

MATERNITY PROVISIONS GUIDANCE FOR MANAGERS AND EMPLOYEES¹

March 2021

¹ This guidance document applies to all council staff, including those in schools

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Glossary

Expected Week of Childbirth (EWC)

The week beginning at midnight between Saturday and Sunday, in which the baby is expected to be born.

Statutory Maternity Leave (SML)

The 52 weeks of leave to which all pregnant employees are entitled.

Ordinary Maternity Leave (OML)

The first 26 weeks of maternity leave.

Additional Maternity Leave (AML)

The 26 weeks of maternity leave immediately following ordinary maternity leave.

Compulsory Maternity Leave (CML)

The two weeks immediately following childbirth in which an employee is not permitted to return to work.

Statutory Maternity Pay (SMP)

The 39 weeks of pay to which a qualifying pregnant employee is entitled, the rate for which is set each year by the government.

Higher rate SMP

90% of employee's average weekly earnings (AWE) before tax.

Lower rate SMP

£151.97 for the year 2021– 2022 (annual rate set by the government) or 90% of employee's average weekly earnings; whichever is lower.

Occupational Maternity Pay (OMP)

Enhanced element of maternity pay for eligible employees.

Maternity Allowance (MA)

The state benefit that women who are not eligible for SMP can apply for, via Jobcentre Plus. Maternity allowance is payable for up to 39 weeks. The rate is set each year by the government (see Appendix 2).

Maternity Certificate (MAT B1)

The form issued by the GP or midwife to confirm the pregnant woman's expected week of childbirth, normally issued after the 20th week of pregnancy.

Average Weekly Earnings (AWE)

The calculation of average weekly earnings is based on gross earnings during a set period. The set period is defined as the period between the last normal pay day to fall in or before the QW and the last normal pay day falling at least eight weeks before the above.

Qualifying Week (QW)

This relates to qualifying for statutory maternity pay and is the 15th week before the expected week of childbirth (EWC). This period may vary depending on where the pay date falls in that period.

Lower Earnings Limit (LEL)

The amount of average weekly earnings (AWE) set by the government each year, below which an employee qualifies for certain state benefits.

Keeping in Touch (KIT) days

An employee may undertake up to 10 days of paid work or training, where agreed by their line manager, during maternity leave.

1. Introduction

- 1.1 This document is a reference guide for employees who are expectant mothers, those planning on having a baby and managers. It explains the maternity rights, benefits and options available before and after the birth of a child and the roles and responsibilities of the various parties involved (Appendix 1).
- 1.2 Leicester City Council is committed to promoting equality and diversity by supporting employees who take maternity leave. Therefore, the city council offers an occupational maternity pay scheme. This is to encourage employees to return to work after they give birth.
- 1.3 Managers and employees are encouraged to contact Central Payroll if they require any advice on the maternity provisions on 0116 4541010 (internal 371010) or email central.payroll@leicester.gov.uk .
- 1.4 Part of statutory maternity leave may be shared with a spouse, civil partner, partner or the father of the child. Details are available in the city council's [shared parental leave guidelines](#).
- 1.5 This guidance will be reviewed and updated in line with relevant legislation, case law and emerging good practice, in conjunction with the trade unions.

2. Notification of pregnancy

- 2.1 To qualify for maternity leave and pay, a pregnant employee must submit an original maternity certificate (MATB1) to Central Payroll and complete the relevant 'MA' form (see Appendix 3) to notify their manager and Central Payroll of their pregnancy, no later than 15 weeks before the expected week of childbirth (EWC), stating their due date, intended start date for maternity leave and whether they will be returning to work after maternity leave.
- 2.2 Central Payroll will confirm, in writing, the safe receipt of the form and the employee's maternity leave and pay entitlement.
- 2.3 The employee may defer their maternity leave start date, provided that they advise their manager in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

3. Ante-natal care

- 3.1 The city council/school recognises that ante-natal care is crucial to ensuring the good health of a mother and baby, and for preparing to become a parent.

- 3.2 A pregnant employee has the right to a reasonable amount of paid time off for ante-natal care. This will be paid at the employee's normal rate of pay. Paid time off also includes travelling time.
- 3.3 Ante-natal care includes appointments where a registered medical practitioner, midwife or health visitor has advised attendance. Examples include an appointment with a doctor, midwife or health visitor; ante-natal classes; relaxation classes and parent-craft classes.
- 3.4 An employee should give as much notice as possible of an ante-natal appointment. Where possible, appointments should be arranged at times that cause the least disruption such as the beginning or end of the employee's working day. Evidence of appointments should be provided to the manager.

4. Health and Safety

- 4.1 Health and safety is a dual responsibility that is shared by the city council/school and an employee. Employees are expected to inform their line manager of any health and safety issues or risks in the workplace so that they can be addressed.
- 4.2 In line with the council's/school's "duty of care", line managers will:
- ensure an assessment of health and safety risks to pregnant and breastfeeding employees, and their children, in the workplace, is undertaken, monitored and reviewed;
 - assess the possible adverse effects on pregnant or breastfeeding employees and their children, including the unborn child;
 - take appropriate action.
- 4.3 Where a risk assessment raises concerns about the health of a pregnant employee, the line manager (in consultation with HR) may refer them to occupational health.
- 4.4 In the event of an employee undertaking work which could risk their health and safety (or that of their baby or unborn child), the council/school will make arrangements to protect the mother, unborn child/child. For example, a manager may require an employee to temporarily vary their duties, hours or conditions to ensure their health and safety.
- 4.5 Where it is not possible to alter the employee's working conditions to remove the risk, and there is no suitable alternative work available to offer them on a temporary basis, the employee may be suspended from work on maternity grounds until such time as there are no longer any risks to their health. Employment will continue during the period of suspension and it will not in any way affect statutory or contractual employment and maternity rights. The employee will be entitled to their normal salary and contractual benefits during the period of suspension.
- 4.6 If an employee is a night worker (someone who normally works at least 3 hours per night), and they have a medical certificate stating that night work could affect their health and safety, then the council/school will look to offer suitable alternative daytime work (on terms and conditions no less favourable than the employee's normal terms and conditions). Where this is not possible the employee will be suspended from work as above for as long as necessary to protect their health and safety.
- 4.7 Managers are advised to consult the health and safety guidance document 'New and Expectant Mothers at Work'. This can be accessed by schools staff on the [extranet](#)² and by non-schools staff

² Accessible to schools that buy in to the Health & Safety service

on [InterFace](#).

4.8 Managers may contact the Health & Safety Team for advice on any aspect of risk assessments.

5. Maternity Leave

5.1 All pregnant employees are entitled to 52 weeks of statutory maternity leave (SML) regardless of their length of service, providing that the correct notice is given (see section 2 notification of pregnancy).

5.2 Statutory maternity leave (SML) is a total of 52 weeks. The first 26 week period is known as 'Ordinary Maternity Leave' (OML), the last 26 weeks as 'Additional Maternity Leave' (AML).

5.3 An employee must take a minimum of two weeks of maternity leave immediately after the birth of the child; this is known as 'Compulsory Maternity Leave' (CML).

5.4 The city council/school will assume that all pregnant employees will take the full 52 weeks of maternity leave unless informed otherwise.

5.5 An employee may start their maternity leave at any time from the eleventh week before the expected week of childbirth (EWC), with the exception being 5.7 below.

5.6 Where an employee has confirmed a start date for maternity leave, and later wishes to change it, they must notify the council/school as soon as is reasonably practical and no later than 28 days before the revised start date.

5.7 Maternity leave will normally begin the day after the agreed last day of work. However, maternity leave will begin automatically where an employee is absent due to a pregnancy-related illness in the 4 weeks before the EWC.

5.8 Where a baby is born before maternity leave has started, maternity leave will begin on the day after childbirth.

6. Maternity pay – employees other than teachers

6.1 If an employee is not entitled to Statutory Maternity Pay (SMP), Central Payroll will send her a SMP1 form so that she can make a claim to Jobcentre Plus for MA.

6.2 If an employee has **less than 26 weeks continuous local government service by the qualifying week (QW)** she is entitled to two weeks paid leave. She may also be entitled to maternity allowance (MA) from Jobcentre Plus.

6.3 If an employee has **26 weeks local government service by the QW**, and her average earnings in the eight weeks prior to the QW are equal to the lower earnings limit for national insurance purposes, she is eligible for SMP which is payable for a period of 39 weeks as follows:

- 6 weeks higher rate SMP – 90% of an average week's pay
- 33 weeks lower rate SMP - £151.97 per week (or 90% of an average week's pay where pay is less than £151.97 per week)
- 13 weeks unpaid leave

6.4 If an employee has **at least one year's continuous local government service at the 11th week before the EWC**, and returns to work for a period of three months after maternity leave, she will be entitled to SMP and occupational maternity pay (OMP) as follows:

Week number	Total duration	Pay
Weeks 1-6	6 weeks	90% of an average week's pay (known as higher rate SMP)
Weeks 7-18	12 weeks	50% of average weekly earnings plus lower rate SMP £151.97 (providing the total does not exceed normal weekly pay) OR 90% average weekly earnings (whichever is lower)
Weeks 19-39	21 weeks	Lower rate SMP £151.97 OR 90% average weekly earnings (whichever is lower)
Weeks 40-52	13 weeks	No pay

6.5 The period of three months following return from maternity leave can include annual leave, flexileave, TOIL or a reduction in hours. However it excludes parental and unpaid leave.

7 Maternity pay – teachers

7.1 If a teacher has **less than 26 weeks Local Education Authority (LEA) service by the qualifying week (QW)** she will be entitled to two weeks paid leave. She may also be entitled to maternity allowance (MA) from Jobcentre Plus.

7.2 If a teacher has **26 weeks LEA service by the QW**, and her average earnings in the eight weeks prior to the QW are equal to the lower earnings limit for national insurance purposes, she will be eligible for maternity pay for a period of 39 weeks as follows:

- 4 weeks at full pay (offset against higher rate SMP)
- 2 weeks higher rate SMP – 90% of an average week's pay
- 33 weeks lower rate SMP - £151.97 per week (or 90% of an average week's pay where pay is less than £151.97 per week)

7.3 If a teacher has **at least one year's continuous service with one or more LEAs at the 11th week before the EWC**, she will be entitled to SMP and occupational maternity pay (OMP) as follows³:

Week number	Total duration	Pay
Weeks 1-4	4 weeks	Full pay
Weeks 5-6	2 weeks	90% of an average week's pay (known as higher rate SMP)
Weeks 7-18	12 weeks	50% of average weekly earnings plus lower rate SMP £151.97*(providing the total does not exceed normal weekly pay) OR** either lower rate SMP £151.97 or 90% average weekly earnings (whichever is lower)
Weeks 19-39	21 weeks	Lower rate SMP £151.97 OR 90% average weekly earnings (whichever is lower)
Weeks 40-52	13 weeks	No pay

*if the employee has stated her intention to return to work for a period of at least 13 weeks after her maternity leave

**if the employee has not stated her intention to return to work after her maternity leave

³ Allowances such as TLR's, recruitment and retention and first aid allowance are included in occupational maternity pay (OMP)

8. Maternity pay and benefits - general

- 8.1 There is no increase in maternity pay (or leave) where an employee is expecting more than one baby.
- 8.2 Those eligible to receive OMP have the option, on the maternity form, to spread the entitlement over 33 weeks.
- 8.3 An employee will not be entitled to receive maternity pay if she:
- is held in legal custody
 - becomes unemployed in the QW.
- 8.4 If an employee leaves the city council before her baby is born, she is entitled to receive SMP from the city council if she starts work for a new employer, providing she was employed by the city council in the QW and meets the qualifying conditions for SMP.
- 8.5 If a city council employee starts working for another employer after her baby is born she is entitled to receive maternity pay from the city council, providing she was employed by the city council in the QW. However, she will not retain her right to SMP from the city council if she stops working for her new employer before the maternity pay period ends.
- 8.6 An employee on a temporary contract is entitled to the relevant service-related maternity pay *provided* her EWC falls before the end of the temporary contract. She will not be entitled to 12 weeks at 50% of her pay unless her temporary contract end date is after the end of her maternity leave and she returns to work for three months.
- 8.7 An employee has the right to full contractual benefits (other than pay) during SML.
- 8.8 An employee on maternity leave is entitled to receive any annual pay increment due, in line with her contract of employment.

9. Keeping in Touch

- 9.1 The city council/school recognises the importance of keeping in touch with an employee to ensure a smooth transition back into the workplace after maternity leave.
- 9.2 A line manager will make reasonable contact with an employee whilst they are on maternity leave. This will include notifying her of relevant training events or consulting with her regarding changes happening at work.
- 9.3 The manager and employee should discuss, in advance, the type of contact there will be during maternity leave to ensure that it is appropriate, including allocating a "buddy" to contact her.
- 9.4 An employee is not obliged to undertake any work during her maternity leave. However, she can agree to do up to 10 days paid work or training, known as 'keeping in touch' (KIT) days, where agreed in advance with her manager. Pay received for any agreed KIT days will be offset against any maternity pay due for that day.
- 9.5 KIT days can be taken at any point during the maternity leave period, except for the period of compulsory maternity leave (two weeks after the birth). Employees will receive their normal rate of pay for the hours worked. Pension contributions will be payable for KIT days.

9.6 The manager should contact Central Payroll to arrange payment for KIT days.

10. Pensions and Benefits

10.1 Local Government Pension Scheme

10.1.1 During the paid maternity leave period an employee's pension contributions will continue to be deducted at the normal rate. If an employee returns to work after maternity leave she has two options regarding pension contributions for any unpaid period of maternity leave as follows:

Option 1: To not pay any pension contributions during unpaid leave. To find out how this will affect her final pension benefit an employee should contact the pensions section at County Hall.

Option 2: To elect to pay an additional pension contribution for the whole period of unpaid maternity leave. If an employee does this, the period of unpaid leave will count as pensionable service and will count towards her career average pensionable pay.

10.1.2 When an employee returns to work, she will have the option of making up her contributions for the unpaid period of maternity leave. She will need to apply to pay an Additional Pension Contribution (APC). The relevant form is available from Leicestershire County Pensions website and should be returned to Central Payroll who will advise County Pensions of the pay lost figure. County Pensions will then calculate the employee and employer APC due to reinstate the pension service.

10.1.3 If an employee does not return to work after maternity leave, and has more than two years' service, she is entitled to a preserved benefit which can be brought back in the scheme, should she re-join the scheme at a future date.

10.1.4 Employees are advised to contact County Pensions for further information on pensions and benefits.

10.2 Teachers' Pension Scheme

10.2.1 Pension contributions will continue to be deducted during the period of paid maternity leave.

11. Annual leave

11.1 General

11.1. In line with legislation, an employee cannot take annual leave during paid maternity leave.

11.1.1 Where an employee gives birth while on annual leave maternity leave will begin automatically. The employee must inform her manager of the birth so that her record can be updated and the correct maternity payments made.

11.2 Non-school employees

11.2.1 An employee will accrue her contractual annual leave entitlement during maternity leave. This is pro-rated for part-time staff.

11.2.2 An employee is required to discuss with her line manager before starting her maternity leave

her plans to use annual leave accrued during maternity leave in order to aid operational resource planning.

11.2.3 Any annual leave accrued before maternity leave should, wherever possible, be taken before maternity leave starts.

11.2.4 Any request for annual leave will require agreement, in advance, from the manager.

11.2.5 There are a number of options for using annual leave which an employee and manager may wish to consider:

- Taking accrued annual leave immediately before maternity leave begins, or immediately after maternity leave ends (before returning to work). For example, there is the option to end maternity leave prior to 52 weeks and instead use this accrued leave to cover what would have been a nil pay period.
- An employee may carry over unused contractual annual leave into the next annual leave year.
- Any other suitable arrangement that meets the needs of the employee and operational requirements.

11.3 Teachers

11.2.1 In the case of teachers, statutory annual leave is accrued throughout the maternity leave period. This is pro-rated for part-time staff. The accrued annual leave will be offset against school closure periods outside of the maternity leave period only.

11.2.2 Annual leave entitlement will be calculated for teachers for the leave year in which their maternity leave starts and the leave year in which it ends. Where accrued statutory leave is owed to the employee this should be taken in the leave year in which it falls (normally at the start or end of the maternity leave). Where this is not possible (if unable to take it within the current leave year during school closures or term time), statutory annual leave may be carried forward to the following leave year.

11.2.3 Any accrued statutory leave carried forward will be offset against the remaining school closure periods after the annual leave entitlement for that leave year has been accommodated. Where there are still accrued days owed the school and the employee will agree how these days may be taken (during term time).

11.3 School Support staff

11.3.1 In the case of school support staff contractual annual leave is accrued throughout the maternity leave period. This is pro-rated for part-time staff. The accrued annual leave will be offset against school closure periods outside of the maternity leave period only.

11.3.2 Annual leave entitlement will be calculated for school support staff for the leave year in which their maternity leave starts and the leave year in which it ends. Where accrued leave is owed to the employee this should be taken in the leave year in which it falls (normally at the start or end of the maternity leave). Where this is not possible (if unable to take it within the current leave year during school closures or term time), contractual annual leave may be carried

forward to the following leave year.

- 11.3.3 Any accrued leave carried forward will be offset against the remaining school closure periods after the annual leave entitlement for that leave year has been accommodated. Where there are still accrued days owed the school and the employee will agree how these days may be taken (during term time).

12. Sickness

- 12.1 An employee will be entitled to sick pay during pregnancy, in line with the city council's/school's sick pay policy.

- 12.2 Any pregnancy-related sickness absence should not be counted in relation to managing sickness absence.

- 12.3 Where an employee is absent due to a pregnancy-related illness in the last four weeks before the EWC, the city council/school will trigger maternity leave.

- 12.4 An employee is not entitled to sick pay during maternity leave.

13. Stillbirth/Miscarriage

- 13.1 Where a stillbirth occurs after the end of the 24th week of pregnancy, the employee is eligible for maternity leave and pay as if the baby had been born alive.

- 13.2 Where a stillbirth occurs during the first 24 weeks of pregnancy, the employee is not eligible for maternity leave and pay.

- 13.3 An absence due to a stillbirth or miscarriage during the first 24 weeks of pregnancy will be treated sensitively and compassionately as sickness absence. The employee will be entitled to sick pay under the city council's/school's sick pay policy.

14. Returning to work after maternity leave

- 14.1 An employee may return to work at any time during maternity leave, except during the first two weeks after the birth (compulsory maternity leave). However, she must notify her manager, in writing, at least 21 days before her intended return date.

- 14.2 Where an employee returns to work during/after OML she has the right to return to the same job, on the same terms and conditions. Where an employee returns to work during/after AML she has the right to return to the same job unless this is not reasonably practicable, in which case she will be offered a suitable alternative position. Where terms and conditions are due to change during maternity leave (e.g. as the result of structural changes) full consultation will take place.

- 14.3 An employee may ask to return to work after maternity leave on different working hours. The manager must consider each request on its merits and balance it against operational needs and requirements. See [the flexible working request policy / flexible working request policy – schools](#) for further details.

15. Non-return to work

- 15.1 Where an employee does not intend to return to work after maternity leave she must give at least the period of notice required by her contract of employment.

16. Support for breast feeding mothers

- 16.1 The city council/school acknowledges that the health benefits of breastfeeding babies are now well established. The council/school has a duty to provide suitable facilities for breastfeeding employees, in line with health and safety legislation.
- 16.2 The council/school will provide suitable facilities that are private and comfortable (not a toilet) so that breastfeeding mothers can express milk and will also provide facilities for storing milk (i.e. a refrigerator) where possible.
- 16.3 See section 4 health and safety.

17. Repayment of OMP

- 17.1 An employee who does not return to work after maternity leave is not eligible to receive the city council's OMP.
- 17.2 Where an employee does not return to work for a minimum of three months after maternity leave, the city council/school will reclaim the OMP.
- 17.3 Employees should contact Central Payroll, at any point during their maternity leave, if they wish to obtain an accurate calculation of the amount they must repay if they do not return to work.
- 17.4 Where an employee is required to repay OMP she will be contacted by Central Payroll to discuss the process for repayment.

18. Fixed term contracts

18.1 Fixed term contracts and maternity leave

- 18.1.1A pregnant employee employed on a fixed term contract is protected in the same way as a pregnant employee employed on an "open-ended" contract.

18.2 Ending a fixed term contract during maternity leave

- 18.2.1 Where a fixed term contract is due to expire during maternity leave the manager will consider whether the contract may be extended beyond the original expiry date. Managers are advised to extend where:

- the contract would have been extended had the maternity leave not occurred;
- funding for the post is likely to continue past the end date of maternity leave;
- it would be financially and operationally possible to defer the work being done by the pregnant employee until after she returns from maternity leave.

- 18.2.2 Where it is not possible to extend the contract the manager is advised to contact HR for advice. The manager (in consultation with HR) will consider, and discuss with the employee, the following options (in order):

1. To offer the employee a suitable alternative post at a commensurate level where available);

2. To add the employee to the council's redeployment register during maternity leave⁴;
3. To confirm termination of employment (with a redundancy payment for an employee with two or more years of service if applicable) if no suitable vacancy has become available by the end of maternity leave.

18.3 Repayment of occupational maternity pay (fixed term contracts)

18.3.1 Where an employee on a fixed term contract does not return to work for a minimum of three months after maternity leave the city council may reclaim the occupational element of maternity pay.

18.3.2 An employee will not be expected to repay the occupational element of maternity pay where:

- she returns to work and the remainder of her fixed term contract is less than three months in duration;
- the fixed term contract is due to expire during maternity leave and no suitable alternative post exists.

19. Redundancy

19.1 An employee will not be selected for redundancy on the grounds that she is pregnant or on maternity leave.

19.2 For further details, please refer to the relevant redundancy policy and procedure.

20. Useful resources

20.1 Expectant mothers may find it useful to familiarise themselves with the information and guidelines provided by the government. These can be found at www.gov.uk or call 0800 055 6688 (8am - 6pm Monday to Friday) and at www.acas.org.uk.

20.2 Managers and employees are encouraged to discuss any questions about the maternity provisions with Central Payroll.

⁴ Not applicable to school settings

APPENDIX 1

Maternity Procedure - Roles and Responsibilities

1. Line manager:

The line manager is responsible for:

- Ensuring that they understand and adhere to the city council's/school's maternity provisions, in particular ensuring that an employee is not disadvantaged as a result of maternity.

Ensuring that maternity issues are dealt with in a fair, sensitive and consistent manner whilst maintaining confidentiality.

Requesting advice from Central Payroll as early as possible (or at any point), if they are unsure about any aspect of the maternity provisions.

- Ensuring that a timely risk assessment is undertaken of the employee's work practices and workplace on receipt of a formal notice of pregnancy.

Informing Central Payroll of any KIT arrangements.

- Liaising with Central Payroll regarding the repayment of occupational maternity pay where an employee will not be returning to work after maternity leave.
- Informing Central Payroll of the maternity end date.
- Ensuring that a timely risk assessment is undertaken on breastfeeding employees.

2. Employee:

The employee is responsible for:

- Notifying their line manager of their EWC and intended start date of maternity leave not less than 15 weeks before the EWC.
- Submitting the MAT B1 and the relevant maternity form to Central Payroll at the earliest opportunity.
- Complying with any health and safety or occupational health requirements during their pregnancy and on return to work.
- Where applicable, submitting a written statement confirming their early return to work after maternity leave.

- Ensuring that they understand and follow the city council's maternity provisions.
- Asking questions of either their line manager or Central Payroll if they are unsure about any aspect of the maternity provisions.

3. Health & Safety Advisers

Health & safety advisers are responsible for:

- Providing guidance and support to line managers and employees regarding risk assessments for new and expectant mothers, and mothers who are breast feeding.

4. Human Resources Advisers

Human Resources advisers are responsible for:

- Supporting and advising managers on all contractual issues relating to an employee who is pregnant/on maternity leave, including the ending of a fixed term contract.

5. Central Payroll

Central Payroll is responsible for:

- Providing advice and guidance to managers and employees on the maternity provisions, including resource issues, on request.
- Processing maternity leave forms and MAT B1 forms, once the necessary checks have been completed.
- Writing and issuing maternity letters to employees.
- Supporting and advising managers on pregnancy-related sickness issues.
- Liaising with managers and notifying employees where there is a requirement to automatically start an employee's maternity leave within the last 4 weeks before the EWC.
- Processing MATB1 forms and paying maternity pay, in line with the city council's maternity procedure and the prevailing legislative requirements.
- Providing Form SMP1 to employees who are not entitled to statutory maternity pay so that they can send it with their MA1 form to the Jobcentre.
- Providing accurate calculations of maternity pay, on request from HR or an employee, once the relevant maternity leave dates are inputted to the payroll system and these dates have passed so that the system can calculate SMP/OMP.

- Ensuring that calculations and payment of annual leave are based on an employee's contractual entitlement and ensuring that accrual of annual leave occurs throughout any unpaid period of maternity leave.
- Arranging the payment of "keeping in touch (KIT) days".
- Ensuring that any annual increment due during maternity leave is paid and that any annual increment during maternity leave is taken into account for the purposes of calculating maternity pay.
- Providing accurate calculations for repayment of the OMP on a timely basis, when requested by HR or an employee.
- Ensuring that managers are informed of any cases where Central Payroll plan to contact an employee to repay the OMP, before the employee is contacted.

APPENDIX 2

MATERNITY ALLOWANCE (MA)

This document is a list of key facts relating to maternity allowance (MA) and is subject to change. It is not intended to be a definitive guide. For up-to-date information please visit www.gov.uk or call Jobcentre Plus on 0800 055 6688 (8am - 6pm Monday to Friday).

- MA is a government benefit.
- Individuals need to claim MA from the Department of Work and Pensions (contact Jobcentre Plus).
- MA payments will not be made via the city council.
- MA benefit rates: a standard weekly rate (which changes each year) or 90% of your average weekly earnings (before tax), whichever is the smaller.
- MA is paid for a maximum of 39 weeks.
- An employee may be able to get extra money for their husband, civil partner or someone else who looks after their children, if that person is on a very low income.
- MA can be paid weekly or every four weeks directly into a person's bank, building society, Post Office® or National Savings account that accepts Direct Payment.
- The earliest an employee can get MA is from the 11th week before the week their baby is due. The latest is from the day following childbirth.
- An employee can claim MA as soon as they have been pregnant for 26 weeks.

How to claim MA:

- Central Payroll will send a MA claim form to an employee who is not eligible for SMP.
- The employee will need to give evidence of when their baby is due and complete maternity certificate MATB1, provided by their doctor or midwife, which includes the estimated due date (EDD). The earliest the certificate will be obtainable is 20 weeks before the baby is due.

APPENDIX 3

Maternity leave forms

Please note the forms are for use by all employees including those employed in school based settings; please ensure the correct form is selected and completed based on your length of service.

- Employees who have less than 26 weeks continuous Local Government service at the beginning of the 15th week before the EWC, complete the following form:.

MA 1 Maternity Application Form: Less than 26 weeks service

- Employees who have less than 1 year's continuous Local Government service at the beginning of the 11th week before the EWC, but have more than 26 weeks service with LCC at the 15th week before the EWC, complete the following form:

MA 1 Maternity Application Form: Less than 1 year's service but more than 26 weeks

- Employees who have completed one year's continuous local government / LEA service at the beginning of the 11th week before the expected week of childbirth, complete **one section** of the following form:

MA 1 Maternity Application Form: More than 1 year's service

MA 1 Maternity Application Form: More than 1 year's service

The provisions set out below apply to those employees who have completed one year's continuous local government / LEA service at the beginning of the 11th week before the expected week of childbirth.

Please read sections 1, 2 and 3 below carefully before you decide which condition you wish to have applied to you, then complete the relevant section only.

Note: Please remember to enclose your original MATB1 Certificate

Section 1 – Application for SMP and OMP

- I intend to return to work.
- I wish to apply for maternity leave and pay.
- I am aware that, if I do not return to work for at least a period of 3 months (employees other than teachers) / 13 weeks (teachers) following the end of my maternity leave, I am required to repay the OMP paid to me, and hereby undertake to do so. Such repayment may be deducted from any salary of money due to me.
- My expected date of childbirth is:
- I wish to begin my maternity leave on:
- I would like my entitlement to OMP to be spread over: 12 weeks 33 Weeks

Section 2 – Application to withhold OMP until return to work

- I wish to reserve my right to return to work but am uncertain as to whether I will return.
- I wish to receive maternity pay as follows:
 - For employees other than teachers: the first 6 weeks at 90% of full pay followed by 33 weeks at lower rate SMP.
 - For teachers: the first 4 weeks at full pay, the next 2 weeks at higher rate SMP, followed by 33 weeks at lower rate SMP.
- I wish for payment of the OMP to be withheld until my return to work, and I realise that to qualify for this pay I must return to work for a period of at least 3 months (employees other than teachers) / 13 weeks (teachers).
- My expected date of childbirth is:
- I wish to begin my maternity leave on:

Section 3 – Application for SMP only

- I do not intend to return to work and therefore the effective date of my termination of employment with the city council will be:
- Note: This date must be at least 6 weeks after the date absence begins to allow for your compulsory maternity leave period.
- I wish to apply for statutory maternity pay only
- My expected date of childbirth is:

• I wish to begin my maternity leave on:

Your Details

Print Name:

Date:

Employee Number:

Signature:

**Please return this form to: BSC-Payroll, Town Hall, Town Hall Square,
Leicester, LE1 9BG.**

Less than 1 year's service but more than 26 weeks

The provisions set out below apply to those employees who have less than 1 year's continuous Local Government service at the beginning of the 11th week before the EWC, but have more than 26 weeks service with LCC at the 15th week before the EWC.

Note: Please remember to enclose your original MATB1 Certificate

Non-teaching staff: 6 weeks at higher rate SMP (90% of full pay) and 33 weeks at lower rate SMP.

Teaching staff: 4 weeks at full pay (offset against higher rate SMP), 2 weeks higher rate SMP and 33 weeks lower rate SMP (or 90% of an average week's pay where pay is less than the lower rate SMP).

- My expected date of childbirth is:
- I wish to begin my maternity leave on:
- I intend to return to work.

Your Details

Print Name:

Date:

Employee Number:

Signature:

Please return this form to: BSC-Payroll, Town Hall, Town Hall Square,
Leicester, LE1 9BG.

Maternity Entitlement - Less than 26 weeks service

The provision set out below applies to those employees who have less than 26 weeks continuous Local Government service at the beginning of the 15th week before the EWC.

Note: Please remember to enclose your original MATB1 Certificate

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- My expected date of childbirth is:
 - I wish to begin my maternity leave on:
 - I intend to return to work.

Your Details

Print Name:

Date:

Employee Number:

Signature:

Please return this form to: BSC-Payroll, Town Hall, Town Hall Square,
Leicester, LE1 9BG.