

# Policy

## Maternity and Paternity Leave Policy

This Procedure is a document that sets out the organization's approved and agreed practices. Any deviation must be discussed with the originating author.

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### **THIS IS A CONTROLLED DOCUMENT**

Whilst this document may be printed, the electronic version maintained on the Billingham Parish Council website is the controlled copy. Any printed copies of this document are not controlled.

## 1. DOCUMENT CONTROL SHEET

<b>Purpose of document:</b>	The purpose of this policy and procedure is to provide clear information about our maternity provisions.
<b>Dissemination:</b>	This policy will be disseminated to all staff and council members and be made available on the parish website
<b>Implementation:</b>	This document will be accessible via the parish council website and is applicable to all staff and council members.
<b>Review:</b>	This document will be reviewed in 2024 at Annual Meeting) unless there are significant changes in legislation or practice in which case it will be reviewed earlier.
<b>Documents replaced or superseded by this document:</b>	This subsumes policy from PCD027 (Paternity Leave).
<b>This document supports (enter Standards and Legislation:</b>	
<b>Key related documents:</b>	PCD011 Health and Safety Policy
<b>Financial Implications:</b>	This document has no financial implications for the Billingham Parish Council.
<b>Key word search</b>	

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## **3. Introduction**

a. This document sets out the Billingham Parish Council (hereafter referred to as the Council) policy on maternity leave (Part A) and paternity Leave (Part B). This policy applies to all current employees, whether full or part-time, temporary or fixed-term.

b. Whilst the Council will endeavour to maintain the content of this document in line with current regulations, current regulations will take precedent over policy detailed in this document where different. This is a non-contractual policy.

c. The following abbreviations are used throughout this document:

- i. AML: Additional Maternity Leave.
- ii. EWC: Expected week of childbirth. This is also referred to as "the qualifying week".
- iii. OML: Ordinary Maternity Leave.
- iv. OPL: Ordinary Paternity Leave.
- v. SMP: Statutory Maternity Pay.
- vi. SPL: Shared Parental Leave.

## **Part A Maternity Leave**

### **4. Introduction**

a. This part of the policy details maternity leave, maternity pay, and arrangements surrounding returning to work after maternity leave. It also sets out the procedures which the Council will follow at various stages, before, during and after maternity leave. It also provides basic guidance on the health and safety aspects of working whilst pregnant.

### **5. Informing the Council**

- a. As soon as you know that you are pregnant, you are encouraged inform the Council. This is in your own interests and ensures that the council can take any necessary steps to look after your health and safety and that of your baby.
- b. As soon as you tell us that you are pregnant, the Parish Clerk will conduct an assessment of any health and safety risks to you or your baby. Early notice also allows us to let you know what your rights will be to maternity leave and pay. However, you do have the right to wait until the 15th week before you expect the baby before telling us that you are pregnant. Either way, you are required to confirm in writing the fact that you are pregnant, attaching a copy of your MAT B1 and indicating when you expect to start your maternity leave. You should note that you have the right to change the start date of your maternity leave provided that you give at least 28 days written notice of the change.
- c. The MAT B1 is a form signed by a doctor / midwife confirming your EWC Hospitals and GP surgeries have different policies regarding when the MAT B1 should be signed and by whom. The MAT B1 is not always issued automatically and you may have to ask your doctor / midwife for a copy.

### **6. Ante-natal care**

a. During your pregnancy, your doctor / midwife will make regular appointments with you for ante-natal checks, scans, tests etc. You are entitled to take reasonable time off work to attend these appointments, regardless of your length of service or the hours that you work. This time off will be paid and you will not be expected to make up the time. You should however give the Council as much notice as possible of your appointments and, after the first one, should present the appointment card from the hospital or clinic.

## **7. Maternity leave entitlement**

- a. You are entitled to take up to 52 weeks' maternity leave. This is made up of 26 weeks of OML plus 26 weeks' AML. You also have the right to return to work after the end of your OML or AML. This right applies to all female employees regardless of length of service or the number of hours worked per week.
- b. You can choose when to start your maternity leave. This can be any date from the beginning of the 11th week before the week the baby is due. The law requires that an employee take a minimum of two weeks maternity leave immediately following the birth.

## **8. Sick leave during your pregnancy or maternity leave**

- a. If you are off sick due to a pregnancy-related illness any time after the beginning of the fourth week before the start of the EWC, then your maternity leave period will begin straight away.
- b. If you are off sick due to a non-pregnancy-related illness any time after the beginning of the fourth week before the start of the EWC, it will be treated as sick leave in the usual way.
- c. Any pregnancy related sick leave taken before the start of the fourth week will be treated as sick leave in the usual way.

## **9. Early births**

- a. If the birth of your baby occurs before the 11th week before the EWC or your planned date of leaving, your maternity leave will commence the day after your baby is born.

## **10. Maternity pay**

- a. You are eligible to receive 39 weeks SMP if you have:
  - i. At least 26 weeks' continuous service with the council by the end of the 15th week before the EWC.
  - ii. Average weekly earnings in the eight weeks up to and including the qualifying week of at least the lower earnings limit for Class 1 National Insurance contributions.
- b. If you qualify for SMP, it will usually be paid for a period of up to 39 weeks. Rates are fixed by law and are subject to tax and National Insurance deductions. During the first 6 weeks of this 39-week period, SMP is paid at 90% of your average weekly earnings; thereafter you will receive the weekly lower statutory maternity rate or 90% of your weekly earnings, whichever is the lesser amount. Your average weekly earnings are calculated over the 8 weeks prior to the end of your qualifying week (15th week before the EWC) (see here for details of statutory rates - [www.gov.uk/maternity-pay-leave/pay](http://www.gov.uk/maternity-pay-leave/pay)).
- c. If you do not qualify for SMP you may be eligible to receive Maternity Allowance. If

you are not entitled to statutory maternity pay, the Council will issue you an SMP1 form to allow you to claim the Maternity Allowance.

#### **11. Shared Parental Leave (SPL)**

a. You are entitled to curtail your maternity leave and pay and instead take SPL and pay with your partner / the father of the child, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. See Part b of this document for Parental Leave Policy.

#### **12. The effect of maternity leave on contractual benefits**

a. During your maternity leave you will be entitled to receive the contractual benefits that you would normally receive if you were at work except for cash benefits (e.g. remuneration and allowances).

b. On return to work following OML and AML you are entitled to benefit from any general improvements to the rate of pay (or other terms and conditions) that you would have received had you been at work. This may also lead to a re-calculation of your SMP Entitlements.

#### **13. Annual leave**

a. Your contractual annual leave entitlement continues to accrue during your maternity leave. You can choose to take any leave accrued, as a block, either before you commence maternity leave, immediately upon your return to work or a combination of the two. You should be aware that if you take the annual leave before starting maternity leave and then leave employment mid-way through the maternity leave, the usual deductions will apply from your final salary or the Council may ask for an appropriate refund.

#### **14. Pension scheme**

a. Occupational pension contributions continue during OML and during any period of paid maternity absence.

#### **15. Maintaining contact during maternity leave**

a. Some people choose to have little if any contact with work during their maternity leave while others want to maintain a high level of contact. Before you start your maternity leave, the Paris Clerk will meet with you to discuss reasonable contact arrangements during your maternity leave. Below is a list of the sorts of information you may want to be kept informed about:

- i. Notes of important meetings or announcements affecting staff.
- ii. Details of internal vacancies which arise.
- iii. Details of significant developments to working practices.

iv. Details of any training courses which are offered to the team.

b. There may be occasions when the Council needs to contact you even if you have indicated that you do not wish to be contacted. In these circumstances contact will only be made when there is significant information which might affect you. For example, where there are changes proposed to the job you are expected to return to.

## **16. Keep in Touch (KIT) Days**

a. You may work for up to 10 days during your maternity leave. KIT days can only be worked by mutual agreement; both you and the council must agree to the work / training taking place. When agreeing KIT days, the Council will agree the type of work to be carried out and the duration in advance. Particular care should be taken when agreeing a rate of pay because payment for KIT days is off-set against SMP and not in addition to it. Therefore, the Council should agree a rate for that week which must be equal to or more than the rate of SMP.

## **17. Returning to work**

a. The council will assume that you will take your full maternity leave entitlement and intend to return to work doing the same job (see paragraph below regarding entitlement to return to the same job after maternity leave), with the same hours, unless you notify it, in writing, or request otherwise. In other words, you do not have to notify the council if you intend to return to work at the end of your AML.

b. If you want to return to work before the end of your maternity leave, you will need to notify the council in writing giving at least eight weeks' notice of your intended return date. If you do not give at least eight weeks' notice, the council may delay your return to work by up to a further eight weeks where there is good reason.

c. You have the right to resume working in the same job if returning to work from OML. If you return to work after a period of AML, you are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

d. If you decide not to return to work after your maternity leave, you will need to resign giving the appropriate notice as specified in your contract of employment.

## **18. Requesting a change to your pattern of work**

a. You have the right to request that the council considers changing your pattern of work (subject to eligibility criteria).

## **19. Your health and safety**

a. Whilst most women can work normally during pregnancy there are some duties which are best avoided or minimised. The council may be able to reorganise your work to avoid / minimise such duties or may arrange different work for you for health and safety reasons. Only in exceptional cases would other action be required e.g. suspension on medical grounds or other appropriate action.

- b. Once you tell the Council of your pregnancy, it will hold a meeting with you to discuss health and safety issues. In consultation with you, the Parish Clerk will complete a risk assessment, agreeing with you any measures to be taken. The council will hold regular meetings with you throughout your pregnancy to review the initial assessment. If you have any concerns please raise these directly with the council.

## **Part B Paternity Leave**

### **20. Introduction**

- a. This part of the policy details the Council policy on Ordinary Paternity leave (OPL) and Statutory Paternity Pay (SPP).

### **21. Informing the Council**

- a. Immediately you discover your partner is pregnant, you should make the council aware so that you can be briefed on your entitlements. OPL is also available to adoptive parents (either the adoptive father or the adoptive mother) where a child is matched or newly placed with them for adoption.

### **22. Eligibility**

- a. To qualify for OPL and SPP, you will need to have at least 26 weeks service by the end of the 15th week before the EWC or ending with the week in which you were notified of having been matched with the child. You must also have, or expect to have, responsibility for the upbringing of the child.

### **23. Ante-natal appointments**

- a. An expectant father or the partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to two of her ante-natal appointments. The time off is capped at six and a half hours for each appointment. "Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions, and intend to apply, for a Parental Order for the child born through that arrangement.
- b. Employees who are adopting a child are entitled to take time off to attend adoption appointments.
- c. You should endeavour to give the council as much notice as possible of when you need the time off for the antenatal appointment. The Council may ask you for a declaration stating the date and time of the appointment and that you qualify for the unpaid time off through your relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.



## **24. OPL**

- a. An employee whose partner gives birth to a child, or who is the biological father or either adoptive parent of the child, is entitled to two weeks' OPL. OPL can commence from the date of the child's birth, or child's placement with the adopter, or within 56 days of the birth or date of placement. If the child is born early, OPL may be taken between the date of birth and up to the 56th day after the EWC.
- b. OPL must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. Only one period of leave is available to employees irrespective of whether more than one child is born as the result of the same pregnancy.
- c. If you choose to start your OPL on a fixed and predetermined date and the child is not born or placed for adoption by that date, you must change the date you want to start your leave and notify the Council in writing as soon as you reasonably can. If you take both OPL and SPL you must take OPL first.

## **25. Notification of OPL**

- a. You must inform the council in writing of your intention to take OPL by the end of the qualifying week unless this is not reasonably practicable. You must tell us:
  - i. The week the baby is due.
  - ii. Whether you wish to take one or two weeks leave.
  - iii. When you want your leave to start.
- b. In the case of an adopted child, you must give notice of your intention to take OPL no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date you intend to start ordinary paternity leave, the length of the intended OPL period and the date on which the adopter was notified of having been matched with the child.
- c. You can change your mind about the date on which you want the leave to start providing you tell your manager at least 28 days in advance (unless this is not reasonably practicable).

## **26. Ordinary Statutory Paternity Pay (OSPP)**

- a. You will qualify for OSPP if your weekly earnings in the 8 weeks up to and including the qualifying week are not less than the lower earnings limit for the payment of National Insurance contributions. The qualifying week is 15 weeks before the baby is due or the week during which you are notified of being matched with a child for adoption.
- b. OPL will be paid at the prevailing rate of OSPP or 90% of average weekly earnings if this figure is less than OSPP.

## **27. Shared Parental Leave (SPL)**

a. The birth mother or primary adopter is entitled to curtail their maternity/adoption leave and pay and instead take SPL and pay in conjunction with the child's father (in the case of birth) or the spouse, civil partner or partner of the child's mother/adopter, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child.

## **28. Pay increases awarded during paternity leave**

a. The Council will ensure that whilst you are on OPL you are not left out of a pay award which you would ordinarily have been entitled to. This means that if the Council make a pay award which takes effect during your OPL, then when you return to work, you will return to the 'new' rate of pay that applies to the job you are returning to.

## **29. Returning to work**

a. On resuming work after OPL, you are entitled to return to the same job as you occupied before commencing OPL on the same terms and conditions of employment as if you had not been absent.

## **30. Requesting a change to your pattern of work**

a. You have the right to request that the organisation considers changing your pattern of work (subject to eligibility criteria).

## **31. Additional paternity leave**

a. Additional paternity leave is available to eligible employees who may take up to 26 weeks' unpaid additional paternity leave within the first year of their child's life provided that the mother has returned to work.