

MATERNITY SCHEME

(Non-teachers)

- (1) This policy sets out the terms of agreement reached by those participating in the Council's Consultation and Negotiating Framework.

For School's (e.g. some Academies) not participating in the Council's Consultation and Negotiation Framework

- (2) This Model Policy was provided by the Solihull School's HR Service. The school must undertake negotiation and consultation with the relevant Trade Union/Staff Association representatives before this policy is adopted by the School Governing Body. Advice is available from your HR provider on how to undertake this, if required.

April 2015

PREFACE

Looking forward to and looking after a new baby is a busy and exciting time. This booklet aims to guide you through what can appear complex and explain what maternity leave you are entitled, to information on maternity leave and your return to work.

The maternity scheme applies to all pregnant employees, regardless of length of service or number of hours worked per week. .

Nothing in this guidance shall be construed as providing less favourable terms than statutory rights, is in line with the NJC (National Joint Council) Green Book and will ensure that no woman receives less favourable treatment on the grounds of being pregnant, during maternity leave or on return to work as a new mother.

Human Resources (HR) will always be happy to help with any particular questions or queries you may have. Professional and trade associations are also able to offer support and information.

Solihull MBC subscribe to a free and confidential information, support and counselling service ([Employee Assistance Programme](#))

If you work for **Core** Council, i.e. you get paid on the 15th of the month, the HR team's contact details are

HR Core Shared Service Team
Council House Manor Square
Solihull
West Midlands. B91 3QB

Tel: 0121 704 8730 (hunt number)
Email: payandhradminmanagedgrowth@solihull.gov.uk
payandhradminchildrens@solihull.gov.uk
payandhradminadults@solihull.gov.uk
payandhradminbusinessstrans@solihull.gov.uk
payandhradminingovernance@solihull.gov.uk
payandhradminpublichealth@solihull.gov.uk
payandhradminresources@solihull.gov.uk

Or if you work in a **school**

HR Shared Service Team – Schools
Council House
Manor Square
Solihull
West Midlands. B91 3QB

Tel 0121 704 8726 or 8727
Email schoolshrea@solihull.gov.uk; schoolshreb@solihull.gov.uk

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SECTION 1 MATERNITY DEFINITIONS

The following outlines some of the terms that are used in this document:

EWC	Expected Week of Childbirth. This is the expected week the baby will be born.
OML	Ordinary Maternity Leave. The first 26 weeks of Maternity Leave (weeks 1-26)
AML	Additional Maternity Leave. The second 26 weeks of Maternity Leave (weeks 27-52)
SMP	Statutory Maternity Pay- this amount is set annually by the Government.
SSP	Statutory Sick Pay.
OMP	Occupational Maternity Pay
LEL	Lower Earnings Limit
MATB1 form	A Maternity certificate issued from your midwife or medical practitioner confirming that you are pregnant and your EWC. This is usually issued around the 20 th week before EWC.
Job	The nature of the work which you are employed to do and the capacity and place in which you are employed.
Childbirth	Childbirth means the birth of a living child, or the birth of a child whether living or dead after 24 weeks of pregnancy.
Average Weekly Pay	The amount payable to you under your current contract of employment. If there are significant variations in your salary, please contact HR
Qualifying week	15 th week before the Expected Week of Childbirth
Set period (SMP)	This is the last eight weeks pay before the Saturday of your Qualifying Week. This is used to calculate your average weekly pay for SMP purposes
HR	Human Resources
SMP1 form	Issued by HR if you are not entitled to SMP and for you to take to your local Job Centre Plus

2015-2016 rates (from 5th April 2015)

SMP (standard rate)	£139.56
LEL	£ 112

SECTION 2 NOTIFICATION OF PREGNANCY

FROM YOU

You are encouraged to notify Human Resources (HR) and your manager about your pregnancy, as soon as possible, but no later than the qualifying week (which is the 15th week before the Expected Week of Childbirth). This will allow you to establish what financial support you are entitled to and enable a risk assessment to be carried out to protect the health, safety and welfare of you and your unborn child.

Solihull MBC also requires the following information and documents, otherwise your SMP (Statutory Maternity Pay) will be affected:-

- An **original** MATB1 form.
- A completed MS1 form (found in Appendix ONE) **at least 28 days** before you wish to start your maternity leave.

You will notice that the MS1 form asks about your choice of option with regards to the occupational maternity pay scheme. This is a scheme in which Solihull MBC pays an additional 12 weeks at half pay on top of the statutory scheme. Section 5 of this booklet will explain this further and outline any conditions that apply.

Please send your MS1 and original MATB1 directly to the HR Shared Service team or via your line manager, who will forward it on to us.

If you have chosen a maternity leave start date, but then you wish to change your mind, please let us know at least 28 days before the revised start date or 28 days before the original date that you chose, whichever of these two dates is the earlier.

FROM US

Within 28 days of receiving your MS1 form you will receive notification from HR confirming your expected return date; this date will be 52 weeks from your maternity leave start date.

SECTION 3 ANTE-NATAL CONSIDERATIONS

Time off for ante-natal care

If it has been recommended by a medical practitioner, midwife or health visitor, you have the right to reasonable paid time off for ante-natal care, which may also include relaxation and parent-craft classes. Other than in the case of your first appointment, you must produce evidence of the appointments, if requested by your manager. You should give your manager as much notice as possible of the appointments and try to arrange them as near to the start or end of the working day.

Health and safety

If there is a work activity, which could involve a risk to you or your baby, a risk assessment must be carried out to identify these risks, please see [Model New and Expectant Mother Risk Assessment](#).

Adjustments may need to be made to your job but if this is not practicable, you may be offered alternative work. If this alternative work is not feasible and as long as you do not unreasonably refuse, you may be placed on leave on full pay until the risk has passed.

If you have issues which impact on your ability to work, your line manager can make an Occupational Health referral to obtain appropriate medical advice.

Car parking (those located at the Council House)

Six weeks before you leave for your maternity, you can request access to the car park area around the Council House. You will need to complete a form called "Car Park Access" ([Car park access form](#)) and follow the appropriate instructions. You are advised to do this in plenty of time.

If you encounter health problems linked to your pregnancy which requires you to have access prior to six weeks before your maternity leave date, you may be able to park earlier at the Council House if you have the appropriate medical notification from your Doctor/ midwife/ Occupational Health .

Rubella

If, you work at a school or child care setting and in the early months of pregnancy you are advised by an approved medical practitioner that you should be absent because of the risk of rubella, you will be granted leave with full pay, provided that you have not unreasonably refused work in another setting where there is no risk of infection.

Pregnancy Related Illness and Miscarriage

If you are absent because of a pregnancy related illness, including a miscarriage which has happened before 24 weeks pregnancy, this will be treated as sickness absence which falls within the Sickness Absence Management policy; absence of 8 calendar days or more will need to be covered by a Doctor's note.

If, after the beginning of the 4th week before the EWC, you are sick for a **pregnancy related reason**, then your maternity leave and pay will start automatically. If this is the case, you should notify HR in writing of this as soon as you can.

SECTION 4 LEAVE CONSIDERATIONS

You are entitled to 52 weeks Maternity Leave regardless of your length of service. Maternity leave is not treated as sick leave and will count towards your continuous service with Solihull MBC.

Maternity leave

The earliest you can start your maternity leave is 11 weeks before the EWC but you have the option to decide on your maternity leave start date, which can begin on any day of the week. SMP will start on that day.

If your baby is born **before** your chosen maternity leave date, your maternity leave and SMP will automatically start on the day after childbirth. You will need to notify HR in writing as soon as is reasonably practicable to ensure that your pay will be accurate.

Premature birth

If your baby is born alive before 24 weeks of the pregnancy, the day after the childbirth will be the first day of the maternity leave. Even in the unfortunate situation where the baby subsequently does not survive, maternity leave including maternity pay will still apply as a live birth did take place, even though it was before 24 weeks. You will need to let HR know of this as soon as is reasonably practicable.

Stillbirth

We recognise that the situation of stillbirth is upsetting for all those involved and if your baby is stillborn after 24 weeks of pregnancy, your maternity leave will begin on the day following the childbirth. If, however, your child is stillborn within the first 24 weeks of your pregnancy, you will not be entitled to maternity leave. In these circumstances normal sickness absence management will apply (please see [Sickness Absence Management policy](#))

Late births

If your baby is born after the EWC, your Statutory Maternity Pay would start on the first day of your maternity leave.

Annual leave

Annual leave entitlement will continue to accrue at the rate provided under your contract.

It is important that you discuss your holiday plans with your line manager/ head teacher in good time before starting your maternity leave.

You are encouraged to take any outstanding holiday due to you before the commencement of maternity leave.

If your maternity leave continues into the next holiday year, any holiday entitlement that cannot be reasonably taken before starting your maternity leave can be carried forward to the new leave year, as an exceptional circumstance, but must be taken immediately before returning to work from maternity leave or unless otherwise agreed with your line manager/ head teacher.

If you give birth whilst you are on annual leave, your annual leave will cease and your maternity leave will start on the day following the childbirth. Any annual leave days that you have been unable to take, can be taken after your maternity leave ends.

Where it has been agreed that you return to work on the basis of reduced hours or a job share working, you will be entitled to annual leave on a pro-rata basis with effect from the date you return to reduced hours.

Sickness

Sickness payments will automatically and immediately cease whenever Maternity Leave and Statutory Maternity Pay/ Maternity Allowance commences.

Shared Parental Leave

You may wish to consider, depending on whether the eligibility criteria is met, to curtail your maternity leave and elect to convert it to Shared Parental Leave and Pay which can be taken by both yourself and your partner.

Parental leave

There is also an opportunity, dependant on your length of service, for you to take advantage of the right to unpaid parental leave of up to 4 weeks at the end of your maternity leave; the parental leave scheme is on the Solihull MBC intranet/ Schools Extranet, please see [Parental Leave Scheme](#) or is available from HR.

SECTION 5 PAY

What is Statutory Maternity Pay?

Statutory Maternity Pay (SMP) is paid to you whether or not you decide to return to work after maternity leave, but is dependent on your earnings and length of service. The rate for SMP is a flat weekly rate and is adjusted annually.

To be eligible for SMP you need to have

- earnings of more than the lower earnings limit during the set period (current rate and definitions on page 4)
- continuous service of more than 26 weeks at the end of the qualifying week (i.e. 15 weeks before your baby is due)
- informed us following the guidelines set out in section 2 (see page 5)

If you are entitled to SMP, this is payable for a maximum of 39 weeks which can start on any weekday, but cannot start before the 11th week before the EWC, unless the baby is born prematurely.

There are two levels of SMP. There is a standard rate and a lower rate. If the standard rate is more than 90% of your weekly salary, your SMP will be 90% of your weekly pay and not the standard rate.

What if I am not entitled to SMP?

If you are not entitled to SMP, you will be issued with a SMP1 form by HR. You should take the SMP1 with your MATB1 form to your local Job Centre Plus Office, as you may be able to claim for Maternity Allowance which is paid for by the Government.

Does taking strike action affect my entitlement to SMP? If you have 26 weeks continuous service at the end of the qualifying week, but have taken strike action during those 26 weeks, the week in which you take the action does not count towards you qualifying for SMP. Therefore, you will not be entitled to SMP. This will only affect recent employees.

What happens if I resign or am dismissed before my maternity leave?

If you resign or you are dismissed, after the 11th week before EWC, provided you are eligible, your SMP will start on the day after your job ends.

If you resign or you are dismissed between the 15th and 11th week before the EWC and if you are eligible to SMP, you will receive SMP when you reach the 11th week before the EWC.

Solihull MBC's Occupational Maternity Scheme

If you have completed **one year or more continuous local government service 11 weeks before the EWC**, you are entitled to receive 12 weeks half pay on top of the statutory pay scheme. This is called the Occupational Maternity Scheme.

Even if you do not earn enough to receive SMP, as long as you have the relevant continuous service, you will be eligible for the Occupational Maternity Scheme.

The 12 weeks' half pay can be paid out in 2 options

- Option 1 Half pay lump sum on return to work.
- Option 2 Half pay on weeks 7-18 and no balance on return to work.

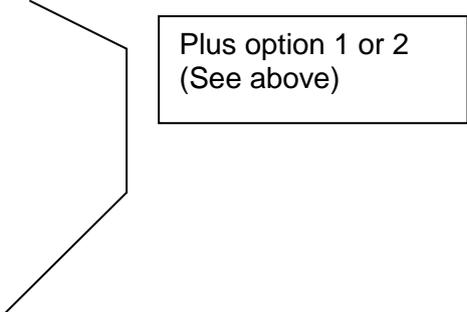
Be aware that if you choose option 2, the total of your SMP and half pay during weeks 7-18 must not add up to more than your normal weekly full rate of pay. If this is the case, the sum will be scaled down to 100%.

A qualifying condition to this occupational maternity pay, is that you must return to your job for at least 13 calendar weeks (including periods of school closure), otherwise all or part of the 12 weeks half pay must be refunded to Solihull MBC. If you are unsure whether you will return to work, it might be wise to choose option 1.

N.B. It is 13 calendar weeks, regardless of the number of days worked per week and does **not** include parental leave.

Schedule of Pay

WEEKS 1-6	6 weeks at 90% average weekly pay (see page 4 for definition)
WEEKS 7-39	Statutory Maternity Pay
WEEKS 40-52	Unpaid Leave



Plus option 1 or 2
(See above)

Statutory scheme

- (i) If you have 26 weeks service but less than one year's continuous service by the 15th week before the Expected Week of Childbirth the statutory maternity entitlement is as follows:

WEEKS 1-6 6 weeks at 90% of average weekly salary

WEEKS 7-39 Statutory Maternity Pay

WEEKS 40-52 Unpaid Leave

- (ii) If you have less than 26 weeks continuous service by the 15th week before the Expected Week of Childbirth will have an entitlement to:

- 52 weeks unpaid leave

You may be entitled to some benefits during this unpaid period. To check your eligibility you should forward your MATB1 and MS1 form to HR (address details can be found on page 2).

PENSION CONTRIBUTIONS

If you are a member of the Local Government Pension Scheme (LGPS)/ NHS Pension Scheme, we will make employer pension contributions during any period of paid Maternity Leave. This will be based on the contribution rate effective at the time and will be based on the amount of any Maternity Pay or Maternity Allowance you are receiving.

During any unpaid period of Maternity Leave, LGPS/NHS employees may elect

- to buy any or all 'lost' pension through an Additional Pension Contribution (APC). If this is done within 30 days of returning to work the Council/ School shall pay two thirds of the cost of the APC (a shared cost APC) and you will pay the remaining one third. If you make your election past the 30 day deadline the Council/ School will not make a contribution to the APC and the full cost has to met by yourself.. Where you choose to stop contributions during the same period this will not count towards reckonable service for pension purposes until contributions are resumed.

CONTRACTUAL BENEFITS

You are entitled to all normal contractual benefits during paid Maternity Leave (except normal pay/salary and sick pay - see Section 4). The position during the unpaid period the contractual rights and obligations that will remain are those applicable as if the you had exhausted occupational sick pay. The main requirements would be:

- Notice periods
- Redundancy payments
- Disciplinary and Grievance procedures
- Duty of trust and confidence
- Duty of good faith
- Leave (see Section 4)

All statutory rights will be upheld.

Any existing salary sacrifice arrangements cannot be amended during the maternity leave period.

SECTION 6 DURING MATERNITY LEAVE

Keeping in touch days

You can work for up to 10 mutually agreed days without bringing your maternity leave to an end. These days are known as “Keeping in Touch” (KIT) days. The 10 day maximum is the same regardless if you work on a full or part time basis.

Work done in a “Keeping in Touch” day is any work done under your contract of employment and may include training or any activity undertaken to “Keep in Touch” with the workplace. If, for example, you attend a three hour training session to “keep in touch”, you will have used one of your 10 KIT days.

You will receive your normal pay for these “Keeping in touch” days on a pro rata basis, even during unpaid maternity leave. If you decide to attend a “Keeping in Touch” day whilst you are receiving SMP and/or OMP, then this will be offset against your normal pay for the day. This should not add to more than full pay on any of these days.

Keeping in Touch days can be worked either before or after the birth. However, there is a period of two weeks following the birth of your child where, by law, you are unable to carry out any work. This is called the compulsory maternity period.

If you work more than the allocated 10 days, you will lose your SMP for any work done in that week. Your line manager must inform HR if this situation arises.

Your line manager will need to send your KIT dates on an email or electronic C288 to the Shared Service team so that your pay can be adjusted appropriately.

It would be good practice prior to starting maternity leave to have a conversation with your manager to investigate the opportunities and protocol that may arise for any opportunities for KITs in the future.

What if you do not want to work a “Keeping in Touch” day?

There is no requirement for you to undertake work. Your manager cannot insist that you carry out any work and if they do, you are protected from suffering any detriment or being dismissed for refusing to do so. Equally, you cannot insist on being given any work to do if there is no appropriate work in your department. Any “Keeping in Touch” day should therefore be through mutual agreement.

If you decide to work a “Keeping in Touch day” this does not mean that your maternity leave will be extended.

Reasonable contact

You and your line manager, or designated member of staff, are actively encouraged to make reasonable contact during maternity leave to discuss such issues as your return to work, special arrangements to be made or update you on opportunities at work.

Reasonable contact does **not** constitute 'work', does not count towards the ten "Keeping in Touch" days and will not bring your maternity leave period to an end. Also, there is no reason why you should be available for reasonable contact at all times of your maternity leave.

Restructure/ Reorganisation

If, whilst you are on maternity leave and your department is involved in any restructure or reorganisation, you must be informed of this and given the opportunity to become involved in the process in accordance with the [Management of Change policy](#).

SECTION 7 - POST MATERNITY AND RETURNING TO WORK

Returning to work

It is for you to decide your return to work date, as long as it is not within two weeks of childbirth. Unless you choose an earlier return date, Solihull MBC will assume that you will return to work on the first working day after the end of 52 weeks.

If, however, you intend to return before the end of the 52 weeks maternity leave, you must notify your manager and HR in writing at least 8 weeks before the intended return date. You can change your mind with respect to your return date as long as you provide similar notice.

If you return to work at the end of your Ordinary Maternity Leave, you are entitled to return to your original post as if you had not been absent, unless the job has been made redundant; you will, however, be offered a job on no less favourable terms and conditions.

If you return to work after Additional Maternity Leave, you are entitled to return to your original post. However, if it is not reasonably practicable, then a similar job on no less favourable terms and conditions must be offered.

Risk assessment

A further risk assessment will be undertaken if you return to work within six months of birth, or are breastfeeding. If you continue breastfeeding beyond six months then notify your line manager so that any risks can be assessed and thus avoided.

Unable to return to work- medical reasons

If you are unable to attend work at the end of your maternity leave because of sickness, then you will need to produce a medical certificate and normal reporting and contractual arrangements for sickness absence will apply (see [Sickness Absence Management Policy](#))

Part Time and Flexible Working

Employees who have worked for SMBC for more than 26 weeks at the time of application, have the right to **request** flexible working. This request must be in writing, identify the proposed hours, work pattern or working arrangement and the intended start date of this new work arrangement.

However, it is not an automatic right for you to work flexibly as there can be circumstances where your department cannot accommodate your desired work arrangement.

The aim of the request is to facilitate discussion and encourage both yourself and your manager to consider flexible working arrangements and find a solution that suits you both.

If you are considering requesting a change to your working hours when you return from maternity leave, then it is recommended that you speak to your manager and complete the flexible working form as soon as you possible. It can take up to three months to consider your request and to make a decision, so it is important to plan ahead.

The flexible working policy and form is available on the Solihull MBC intranet/ Schools Extranet sites, see [Flexible working policy](#), however you are welcome to contact your HR Advisor for further advice.

Childcare vouchers

The Council has signed up with Edenred for the provision of a childcare salary sacrifice voucher scheme. This can be used to pay for childcare of children up to the age of 15 (16 years old if they are disabled).

The voucher scheme enables you to have the vouchers deducted from your salary before tax and national insurance contributions are deducted.

For further information, view the Solihull MBC intranet site, or please see [Childcare Vouchers](#).

Non-return to duty and resignations

If you have received Solihull MBC's Occupational Scheme (12 weeks' half pay), but have decided not to return to your job, or you return to your job and then wish to resign, if this is less than 13 calendar weeks from your return date, you will be required to repay all or part of your half pay.

(N.B. you do not have to repay any Statutory Maternity Pay that may have been paid to you by SMBC).

If you decide to resign, you must give the relevant contractual notice.

APPENDIX ONE

SMBC - NOTIFICATION OF MATERNITY LEAVE- MS1 form

Surname:	Forenames:	Directorate or School:	Employee No:
Address:		Work Tel No:	
Home Tel No:		Work email address	
Home email address		Local Government Start Date	

Thank you for informing the Council that you are expecting your baby. Please complete this form and return it to me as soon as possible, but at least 28 days before starting maternity leave, in order to establish your entitlements.

- 1) I wish to confirm that I am taking leave of absence to have my baby and will **commence my maternity leave on:**
(Maternity leave can commence on any day of the week).

Day	Month	Year

- 2) My expected date of childbirth is:

Day	Month	Year

- 3) I enclose an **original** copy of a certificate giving the expected date of my childbirth as issued by my Doctor/Midwife **(MATB1)**. YES NO

Note: If you are not sending the certificate at this time, please forward it as soon as possible.

- 4) Will you have 12 months continuous local government service 11 weeks before the date at (2) above? **(If YES, please read and complete this section. If NO, go to (5) overleaf)**

You appear to qualify for the Council's occupational maternity scheme, which provides for half pay on top of your statutory maternity pay between weeks 7 and 18 (inclusive) of your paid maternity leave. You must return to work for 13 weeks following paid or unpaid maternity leave, otherwise you will have to repay the extra salary paid. You have two options as to how this pay is received. Please tick the appropriate box.

OPTION ONE – To receive the half pay as a lump sum payment on your return to work

OPTION TWO – To receive half pay between weeks 7 and 18 of paid maternity leave with no balance due on your return to work

Note: If you fail to tick one of the above options, the Council will pay you the Option One arrangement

The Council will assume you will be returning to work after 52 weeks maternity leave.

If you wish to return to work before the expiry of your leave, please write HR Shared Service 21 days before your intended start date.

Maternity leave is compulsory for the 2 weeks immediately after the child is born. **[Now, sign the employee declaration below]**

5) Will you have less than 12 months continuous local government service 15 weeks before the date at (2) above? **(If YES please indicate which of the below categories you fall into)**

- a) **Less than 12 months but more than 6 months**
You appear to qualify for the Statutory Maternity Scheme if your earnings are more than the Lower Earnings Limit for National Insurance (see Appendix 1).
- b) **Less than 26 weeks**
Employees with less than 26 weeks continuous service may be ineligible.

To find out your eligibility for **5a** and **5b** above, please complete and return this form along with your **original** MATB1 form to Human Resources.

The Council will assume you will be returning to work after 52 weeks maternity leave.

If you wish to return to work before the expiry of your leave, please write to HR Shared Service 21 days before your intended start date.

Maternity leave is compulsory for the 2 weeks immediately after the child is born. **[Now, sign the employee declaration below]**

Employee Declaration

I wish to apply for maternity leave starting on the date as in Section 1 above.

Your Signature:

Date:

If you need further help or explanation, please contact HR on 0121 704 8730 (Core council); 0121 704 8726 or 8727 (schools HR team). Please advise us immediately if any of your circumstances change.

We will acknowledge your request and write back confirming your entitlements within 28 days.

Signed: _____ **for Solihull MBC**

Date: _____