

BRACKNELL FOREST BOROUGH COUNCIL

MATERNITY LEAVE SCHEME FOR SUPPORT STAFF

(with a minimum of 1 year's continuous Local Government Service)

These guidelines outline the maternity scheme, which applies to those women who are employed under the terms and conditions of the National Joint Council for Local Government Services. They reflect the provisions of the Employment Act 2002. Your expected week of childbirth must be on or after 1st April 2007.

Maternity Leave

You are entitled to a maximum of **52 weeks maternity leave** – this is made up of 26 weeks Ordinary Maternity Leave immediately followed by 26 weeks Additional Maternity Leave.

The date you commence your maternity leave is up to you to decide. However, you may not commence your maternity leave earlier than 11 weeks before your EWC. Your leave will also be triggered automatically if you have pregnancy related absence in the 4 weeks before your EWC.

There is a compulsory period of leave whereby return is not possible for 2 weeks starting with the day of childbirth.

Maternity pay

You are entitled to a **maximum of 39 weeks pay** made up as follows:-

Week 1 – 6 of your Maternity Leave

90% of your Weekly Earnings (see definitions). This forms part of your entitlement to Statutory Maternity Pay (SMP - £112.75 per week from April 2007)

Week 7 – 39 of your Maternity Leave

33 weeks SMP at the current rate, (or 90% of your weekly earnings if this amount is less than the current rate of SMP). (SMP is £112.75 per week from April 2007)

PLUS 12 weeks of Occupational Maternity Pay (OMP) at half your weekly pay (or equivalent – see below). You may elect to have this paid during your maternity leave or on your return to work.

(NB Your half pay may be reduced if your half pay and SMP together exceed your normal pay.)

Your pay must be at or above the National Insurance lower earnings limit to qualify for SMP. If you do not always pay National Insurance contributions then you should ask your HR Department to check your eligibility to receive SMP. If you do not qualify for SMP you may be entitled to Maternity Allowance (MA) which is paid by the Department of Work & Pensions. For more information on MA you will need to contact your local Benefits Agency.

In order to qualify for half pay you must return to work for a minimum of 3 months. Repayment of your half pay will be required if you do not return to work for all of this qualifying period. Repayment will be calculated pro rata, based on complete months not worked. E.g. if you return for 2 ½ months you will be required to repay 1/3rd of your half pay.

Ante- natal care

If you are pregnant you have the right to paid time off to attend ante-natal appointments. You must, if requested, produce evidence of your appointment. Time off should be requested in the normal way.

Health and Safety

If you feel that your duties and/or work environment may be detrimental to your health you must initially discuss your concerns with your manager/headteacher and you must also advise your GP/Midwife/Specialist of your duties so that they can advise you and assess any risk. Any advice given must be confirmed in writing by your GP/Midwife/Specialist.

Resignation

If resigning before commencing maternity leave you should give your normal contractual notice. If you decide to leave before the start of your Qualifying Week you will not be entitled to SMP from the Council although you may be entitled to MA payable by the Benefits Agency.

If you decide whilst on maternity leave that you do not intend to return to work, the date you make that decision will be treated as your leaving date.

Pension scheme contributions

If you are a member of the Local Government Pension Scheme you will automatically continue to make contributions during any period of leave for which you receive either occupational maternity pay or SMP. Your contributions will be based on the actual pay you receive. Any period of unpaid maternity leave will result in a break in pensionable service unless you elect to pay contributions for that period. If you do wish to make contributions you may either make a lump sum payment on your return to work or alternatively, increase your level of contribution until the outstanding sum has been paid off. The attached pension form should be completed to indicate your intentions and returned to Human Resources.

Continuous Service

If you return to work the period of maternity leave counts towards length of service and therefore continuous service for the calculation of redundancy payments, holiday entitlement and sick pay schemes.

Regular deductions from salary

If you have regular monthly deductions from your pay such as payments in respect of a car loan, BUPA, childcare or shopping vouchers, rent, Council tax etc., please contact HR to discuss the arrangements for payment during periods of no pay.

Notification of absence

You must give a **minimum of 28 days notice** of the date you intend to start your maternity leave. You are not able to commence your leave earlier than 11 weeks before your EWC. The Council requires you to supply a certificate of childbirth (MATB1) from your midwife/GP – this is usually given when you are between 20 –25 weeks pregnant. A maternity leave form should also be completed and returned to HR. You are encouraged to notify your line manager/headteacher of your pregnancy and your intentions with regard to taking maternity

leave as soon as possible in order to allow preparations to be made for staff cover.

If you commence maternity leave without giving the required notice you will be regarded as being on unauthorised absence, which may result in disciplinary action.

Within 28 days of receiving your notification of absence we will notify you of your expected date of return, based on the assumption that you will take your full entitlement to maternity leave.

As previously stated, your maternity leave is automatically triggered if you give birth or have a pregnancy related absence/illness in the 4 weeks prior to your EWC. If this happens you must notify us as soon as is reasonably practical that you have given birth or are absent partly or wholly due to pregnancy.

Communication during maternity leave

Employees and managers/headteachers are encouraged to maintain communication during maternity leave. For example, employees should be kept informed of job vacancies, changes within their department and updates on issues facing the Council as a whole.

Keeping in Touch Days

Women will be able to work during their maternity leave for up to 10 'keeping in touch' days without losing statutory maternity pay, if they wish to. Any work undertaken will be paid at their normal rate when they return from maternity leave. The employer is not obliged to provide 10 days and the employee is not obliged to attend if they do not wish to.

Return to work

You are entitled to return to the post in which you were employed under your original contract of employment and on terms and conditions not less favourable than those which would have been applicable if you had not been absent.

It is assumed that you will take your full maternity leave entitlement (i.e. 52 weeks) unless you notify your line manager/headteacher (with a copy to Human Resources) to the contrary.

If you wish to return to work **early**, then you are required to give **21 days notice in writing** of your return date. If you do not give the correct notice the Council may delay your return until 21 days notice has been given.

Right to ask for part time working on return from maternity leave

The Employment Act 2002 allows employees (male or female) with children under the age of six and who have worked for the same employer for a minimum of six months to **ask** for part time work.

You therefore, now have the right to **ask** to work part time on return from your maternity leave. You are encouraged to discuss your initial intentions regarding your return to work with your line manager/headteacher as soon as possible in order to help with staff planning. However, if you wish to make a formal request, to which you will receive a formal reply, you should put your request in writing.

Under the new legislation you can ask for a change to:

- The hours you are required to work
- The times you are required to work
- Your place of work (e.g. if you wish to work wholly or partly from home)

You should put your application in writing:

- Stating that it is an application is under Section 80F of the Employment Rights Act.
- Specifying the change you require and the date from which you would like it to become effective.
- Explaining what effect you think making this change would have on your section/department and how, in your opinion any such effect might be dealt with.

Your manager/headteacher will invite you to a meeting to consider your request within 28 days of your application. Further information on the right to ask for part time working is available from your Human Resources Adviser.

Parental Leave

You may be entitled to Parental Leave – contact your manager/headteacher and/or Human Resources Department for further information.

DEFINITIONS

Expected week of childbirth (EWC): the week in which your baby is due.

Qualifying week (QW): - for Statutory Maternity Pay: the 15th week before the week in which your baby is due.

Statutory Maternity Pay (SMP): SMP is pay which you may be entitled to as a result of paying National Insurance (NI) contributions. It is paid to you by the Council on behalf of the Department for Work & Pensions. SMP is paid whether or not you return to work after your maternity leave.

Maternity Allowance (MA): If you do not qualify to receive SMP, you may be entitled to receive an alternative Social Security benefit - the Maternity Allowance.

Average weekly earnings: A week's earnings if your remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the Council to you under the contract of employment which applies when you go on maternity leave, for working your normal hours in a week.

Where there are no normal working hours, the value of a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned. HR will be able to advise.

Further help

Should you have any questions, please contact your HR Adviser.

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MATERNITY LEAVE FORM

NJC Employees with over 1 years service in Local Government

PLEASE RETURN THIS FORM AND YOUR MATB1 TO YOUR HR ADVISER AS SOON AS POSSIBLE AND **NO LATER** THAN 28 DAYS BEFORE YOU COMMENCE MATERNITY LEAVE

Before completing this form, please read carefully the attached guidance notes on maternity leave and pay.

TO: YOUR HR ADVISER

Name (Capital Letters)

Payroll Reference Number(found on your payslip)

School

Home Address

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I intend to take maternity leave YES/NO*

My baby is due week beginning

A maternity certificate (MAT B1) is attached / will be forwarded as soon as possible*

I intend to start maternity leave on

It is my current intention to return to work after maternity leave YES/NO*

I elect to have the equivalent of 12 weeks half pay:

During my maternity leave/on my return to work*

Comment

Signed Date

*(delete as appropriate)