

## **MATERNITY POLICY – SUPPORT STAFF**

<b>Version of Policy:</b>	<b>1</b>
<b>Effective Date of Policy:</b>	<b>2018</b>
<b>Review Date:</b>	
<b>Applicable To:</b>	<b>All School support staff employees where the School Governing Body has adopted the scheme.</b>
<b>Equalities Sentence:</b>	<b>All Equalities considerations have been taken into account when drafting this Policy. These have been reflected in all documentation during the consultation and governance processes.</b>

**The School's recognised trade unions have been consulted on this policy.**



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## NOTE

This Scheme is recommended to Governing Bodies for adoption.

Support in managing issues in relation to the subject matter of this scheme can only be offered to schools where LEA recommended policies and procedures have been adopted and in line with any Service Level Agreement with Human Resources (HR) in force at the time.

## **INTRODUCTION**

1. Caerphilly County Borough Council and Governing Bodies believe that their employees are its most valuable resource. Lack of recognition of employee's outside commitments help to contribute to negative effects, which may result in low morale, poor service provision and excessive overhead costs.
2. Caerphilly County Borough Council and Governing Bodies are committed to Equal Opportunities and the principles of work life balance working practices.
3. This policy embraces the statutory requirements of current legislation including the Work and Families Act 2006.
4. The policy is available from your Headteacher or from HR.
5. This policy must be cross-referenced with all the relevant Governing Body adopted policies and procedures, relevant legislation and terms and conditions of employment. Copies of all the Governing Body adopted policies and procedures can be obtained from your Headteacher or HR.

## **SCOPE OF THE POLICY**

6. The Council's recognised trade unions have been consulted on this policy.
7. For the purposes of this document, the term employee includes all school based staff employed by the Governing Body and those staff who work predominantly in the school, but who are centrally funded by the LEA. In dealing with applications for maternity leave from this latter group of staff, it is expected that a nominated senior officer from the appropriate service area will consider the application in consultation with the Headteacher of the host school.
8. This policy will be effective from the date of adoption by the Governing Body.

## **GUIDING PRINCIPLES**

9. This policy applies to all employees, regardless of their length of service, whose Expected Week of Childbirth (EWC) falls on or after 1 September 2015.
10. All employees, regardless of their length of service or hours worked, are entitled to Maternity Leave and the right to return to work.
11. Entitlement to Maternity Pay is based on length of service with Caerphilly County Borough Council and / or Local Government and National Insurance contributions.
12. An employee on Maternity Leave has the right to continue to benefit from all of their terms and conditions of employment except remuneration, just as if they were still at work.
13. Childbirth means the live birth of a child, or a stillbirth after a pregnancy lasting at least 24 weeks.
14. The Headteacher must ensure that the employee has a copy of this Maternity Policy.
15. Where the policy refers to a statutory entitlement, it will apply to all eligible employees.

## **MATERNITY LEAVE**

### **Notification of Pregnancy**

16. The employee should initially speak to their Headteacher to let them know they are pregnant. The employee must then write to their Headteacher and HR. Ideally this will be done as soon as the employee knows their pregnant but must be done by the end of the 15<sup>th</sup> week before the (EWC). The notification must confirm:-
  - That they are pregnant;
  - Of their EWC;
  - The date the employee intends to start their maternity leave;
  - Whether or not they intend to return to work after their maternity leave.
17. A MATB1 form confirms the EWC and cannot be issued before the 20<sup>th</sup> week prior to the EWC. It is unlikely that the employee will have their MATB1 when they initially notify their Headteacher / HR of their pregnancy.
18. HR will write to the employee within 28 days of receiving the initial notification explaining their right to Maternity Leave, stating their expected date of return from Additional Maternity Leave.
19. HR will also explain to the employee that they have a duty to notify their Headteacher and HR of any changes to their plans.
20. An Absence Due to Maternity Leave form (See Appendix 1) will also be sent to the employee for completion and this must be returned to HR, together with the MATB1 form.
21. Employees can change their mind about the date on which they want to start their Maternity Leave provided they give at least 28 days' notice, in writing to their Headteacher and HR.
22. The Headteacher will arrange staff cover during the employee's Maternity Leave, if the Headteacher requires assistance with this process they should liaise with HR.

### **Risk Assessment**

23. As soon as the Headteacher is notified that one of their employees is pregnant, whether verbally or in writing, they must undertake a risk assessment of the work conditions of the employee. If any issues are identified then reasonable adjustments must be made.
24. HR will check that the Headteacher has completed a New and Expectant Mothers Risk Assessment Form and ensure that a copy of the Risk Assessment is sent to HR for retention on the employee's personal file.
25. Risk assessments can be obtained from Health and safety.
26. A risk assessment is also required if an employee returns to work and continues to breast-feed their baby.

## **Maternity Leave Entitlement**

27. All employees, regardless of length of service, have a statutory right to a period of 26 weeks Ordinary Maternity Leave (OML) plus 26 weeks Additional Maternity Leave (AML) giving a total of 52 weeks leave, providing that the correct notification is received.
28. During the Maternity Leave period there is no automatic entitlement to any payment. Entitlement to payment is primarily based on length of service of employment and earnings during the qualifying period.
29. It is a statutory requirement that an employee must not work for the first 2 weeks after giving birth.
30. You may be entitled to take some of your leave as Shared Parental Leave.
31. Under Shared Parental Leave regulations, in certain circumstances, partners can take some of the Maternity Leave entitlement – for further details please refer to the Shared Parental Leave Policy.
32. There is no additional Maternity Leave for multiple births.

## **Commencement of Maternity Leave**

33. Maternity Leave can start on any day of the week, and would usually be the same day as the start of the Maternity Pay period.
34. The earliest date that Maternity leave can commence is 11 weeks before the EWC or from the time of childbirth if that is earlier.
35. Providing they are healthy the employee may work up to and past their EWC. However, if an employee wishes to work past their EWC, their risk assessment must be updated and all risks considered.
36. Please refer to Appendix 2 the Maternity Summary, which summarises the above entitlements.

## **Keeping-in-Touch Days (KIT days) and Contacting Employees on Maternity Leave**

37. Whilst an employee is on Maternity Leave, their Headteacher must keep in touch, informing them of any work related matters such as significant workplace developments and training opportunities. This will allow for an easier return to work, which will be beneficial to the Headteacher, the employee and their colleagues.
38. An employee on Maternity Leave is entitled to receive copies of the Weekly Vacancy Circular, if they wish. The employee is asked to indicate whether they wish to receive a copy prior to the commencement of their Maternity Leave. If a copy is requested, it is the responsibility of the Headteacher to circulate this information.
39. An employee can work for up to 10 Keeping-In-Touch days (KIT days) during their Maternity Leave period without bringing the Maternity Leave period to an end or losing their Maternity Pay (Statutory or Occupational). This is to enable the employer and employee to keep in touch during their leave.

40. Part time employees are eligible to work for up to 10 KIT days; however payment will only be made in accordance with their current working pattern.
41. Employees may work a KIT day during Ordinary or Additional Maternity Leave, with the proviso that an employee cannot work during the 2 weeks of compulsory Maternity Leave after the birth of their baby.
42. The 10 KIT days do not have to be consecutive and they can be used for training or any other activity, such as a team meeting, that enables the employee to keep in touch with the workplace.
43. Any work done during Maternity Leave must be by agreement and neither the employer nor employee can insist on it. KIT days will not extend the Maternity Leave period.
44. Working for part of a day will count as 1 day's work, in the sense of using up 1 of the 10 KIT days, not from the point of view of payment.
45. Once the KIT days have been used up the employee will lose a week's maternity pay for any week in which they do any work under their contract of service.
46. An employee will be paid for working any KIT days. Payment will be made at the hourly rate for the hours worked on each of the KIT days. The employee's working pattern will be used to calculate the hourly rate.
47. If the employee is receiving Maternity Pay, either Statutory or Occupational, these payments will be offset against any payment made for KIT days. However, the amount of pay for a KIT day should not result in the employee receiving a weekly payment that is lower than the weekly rate of Maternity Pay to which they are entitled.
48. To arrange payment for a KIT day, the Headteacher should complete a timesheet and send to the Payroll section to notify Payroll of the hours worked.
49. Under Section 99 of the Employment Rights Act 1996 it will be automatically unfair to dismiss an employee for working or refusing to work during Maternity Leave. Under Section 47C of the Employment Rights Act 1996 employees are also protected from detriment for working or refusing to work during Maternity Leave.

### **Returning to Work**

50. It will be assumed that an employee will be returning to work on the first working day after their 52 weeks Maternity Leave, at the end of their Additional Maternity Leave unless their Headteacher has been informed otherwise.
51. If an employee wishes to return early or only take their Ordinary Maternity Leave they must give at least 8 weeks' notice of their intention to return in writing to their Headteacher and HR.
52. If an employee fails to provide 8 weeks' notice of their intention to return to work before the end of the Additional Maternity Leave, the School and Governing Body may postpone the return date to ensure that it has received 8 weeks written notice of the return. Full pay will not be reinstated until the member of staff actually returns to duty. However, in postponing the return to work date the School and Governing Body cannot postpone it to a date after the end of Additional Maternity Leave.

53. An employee can change their mind regarding their date of return to work, providing they give at least 8 weeks' notice before whichever is earlier of the date on which they now intend to return or the date on which they had intended to return.
54. The notice requirements also apply where the School and Governing Body has postponed an employee's return because they wished to return to work before the end of the 8 weeks' notice period, and wishes to change the return date.
55. Failure to return to work following a period of OML or AML without producing a fit note or any acceptable explanation will be regarded as repudiation of an employee's conditions of employment with effect from the date that they would have returned to work.
56. The Headteacher will notify HR of the actual date the employee returns to work and any flexible working arrangements.

### **Right to Return to Work**

57. Subject to having complied with the notification requirements:
  - An employee is entitled to return to work at the end of their Ordinary Maternity Leave, to the same job, on the same terms and conditions as if they had not been absent, unless a redundancy situation has arisen.
  - An employee, who has completed a period of Additional Maternity Leave, will return to the same job on the same terms and conditions unless there is some reason, other than redundancy why it is not reasonably practical for the Council to take them back in their original job. If this situation arises they are entitled to be offered suitable alternative work.
58. Where an employee returns to local government service following a break for maternity reasons, or reasons concerned with caring for children or other dependants, provided no other permanent full time employment has intervened:
  - For a break of up to 8 years – previous service will be counted for calculating entitlement to holiday, sickness and maternity.
  - If the break is longer than 8 years – previous service will be counted for calculating entitlement to holidays only

### **Part-Time Work and Flexible Working**

59. Under Flexible Working legislation the Governing Body shall take all reasonable steps to accommodate requests from staff to return on less or different hours following a period of Maternity Leave. Employees have no automatic right to return to work on reduced hours and such requests shall be considered in light of operational and organisational considerations. Please refer to your own School's Flexible Working Policy for details.

### **Failure to Return to Work**

60. If an employee does not wish to return to work at the end of a period of Maternity Leave, they must give their Headteacher notice in the usual way.

61. If an employee does not return to employment with Caerphilly County Borough Council for a period of at least 12 weeks they will be required to repay the half pay element of their maternity pay.

## **MATERNITY PAY**

### **General Information**

62. Statutory Maternity Pay is paid in line with HMRC rules and regulations.
63. Statutory Maternity Pay increases in April each year.
64. Statutory Maternity Pay is payable for 39 weeks and is treated as pay, therefore tax, National Insurance contributions and (where appropriate) pension contributions etc. will be deducted in the usual way.
65. An employee who does not qualify for Statutory Maternity Pay providing they have sufficient service will qualify for Occupational Maternity Pay.
66. Statutory Maternity Pay rules allow Maternity Pay to start on any day of the week, in line with Maternity Leave.
67. An employee who qualifies for Statutory Maternity Pay who leaves their job for any reason (including dismissal) is still entitled to Statutory Maternity Pay. If the employment ends after the start of the qualifying week but before the 11<sup>th</sup> week before the EWC, the Maternity Pay will start from the 11<sup>th</sup> week before the Expected Week of Childbirth, if the employment ends after the start of the 11<sup>th</sup> week before the EWC the Maternity Pay will start from the day after the employment ends. However, if the employee starts to work for a different employer, one they were not employed by in the qualifying week, they will not be able to receive Statutory Maternity Pay for any week they do any work for the new employer.
68. No extra Maternity Pay is payable for multiple births.

### **Entitlement to Maternity Pay**

69. Entitlement to Maternity Pay is dependent on employees having achieved sufficient Caerphilly County Borough Council and/or Local Government continuous service at the 15<sup>th</sup> week before their EWC, and, depending on length of service and average earnings during the qualifying period, an employee may be entitled to Statutory Maternity pay, and / or Occupational Maternity Pay or no pay.
70. Employees accrue their first maternity payment on the 7<sup>th</sup> day after their maternity leave start date and every 7 days thereafter. This will be paid on a monthly basis but it means that monthly salaries will vary depending on the number of payment dates in the month.
71. An employee will qualify for **Occupational Maternity Pay (OMP)** if they have at least 52 weeks continuous Local Government service at the 11<sup>th</sup> week before the EWC.
72. An employee will qualify for **Statutory Maternity Pay (SMP)** if they have at least 26 weeks continuous service with Caerphilly County Borough Council at the 15<sup>th</sup> week before the EWC.

73. Also an employee's average weekly earnings over the 8 week period up to the end of the qualifying week must be over the lower earnings limit for National Insurance purposes. The qualifying week is the 15<sup>th</sup> week before the EWC.
74. Please refer to Appendix 2 the Maternity Summary, which explains the entitlements to Occupational Maternity Pay, Statutory Maternity Pay and Maternity Allowance\*.  
(\* Maternity Allowance is payable by Job Centre Plus).
75. There is no entitlement to OMP or SMP for employees with less than 26 weeks continuous local government service at the end of the 15<sup>th</sup> week before the EWC. However the employee may be entitled to Maternity Allowance if they have paid 26 weeks National Insurance contributions at the minimum rate, in the 66 weeks before their EWC. Employees should contact their local Jobcentre Plus Office for advice on their entitlement to Maternity Allowance.
76. If an employee is not entitled to SMP HR will issue an SMP1 form where appropriate.
77. Casual employees may be entitled to Maternity Pay, subject to their earnings during the qualifying period, and they should contact the Payroll Department to determine their eligibility.

## **ADDITIONAL INFORMATION**

### **Ante Natal Care**

78. All pregnant employees have the right to leave with pay up to a maximum of 3 hours for attendance at ante natal care on production of evidence of appointments and as much notice as possible must be provided.

### **Parent Craft Classes and Post Natal Care**

79. All pregnant employees have the right to leave with pay up to a maximum of 3 hours for attendance at parent craft classes and post-natal care. Leave of absence for partners to attend these classes may be granted under the Governing Bodies Leave of Absence Scheme.

### **Inability to Work During Pregnancy**

80. Where an individual is incapable of continuing to do her job or is prevented from doing so for statutory health and safety reasons, then suitable alternative employment will be offered to cover this period where it is available. Where this is not possible the employee shall refrain from work for this period on full pay.

### **Sickness Absence prior to Maternity Leave**

81. Maternity Leave will not be counted against sick leave entitlement.
82. If a sickness absence is pregnancy related (as defined by the GP) and it continues into the fourth week before the EWC, then Maternity Leave will be deemed to commence on the Sunday of the fourth week before the EWC.
83. If a sickness absence is pregnancy related (as defined by the GP) and occurs during the four weeks prior to the EWC the Maternity Leave will commence on the first day of sickness absence.

### **Sickness Absence following Maternity Leave**

84. Employees are not eligible to receive Statutory Sick Pay (SSP) while they still have an entitlement to Statutory Maternity Pay (SMP) (39 weeks), therefore if an employee reports sick when returning from a period of Maternity Leave, the SSP will not commence until the SMP has been exhausted.

### **Superannuation / Pension**

85. During a period of paid Maternity Leave (including any period where only Statutory Maternity Pay (SMP) is paid), an employee must continue to pay pension contributions on the actual pay that is being received. Pension benefits will continue to accrue as if the employee was working normally on full pay.
86. Employees can choose to pay optional contributions for any period of unpaid Maternity Leave beyond the 39 weeks Statutory Maternity Pay period. The employee would have to elect to buy back the "lost" pension within 30 days of returning to work. The amount payable would be determined in accordance with guidance from the Government Actuarial Department (GAD).
87. If an employee was paying additional contributions prior to going on Maternity Leave to increase pension benefits then these remain payable. They are calculated on the rate that would have been received if not on Maternity Leave. The additional pension benefits will then accrue in full.
88. Employees will accrue pension for any KIT days worked.
89. If an employee requires any further details on the Local Government Pension Scheme please contact the Greater Gwent Pensions Section at Torfaen County Borough Council on 01495 766266 or alternatively visit the website <http://www.greatergwentpensionsfund.co.uk/>

### **Annual Leave (Support Staff who do not work Term Time Only)**

90. Maternity Leave does not affect annual leave entitlement and existing conditions of service apply. Therefore an employee will be entitled to their full annual leave provision during the period of their Maternity Leave.
91. An employee may end their Maternity Leave and immediately commence annual leave, without having to physically return to work. This must be agreed with the Headteacher in the normal manner.
92. If an employee's Maternity Leave spans two calendar years and they have not used all of their annual leave prior to commencing their Maternity Leave they will be able to carry any remaining annual leave into the New Year.

### **Increments / Pay Awards**

93. Maternity Leave does not affect incremental salary increases. If a pay award is implemented within the maternity period, it will be reflected in the Maternity Pay.
94. However as maternity pay is based on the qualifying week which is 11 weeks prior to the EWC, the employee will not see any difference in their maternity pay.

### **Fixed Term Contracts**

95. The Maternity Policy and its associated provisions cover employees on fixed term contracts. If the fixed term contract ends immediately before or during the maternity period, the future of the post will be decided after considering the operational requirements of the Service.

### **Telephone Allowance**

96. Employees who are entitled to receive a telephone allowance as part of their remuneration will continue to do so for the period of their paid Maternity Leave.

### **Honorarium Payments**

97. Where an employee is receiving an Honorarium payment as part of their remuneration this will be included in the calculation of their Maternity Pay.

### **SALARY SACRIFICE SCHEMES**

98. Where an employee is receiving benefits under a salary sacrifice agreement these will continue for the duration of the maternity period.

### **Child Care Vouchers**

99. Employees will continue to receive Child Care Vouchers throughout the maternity period. The salary sacrifice reduction will remain in place until such time that the employee is in receipt of SMP only or in nil pay. At that time the salary sacrifice deduction will stop but the Childcare Vouchers will still be provided until the employee returns to work.
100. When the employee returns to work the total value of the Child Care Vouchers accrued during the period where no salary reduction has taken place will be advised to the employee and agreement will be reached with the Payroll Section as to how the outstanding amount will be repaid.

### **Green Car Scheme**

101. Employees will retain their car during the maternity period. The salary sacrifice reduction will remain in place until such time that the employee is in receipt of SMP only or in nil pay. At that time the Council will continue to pay the monthly invoice for the car which will accrue until the employee returns to work.
102. Employees who are members of the Local Government Pension Scheme and receive a GASS payment of £70 will continue to receive this payment throughout the whole of the maternity leave period.
103. When the employee returns to work the salary sacrifice accrual will be split across the remaining months of the contract and deducted in addition to the original monthly payments. The salary sacrifice agreement cannot be extended beyond the original 36 month period.

## **Cycle to Work Scheme**

104. Employees will retain their cycle during the maternity period. The salary sacrifice reduction will remain in place until such time that the employee is in receipt of SMP only or nil pay. At that time the Council will continue to pay the salary sacrifice deduction on the employee's behalf.
105. When the employee returns to work the salary sacrifice deductions will be reinstated. Any months that have been missed will be added to the end of the original hire agreement period, thereby extending the hire agreement period.

## **PREMATURE BIRTH**

106. Eligibility for maternity pay is not affected when a baby is born earlier than expected. The employee's right to receive maternity pay is not affected by an early birth because the continuous employment rule is dependent ultimately on the EWC and not the actual date the baby is born.
107. If an employee gives birth before they have begun their Maternity Leave, the Maternity Pay period and therefore Ordinary Maternity Leave and Maternity Pay (if applicable) will start on the day after the birth occurs.
108. If the employee has already started their Maternity Leave and the baby is born early, then the Council would simply continue to pay Maternity Pay in the normal way.

## **STILLBIRTH / MISCARRIAGE**

109. In this very difficult and unfortunate situation where an employee suffers a stillbirth from the 24th week of pregnancy or has a child that dies after birth, either during Ordinary Maternity Leave or Additional Maternity Leave they are entitled to the same amount of leave and the right to return to work as if their child had lived. The entitlement to Maternity Pay also remains the same.

## **INTERPRETATION OF THE POLICY**

110. In the event of a dispute relating to the interpretation of this policy, HR will make the final decision on interpretation.

## **REVIEW OF THE POLICY**

111. A review of this policy will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the policy will be amended and reissued.

## **SEPTEMBER 2018**

**ABSENCE DUE TO MATERNITY LEAVE**

<b>Employee Name</b>	
<b>Employee Number</b>	
<b>Position</b>	
<b>Section</b>	

I confirm that I am pregnant and the expected week of childbirth is the week including ...../...../.....

I have read the Governing Bodies adopted Maternity Policy and am aware of the provisions.

1.\* I do not wish to take advantage of the Maternity Leave provisions under the Maternity Policy and conditions of service under which I am employed, nor do I wish to take advantage of my right to return to work under the Policy. I therefore wish to terminate my employment and if I am eligible claim my 39 weeks Statutory Maternity Pay entitlement.

2.\* I intend to take advantage of the Maternity Leave provisions under the Maternity Policy. The MATB1 form confirming my pregnancy and the expected week of childbirth **is attached/will be** forwarded as soon as possible (please delete as appropriate). I intend to return to work following my period of Maternity Leave. I understand that should I decide to return to work prior to the end of my additional maternity leave (AML), written notification of my intended return date must be provided to my Manager and HR at least 8 weeks prior to that date. For your information I intend to start my maternity leave on \_\_\_\_/\_\_\_\_/\_\_\_\_, and plan to return from maternity leave on \_\_\_\_/\_\_\_\_/\_\_\_\_.

3.\* I intend to take advantage of the maternity leave provisions under the Maternity Policy. At this stage I am not sure if I will be returning to work but nevertheless wish to retain my right to return under the provisions of the Council's Maternity Policy. I understand that should I decide to return to work prior to the end of my Additional Maternity Leave (AML), written notification of my intended return date must be provided to my Manager and HR at least 8 weeks prior to that date. For your information I intend to start my maternity leave on \_\_\_\_/\_\_\_\_/\_\_\_\_.

4.\* I intend to take advantage of the Maternity Leave provisions under the Maternity Policy. The MATB1 form confirming my pregnancy and the expected week of childbirth **is attached/will be** forwarded as soon as possible (please delete as appropriate). As my fixed term contract is not being extended/renewed, I wish if I am eligible, to claim my 39 weeks Statutory Maternity Pay and Occupational Maternity Pay entitlement.

\* Tick appropriate box, indicating acceptance of 1, 2, 3 or 4.

I wish the weekly vacancy circular to be forwarded to me electronically during my period of maternity leave. Please can you use my personal email address\_\_\_\_\_

I acknowledge that I have read and understand the Maternity Policy and I recognise my obligations under the Policy.

I understand that if I do not return to work for a period of at least 12 weeks after the end of my Maternity Leave, if I am eligible for any payments in excess of Statutory Maternity Pay during the 12 weeks half pay period they will be repayable to the Council.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

## MATERNITY SUMMARY – NJC Support Staff

Entitlement Option		Weeks 1-6	Weeks 7-18	Weeks 19-39	Weeks 40-52
1	<b>More than 1 years continuous LG service at the 11<sup>th</sup> week before the EWC and more than 26 weeks CCBC service at the 15<sup>th</sup> week before EWC</b>	90% of average weekly earnings (OMP **)	Half pay plus Statutory Maternity Pay (SMP + OMP **)	Statutory Maternity Pay	No Payment
2	<b>More than 1 years continuous LG service at the 11<sup>th</sup> week before EWC but less than 26 weeks CCBC service at the 15<sup>th</sup> week before EWC</b>	90% of average weekly earnings offset against maternity allowance (OMP **)	Half pay plus Maternity Allowance* (OMP **) (whichever is lower)	90% of average weekly earnings or Maternity Allowance* (whichever is lower)	No Payment
3	<b>More than 26 weeks CCBC service at the 15<sup>th</sup> week before EWC but less than 1 years continuous LG service at the 11<sup>th</sup> week before EWC</b>	90% of average weekly earnings (Occupational Maternity Pay **)	90% of average weekly earnings or Maternity Allowance* (whichever is lower) (Occupational Maternity Pay **)	90% of average weekly earnings or Maternity Allowance* (whichever is lower) (Occupational Maternity Pay **)	No Payment
4	<b>More than 26 weeks LG service at the 15<sup>th</sup> week before the EWC but less than 1 years continuous CCBC service at the 11<sup>th</sup> week before EWC</b>	90% of average weekly earnings (SMP)	Statutory Maternity Pay	Statutory Maternity Pay	No Payment
5	<b>Less than 26 weeks CCBC service at the 11<sup>th</sup> week before EWC</b>	No Payment	No Payment	No Payment	No Payment

***In order to qualify for SMP, an employee's average earnings must be above the Lower Earnings Limit during the qualifying period. In order to qualify for half pay, an employee must have given confirmation in writing of their intention to return to work for a period of at least 12 weeks. Any employee who does not return to employment with Caerphilly County Borough Council (irrespective of post) for a period of at least 12 weeks will be required to repay the half pay element of their maternity pay.***

***\* Maternity Allowance is payable from Job Centre Plus direct to the employee. Employees are required to provide proof of payment/non-payment from Job Centre Plus to the Payroll Section.***

***\*\* Occupational Maternity Pay will be offset against Maternity Allowance payments.***

**MATERNITY SUMMARY FLOWCHART**

