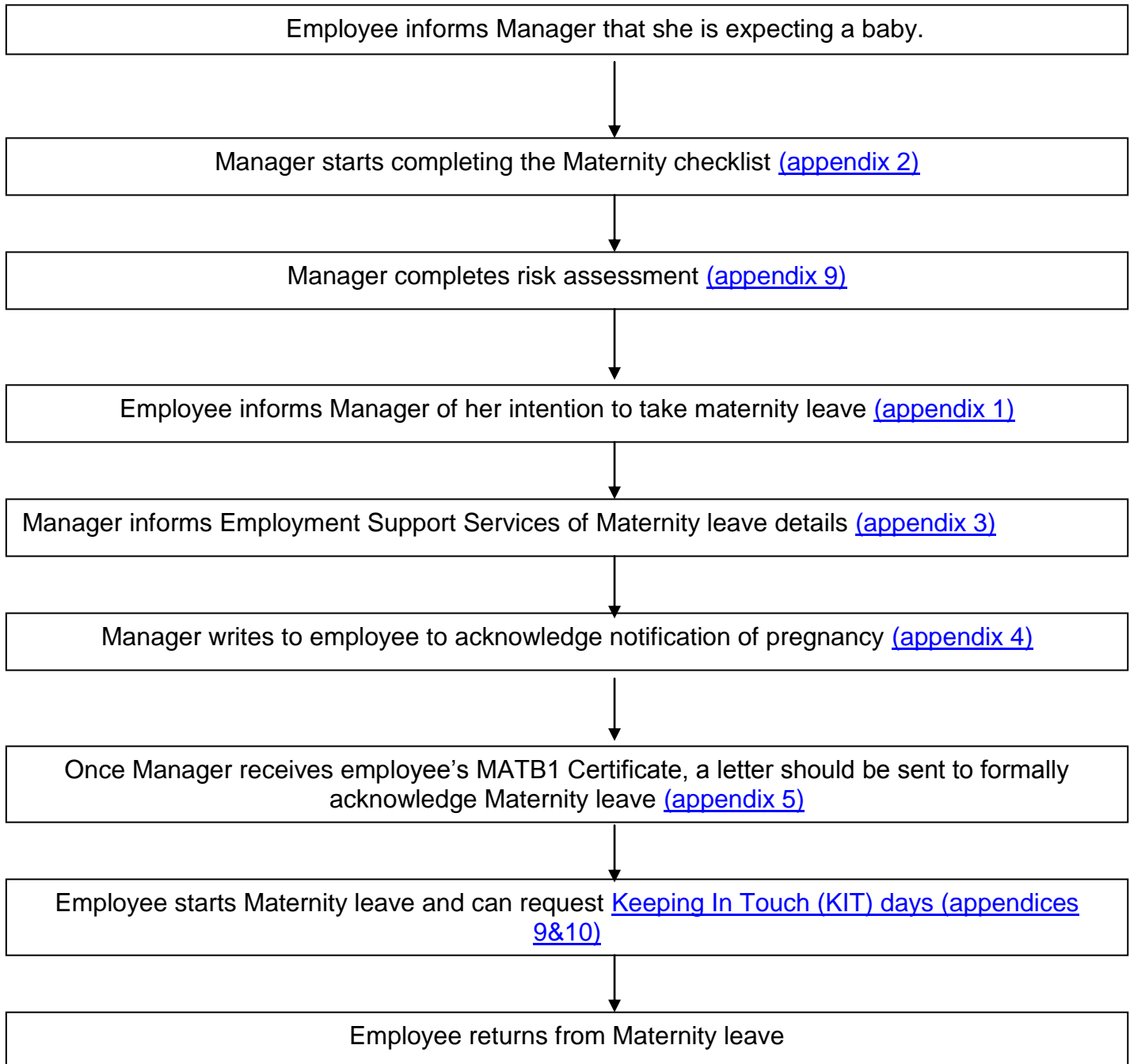
Maternity leave

- 1.2 Provided the employee complies with notification procedures she will be entitled to 26 weeks' Ordinary Maternity Leave and 26 weeks' Additional Maternity Leave, regardless of her length of service. The total of 52 weeks is the maternity leave period and must be taken consecutively.

Compulsory Maternity Leave

- 1.3 The employee does not have to take her full entitlement to maternity leave. However, she must take a minimum of two weeks of leave from the date of childbirth. She may also be suspended from work on maternity on grounds of health and safety.

Maternity Process



Maternity Leave Procedure

Confirming Pregnancy

- 2.0 The employee should tell her manager that she is pregnant as early as possible, to protect her health and safety and to get paid leave for ante-natal appointments. (For further information on absence for ante-natal appointments see the [Leave procedure](#). She should put in writing to her manager:

- That she is pregnant;
- The expected week of childbirth (EWC);
- The date she wants her maternity leave to start;
- To qualify for occupational maternity pay she must also declare her intention to return to work at the end of her maternity leave;
- A MAT B1 certificate must also be provided. This states the expected week of childbirth and is issued by a Registered Medical Practitioner or Certified Midwife.

- 2.1 This notification must be **at least 28 days** before her absence begins, but preferably by the 15th week before the expected week of childbirth.
- 2.2 The manager will reply to the employee within 28 days of receiving notification, to advise the expected date of return from maternity leave. This will be based on her full leave entitlement of 52 weeks maternity leave. If maternity leave has been triggered by childbirth or a pregnancy-related absence the manager will similarly write to confirm her expected date of return.
- 2.3 The manager will calculate the annual leave entitlement up to the start date of the maternity leave and inform the employee to ensure the leave is taken before the employee starts their maternity leave.

Starting maternity leave

- 3.0 Maternity Leave, at the earliest, can begin from the eleventh week before the expected week of childbirth. Maternity leave can start from any day of the week and the same is true for maternity pay where this is due.
- 3.1 If maternity leave has not already started, it will be triggered by the birth of the child, or pregnancy-related sickness, from the beginning of the 4th week before the EWC. If triggered by the birth of the child, maternity leave will begin on the day that follows the day on which childbirth occurs.
- 3.2 In either of these situations, the employee must notify her manager as soon as reasonably practicable, that she has given birth or that she is absent wholly or partly because of pregnancy related sickness. If she does not do so, she may lose her right to maternity leave. Initial notification can be by telephone but this should be followed up in writing as soon as possible.

Changing the Maternity Leave start date

- 3.3 If the employee later wishes to change her leave start date she must give at least **28 days notice**. This is a requirement to receive SMP, and will enable her manager to make cover arrangements. Her manager will write to her within 28 days to confirm her new expected date of return.

Returning from Maternity Leave

- 4.0 Employees who intend to return to work at the end of their full maternity leave entitlement do not have to give any further notification to their manager.

Returning before the full leave entitlement

- 4.1 If the employee wants to return before the end of her full leave entitlement of 52 weeks she must tell her manager at least:
- 21 days before her new intended return date (whether in the OML or AML period)
- 4.2 These notice periods are the minimum required. To help managers plan cover employees should give as much notice as possible of any changes to their plans.
- 4.3 If the employee does not give the minimum notice, her manager may postpone her return until 21 days after the date she informed her manager that she would like to return early, but not to a date after her maternity leave would have ended.

Deciding not to return


- 4.4 If the employee does not intend to return at the end of her maternity leave she should give normal contractual notice.

Keeping in Touch Days

- 4.5 The maternity regulations now allow an employee to do up to 10 days work during maternity leave without bringing their maternity leave to an end. This is not a statutory right and may only take place by agreement between the employer and the employee. Where a request is made it should not be unreasonably refused. Working for part of a day will count as one day. The employee will not lose any SMP/OMP/MA for working up to 10 days. Work is defined as any work that is done under their contract of employment and this may include training or any activity undertaken for the purposes of keeping in touch with their workplace.
- 4.6 However, NYCC cannot insist that an employee carries out work and equally the employee cannot insist that they are given work to do during this period under the KIT arrangements.
- 4.7 Where work is done during their maternity period they will continue to receive their SMP/OMP/MA where it is due and they should also be paid for any work that they do under their contract of employment. This work will be paid at the employee's hourly contractual rate and will be offset against any maternity benefits due.

However, they will not be able to carry out any work during the first two weeks following the birth of their child. This period is known as compulsory maternity leave that must be taken at this point.

A form for [recording keeping in Touch Days](#) and a [claim form for payment for Keeping in Touch Days](#) is available in the [forms, letters and templates](#) section on the maternity page.

 It is important to note that once an employee has used up the 10 keeping in Touch Days/sessions if they then work again they will not receive their Maternity or Adoption benefits for that week. Therefore, records must be kept to avoid this.

Reasonable contact

- 4.8 NYCC has a statutory right to make reasonable contact with the employee during the maternity leave period and the employee has a statutory right to make reasonable

contact with their employer during the maternity leave period. The employee and employer should agree before the start of maternity leave what kind of contact will be kept during the maternity period. The reasons for this contact could include:

- How the employee might be told about changes happening in the workplace
- Any opportunities that may arise to attend work related training or keeping in touch days.
- Contact to confirm return arrangements just prior to the agreed date.

Parental Leave

4.9 The employee can also take Parental Leave at the end of her maternity leave. For more information see the [Leave procedure](#).

Return to work arrangements

- 4.10 On returning to work during or immediately after the ordinary maternity leave period, a woman will return to the job in which she was employed on terms and conditions no less favourable than if she had not been absent. This includes the nature of the work she did and the place in which she did it. Where this is not practicable because of redundancy or reorganisation she will be offered a suitable alternative vacancy if one exists according to the Redeployment Policy and Procedure.
- 4.11 A woman returning during or after her additional maternity leave period is entitled to return to her original job on terms and conditions as if she had not been away unless, it is not reasonably practical for her to return to the same job, in which case she is entitled to be offered suitable alternative work.
- 4.12 Managers should consider any request for flexible working arrangements in accordance with the [Flexible working procedure](#)
- 4.13 If the employee cannot return to work as expected due to sickness, the usual sickness absence contractual arrangements apply, and she should tell her manager as outlined in the [Attendance management policy](#).
- 4.14 If you are returning to work your partner could have the right to take up to 26 weeks Additional Paternity Leave if your child is due on or after the 3rd April 2011. In order for your partner to qualify for Additional Paternity leave and pay you must have returned to work and ceased claiming any relevant allowances, i.e. SMP/MA, Statutory Maternity/Adoption leave. Further details can be found in the [Paternity and Maternity Support Leave Procedure](#)

Employees who are members of the LGPS, and who take any unpaid leave, will have the option of buying back any pension lost during the period of unpaid leave (assuming right to return to work exists). If employees decide to buy back pension 'lost' due to periods of unpaid leave within 30 days of returning to work after the period of leave, then the cost of this would be shared with NYCC paying two thirds of the cost and the employee paying one third. To find out how much it would cost to buy back pension, employees should contact Employment Support Services on 01609 532190.