



PEMBROKE DOCK TOWN COUNCIL

MATERNITY LEAVE AND PAY

POLICY

This policy informs you of your rights and what is required from you and the Council during and after your pregnancy.

1. Ante-natal Care

- 1.1. You have the right not to be unreasonably refused paid time off during working hours to receive ante-natal care.
- 1.2. The appointment must be made on the advice of a registered doctor, midwife or health visitor. After the first appointment, you must be prepared to produce a certificate confirming your pregnancy and your appointment card. Time off for ante-natal classes will be paid at the appropriate hourly rate, the calculation of which depends on whether or not you have regular hours.

2. Maternity Leave

- 2.1 You are entitled to a maximum of 52 weeks maternity leave comprising of Ordinary Maternity Leave and Additional Maternity Leave.
- 2.2 You are entitled to Maternity Leave provided you notify the Council on or before the 15th week before the baby is due of:
 - your pregnancy; and
 - your Expected Week of Childbirth (EWC); and
 - the date on which you intend your Ordinary Maternity Leave to start. This date cannot be earlier than the 11th week before the EWC; and
 - you must also provide the Council with the original Maternity Certificate (MAT B1) issued by your doctor.
- 2.3 Ordinary Maternity Leave is a maximum of 26 weeks in duration.
- 2.4 You can choose to work right up to childbirth unless there are health and safety reasons which prohibit this.
- 2.5 Ordinary Maternity Leave commences on the date chosen by you except where Ordinary Maternity Leave commences early due to pregnancy related sickness absence.
- 2.6 Ordinary Maternity Leave will commence on the day of childbirth if this is earlier than your chosen start date.

3 Additional Maternity Leave

You will be entitled to Additional Maternity Leave. This is an additional period of 26 weeks' maternity leave following immediately after the end of the Ordinary Maternity Leave. You therefore receive a total maximum period of maternity leave of 1 year.

4 Information from you - Intended Start of Maternity Leave

- 4.1 At the same time as giving the Council the Maternity Certificate and informing us of your pregnancy, you should also give notice of the date on which you intend to start maternity leave. If you cannot provide this information on or before the 15th week before the EWC you should do so as soon as is reasonably practicable.
- 4.2 If you change your mind about your intended start date of leave, you must give the Council at least 28 days notice either before the original or new start date of leave, whichever is the earliest.
- 4.3 If you give less than 28 days notice of the date on which you intend to start maternity leave, you must also give an explanation for the delay. Depending on circumstances, the Council may refuse to allow you to start your maternity leave until the 29th day after receipt of notice.

5 Information from the Council - Expected Date of Return

- 5.1 Within 28 days of receiving your notice of intended start of Maternity Leave, the Council will send you a letter stating the expected date of your return from maternity leave.
- 5.2 The Council will assume unless otherwise advised by you that you wish to take your full maternity leave entitlement.

6 Maternity Payment Period

Most employees are entitled to maternity benefit for the first 39 weeks of Maternity Leave. Maternity benefit is either Statutory Maternity Pay paid by the Council or Maternity Allowance paid by the Department of Work and Pensions.

7 Maternity Pay

Payments for employees who have completed not less than one year's continuous Local Government service at the 11th week before the EWC shall be as follows:

- 7.1 For the first six weeks of absence an employee shall be entitled to nine-tenths of a month's pay offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.
- 7.2 If having declared her intention to return to work then for the subsequent 12 weeks she shall be paid half a week's pay without deduction except by the extent to which the combined pay and SMP (or MA and any dependants' allowances if the employee is not eligible for SMP) exceeds full pay.
- 7.3 For employees not intending to return to work payments during the subsequent 12 weeks shall be the employee's entitlement to SMP.
- 7.4 Payments made by the Council during maternity leave shall be made on the understanding that the employee will return to Pembroke Dock Town Council employment for a period of at least three months, in the event of her not doing so, she shall refund the monies paid, or such part thereof, if any, as the authority may decide. Payments made to the employee by way of SMP are not refundable.

8 A Weeks Pay

The term “a week’s pay” for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the authority to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week’s pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

9 Statutory Maternity Pay

9.1 You will qualify for Statutory Maternity Pay (SMP) if:

- you have been employed by the Council for 26 weeks prior to the 15th week before EWC; and
- you pay sufficient National Insurance Contributions; and
- you notify the Council at least 28 days before the date you want payments of SMP to commence, or if not reasonably practicable, as soon as is reasonably practicable. If giving late notice, you should give the Council an explanation of the delay.

9.2 SMP will not be paid before the 11th week before the EWC.

9.3 There are two rates of SMP, an earnings related rate and a prescribed rate. The earnings related rate is paid during the first 6 weeks of Ordinary Maternity Leave and the prescribed rate is paid during the following 33 weeks of Maternity Leave giving a total of 39 weeks maximum entitlement of SMP.

9.4 The earnings related rate of SMP is 90% of your average weekly earnings. Your average weekly earnings are calculated on the basis of average earnings during the 8 weeks immediately preceding the 14th week before the EWC.

10 Maternity Allowance

10.1 If you do not qualify for SMP, the Council will give you a form SMP1 to explain why you do not qualify. Employees who do not qualify for SMP will normally qualify for Maternity Allowance.

10.2 Maternity Allowance is paid at either 90% of average weekly earnings or the prescribed rate whichever is less.

10.3 Maternity Allowance is claimed by you from the Department of Work and Pensions (DWP). You would receive Maternity Allowance from the DWP not the Council. It is your responsibility to claim Maternity Allowance from the DWP at a Benefits Office.

11 Working during the Maternity Payment Period (MPP)

11.1 If you work for the Council during the 26 weeks of your MPP you will receive normal remuneration for the periods you work.

11.2 If you:

- are taken into legal custody, or
- work for another Council

during the Maternity Pay Period you must notify the Council (and the DWP if you are claiming Maternity Allowance) as soon as possible, as your entitlement to SMP or Maternity Allowance may be affected.

12 Notice of Actual Date of Birth

You should inform The Town Clerk as soon as reasonably practical of your baby's actual date of birth.

13 Returning To Work

As set out above, you will have received a letter from Pembroke Town Council stating the expected date of return to work. The expected date of return will be the first working day after the end of the full period of maternity leave to which you are entitled.

14 Returning to Work Earlier than the Expected Date of Return

14.1 If you wish to return before the expected date of return, you must give notice to the Council at least 8 weeks before your new intended return date, or if that is not reasonably practicable, as soon as reasonably practicable. If the notice is given late, it must be accompanied by an explanation for the delay.

14.2 The Council will write to you within 28 days of receipt of your notice to confirm the new intended start date.

14.3 If less than 8 weeks notice is given by you, the Council may be entitled to refuse to allow you to return to work until the 8 week period has been given.

14.4 In any event you are not permitted to return to work within 2 weeks' of the actual date of birth.

15 Returning to Work Later than the Expected Date of Return

If you wish to postpone your return to work until after the end of your full entitlement to maternity leave, you must contact the Clerk and submit a medical certificate confirming that you are suffering from a medical condition which prevents you from working, or provide another authorised reason (such as holiday or parental leave), for your returning late.

16 The Job

16.1 If you return at the end of Ordinary Maternity Leave, you are entitled to return to the same job.

16.2 It may not be practicable for the Council to offer you the same job after taking Additional Maternity Leave. If this is the case, the Council will offer you suitable alternative employment (unless a redundancy situation arises).

17 Keeping in Touch Days

17.1 By agreement you may be entitled to work for up to 10 days during your maternity leave period.

17.2 If you wish to consider working during this period please contact the Town Clerk who will notify you and agree terms and remuneration.

18 Pension

8.1. If you are part of the Dyfed Pension Scheme there will be no affect to your pension benefits for the 6 months i.e. 26 weeks, but from 6 to 9 months (26 weeks to 39 weeks), it depends on whether or not you qualify for SMP.

- 8.2. If you do qualify for SMP then your pension payments continue as normal. But you do have the option to take an unpaid period, you then have the option to buy back the pension lost via an Additional Pension Contribution contract (APC).

- 8.3. If you do not qualify for SMP then you can elect to take an unpaid period from 26-39 weeks