

BRACKNELL FOREST BOROUGH COUNCIL

MATERNITY PROVISIONS

GUIDELINES FOR MANAGERS – SUPPORT STAFF

Introduction

These guidelines outline the new maternity scheme which applies to those women who are employed under the terms and conditions of the National Joint Council for Local Government Services. The scheme reflects the maternity leave provisions in the Employment Act 2002 and applies to all women.

Notification of Pregnancy

When an employee informs you that she is pregnant you should instruct her to contact Human Resources as soon as possible. HR will explain her entitlements and give her a guide similar to these notes which should answer all her questions relating to maternity leave and pay. At the same time she will be given a maternity leave form to be returned to HR. A blank copy of this form is attached for your information.

Ante-natal care

All pregnant women have the right to paid time off to attend ante-natal appointments. Employees must, if requested, produce evidence of their appointment(s) and request time off in the normal way.

Maternity Leave entitlement

All women regardless of length of service are entitled to **52 weeks maternity leave**.

This is made up of the 26 weeks ordinary maternity leave followed by 26 weeks additional maternity leave.

Women are not able to commence their leave earlier than **11 weeks** before their EWC. Leave will be triggered automatically if a woman gives birth or has a pregnancy related absence in the 4 weeks before her EWC. There is a compulsory period of leave whereby return is not possible for 2 weeks after the birth.

Maternity pay

If the employee qualifies for maternity leave they are entitled to the following pay;

Week 1 – 6 of Maternity Leave

90% of normal pay which forms part of their entitlement to Statutory Maternity Pay (SMP)

Week 7 – 39 of Maternity Leave

33 weeks SMP at the current rate (£112.75 per week from April 2007)

If a woman on NJC terms and conditions has **more than 1 year's continuous Local Government service** at the beginning of the 11th week before the EWC they also receive **12 weeks at half their normal pay** – this is paid in weeks 7–18.

The amount of half pay payable may be reduced if half pay and SMP combined exceeds the employee's normal pay.

In order to qualify for their half pay the employee must return to work for a **minimum of 3 months**. Repayment is required if they do not return to work for all of the qualifying period. Repayment is calculated pro rata on the basis of complete months not worked. E.g. if an employee returns for 2 ½ months repayment of 1/3 of their half pay will be required.

In order to qualify for SMP, the employee must have been employed continuously for 26 weeks at the 15th week before their EWC and must earn more than the National Insurance lower earnings limit. If the employee does not qualify for SMP they may be entitled to some payments from the Department of Work & Pensions (Maternity Allowance).

Risk Assessment

The Council has a duty to carry out a risk assessment on a pregnant employee's working conditions, processes and materials to make sure they do not damage the health of the employee or one who has recently given birth or is breast feeding.

The employee will be told by HR to discuss with you any concerns she may have and any advice she may be given by her GP/Midwife/Specialist must be confirmed to you in writing.

If a risk is identified then protective/preventative measures must be taken. These can include a variety of methods from altering the working conditions/hours of work (with protection of the employee's current terms and conditions) to offering suitable alternative employment.

If no suitable alternative employment is available the employee has the right to be suspended on full pay. If she refuses the offer of suitable alternative employment then she should be granted unpaid leave.

Notification of absence

Employees are required to give specific minimum notice of the date they intend to start their maternity leave. The amount of notice they are required to give depends on their entitlements, but will be no later than 28 days before they intend to commence maternity leave.

The Council requires a certificate of childbirth (MATB1) from a midwife/GP. A standard maternity leave form (attached) needs to be completed by the employee and sent to Human Resources.

Communication during maternity leave

Managers and employees are encouraged to maintain regular communication during the maternity leave period.

Employees should be kept informed of job vacancies, changes within their department, updates on issues facing the Council as a whole.

Staff are encouraged to discuss their intentions regarding return to work with their line manager in order to help staff planning.

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 manager is not obliged to provide 10 days and the employee is not obliged to attend if they do not wish to.

Return to work

The employee is entitled to return to the post in which she was employed under her original contract of employment and on terms and conditions not less favourable than those which would have been applicable if she had not been absent.

It is assumed that employees will take their full entitlement to leave unless they notify the Council to the contrary.

If an employee wished to return from maternity leave earlier than the end of their contractual maternity leave they must give notice in writing of 21 days.

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.

Cover of Post During Maternity Leave

As soon as you know that an employee will be taking maternity leave you will no doubt make arrangements to either absorb the workload within the department or arrange temporary cover.

Parental Leave

Details are in your Personnel Guide for Schools.

Paternity Leave

Paternity leave is a leave entitlement of 10 days, which may be given to the spouse, partner or nominated carer at or around the time of the birth. This may be paid at different rates depending on entitlement. HR can advise on eligibility for this entitlement.

Adoption Leave

The Employment Act 2002 also brings in a statutory right to adoption leave. The Authority currently has an Adoption Leave policy, however, at the time of writing we are still awaiting further guidance from the Employers Organisation on how the statutory rights may amend the Council's policy.

Fertility Treatment

Reasonable time off should be given for those undergoing fertility treatment. Contact HR for further advice.

Casual Staff

If you have an employee who is a casual worker who becomes pregnant please notify us in the normal way and we will advise on pay entitlements. You should note that even though a casual employee will be entitled to 52 weeks maternity leave, she may not be entitled to SMP.

If you need any further advice, please contact your HR Adviser.

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MATERNITY LEAVE FORM

PLEASE RETURN THIS FORM AND YOUR MAT B1 TO YOUR DEPARTMENTAL 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 DEPARTMENTAL HR ADVISER

Name (Capital Letters)

Payroll Reference Number
(You will find this on your payslip)

Department

Home Address
.....

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*

Comments
.....
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Signed Date

*(delete as appropriate)