

MATERNITY LEAVE AND PAY POLICY

INTRODUCTION

This policy outlines entitlement to Maternity Leave and Pay for Tayside Contracts' employees.

SCOPE OF POLICY

This policy applies to all female employees working at all levels and grades within Tayside Contracts and should be read in conjunction with the Shared Parental Leave Policy.

MATERNITY LEAVE ENTITLEMENT

You are entitled to Maternity Leave provided that you:

- ✓ Continue to be pregnant at the 24th week of pregnancy.
- ✓ Comply with Tayside Contracts notification, evidence and declaration requirements.

If you qualify, statutory maternity leave consists of:

- Ordinary Maternity Leave (OML) of 26 weeks.
- Additional Maternity Leave (AML) of 26 weeks which must be taken immediately after OML.

MATERNITY PAY ENTITLEMENTS

You may be eligible for Maternity Pay during maternity leave providing you meet the following eligibility criteria.

Statutory Maternity Pay

To qualify for Statutory Maternity Pay (SMP) you must have been employed continuously for a period of at least 26 weeks by 15 weeks before the Expected Week of Childbirth (EWC) **and** you must earn above the NI Lower Earnings Limit.

Continuous service will include continuous service with any other public authority to which the Redundancy Payments Modification Order (Local Government) 1983 (as amended) applies. Where an employee returns to local government service following a break for maternity reasons they will be entitled to have previous service taken into account in respect of the maternity policy provided that the break in service does not exceed 8 years and that no paid employment has intervened.

SMP is paid for 39 weeks. 6 weeks at 90% of your average weekly pay followed by 33 weeks at a fixed rate or 90% of your average weekly pay, whichever is the lower.

If eligible, you will start to receive your SMP on the date of the week specified in your notice provided you start your leave on this date. Where the birth of your child occurs before your intended maternity leave start date your SMP will be paid from the day following the birth. If the start of your maternity leave is triggered by pregnancy related sickness absence your maternity pay will start the day following the first day of absence which occurs 4 weeks or less before your EWC.

Maternity Allowance

If you do not qualify for SMP you may be entitled to Maternity Allowance (MA). If you do not qualify for SMP, you will be issued with an SMP1 form which you should use to apply to Jobcentre Plus for MA.

Maternity Allowance is not payable by Tayside Contracts and is either a standard rate per week or 90% of your average weekly earnings (whichever is less).

Occupational Maternity Pay

Provided you have at least 26 weeks continuous service by 15 weeks before the EWC and you are returning to work following your maternity leave you are entitled to Occupational Maternity Pay (OMP).

If eligible for OMP this will be paid for a period of 12 weeks following the first 6 weeks of your maternity leave at the rate of 50% of your average weekly pay. This is paid in addition to SMP or MA to a maximum of your average full weekly pay.

If you receive OMP you must return to work for Tayside Contracts following maternity leave for at least 3 months (excluding sick leave). If you fail to do so you will be required to refund the 12 weeks OMP.

You may elect to suspend payment of OMP until you return to work.

Enhanced Occupational Maternity Pay

Provided you have at least one year's continuous service with Tayside Contracts (not continuous public authority service) by 15 weeks before the EWC and you are returning to work following your maternity leave you are entitled to Enhanced Occupational Maternity Pay (EOMP).

If eligible for EOMP this will be paid for the first 24 weeks of your maternity leave. The first 12 weeks will be paid at your average full weekly pay (which will include SMP or MA where applicable). The second 12 weeks will be paid at the rate of 50% of your average weekly pay in addition to SMP or MA to a maximum of your average full weekly pay.

If you receive EOMP you must return to work for Tayside Contracts following maternity leave for at least 3 months (excluding sick leave). If you fail to do so you will be required to refund the 24 weeks EOMP.

You may elect to suspend payment of EOMP until you return to work.

The table below details the SMP/OMP/EOMP payments you may be entitled to dependant on your length of service:

SERVICE AT 15 WEEKS BEFORE EWC	RETURNING TO WORK?	ENTITLED TO SMP?	PAYMENTS
Less than 26 weeks.	Yes/No	No	Nil from Tayside Contracts however you may be eligible to claim up to 39 weeks Maternity Allowance (MA).
At least 26 weeks.	No	Yes	6 weeks at 90% pay (SMP) 33 weeks at standard rate SMP or 90% pay *
At least 26 weeks.	No	No	39 weeks at MA
At least 26 weeks.	Yes	Yes	6 weeks at 90% pay (SMP) 12 weeks at half pay plus SMP ** 21 weeks at standard rate SMP or 90% pay *
At least 26 weeks.	Yes	No	6 weeks at MA 12 weeks at half pay plus MA ** 21 weeks at MA
At least 52 weeks.	Yes	Yes	12 weeks at full pay (inclusive of SMP) 12 weeks at half pay plus SMP ** 15 weeks at standard rate SMP or 90% pay *
At least 52 weeks.	Yes	No	12 weeks at full pay (inclusive of MA) 12 weeks at half pay plus MA ** 15 weeks at MA

* whichever is the lower.

** to a maximum of average full weekly pay

HOW TO APPLY FOR MATERNITY LEAVE AND PAY

Starting Maternity Leave

You can commence your maternity leave at any point, providing it is 11 weeks before the expected week of childbirth (EWC). However, if your baby is born early, then your maternity leave will automatically commence the day after your baby is born or if you are absent from work due to pregnancy related sickness your maternity leave will automatically commence if it is 4 weeks or less before your EWC.

Application for Maternity Leave

You must complete and submit an 'Application for Maternity Leave and/or Pay' form (and your MatB1 Form, which will be issued to you by your GP/Midwife confirming the expected date of childbirth) no later than the 15th week before the EWC or as soon as reasonably practicable thereafter. If you do not have a MatB1 Form when you submit your application you must forward it to the HR Admin Team whenever you receive it.

If you wish to change the date you wish to start your maternity leave you must give 28 day's notice, unless this is being brought forward if your baby is born earlier than expected.

ANTE-NATAL CARE

During your pregnancy you have the right to reasonable time off without loss of pay to attend ante-natal appointments providing you produce an appointment letter or card. Antenatal care can also

include dental appointments, relaxation and parentcraft classes however, where possible, you should make every effort to arrange these appointments outwith working hours.

KEEPING IN TOUCH DAYS

You may, by agreement with your line manager, do up to 10 Keeping in Touch (KIT) days, under your contract of employment during your maternity leave period. These days are different from simply making contact with your manager (and vice versa), as during these days you can actually carry out work for Tayside Contracts and be paid. The type of work to be undertaken on a KIT day is a matter for agreement between you and your line manager and it may include attendance at a team meeting or training event.

Tayside Contracts cannot make you work during maternity leave if you do not wish to and there is no obligation on Tayside Contracts to offer or agree to a KIT day. KIT days may be undertaken at any stage during the maternity leave period, by agreement with Tayside Contracts.

To request to undertake a Keeping in Touch day please submit a written request to the Head of your Unit/Division.

SHARED PARENTAL LEAVE

Shared Parental Leave (SPL) is a legal entitlement where, provided you satisfy the eligibility criteria, you can choose to curtail your maternity leave after the minimum two weeks and share the remaining 50 weeks with your partner.

ANNUAL LEAVE AND PUBLIC HOLIDAYS

You accrue annual leave including public holidays throughout your maternity leave. You may, subject to prior approval from your line manager, take annual leave which will accrue during your maternity leave prior to commencing your leave.

Term Time Employees Annual Leave and Public Holiday Entitlement

If you are employed on a term time only basis you will accrue annual leave and public holidays throughout your maternity leave. Payment in lieu of the accrued leave will be made upon your return to work.

CONTRACTUAL NON-CASH BENEFITS

You will continue to receive all contractual non-cash benefits other than pay during maternity leave. This does not include non-cash benefits provided for business use only.

PENSION CONTRIBUTIONS

Your pension contributions will continue to be deducted from your maternity pay and are payable on both statutory and occupational payments however they are not payable on Maternity Allowance. If you take a period of unpaid maternity leave, all benefits accrued in the Pension Fund will be frozen until payments recommence on your return to work. If you do not wish to have a break in your pension membership, you must inform the Payroll Team within 30 days of returning to work.

SICKNESS ABSENCE ENTITLEMENT

Entitlement prior to commencement of maternity leave

If you become ill during pregnancy, your entitlement to sickness allowance will be in accordance with the provisions of our Sickness Absence Management Policy. However, this entitlement may be affected in the following ways:

- If your absence is not related to the pregnancy, sickness allowance will be paid until the date you have stipulated you will begin your maternity leave or until the beginning of the EWC.
- If your absence is directly related to the pregnancy, sickness allowance will be paid until the 4th week before the EWC when the maternity pay period will begin automatically or the date you have stipulated you will begin your maternity leave if this is earlier.

Entitlement during/following maternity leave

You cannot receive Statutory Sick Pay (SSP) whilst being paid SMP. Should you be unable to return to work on your expected return date due to illness, the provisions of the Sickness Absence Management Policy will apply with regard to notification, certification and payment of sickness allowance.

HEALTH AND SAFETY

Whilst you are pregnant, if you are breastfeeding and if you return to work within a few weeks after the birth, both you and your manager have a responsibility to ensure that there are no potential risks in the workplace or that no work is undertaken which may adversely affect you or your child. A risk assessment should be undertaken by your manager, which will include:

- Summary of key tasks of the job
- Mental aspects of the job (Potential occupational stressors)
- Equipment used/frequency of use (For example, cleaning machinery, catering equipment)
- Chemicals/substances used
- Working conditions (For example, lifting, carrying, standing, travelling)
- Working arrangements (For example, shifts)

Where a potential risk is identified, either by you, your manager or by a medical practitioner, every effort will be made to modify working arrangements or find alternative work for the duration of your pregnancy. Such modification may also be required upon your return to work if you are breastfeeding. If a risk assessment confirms that alternative work is required but no suitable vacancy is identified, you will be suspended from duty on normal pay until the EWC or until such time a vacancy becomes available.

RETURNING TO WORK AFTER MATERNITY LEAVE

The first 2 weeks leave must be taken immediately following the birth of your child and is known as compulsory maternity leave.

You will be formally advised in writing of the end date of your maternity leave and you will be expected to return to work on the next working day following this date unless you inform us otherwise. Should you wish to return to work earlier or later than the agreed return date you must provide written notice giving a minimum of eight weeks' notice of your preferred return to work date. Failure to give the

required 8 weeks' notice or an earlier return to work may result in Tayside Contracts postponing your return until 8 weeks' notice has been given (although this cannot be postponed past the end of the 52-week period).

You have the right to return to your original job on return from ordinary maternity leave.

If the leave taken is more than 26 weeks i.e. additional maternity leave, you have the right to return to your original job, unless this is not reasonably practicable. If it is not reasonably practicable you have the right to return to a similar job on the same terms and conditions.

If you wish to return on a part-time, job share or flexible working basis, you must submit your flexible working request at least 8 weeks before your return.

Temporary/Fixed Term Employees

If you are employed on a temporary fixed term contract, you will retain the right to return to your original job or similar job where:

- ✓ You return to work following maternity leave before the end of your temporary/fixed term contract.
- ✓ An extension to the temporary/fixed term contract is appropriate irrespective of whether you are on maternity leave.

Should your contract expire during the maternity leave period and no extension is offered, you will receive any statutory payments and occupational payments you are entitled to.

RELATED POLICIES

The Maternity Leave and Pay Policy and Application for Maternity/Pay Form links to the following policies which can be accessed on the Intranet, or requested from your line manager or from the HR Admin Team:

- Job Sharing
- Maternity/Adoption Support and Paternity Leave Policy
- Parental Leave
- Request for Flexible Working
- Shared Parental Leave
- Time off for Dependents

POLICY REVIEW

The Maternity Leave and Pay Policy will be reviewed at three yearly intervals, or as required by legislative changes.

GENERAL DATA PROTECTION REGULATION

Tayside Contracts respects the privacy of our employees, any personal data processed during the application of this policy will be in line with Data Protection Legislation. Further information on how we may process personal data for the purpose of applying this policy can be found in our Privacy Notice.

Should you have any queries or require further clarification regarding any aspects of this policy or related policies please contact, HR Services on 01382 812721 or employment.policies@tayside-contracts.co.uk

If you would like this document translated into another language or in another format such as audio or large print then please contact Angie Thompson, Equalities and Communications Manager on 01382 834165 or angie.thompson@tayside-contracts.co.uk