Toft Newton Parish Council

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MATERNITY LEAVE POLICY v001

Toft Newton Parish Council recognises that parents have joint responsibility for the care and upbringing of their children and aims to support employees where possible and appropriate in balancing the needs of home and work life.

This policy and procedure aims to outline:

- the procedures to be followed for taking maternity leave;
- the expectations, benefits and entitlements to ensure that employees have a clear understanding of and comply with the relevant procedures.

This policy applies to all employees provided they meet the service requirements for eligibility.

Related legislation, policies and guidance

This policy should be read in conjunction with the following related legislation, policies and guidance:

- Maternity and parental leave etc regulations 1999 (as amended 2002, 2014 and 2024)
- The Parental Bereavement Leave and Pay Act 2014

Toft Newton Parish Council internal documents:

- Paternity Leave policy
- Adoption Leave policy
- Shared Parental Leave policy
- Parental Bereavement Leave policy

Responsibilities and review

The Personnel committee is responsible for the review of this policy. The policy will be reviewed every three years or earlier in response to changes in relevant legislation.

Maternity Leave

All pregnant employees are entitled to take up to one year's (52 weeks) maternity leave, regardless of length of service. Maternity leave and pay are separate entitlements.

Maternity leave is a single continuous period with no gap between and is made up of:

- Ordinary Maternity Leave (OML), 26 weeks
- Additional Maternity Leave (AML), 26 weeks

An employee must notify the Parish Council Clerk in writing by the 15th week before her Expected Week of Childbirth (EWC) (the week her baby is expected to be born), stating her intention to take maternity leave and when she wants the maternity leave to start.

The employee must attach their original Maternity Certificate (MATB1) signed by the midwife to the letter. Without this form, Statutory Maternity Pay (SMP) cannot be paid.

The Parish Council Clerk will respond in writing to this notification of leave within 28 days, setting out the day on which the employee is expected to return to work. Unless otherwise notified, the date on which the employee will return to work will normally be the first working day 52 weeks after maternity leave begins. This is because all employees are entitled to 26 weeks Ordinary Maternity Leave and a further 26 weeks Additional Maternity Leave.

If an employee wishes to change the start date of her maternity leave, she must give 28 days' notification, unless there is a good reason why this is not possible (for example, the baby is born early).

The earliest date an employee can take her maternity leave will be the beginning of the 11th week before her baby is due.

Maternity leave is available if:

- the baby is stillborn after 24 weeks of pregnancy
- the baby is born at any point in the pregnancy but dies later

If childbirth occurs before the date of notification, the Maternity Leave period will start automatically on the date of birth of the child (even if this is before the 11th week before the EWC). In order to preserve her rights to maternity leave and SMP, the employee must as soon as is reasonably practicable give her employer notice in writing of the date of childbirth and evidence of the date the baby was expected. A MATB1 from the doctor or midwife can be used as evidence.

Compulsory Maternity Leave - No employee may return to work within 2 weeks of the date of childbirth.

Parental Bereavement Leave and Pay

There is a statutory right to parental bereavement leave and statutory parental bereavement pay, which were introduced with effect on 6 April 2020.

Employees are entitled to parental bereavement leave in addition to maternity leave following the death of a child under the age of 18, or stillbirth (after 24 weeks of pregnancy) and, the employee or their partner:

- is the child's parent or foster parent;
- has had the child placed with them for adoption (whether by a UK adoption agency or from overseas);
- is their intended parent under a surrogacy arrangement;
- is the natural parent of a child who has since been adopted by someone else, and there is a court order allowing them or their partner to have contact with the child;
- looks after the child in their own home, other than as a paid carer, and have done so for at least four weeks (a parent "in fact").

Any period of parental bereavement leave will be paid at full pay, regardless of any entitlement to statutory parental bereavement pay. Full pay will include any entitlement to statutory parental bereavement pay for that week.

If an employee is taking another type of parental leave (for example, maternity or paternity leave) when the child dies or stillbirth happens, any parental bereavement leave must start after the other period of leave has ended but does not have to be taken immediately after. This applies even if the leave is for another child.

If the parental bereavement leave is interrupted by the start of another type of parental leave, the remaining parental bereavement leave may be taken after the other leave has ended, provided this is within 56 weeks of the date of death or stillbirth.

Maternity pay

In line with National Joint Council (NJC) terms and conditions and current legislation, pregnant employees with over one year's local government service at the 11th week before the EWC plus 26 week's continuous service with Toft Newton Parish Council at the 15th week before the EWC, plus earnings over the national insurance lower earnings limit are entitled to:

- 90% pay (i.e. higher rate SMP) for the first 6 weeks;
- basic rate Statutory Maternity Pay (SMP) for the next 33 weeks;
- half their normal pay during weeks 7 to 18 subject to confirmation of the intention to return to work. This will be made without deduction unless the combined half pay and SMP exceed full pay in which case the half pay will be reduced accordingly. Half pay during this period will be reclaimed if the employee does not return to work for at least three months).

Pregnant employees with less than one year's local government service at the 11th week before the EWC but more than 26 week's continuous service with Toft Newton Parish Council at the 15th week before the EWC, plus earnings over the national insurance lower earnings limit are entitled to:

- 90% pay (i.e. higher rate SMP) for the first 6 weeks
- Basic rate SMP for the remaining 33 weeks.

Pregnant employees with less than 26 weeks' Toft Newton Parish Council service at the 15th week before the EWC and earnings over the national insurance lower earnings limit may be entitled to:

- 39 weeks Maternity Allowance (Length of service insufficient to qualify for SMP)

If they have over one year's local government service, they will receive 90% pay (less SMP or Maternity Allowance) for the first six weeks and may be eligible to half pay during weeks 7 – 18 subject to written confirmation of their intention to return to work. If they do not return to work for at least three months, this payment will be reclaimed.

Pregnant employees with more than 26 weeks' service with Toft Newton Parish Council but below the national insurance lower earnings limit may be entitled to:

- 39 weeks Maternity Allowance (Earnings insufficient to qualify for SMP)

If they have over one year's local government service, they will receive nine tenths pay (less SMP of Maternity Allowance) for the first six weeks and may be eligible to half pay during weeks 7 – 18 subject to written confirmation of their intention to return to work. If they do not return to work for at least three months, this payment will be reclaimed.

Contract of employment during maternity leave

All NJC terms and conditions of employment except remuneration will be protected during Maternity Leave.

Statutory and bank holidays accrue during Ordinary and Additional Maternity Leave.

The contract of employment continues throughout maternity leave ensuring that this period counts towards the employee's period of continuous employment for the purposes of entitlement to other statutory employment rights (for example redundancy, pension rights, annual leave and increments).

Maternity Leave will not be treated as sick leave and will therefore not be taken into account for the calculation of the period of entitlement to sickness leave.

Antenatal Care

All female employees are entitled to reasonable paid time off during working hours to enable them to receive antenatal care. This includes medical examinations and parenthood and relaxation classes, as long as a medical practitioner, registered midwife or health visitor advises these.

Should an employee wish to accompany their partner, family member or friend / colleague at an antenatal appointment, they will be required to arrange this with the Parish Council Clerk. The employee would be required to take annual leave in this instance.

Employees are requested to give the Parish Council Clerk as much notice as is reasonably possible of their appointments.

With the exception of the employee's first appointment, her line manager may ask to see her appointment card and / or certificate signed by their GP, midwife or health visitor stating that she is pregnant.

Pregnancy related illness

An employee's maternity leave will automatically start if she is absent from work for a pregnancy related illness during the four weeks before the start of her EWC or a repeated sickness, regardless of when she stated she wanted the maternity leave to start.

Annual Leave

Annual leave and bank holidays will accrue during both ordinary and additional maternity leave. An employee may use any untaken annual leave before they start maternity leave.

Health and Safety

The Management of Health and Safety at Work Regulations 1999 require employers to assess risks to their employees, including new and expectant mothers, and to do what is reasonably practicable to control those risks.

As soon as the employee informs her line manager that she is pregnant, the Parish Council Clerk should carry out a specific risk assessment, paying particular attention to risks that could affect the health of an expectant mother. A copy of this risk assessment should be given to the employee.

Employees are advised to notify their line manager of their pregnancy as soon as possible in order to ensure health and safety risks are mitigated.

Pregnant women do not need to stop working with VDUs. However, if an employee is worried about working with a VDU during her pregnancy she should discuss her concerns with the Parish Council Clerk.

During her pregnancy the employee should ask for assistance with heavy physical work, including lifting heavy objects.

If the nature of her work is likely to put the pregnant employee at risk, the Council will endeavour to find alternative employment for her until her maternity leave begins.

Contact during maternity leave

The Council may make contact with an employee (and vice-versa) while they are on maternity leave, as long as the amount and type of contact is not unreasonable. Contact may take place for a number of reasons including to discuss the employee's return to work plans, or to keep her informed of important developments in the workplace. The frequency and nature of this contact will be agreed between the Parish Council Clerk and employee prior to her maternity leave commencing.

Employees will be kept informed of relevant promotion opportunities or job vacancies that arise while they are on maternity leave.

Keeping in Touch (KIT) days

Toft Newton Parish Council is keen to keep in touch with employees during their maternity leave. The purpose of the KIT days is to encourage more effective communication between employers and employees during the leave period, to keep the employee up to date with things at the Council and ease an employee's return to work.

Provision can be made for up to 10 KIT days during the maternity leave period. These may be taken at any stage during the maternity leave, by agreement with the employer, except for the first two weeks after the baby is born.

KIT days may only take place by agreement between the employee and the Parish Council Clerk. The line manager may not require an employee to work during maternity leave if she does not wish to, nor does an employee have the right to work KIT days if her employer does not agree to them.

Any work done as a KIT day must be agreed in advance between all parties, even as little as half an hour for example, will be counted as one of the KIT days. They can be taken as single days; in blocks of two or more days; or can be taken consecutively.

The type of work that the employee undertakes on KIT days is a matter for agreement between the employee and the Parish Council Clerk. They may be used for any activity which would ordinarily be classed as work under the employee's contract, for which she would be paid, for example a team meeting, conference or training activity.

Any work carried out during the KIT days will not have the effect of extending the maternity leave period or affecting their right to Statutory Maternity Pay (SMP).

The employee will be paid for the number hours work undertaken on each KIT day according to their contractual rate of pay, offset against Statutory Maternity Pay (SMP), if this is being paid when the Keeping in Touch Day is undertaken.

The Parish Council Clerk is responsible for ensuring that the employee does not undertake more than ten KIT days. If the employee undertakes any work over and above the 10 KIT days they will lose a week's Statutory Maternity Pay (SMP) for the week in which the extra work was carried out.

Returning to Work

If an employee wishes to return to work on the date set out in her original letter, they do not need to provide any further notice.

If an employee wishes to return to work before the end of the full maternity leave period, as set out in their original letter, they must give eight weeks' notice in writing of the date they intend to return to work. This notice requirement applies during both ordinary and additional maternity leave.

The Council can accept less, or no, notice at its discretion. However, if an employee attempts to return to work earlier than the end of their maternity leave without giving eight weeks' notice, the Council reserves the right to postpone their return until the full eight weeks' notice has been given.

The return-to-work date may not be postponed any later than the end of the maternity leave period.

Any payments made during maternity leave are made on the understanding that the employee will return to local authority employment for at least three months, which may be varied by the local authority on good cause being shown. In the event of the employee not doing so, the employee shall refund the monies paid, or such part thereof, if any, as the Council may decide. Payments made to the employee by way of SMP are not refundable.

The three-month period (inclusive of any holidays and other days when the establishment is closed) shall run from the date on which the employee returns to duty. If the employee wishes to leave employment at the end of the three-month period, she must give notice in writing and in accordance with Council policy during the three-month period.

Following a return to work the normal provisions for termination notice shall apply.

Return after Ordinary Maternity Leave

- An employee who returns to work after Ordinary Maternity Leave (i.e. has taken no more than 26 weeks maternity leave) is entitled to return to the same job on the same terms and conditions of employment as if she had not been absent.

Return after Additional Maternity Leave

- An employee who returns to work after Additional Maternity Leave (i.e. has taken more than 26 weeks maternity leave) is entitled to return to the same job on the same terms and conditions of employment as if she had not been absent, unless there is a reason why it is not reasonably practicable for her to return to her old job, in which case she should be offered a similar job on terms and conditions which are not less favourable than her original job.

Return to work health and safety

- Prior to the employee's return to work her line manager should carry out a specific risk assessment, paying particular attention to risks that could affect the health of a new mother, a breastfeeding mother or her child. A copy of this risk assessment should be given to the employee.
- The Council will provide, if required, facilities for employees to breastfeed, express milk and to store expressed milk. If you wish to use these facilities please inform the Parish Council Clerk.

Primacy

Where any conflict exists between this policy and the Government's guidance or legislation on Maternity Leave or the NJC contractual terms and conditions, the legislation and / or contractual obligations shall have primacy over this policy.

Reviews

Toft Newton Parish Council will review this policy as per the schedule below, or sooner if changes to local or national guidance or legislation require a revision to take place sooner.

Previous versions of this policy will be retained on the Zoho WorkDrive and will have a version number appended to their file name.

Approved by Toft Newton Parish Council on:	27th October 2026
First review due:	September 2029
Then review:	Every three years