



Bishopston Community Council

MATERNITY POLICY

NB:

This is a non-contractual procedure which will be reviewed and amended from time to time.

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Bishopston Community Council

MATERNITY POLICY

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Introduction

This policy and procedure apply to all current employees of Bishopston Community Council, whether full or part-time, temporary or fixed-term.

The purpose of this policy and procedure is to provide clear information about maternity provisions. This document sets out the policy on maternity leave, pay, and arrangements surrounding returning to work after maternity leave. It also sets out the procedures which need to be followed at various stages, before, during and after maternity leave.

This document provides basic guidance on the health and safety aspects of working whilst pregnant.

Advising of pregnancy

As soon as an employee knows that they are pregnant, they are encouraged to let us know. This is in their own interests and ensures that any necessary steps to look after their health and safety, and that of their baby, can be taken.

Early notice also allows the community council to let the employee know what their rights will be to maternity leave and pay. However, they do have the right to wait until the 15th week before they expect the baby before telling the council that they are pregnant. Either way, they are required to confirm in writing the fact that they are pregnant, attaching a copy of their MAT B1 and indicating when they expect to start their maternity leave. They should note that they have the right to change the start date of their maternity leave provided that they give at least 28 days' written notice of the change.

The MAT B1 is a form signed by a doctor/midwife confirming the employee's expected week of childbirth (EWC). Hospitals and GP surgeries have different policies regarding when the MAT B1 should be signed and by whom. The MAT B1 is not always issued automatically and the employee may have to ask their doctor/midwife for a copy.

Health & Safety

Whilst most women are able to work normally during pregnancy there are some duties which may be best avoided or minimised.

When an employee tells us that you are pregnant, an assessment of any health and safety risks to the employee or their baby should be undertaken. The employee should complete the form at [Appendix 1](#) and meet with their manager to discuss it. If the employee has any concerns in relation to their health and safety, or that of their baby, they should advise their line manager immediately.

Ante-natal care

During pregnancy, the doctor/midwife will make regular appointments with the expectant mother for ante-natal checks, scans, tests etc. Employees are entitled to take reasonable time off work to attend these appointments, regardless of their length of service or the hours that they work. This time off will be paid and they will not be expected to make up the time. The employee should however give us as

much notice as possible of the appointments and, after the first one, should present the appointment card from the hospital or clinic.

Maternity leave

Employees are entitled to take up to 52 weeks' maternity leave. This is made up of 26 weeks of ordinary maternity leave (OML) plus 26 weeks' additional maternity leave (AML). They also have the right to return to work after the end of their OML or AML. This right applies to all female employees regardless of length of service or the number of hours worked per week.

Employees can choose when to start their maternity leave. This can be any date from the beginning of the 11th week before the week the baby is due. The law requires that an employee take a minimum of two weeks maternity leave immediately following the birth.

Sick leave during pregnancy or maternity leave

If an employee is off sick due to a pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), then their maternity leave period will begin straight away.

If they are off sick due to a non-pregnancy-related illness any time after the beginning of the fourth week before the start of the expected week of childbirth (EWC), it will be treated as sick leave in the usual way.

Any pregnancy related sick leave taken before the start of the fourth week will be treated as sick leave in the usual way.

Early births

If the birth of the baby occurs before the 11th week before the EWC or the planned date of leaving, the maternity leave will commence the day after the baby is born.

If you lose your baby

Employees may still get Statutory Maternity Leave and SMP if their baby:

- is born early
- is stillborn after the start of your 24th week of pregnancy
- dies after being born

Maternity pay

Employees are eligible to receive 39 weeks statutory maternity pay (SMP) if:

- They have at least 26 weeks' continuous service with the community council by the end of the 15th week before the expected week of childbirth (EWC) ("the qualifying week"), and,

- They have average weekly earnings in the eight weeks up to and including the qualifying week of at least the lower earnings limit for Class 1 National Insurance contributions.

If the employee qualifies for SMP, it will usually be paid for a period of up to 39 weeks. Rates are fixed by law and are subject to tax and National Insurance deductions. During the first 6 weeks of this 39-week period, SMP is paid at 90% of average weekly earnings; thereafter they will receive the weekly lower statutory maternity rate or 90% of weekly earnings, whichever is the lesser amount.

The average weekly earnings are calculated over the 8 weeks prior to the end of the qualifying week (15th week before the EWC) (see here for details of statutory rates - www.gov.uk/maternity-pay-leave/pay).

If the employee does not qualify for SMP they may be eligible to receive Maternity Allowance. If they are not entitled to statutory maternity pay, the community council will arrange to issue an SMP1 form to allow them to claim Maternity Allowance.

Shared Parental Leave (SPL)

The employee is entitled to curtail their maternity leave and pay and instead take SPL and pay with their partner/the father of the child, subject to meeting the eligibility criteria. SPL enables parents to choose how to share the care of their child during the first year of birth. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child.

The effect of maternity leave on contractual benefits

During your maternity leave the employee will be entitled to receive the contractual benefits that they would normally receive if they were at work with the exception of cash benefits (eg remuneration and allowances).

On return to work following OML and AML employees are entitled to benefit from any general improvements to the rate of pay (or other terms and conditions) that they would have received had they been at work. This may also lead to a re-calculation of SMP Entitlements.

Annual leave

Contractual annual leave entitlement continues to accrue during maternity leave. The employee can choose to take any leave accrued, as a block, either before commencing maternity leave, immediately upon return to work or a combination of the two. Employees should be aware that if they take the annual leave before starting maternity leave and then leave employment mid-way through the maternity leave, the usual deductions will apply from their final salary or the community council may ask for an appropriate refund.

Pension scheme

Occupational pension contributions continue during OML and during any period of paid maternity absence.

Maintaining contact during maternity leave

Some people choose to have little if any contact with work during their maternity leave while others want to maintain a high level of contact. Before starting maternity leave, we will discuss reasonable contact arrangements during maternity leave. Below is a list of the sorts of information employees may want to be kept informed about:

- Notes of important meetings or announcements affecting staff
- Details of internal vacancies which arise
- Details of significant developments to working practices
- Details of any training courses which are offered to the team

There may be occasions when we need to contact the employee even if they have indicated that they do not wish to be contacted. In these circumstances contact will only be where necessary and kept to a minimum.

Keep in Touch (KIT) Days

Employees may work for up to 10 days during maternity leave. KIT days can only be worked by mutual agreement with the community council. When agreeing KIT days, the type of work to be carried out/the training to be undertaken and the duration will be agreed in advance. Particular care should be taken when agreeing a rate of pay because payment for KIT days is off-set against Statutory Maternity Pay and not in addition to it. Therefore, we should agree a rate for that week which must be equal to or in excess of the rate of SMP.

Returning to work

The community council will assume that employees will take their full maternity leave entitlement and intend to return to work doing the same job (see paragraph below regarding entitlement to return to the same job after maternity leave), with the same hours, unless they notify us, in writing, or request otherwise.

If the employee wants to return to work before the end of their maternity leave, they will need to notify us in writing giving at least eight weeks' notice of their intended return date. If they do not give at least eight weeks' notice, the council may delay the return to work by up to a further eight weeks where there is good reason.

The employee has the right to resume working in the same job if returning to work from OML. If they return to work after a period of AML, they are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.

If the employee decides not to return to work after their maternity leave, they will need to resign giving the appropriate notice as specified in their contract of employment.

Requesting a change to your pattern of work

Employees have the right to request that we consider changing your pattern of work - see the Flexible Working Policy.

Data protection

When managing maternity leave and pay, the community council will process personal data collected in accordance with the data protection policy. Personal and or sensitive information is held securely and accessed by, and disclosed to, those who need to manage maternity leave and pay. Inappropriate access or disclosure of personal data would breach our data protection policy and should be reported immediately. A data breach may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

APPENDIX A: MATERNITY RISK ASSESSMENT TEMPLATE FOR NEW OR EXPECTANT MOTHERS

Expectant or new mother risk assessment for:		Reference:	
Name of employee:		Contact number:	
Job role: (including typical tasks)		Department / location:	
Expected date of delivery: (expectant mothers)		Actual date of birth: (new mothers only)	
Manager completing assessment:		Initial assessment date:	
Any health / wellbeing issues:			

Risk assessment for an expectant or new mother: Hazards and controls

Significant Hazard	Perceived Nature of Risk	Generic Control Measures	Residual Risk/Low Medium/High	Additional Control Measures	Managers Comments
Display Screen Equipment	Increased susceptibility to musculoskeletal disorders and deep vein thrombosis (DVT)	DSE assessment to be undertaken if not already in place. Workstation should provide adequate adjustment to allow for increase in abdominal size. Advice on posture to prevent musculoskeletal problems. Adjust working practices to avoid continuous sitting at workstation (risk of DVT)	Low	Review DSE assessment as pregnancy progresses	
Slips, Trips & Falls	Increased risk of injury due to physical change and or hormonal changes	Maintain high standards of housekeeping in work area.	Low		
Lifting and Carrying Loads	Musculoskeletal injury Weakening of the skeletal structure	Reduce amount of physical work associated with task. Carrying heavy loads to be avoided	Low		
Welfare	Access to toilets to protect against risk of infection and kidney disease	Provision of easy access to toilet facilities and more frequent breaks from work activity	Low		

Fatigue	Fatigue from prolonged standing or physical activity	Avoid long periods of time standing. Task modified to provide seating or more frequent rest periods.	Low		
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		Aspects of the work may need to be modified as physical capability will be reduced as a result of pregnancy			
Temperature / Humidity	Lower tolerance to heat and humidity resulting in discomfort / faint	Temperature of the working environment to be suitably controlled. Individual may require access to fresh air for periods during the working day. Individual to have ready access to fresh drinking water	Low		
Out of Hours Working	Long working hours or shift work patterns can affect the health of pregnant women.	Allowance made for tiredness and nausea at early stages of pregnancy.	Low		
Personal Safety	Violence or fear of violence can increase	If there is a perceived risk of violence or threat of violence / abuse consideration needs to be given to modifying the role to reduce the risk to the individual and or make provision for staff to be available should support be required	Low		

Working at Height	Loss of agility and or balance	Modify task to avoid aspects of working at height	Low		
Travel Health	Increased medical risk from business travel. Poor posture / prolonged sitting increase risk of deep vein thrombosis (DVT) Risk from infectious diseases in some countries	UK Travel Travel arrangements should include adequate provision for rest breaks during the journey. Travel times chosen to reduce levels of fatigue.	Low		

Biological or Chemical	Exposure to certain biologicals e.g. bacteria, viruses, moulds, fungi. Exposure to certain Chemicals; dust, fumes, gas vapour, mist, liquids solids, fibres	New or Expectant mother must not be exposed to biological agents. Consider alternative tasks to working environment where exposure is recognized New or Expectant mother must not be exposed to chemical agents. Consider alternative tasks to working environment where exposure is recognized.	Low		
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Risk assessment for an expectant or new mother: Risk Assessment Review

Date reviewed	Actions required	Actions completion date	Comments

