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| MATERNITY LEAVE POLICY - FAQ |

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| **Index:** |

What Maternity Leave am I entitled to? ………………………………………. Page 3

Am I entitled to Maternity Pay? ……………………………………………...... Pages 3 – 4

How would maternity payments be paid? ……………………………………. Page 4

How do I apply for Maternity Leave? …………………………………………. Page 4

Am I entitled to paid time off for antenatal care? ……………………………. Pages 4 – 5

Is my husband, civil partner or partner entitled to time off for antenatal care? Page 5

What is the earliest date that I can start my Maternity Leave? ……………. Page 5

What is the latest date I can start my Maternity Leave? ……………………. Page 5

Can I change my mind about the date I start my Maternity Leave? ………. Page 5

If my pregnancy ends prematurely will I retain my entitlements? …………. Pages 5 - 6

What if my baby is born before the date I intended to go on Maternity

Leave? …………………………………………………………………………… Page 6

Is going on Maternity Leave going to break my period of Continuous

service? ………………………………………………………………………….. Page 6

What annual leave am I entitled to? ………………………………………….. Page 6

Am I entitled to any other leave? ………………………………………………Page 6

My husband works for the Council. Is he entitled to any time off to

support me? …………………………………………………………………….. Page 6

What do I need to know about the Local Government Pension

Scheme? ………………………………………………………………………… Page 7

Is there anything I should do whilst I am on Maternity Leave? ……………. Page 7

Can I work for the Council during my Maternity Leave? ……………………. Page 7

What are the return to work arrangements following Maternity Leave? ….. Page 7

What happens if I do not feel well enough to return after my Maternity

Leave? …………………………………………………………………………… Page 8

What do I do, as a manager, if I am informed that an employee has

Post-natal Depression? ………………………………………………………… Page 8

What happens if someone at work has had Rubella (German Measles)

or Chicken Pox? ………………………………………………………………… Page 8

What do I do if I want to change my working arrangements when I return

from Maternity Leave? …………………………………………………………. Page 8

What happens if I decide not to return to work after my Maternity

Leave? …………………………………………………………………………… Page 9

Does the Council offer any help with childcare? …………………………….. Page 9

Am I entitled to return to the job I was doing before I went on

Maternity Leave? ……………………………………………………………….. Page 9

Does my manager have to do a health and safety risk assessment? …….. Page 9

What should I do, as a manager, if an employee fails to return to work

after Maternity Leave? ………………………………………………………..... Page 10

In the current climate, re Covid-19, as a Manager, is there anything

different that I need to do for an employee that is pregnant?.......................Page 10



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| **MATERNITY LEAVE POLICY - FAQ** |

This document explains the terms and conditions of entitlement to Maternity Leave / Pay in the case of employees who are expecting a baby on or after **2nd April 2011**.

**1. What Maternity Leave am I entitled to?**

You are entitled to 52 weeks Maternity Leave. It is your decision whether you take less than this.

**2. Am I entitled to Maternity Pay?**

Your entitlement to maternity pay depends on factors such as length of local government service and how long you have been an Enfield Council employee, as explained below.

**STATUTORY MATERNITY PAY** - This is an allowance paid, on behalf of the Government. It is payable for a period of 39 weeks whether or not you intend to return to work after your Maternity Leave. Statutory Maternity Pay is treated as earnings and is subject to tax and National Insurance deductions.

The conditions for receipt are:

* Continuous employment with **Enfield Council** of at least 26 weeks by (and including) the 15th week before the Expected Week of Childbirth
* Average earnings of not less than the lower earnings limit for National Insurance (further information about this is provided in leaflet NI 17A, which is available from the Department of Works and Pensions,[**www.dwp.gov.uk**](http://www.dwp.gov.uk))
* Complying with the notification conditions explained in Question 3

Statutory Maternity Pay is payable for 39 weeks, as follows:

* 90% of your average pay for the first 6 weeks of maternity absence
* standard rate of Statutory Maternity Pay, (or 90% of your average pay if this is a lower figure) for the next 33 weeks
* 13 weeks unpaid Maternity Leave

**MATERNITY ALLOWANCE** - If you do not satisfy the conditions for receiving Statutory Maternity Pay Payroll Services will send you form (SMP1), which explains why you are not entitled to it. You will need this form when claiming Maternity Allowance.

Maternity Allowance is a Government benefit that is paid weekly for up to 39 weeks.

Further information about Maternity Allowance can be found in leaflet NI 17A, which is available from the Department of Works and Pensions –[**www.dwp.gov.uk**](http://www.dwp.gov.uk)

**OCCUPATIONAL MATERNITY PAY** - If you have at least 1 year’s continuous **local government service** by the 11th week before the Expected Week of Childbirth you would receive 18 weeks Occupational Maternity Pay.

This would be paid **with** Statutory Maternity Pay as follows, (**if**you meet the conditions for receiving this, otherwise you should apply for Maternity Allowance)

* 90% of your pay for 6 weeks (this amount includes any Statutory Maternity Pay entitlement)
* Half pay for 12 weeks (plus any Statutory Maternity Pay to which you are entitled, provided this would not exceed normal pay)
* Standard rate Statutory Maternity Pay for 21 weeks (If you meet Statutory Maternity Pay entitlement conditions)
* Followed by 13 weeks unpaid Maternity Leave

Entitlement to Occupational Maternity Pay of 12 weeks half pay (**not** Statutory Maternity Pay) is conditional upon you returning to work for at least 3 months on your existing contractual hours.

If you propose to reduce your working hours after your Maternity Leave you would be expected to return to work for a proportionately longer period. For example, if you work full time (36) and you reduce your working hours by half to 18 hours a week you would be expected to return to work for at least 26 weeks.

If you fail to return to work as stated above, it is Council practice to recover the 12 weeks half pay that you received. In order to avoid receiving money that you would have to repay, you must let your manager and Human Resources know immediately if you decide that you will not be returning to work after your Maternity Leave.

**3. How would maternity payments be paid?**

Payroll will pay you in the same way, on your normal payday.

**4. How do I apply for Maternity Leave?**

At least **15 weeks** before your expected week of childbirth, tell your manager when your baby is due and the date you wish to start your Maternity Leave.

At least **8 weeks** before you intend to go on Maternity Leave, confirm your Maternity Leave start date in writing and show your manager you original form Mat B1 (Maternity Certificate, obtainable form your midwife or GP). Your manager is to copy both sides of the original form Mat B1 and sign, date and certify they have seen it and scan to HR. It would also be helpful at this stage to let your manager know whether you plan to return to work after your leave and if yes, the date on which you are likely to return.

Your manager will forward scanned versions of your letter and copied Mat B1 (both sides of original copied/signed, dated and certified) of form MatB1 to Human Resources, who will then write to you at least **4** **weeks** before your Maternity start date to confirm the details of your entitlement.

**5. Am I entitled to paid time off for antenatal care?**

You have the right to reasonable paid time off for antenatal care. This includes attending parent craft classes where advised to by your doctor, midwife or health visitor.

You should give your manager as much advance notice of these appointments as you can. If you are able to, please arrange appointment times so that you keep the time taken off work to a minimum.

6. **Is my spouse, civil partner or partner entitled to time off for antenatal care?**

From 1st October 2014, the spouse, civil partner or partner regardless of gender of the pregnant employee has the right to unpaid time off to attend up to 2 ante-natal appointments (for a maximum of six and a half hours per appointment). They will be expected to complete an [Antenatal Appointment Declaration Form](https://enfield365.sharepoint.com/%3Aw%3A/s/intranethr/ET-N19cEGfhKq-LwMpOyewwBHrjzkgdQuJta0rmAR2t-pQ?e=AXpCfd) to attend these appointments:

**7. What is the earliest date that I can start my Maternity Leave?**

You can start your Maternity Leave on any day of the week from the 11th week before your expected week of childbirth.

**8. What is the latest date I can start my Maternity Leave?**

You may continue to work as late into your pregnancy as you wish as long as you are medically fit to do so.

If you carry on working after the 11th week before your baby is due and you are absent due to sickness, the Council’s [Absence and Attendance Policy & Procedure](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranethr/Shared%20Documents/HR%20Advisory/Absence/Principles%20of%20Managing%20Absence%20and%20Attendance.docx?d=w2ae444696fed426bb7d253a77e489a32&csf=1&web=1&e=OPvcgT) would apply and you would need a medical statement from your GP if your sickness absence lasts longer than 7 days. This would apply even if the reason for sickness is pregnancy – related.

However, sickness absence due to pregnancy (including partly) that occurs during the 4 weeks before your expected week of childbirth will trigger your Maternity Leave. The start date would be the day following your first day of sickness absence.

Where there is doubt about whether the absence is pregnancy-related, advice may be sought from the Occupational Health Service. The matter would be discussed with you and the decision as to whether Maternity Leave had been triggered would be confirmed in writing.

**9. Can I change my mind about the date I start my Maternity Leave?**

Yes you can, as long as you inform your manager and Human Resources at least **4 weeks** in advance. HR will write to you to confirm the change of date.

**10. If my pregnancy ends prematurely will I retain my entitlements?**

In the unfortunate event that your pregnancy ends prematurely and this happens after the start of the 25th week of pregnancy, the Maternity Scheme would apply and Maternity Leave would commence the day after the pregnancy ended.

Where this occurs before the start of the 25th week you should contact your manager as soon as possible. The circumstances and medical opinion would be considered and a decision reached about whether special leave or sick leave is appropriate.

In the event of the pregnancy ending before the 25th week, the birth parent will be entitled to the same compassionate leave entitlement as bereaved employees in accordance with the Council’s [Leave Policy](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranethr/Shared%20Documents/HR%20Advisory/Time%20Off/Leave%20Policy.docx?d=w828ad68bcafc4569b3e8ba315a361fb9&csf=1&web=1&e=z9FgwN) (up to 3 days paid compassionate leave). Depending on the circumstances and the individual needs of the employee at the time, further medical advice should be sought as required.

**11. What if my baby is born before the date I intended to go on Maternity Leave?**

Where the baby is born before you were due to start your Maternity Leave you should inform your manager as soon as you are able to, and show your manager your original MatB1 (if you have not already done so) with evidence of the date your baby was born to Human Resources within 28 days.

Where you baby is born *after* the start of the15th week before they were due - your Maternity Leave and any entitlement you have to Maternity Pay will not be affected.

Where the baby is born *before* this - your right to Maternity Leave and any entitlement you may have to Maternity Pay will depend on whether you are still a Council employee at the start of the15th week (for example, you are not on a fixed term contract that ends before that date).

In both cases, any entitlement to Maternity Leave / Pay will start from the day after the baby was born.

**12. Is going on Maternity Leave going to break my period of continuous service?**

Maternity Leave counts as continuous service. This means that, other than the pay that you receive whilst you are on leave, all entitlements under your conditions of service will continue, such as annual pay increments and annual leave entitlement.

**13. What annual leave am I entitled to?**

Your entitlement to annual leave continues whilst you are on Maternity Leave. You are also still entitled to the extra-statutory day at Christmas time and Bank Holidays (you have a pro-rata entitlement if you work part-time).

Please note that you are not able to break your Maternity Leave by taking Annual Leave or Bank Holiday leave and then resuming your Maternity Leave.

In view of this, you **must** talk to your manager at the earliest opportunity before you go on Maternity Leave about your leave and Bank Holiday entitlement. Your manager will take into account the needs of the service when deciding how much leave you can take before your Maternity Leave starts and how much leave can be taken afterwards. With your manager’s agreement, you could take all of your Annual Leave straight after your Maternity Leave.

**14. Am I entitled to any other leave?**

Subject to certain terms and conditions (information is available on Enfield Eye under the Staff tab) the following are available:

* You can apply for an unpaid [Career Break](https://enfield365.sharepoint.com/%3Aw%3A/s/intranethr/EV1h3fshqbNPlPfoxvCB8KoB5POZZHHHMUrL40c3LOP7qg?e=TGn7cN) for a period of 6 months to 2 years for reasons such as caring for your baby. You do not have an automatic right to take one. If you would like to take a Career Break you must apply at least 3 months in advance
* You can apply for unpaid [Parental Leave](https://enfield365.sharepoint.com/%3Aw%3A/s/intranethr/EV7GmSHWR4ZOkYOoKFqqHLABBUtQZuPNmPnJQS9jIOgDrw?e=dYC1TM) if you have at least one year’s service with Enfield Council by the time you want to take the leave and give the required notice to your manager.

**15. My spouse/partner/second parent works for the Council. Are they entitled to any time off to support me?**

If your spouse/partner/second parent or someone else who is a Council employee is taking time off to support you when the baby is born they may be able to apply for [Maternity Support Leave](https://enfield365.sharepoint.com/%3Aw%3A/s/intranethr/ER4__ceN_X5HhXBGsytbqccBXYaq7iR-E03A8CX_hrNsyQ?e=hKNxd4) or [Paternity Leave.](https://enfield365.sharepoint.com/%3Aw%3A/s/intranethr/Ec7ke8zc8YtPvKGzHNYslrMB3Ra9gOC-wnm9IRpgmEO5ig?e=lThLVJ)

**16. What do I need to know about the Local Government Pension Scheme?**

If you are a member of the Local Government Pension Scheme contributions will be deducted from your Maternity Pay to ensure that there are no breaks in your pensionable service.

If you take unpaid Maternity Leave you can choose to make contributions for this period within 30 days of returning to work. For details concerning paying contributions for a period of unpaid leave please contact Pensions on 020 8379 4673.

**17.Is there anything I should do whilst I am on Maternity Leave?**

You should let your manager know when your baby is born.

You should also contact them if you intend to work for another employer after your baby is born as this could affect your Maternity Pay entitlement.

**18. Can I work for the Council during my Maternity Leave?**

If you wish, and your manager agrees, you can work (or attend a meeting or training) on up to 10 occasions during your Maternity Leave without affecting your Statutory Maternity Pay. However, you may not do so during the two weeks after your baby’s birth.

Each occasion that you do this will be treated as a ‘Keep in Touch Day’. You would be entitled to be paid for each ‘Keep in Touch Day’. How much you are paid would depend on what you did and for how long and is for prior agreement between you and your manager. It is advisable to discuss ‘Keep in Touch Days’ – (KIT) with your manager before going on Maternity Leave.

You should agree with your manager reasonable contact arrangements to discuss such issues as the return to work. Your manager should also keep you informed of other issues such as job vacancies within your team, significant workplace developments and training opportunities. This form of keeping in contact would not count towards your 10 KIT days.

**NB:** When an employee goes on maternity leave, for security and maintenance purposes, their laptops and accounts will be disabled. The laptop should be returned to ICT when the employee commences maternity leave.

If an employee’s role requires the use of a laptop and access to Council systems, managers should complete the ICT online form to make arrangements for access to be restored ahead of any planned KIT days. The link can be found below. Please note that it can take a week or so to restore access, so ICT should be notified in good time. The employee will need to collect the new device in person.

The manager should click on the Raise a Request tile, then select Employee Services, followed by Amend User/Mover tab before completing the online form. Any queries about how to complete the request should be directed to the Service Desk on 020 8379 4357.

<https://enfield365.sharepoint.com/sites/intranetict>

19. What are the return to work arrangements following Maternity Leave?

If you do not intend to take the full 52 weeks Maternity Leave you must give your manager and HR at least **21** days notice of the date you want to return to work. If you can give more notice please do so as this will assist your manager to make arrangements for your return and HR to arrange re-instatement of full pay.

If you intend to return early but fail to give the required notice your manager is entitled to postpone your return until a date that will secure the full period of notice. However, your return cannot be postponed beyond the date that the maximum of 52 weeks Maternity Leave would end.

You must remain absent from work for at least 2 weeks after childbirth.

Once you have notified your manager of the date you intend to return your manager must complete the Maternity Return to Work Date form available on the Payroll tab.

**NB:** As outlined in point 18, when an employee goes on maternity leave, for security and maintenance purposes, their laptops and accounts will be disabled. Managers should make arrangements for employees to have their access restored prior to their return to work. See point 18 for details of how to restore access.

**20. What happens if I do not feel well enough to return after my Maternity Leave?**

If you are not able to return to work due to sickness you should let your manager know straight away and the normal sickness absence procedures will apply.

**21. What do I do, as a manager, if I am informed that an employee has Post-natal Depression?**

If an employee is unable to return to work because of post-natal depression, or an employee who has returned from Maternity Leave has or may have post-natal depression (which is recognised as a disability under the Disability Discrimination Act as well as being a pregnancy–related illness) you should seek advice as soon as possible from Human Resources and Occupational Health Service.

Confidential advice and support is available through the Council’s Employee Assistance Programme 24 hours a day, 7 days a week by phoning 0800 587 6522 or online at <http://www.livewell.optum.com/>, access code enfields.

**22. What happens if someone at work has had Rubella (German Measles) or Chicken Pox?**

Your manager will consider (taking urgent advice from Occupational Health Service and / or Human Resources, as necessary) whether you should be moved temporarily to another work location where there is no known Rubella / Chicken Pox risk. You should also consult your GP. If your GP advises you in writing not to attend work you would be granted leave with full pay, as long as you do not unreasonably refuse any suitable alternative offer of employment at a different location where there is no known health risk.

23. What do I do if I want to change my working arrangements when I return from Maternity Leave?

You may be able to apply to change your working arrangements under the Council’s [Flexible Working Arrangements Policy - FAQ](https://enfield365.sharepoint.com/%3Aw%3A/r/sites/intranethr/Shared%20Documents/HR%20Advisory/Flexible%20Working/Flexible%20Working%20Arrangements%20Policy%20-%20FAQ.docx?d=w5010f1535a6b40c8ae5d82d93d6c612e&csf=1&web=1&e=4Vmo9n).

**24. What happens if I decide not to return to work after my Maternity Leave?**

**Resignation** - If you do not intend to return to work after your Maternity Leave you **must** let your manager know as soon as possible and confirm in writing (letter of resignation) when your last day of employment will be.

**Last Day of Employment** - The last day of employment would be regarded as the last day of the Maternity Leave period, unless you are due any annual leave. Where this is the case, your paid employment would continue until the end of the annual leave period. If you have taken more leave than you are entitled to, action would be taken to recover the amount that you were not entitled to be paid.

If you are entitled to the 12 weeks half pay, this is paid on the understanding that you will be returning to work, as explained in Question 2. If you receive this payment and do not come back to work for the minimum period of time set out in Question 2 this money would be repayable and would be recovered from any payments that are due to you. If this is insufficient to recover the amount due, you would be required to repay the balance.

Please note that this would apply if you went on a Career Break without returning to work after your Maternity Leave for at least 3 months (or a proportionately longer period if you return to work and reduce your working hours).

**24. Does the Council offer any help with childcare?**

The Council does not currently offer any childcare schemes.

However, you may be entitled to receive government financial help towards childcare costs. Click [here](https://www.gov.uk/childcare-calculator) to find out more.

**25. Am I entitled to return to the job I was doing before I went on Maternity Leave?**

In most cases, you would be entitled to return to the job you were doing prior to Maternity Leave, on terms and conditions of employment no less favourable than those that would have applied to you if had not been absent. However, if you were in a temporary or fixed term job or on secondment it would depend on the circumstances. You should discuss this with your manager before going on Maternity Leave. If in doubt, your manager will consult Human Resources.

Where it is not possible for you to return to the same job because of redundancy, you are entitled to be offered, where one is available, a suitable alternative vacancy.

**26. Does my manager have to do a health and safety risk assessment?**

Your manager is responsible for carrying out a risk assessment to check that pregnant employees or employees who are breast-feeding are working in a safe environment.

Legally, the period of protection starts from the date you advise your manager in writing that you are pregnant. However, in practice the duty to check the situation will start as soon as you tell your manager you are expecting a baby or your manager becomes aware that you are. This duty of care continues until 6 months after the date of childbirth (or miscarriage) or, where you are breast-feeding beyond this point, until you stop breast-feeding.

Upon being notified of your pregnancy your manager should follow the New and Expectant Parent’s at Work Guidance and conduct a risk assessment from [Corporate Heath & Safety](https://enfield365.sharepoint.com/sites/intranethealth) . If in doubt, advice should be sought from the [Health and Safety Team](https://enfield365.sharepoint.com/sites/intranethealth). When you return to work after Maternity Leave the risk assessment should be reviewed.

If a significant risk to the health and safety of a pregnant/breast-feeding employee is identified and this risk cannot be eliminated, your manager will identify suitable alternative employment for you or, failing that, place you on paid leave for health and safety reasons. If you were to unreasonably refuse suitable alternative work you would have no right to pay.

You would be offered alternative work or paid leave if you do night work and you provide a medical certificate showing that being pregnant and working nights is potentially a health and safety risk.

**27. What should I do, as a manager, if an employee fails to return to work after Maternity Leave?**

If an employee fails to return to work by the date the Maternity Leave period ends (and has not advised you that they are sick and has made no arrangements with you to take Annual Leave, Parental Leave, Special Leave or a Career Break) they will be absent without leave. In this event you should contact Human Resources as this would be a breach of the employee’s contract of employment and a disciplinary matter, which could ultimately lead to dismissal without notice.

**28. In the current climate, re Covid-19, as a Manager, is there anything different that I need to do for an employee that is pregnant?**

Where a worker who is less than 28 weeks pregnant with NO underlying health condition that places them at a greater risk of severe illness from covid-19, a risk assessment should be carried out to enable them to continue to work safely, this may include reasonable adjustments, change in duties or a suitable alternative role.

Where a worker is 28 weeks pregnant and beyond or with underlying health conditions that places them at greater risk of severe illness from covid-19 more precautionary action should be taken. National guidance on social distancing must be adhered to and if advice has been received that the worker is considered to be clinically extremely vulnerable they may need to shield.

Further information can be found on the gov.uk website, please see link below:

<https://www.gov.uk/government/publications/coronavirus-covid-19-advice-for-pregnant-employees/coronavirus-covid-19-advice-for-pregnant-employees4>