

Canvey Island Town Council

Maternity Leave Procedure

1. Introduction

The legislation surrounding Maternity Leave and Maternity Pay is complicated and the purpose of this procedure is to explain your rights and entitlements. Should you have any questions concerning maternity issues, please contact the Town Clerk.

2. Ante-Natal Care

All female employees have the right to reasonable paid time off work for antenatal care and to be paid for that time. Please inform the Town Clerk in advance of any time off required for appointments. You will be required to provide a certificate of pregnancy and an appointment card to the Town Clerk (except for the first appointment).

3. Maternity Leave Entitlements

All female employees, regardless of their length of service and hours worked, are entitled to Statutory Maternity Leave of up to a period of 52 weeks. This is divided into two periods of leave:

Ordinary Maternity Leave - is for the period of up to 26 weeks and can start any time from 11 weeks before the week the baby is due.

Additional Maternity Leave – this begins from the day after the last day of Ordinary Maternity Leave.

4. Ordinary Maternity Leave

To exercise your right to Ordinary Maternity Leave, you must notify the Town Council of the following:

- a) The fact that you are pregnant.
- b) The expected week of childbirth (EWC). You will be asked to provide a certificate from your doctor or a registered midwife, (MatB1) which states the expected week of childbirth (EWC). This cannot be issued before the 20th week of pregnancy.
- c) The date you intend to start Ordinary Maternity Leave. The date of start cannot be any earlier than the beginning of the 11th week before the expected week of childbirth (EWC).

You should complete a Maternity Leave Request Form, which is available from the Town Clerk who will respond within 28 days of your notification confirming:

- a) The date on which your period of Ordinary Maternity Leave ends.
- b) The date on which your period of Additional Maternity Leave ends.
- c) If you are entitled to Statutory Maternity Pay.

5. Commencement of Maternity Leave

Ordinary Maternity Leave can commence in one of three ways:

- a) You may start your Ordinary Maternity Leave at any time from the 11th week before the expected week of childbirth (EWC).

Adopted April 2013 - *Note: This policy has been based on advice from the Society of Local Council Clerks and their understanding of the law and practice at the time and ACAS guidance*

www.acas.org.uk – Amended May 2020

- b) Where premature childbirth occurs, even though you have not yet started your Ordinary Maternity Leave. Maternity leave will start **the day following** the actual date of birth and you must notify the Town Council as soon as is possible that you have given birth including the date of birth. You may be required to provide a MatB2 Form to the Town Clerk as confirmation of the actual birth date.
- c) You are absent from work due to **a pregnancy related illness** on or after the beginning of the fourth week before the expected week of childbirth (EWC). In this situation, the start of Ordinary Maternity Leave **will automatically begin the following day** and you must notify the Town Council as soon as possible that you are absent from work wholly or partly because of pregnancy.

6. Compulsory Maternity Leave

You will not be permitted to work during the first two weeks after giving birth. This is known as the Compulsory Maternity Leave period.

7. Length of Maternity Leave

The Ordinary Maternity Leave period continues for a period of up to 26 weeks from its commencement **and includes the Compulsory Maternity Leave period. Additional Maternity Leave period last for a period of 26 weeks and begins the day after the last day of Ordinary Maternity Leave. The length of maternity leave taken is your decision.**

8. Rights During Maternity Leave

Whilst on Maternity Leave, you will continue to benefit from all your normal terms and conditions of employment apart from your salary. You may receive Statutory Maternity Pay if you satisfy the qualifying conditions.

During Maternity Leave, you will be bound by any obligations arising from your terms and conditions of employment. You will also be entitled to Kit Days, this is a period of up to 10 days where you are entitled to work without your maternity leave coming to an end to keep in contact with your colleagues and attend training courses. For more information, please contact the Town Clerk.

9. Annual Leave During Maternity Leave

You will still accrue annual leave during your Maternity Leave period. You cannot take annual leave whilst on Maternity Leave as this would automatically cease your Maternity Leave.

You may take your accrued annual leave either before or at the end of your Maternity Leave. If you decide to return to work during the unpaid Maternity Leave period, prior to the 52 weeks, you could extend the length of your leave by using your accrued annual leave entitled.

10. Pension Contributions during Maternity Leave

Employee's pension contributions will be based upon the pay actually being received during the paid maternity leave period. Pension payments do not need to be continued during the period of unpaid maternity leave (after 39 weeks).

During any period of paid maternity leave the employer will continue to make contributions based upon your normal pay as if you had been at work.

11. Returning to Work from Maternity Leave

If you choose to take the full 52 weeks Maternity Leave you must have advised the Town Council of your intention and should you choose to return before 52 weeks give at least **8 weeks'** notice of your intended return date.

Should you return to work after 26 weeks or less you are entitled to return to your original job at the end of your leave on the same terms and conditions that applied before your leave **providing that job still exists. If maternity leave exceeding 26 weeks is taken you still have the right to return to your original job providing it is practical to do so. Otherwise a similar job, where terms and conditions are the same, would be offered.**

If you decide not to return to work, you must give notice of your intention not to return to work in accordance with the notice provisions contained within your contract of employment.

12. Maternity Leave Payments

You may be entitled to Statutory Maternity Pay (SMP) if you have 26 weeks service before the 15th week before the baby is due.

If you are not entitled to SMP you may be entitled to State Maternity Allowance and should contact the Job Centre Plus for more information.

13. When is SMP Paid?

SMP is paid for up to **39** weeks. It is for you to decide when you want to start your maternity pay period. Week eleven before the birth is the earliest you can receive SMP.

It is for you to decide when you want to stop work. You can work right up until the day of childbirth. The only exception to this rule is if you have a pregnancy-related illness in the last four weeks of your pregnancy. If this happens you will not be entitled to claim Statutory Sick Pay and will start receiving your SMP if you are eligible.

You will be paid your SMP in the same way as you are usually paid less any deductions for income tax and National Insurance Contributions.

If you decide to return to work prior to the end of the 39 weeks SMP will cease immediately.

Week of Maternity Leave	Entitlement to Pay
First 6 weeks of maternity leave	90% of the employee's normal earnings
Weeks 7 - 39 of maternity leave (33 weeks)	SMP or 90% of normal weekly earnings if lower
Weeks 40 - 52 or maternity leave (13 weeks)	No pay

14. Further Information

For further information on Maternity Leave, contact the Town Clerk.

MATERNITY LEAVE REQUEST FORM

Please complete this form in full and attach your MatB1 Form, which will be provided by your doctor or midwife.

Return this form and attachment to the Town Clerk.

Should you have any questions concerning maternity leave arrangements, please do not hesitate to contact the Town Clerk.

Full Name	
Home Address	

Declaration

1. I have completed and returned this Leave Request Form to notify Canvey Island Town Council of my pregnancy.
2. I understand that I am required to notify Canvey Island Town Council of my intention to take Maternity Leave by the end of the 15th week before my expected week of confinement.

My expected Week of Confinement is (and I enclose Form Mat B1 from my GP or midwife)	
I intend to commence my period of Maternity Leave on (Date)	

Signed		Date	
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Mrs/Ms
XXXXXXXXXXXXXX
XXXXXXXXXXXXXX
XXXXXXXXXXXXXX
Essex
SS8

Date:

Dear [Name of employee],

Congratulations and thank you for telling me about your pregnancy and the date that your baby is due. I am writing to you about your maternity leave and pay.

As we have discussed, you are eligible for 52 weeks' maternity leave (26 weeks' ordinary maternity leave plus 26 weeks' additional maternity leave).

Given your chosen start date [insert date], your ordinary maternity leave will end on [insert date] and your additional maternity leave will end on [insert date].

If you want to change the date your leave starts you must, if at all possible, tell me at least 28 days before your proposed new start date or 28 days before [insert date leave starts] (your original start date), whichever is sooner.

If you decide to return to work before [insert date leave ends], you must give me at least 8 weeks' notice.

As we discussed, you are eligible for **39 weeks' Statutory Maternity Pay / not eligible for Statutory Maternity Pay** [delete as appropriate].

or

The form SMP1 (enclosed) explains why you do not qualify for Statutory Maternity Pay. You may however be entitled to Maternity Allowance. If you take this form to the Jobcentre Plus or Social Security Office at [insert local details], they will be able to tell you more.

As your employer I want to make sure that your health and safety as a pregnant mother are protected while you are working, and that you are not exposed to risk. I have already carried out an assessment to identify hazards in our workplace that could be a risk to any new, expectant, or breastfeeding mothers. Now you have told me you are pregnant I will arrange for a specific risk assessment of your job and we will discuss what actions to take if any problems are identified. If you have any further concerns, following this assessment and specifically in relation to your pregnancy, please let me know immediately. If you decide not to return to work you must still give me proper notice. Your decision will not affect your entitlement to SMP. If you have any questions about any aspect of your maternity entitlement, please do not hesitate to get in touch with me. I wish you well.

Yours sincerely,