



Maternity Policy

Employee Guidance

Corporate Services
Human Resources Division
April 2015



INDEX

PART A General Information

- 1 Introduction
- 2 Your Human Resources representative

PART B Maternity Entitlements and Requirements

- 1 What are your maternity entitlements?
- 2 How do you qualify for occupational maternity pay?
- 3 How do you qualify for statutory maternity pay?
- 4 Can you return to your job after maternity leave?
- 5 How do you tell your Service that you want to take maternity leave?
- 6 Do you have to tell the council when your baby is born?
- 7 What do you have to do to return to work?
- 8 What are 'Keeping in Touch Days'?

PART C Frequently Asked Questions

- 1 How will my maternity leave affect my annual leave?
- 2 What happens to my public holiday entitlement during maternity leave?
- 3 Will I be entitled to time-off for ante-natal care?
- 4 How is my maternity pay calculated?
- 5 What happens if I am sick during my pregnancy?
- 6 What happens if I am sick during my maternity leave period?
- 7 Will my maternity pay be affected by sickness during my pregnancy?
- 8 What happens if my baby is hospitalised and/or unwell following the birth?
- 9 What happens if I am not fit to return after my maternity leave?
- 10 What happens if I am undecided about returning to work?
- 11 What happens if my employment ends while I am pregnant?
- 12 What happens if I do not come back to work?
- 13 What happens if my baby is born before my maternity leave starts?
- 14 What will happen if my baby is late?
- 15 My appointment is temporary, does this affect my maternity entitlements?
- 16 What would happen if my baby does not live?
- 17 What happens to my pension contributions during my maternity leave?
- 18 What about my health and safety?
- 19 What happens to my childcare vouchers while I am on maternity leave?
- 20 What is maternity support leave?
- 21 What is paternity leave and statutory pay?
- 22 What about job sharing after my maternity leave?
- 23 What about flexible working after my maternity leave?
- 24 Can I apply for promotion during my maternity period?
- 25 What about breastfeeding following my return to work?
- 26 How can I calculate my service?
- 27 Where can I get further advice?

PART A General Information

1 Introduction

Congratulations on your forthcoming happy event. This guidance booklet has been prepared, by the Council, to give you advice on your entitlements to maternity leave and maternity pay, to explain what you must do to receive these and to answer the questions which are frequently asked about these entitlements.

The guidance contained within this document is based on the Council's Maternity Policy and applies to all pregnant employees of the Council, regardless of their hours of work and contractual status. However, separate provisions apply to those employed under the Scheme of Salaries and Conditions of Service for Teaching Staff in School Education.

2 Your Human Resources (H.R.) representative

You will have received details of your nominated HR representative along with the covering letter which accompanies this guidance.

During your pregnancy and maternity leave your nominated H.R. representative will be able to answer any questions you may have in relation to the Council's Maternity Policy. Your H.R. representative will also provide you with information on other Council policies such as Parental Leave, Special Leave, and Flexible Workstyles.

In particular, you should contact your nominated H.R. representative for advice where anything out of the ordinary happens during your pregnancy or maternity leave period.

PART B Maternity Entitlements and Requirements

1 What are your maternity entitlements?

Maternity Leave

You are entitled to 52 weeks maternity leave regardless of your length of service.

You decide when your maternity leave will start but the earliest date is the Sunday, 11 weeks before the Sunday of the week in which the baby is due. The latest start date is the Sunday of the week in which the baby is due.

Maternity Pay

Your entitlement to maternity pay is based on your period of continuous service at the qualifying week. The qualifying week is the week immediately preceding the 14th week before the expected week of confinement (the week in which the child is expected to be born). More simply the qualifying week is the 15th week before the expected week of confinement.

(a) If you will have less than 26 weeks continuous service by the start of the 14th week before the week your baby is due

You will be paid either Statutory Maternity Pay or Statutory Maternity Allowance for 39 weeks.

The Executive Director of Finance and Customer Services will advise you and will provide you with Department For Work and Pensions Form SMP1 (Why I Can't Pay You SMP) which will allow you to make a claim for Maternity Allowance from the Department for Work & Pensions.

(b) If you will have more than 26 weeks continuous service by the start of the 14th week before the week your baby is due

You will be paid a combination of Occupational Maternity Pay and Statutory Maternity Pay or Allowance as follows, if you qualify:

- the first six weeks of your ordinary maternity leave at nine-tenths of your week's pay (see Part C, Section 4);
- the next 12 weeks at five-tenths of your week's pay (see Part C, Section 4) plus the lower rate Statutory Maternity Pay. However, when these are combined, you cannot earn more than you normally would. Any amount exceeding your normal week's pay will be deducted.

Nb. You will only receive the 12 weeks at five-tenths pay if you advise the Council that you are going to come back to work for at least three months. If you then do not return to work, or do not remain at work for at least three months, you will have to pay back the full amount of these payments.

- if you do not intend to come back to work for three months after you have had the baby, then you will only receive 12 weeks at the lower rate Statutory Maternity Pay.
- during the remaining 21 weeks of your ordinary maternity leave period you will receive the lower rate Statutory Maternity Pay.
- after the 39 weeks paid maternity leave period, any further period of additional maternity leave you take will be unpaid.

The Executive Director of Finance and Customer Services will advise you if you do not qualify for Statutory Maternity Pay and will provide you with Department For Work and Pensions Form SMP1 (Why I Can Not Pay You SMP) which will allow you to make a claim for Maternity Allowance from the Department of Work & Pensions.

All your maternity pay will be paid on your normal pay cycle and will be subject to all your usual deductions such as tax, national insurance, pension contributions, student loan repayments, credit union repayments and any wage arrestment, as applicable. You will continue to receive Working Tax Credit in addition to your maternity pay, if applicable.

2. How do you qualify for occupational maternity pay?

You qualify for Occupational Maternity Pay if you have 26 weeks continuous service by the start of the 14th week before the week your baby is due and you confirm your intention to return to your job for at least three months following your period of maternity leave (see Part B, Section 1(b)).

3. How do you qualify for statutory maternity pay?

The Council's Payroll Section automatically assesses whether you qualify for Statutory Maternity Pay when you apply to take maternity leave. To qualify you must have:

- 3.1 26 weeks continuous service by the start of the 14th week before the week your baby is due
- 3.2 produced medical evidence (normally Form MATB1 issued by your GP or midwife) of your pregnancy and the week your baby is due;
- 3.3 given at least 28 days notice of the date your Statutory Maternity Pay is to start (the notification you are required to give in order to take maternity leave will be sufficient for this purpose, see Part B, Section 5);
- 3.4 average earnings at, or above, the lower earnings limit for the payment of National Insurance contributions for the eight weeks ending with the Qualifying Week;
- 3.5 continued to be pregnant or given birth before the start of the 11th week before the week your baby is due; and
- 3.6 have ceased work because of your pregnancy or childbirth.

4 Can you return to your job after maternity leave?

At the end of your maternity leave you have the right to return to the job you had before your maternity leave.

In exceptional circumstances, if your job is no longer available, you will be offered another suitable vacancy, with similar terms and conditions.

In such a situation, the Council's Redeployment Policy will be applied to identify another suitable vacancy.

5 How do you tell your Service that you want to take maternity leave?

Your maternity leave can start on any day of the week but it will normally start on a Sunday, end on a Saturday, and run in completed weeks.

You must notify your Head of Service during the 15th week before the week your baby is due that you intend to exercise your right to take maternity leave, except where your baby is born early making this impossible (see Part C Section 13). The notice must be in writing and must state:

- 5.1 that you are pregnant;

- 5.2 your Expected Date of Childbirth;
- 5.3 the date you want your maternity leave and pay, where entitled, to commence (normally a Sunday); and
- 5.4 if you have more than 26 weeks continuous service, you must also confirm that you intend to come back to work at the end of your maternity leave, for at least three months, in order to receive your full entitlement of Occupational Maternity Pay.

You must also give your Head of Service a Maternity Certificate (Form MATB1) or an original Medical Certificate from your Doctor or Midwife stating your Expected Week of Childbirth. This will normally be given to you around 20 weeks before the week your baby is due. If you do not provide this medical evidence on time, you will not qualify for ordinary maternity leave or Statutory Maternity Pay.

To help you to give the required notice, your nominated H.R. representative will have sent you a standard form with this guidance that can be used to give the required notice to your Head of Service.

6 Do you have to tell the Council when your baby is born?

If your baby is born after your maternity leave has started, there is no requirement to advise your Head of Service the date your baby was born. However, if your baby is born before your maternity leave period has started, you must write to your Head of Service to confirm you have given birth and the date your baby was born (see Part C, Section 13).

7 What do you have to do to return to work?

There is a compulsory 2 week maternity leave period, starting from the date your baby is born, during which you cannot come back to work.

The last day of your maternity leave will normally be a Saturday. Where Sunday is normally a working day you will physically start back on this day. Where Sunday is not normally a working day you will physically start back on the Monday or your first working day after this.

If you propose simply to return at the end of your 52 weeks maternity leave, you do not need to provide the Council with any notice. However, if during your period of maternity leave, you decide you want to return before the end of the 52 weeks, or earlier than the date you initially specified, you must inform your Head of Service at least 56 days prior to your date of return, of your intention to come back to work.

If you do not give this notice, the Council can postpone your return by up to 56 days. However, your return cannot be postponed beyond the last date your ordinary maternity leave period can end. If you are not in receipt of Statutory Maternity Pay, this period of postponement will be unpaid.

To help you give the required notice, your nominated H.R. representative will send you a standard form, after you advise your Head of Service of your intentions to take maternity leave, that can be used for this purpose.

8 What are Keeping In Touch Days?

If you and your manager agree, you can do up to 10 days paid work during your statutory maternity leave period, except during the 2 week compulsory leave period immediately following childbirth, without losing your statutory maternity pay or bringing your maternity leave to an end. It is important to note that keeping in touch days are distinct from your manager keeping in contact with you during your maternity leave.

PART C Frequently Asked Questions

1 How will my maternity leave affect my annual leave?

You continue to accrue annual leave throughout your maternity leave period, even during a period of unpaid maternity leave. It is not possible to split your maternity leave with a period of annual leave. **Annual leave can only be taken before or after your maternity leave period.**

Despite your maternity leave, the normal annual leave rules continue to apply, i.e. employees' annual leave must be taken before 31 January of the following leave year or it will be lost. You must also get approval for your annual leave in the normal way.

It is important that you consider when you will take your annual leave in order to avoid any being lost, particularly if your maternity leave is likely to cross over two annual leave years. In cases where an employee has been prevented from taking their annual leave before starting a period of maternity leave due to circumstances beyond their control, consideration may be given to allowing employees to carry this leave over beyond the end of the leave year.

It is possible for you to take all of your annual leave before your maternity leave. This would have to be approved by your line manager subject to the exigencies of the service. However, it may be inadvisable for you to have no annual leave entitlement remaining where you return to work in the same leave year, e.g. what would you do if you required time off after your maternity leave?

It is also possible for you to keep your annual leave in order to take it after your maternity leave. This would have to be approved by your line manager subject to the exigencies of the service. You should carefully consider whether you will have enough time to take all of your outstanding annual leave during the remainder of the leave year.

If your maternity leave period is likely to mirror the annual leave year, for instance starting in January and finishing the following January, you will be limited in terms of the time available to take annual leave before or after your maternity period. In such circumstances you should contact your nominated H.R. representative for further advice.

2 What happens to my public holiday entitlement during maternity leave?

You will be entitled to a day in lieu of any contractual public holidays that occur during your maternity leave period i.e. job-sharers, part-time workers will receive a

pro-rata number of public holidays. This is regardless of whether or not you are receiving maternity pay.

Please note that a day in lieu of a public holiday can only be awarded after the public holiday has occurred. You cannot take time off in lieu, prior to maternity leave, in anticipation of the public holiday lieu days that you will be awarded during your leave.

If you wish to take time off in lieu of public holidays when you return from maternity leave, this has to be approved by your Manager subject to the needs of the service.

Where you accrue time off in lieu of public holidays during your maternity leave period, it is recommended that it is taken immediately after your maternity leave period has ended but before you physically come back to work, i.e. if you accrue three days as time off in lieu of public holidays, your first three working days after your maternity leave should be taken as time off in lieu.

3 Will I be entitled to time-off for ante-natal care?

You will be entitled to take such reasonable time off with pay as is needed to attend ante-natal care appointments. Ante-natal care covers any appointment made on the advice of a Doctor, Midwife or Health Visitor. This includes relaxation, parentcraft classes and dental appointments in addition to attending ante-natal clinics.

You must provide your Manager with evidence of your appointments, if requested. Whenever possible, you should try and arrange these appointments outwith working hours.

If you are covered by the Council's Flexible Working Hours Scheme, and you require time off to attend ante-natal appointments within working hours, you should book out using the business absence facility for the duration of the absence. Where this is not possible, or desirable, the necessary adjustments should be entered into the Flexible Working Hours Scheme via Etarmis or an exceptions report, where Etarmis is not available.

If you are not covered by the Council's Flexible Working Hours Scheme, you will be entitled to time off with pay to attend ante-natal appointments.

From 1 October 2014, the partners of the pregnant woman are also entitled to up to two occasions of unpaid leave to accompany the pregnant woman to an ante-natal appointment. Up to six hours per appointment is available.

4 How is my maternity pay calculated?

4.1 If you will have less than 26 weeks continuous service by the beginning of the 14th week before the week your baby is due, you will receive Statutory Maternity Allowance, if you qualify, as detailed in Part B, Section 3.

To calculate the amount of Statutory Maternity Pay you are entitled to, the Payroll Section uses your earnings during what is called the "Set Period". This "Set Period" is from your last normal pay day before the end of the

Qualifying Week (i.e. the end of the 15th week before the week your baby is due) and your last normal pay day falling at least eight weeks before.

Any payments made during the "Set Period" which are treated as earnings for National Insurance contributions are totalled and divided by the number of weeks covered by the period to give your average weekly earnings.

4.2 If you will have more than 26 weeks continuous service by the beginning of the 14th week before the week your baby is due, you will receive a combination of Occupational Maternity Pay and Statutory Maternity Pay, if you qualify, as detailed in Part B, Sections 2 and 3.

During the first 6 weeks of your 39 weeks maternity pay period, Occupational Maternity Pay and Statutory Maternity Pay, if you qualify, offset one another. The Payroll Section will pay you the higher of the two entitlements during this period, i.e. if Occupational Maternity Pay is calculated to be the higher amount then this will be paid and vice versa.

Your Statutory Maternity Pay is calculated as detailed in Part C, Section 4.1 above.

5 What happens if I am sick during my pregnancy?

If you are off sick from work due to your pregnancy during the four weeks before the week your baby is due, your maternity leave will be automatically triggered on the second day of your sickness absence. Even if you are fit to return to work after one day of absence, your maternity leave is still triggered. In such circumstances you must contact your nominated H.R. representative.

If you are off sick from work due to a condition related to your pregnancy and the absence continues into the Sunday of the fourth week before the week your baby is due, your maternity leave will automatically start on that Sunday.

If you are off sick from work due to a condition related to your pregnancy before the fourth week before the week your baby is due, and you return to work before the fourth week, your maternity leave will not be automatically triggered.

If you are off sick from work for a reason that is not related to your pregnancy during the four weeks before the week your baby, your maternity leave will not be triggered.

All periods of sickness absence will be treated in accordance with the Council's Managing Attendance Policy, including notification and certification procedures. The Council's Occupational Sick Pay scheme will also apply

6 What happens if I am sick during my maternity leave period?

If you become sick during your maternity leave period, your maternity leave and pay will continue unaffected. There is no requirement for you to adhere to the Council's Managing Attendance Policy.

However, if you become sick during any unpaid period of maternity leave you may be entitled to receive Statutory Sick Pay. You will require to submit to your Head of Service a medical certificate along with a covering letter indicating that you are

seeking to access any entitlement you may have to Statutory Sick Pay. Despite any entitlement to Statutory Sick Pay, the Council's occupational sick pay scheme does not apply and you do not need to adhere to the Council's sickness absence certification and notification requirements.

7 Will my maternity pay be affected by sickness during my pregnancy?

If you are sick during your pregnancy you will receive your entitlement to Occupational Sick Pay and/or Statutory Sick Pay. These payments will be taken into account, if relevant, when your maternity pay is calculated as detailed in Part C, Section 4.

8 What happens if my baby is hospitalised and/or unwell following the birth?

If your baby is hospitalised following the birth, you are not able to split your maternity leave by returning to work and then taking the balance of your maternity leave entitlement once your baby is discharged from hospital. If you return to work, your maternity entitlement is complete.

If your baby continues to be, or becomes, unwell after your return to work from maternity leave, you can apply for Parental Leave under the Council's policy. This allows you to take up to four weeks unpaid leave each year following the birth of your child to a limit of 18 weeks or your child's 8th birthday (this will change to the child's 18th birthday on 5 April 2015), or 25 years if the child is disabled.

You are required to give notice of your intention to take parental leave. The amount of notice depends on how much leave you wish to take and when you wish to take it. You must also fulfil the notification requirements for return to work from maternity leave before taking any entitlement to parental leave in accordance with the policy.

Furthermore, if your baby becomes ill unexpectedly following your return to work, you will be entitled to time off for dependants under the Council's Special Leave Policy. Such time off can be granted on up to 3 occasions in each leave year limited to a maximum of one day on each occasion.

For further advice and information about the Council's Parental Leave and/or Special Leave policies, you should contact your nominated H.R. representative.

9 What happens if I am not fit to return after my maternity leave?

If you are not fit to return to work at the end of your maternity leave period, you must still adhere to the appropriate notification requirements for returning to work (see Part B, Section 7), if appropriate, in order to end your maternity leave.

After your maternity leave period ends, you can remain absent from work by adhering to the Council's sickness absence certification and notification requirements, i.e. by submitting the necessary certification, stating that you are incapable of work, to your Head of Service to cover your absence from the day after your maternity leave period will end.

The Occupational Sickness Scheme shall automatically apply to such absence.

10 What happens if I am undecided about returning to work?

You do not have to make a decision on whether you will return to work until you are on maternity leave. If you decide you do want to return, you should provide the appropriate notification, if required, for returning to work (see Part B, Section 7). If you decide not to return you must submit a letter of resignation (see Part C, Section 10).

If you will have more than 26 weeks continuous service 14 weeks before the week your baby is due, you may request that the payment of the 12 weeks half pay is held by the Council, and paid to you only if you return to work for the required 3 month period. If you wish to do this, you must contact your nominated H.R. representative for advice.

11 What happens if my employment ends while I am pregnant?

Where your employment is likely to end for reasons of resignation, dismissal or redundancy while you are pregnant, for example, if you are on a temporary contract which expires during the period of your maternity leave, you must contact your nominated H.R. representative for further advice.

Although your employment ends, you may still receive an entitlement of Statutory Maternity Pay, if you are eligible.

12 What happens if I do not come back to work?

If you change your mind and decide not to return to work after maternity leave, you should speak to your nominated H.R. representative for advice and then notify your Head of Service of your intention and submit a letter of resignation as soon as possible. Your contractual notice period will apply.

12.1 If you had less than 26 weeks continuous service before the 14th week before the week your baby was due, you will not be required to pay back any Statutory Maternity Pay to the Council.

12.2 If you had more than 26 weeks continuous service before the 14th week before the week your baby was due and you advised the Council that you intended to return to work for three months in order to receive your full entitlement of Occupational Maternity Pay, you will have to pay back to the Council the 12 weeks half pay that you received.

Outstanding annual leave and public holidays in lieu will count towards the calculation of the 3 month period, but periods of sick leave, either before or after a physical return to work will not.

12.3 If you resign at the end of the maternity leave period, you will receive your pro rata annual leave and contractual public holiday entitlement.

12.4 If you return to work for a part of the compulsory 3 month period and then resign, you will be required to repay the full 12 weeks half pay that you received.

13 What happens if my baby is born before I start my maternity leave?

In such a situation, you must contact your nominated H.R. representative as soon as possible in order to ensure that the necessary arrangements are made in connection with the commencement of your maternity leave.

Your maternity leave will begin on the day following childbirth and can continue for up to 52 weeks. Your maternity pay will also start on the day following childbirth. The day you give birth will be paid and treated as authorised absence.

You will need to inform your Head of Service in writing of your baby's early birth and the date it was born. Your letter must be accompanied by a Maternity Certificate (Form MATB1) or an original Medical Certificate from your Doctor or Midwife stating your Expected Week of Childbirth, if this has not already been submitted, and also evidence of the date your baby was born, i.e. by providing a copy of the letter or card given to you by the maternity hospital that confirms this date.

You must submit the written confirmation of your baby's birth and the required medical evidence within 28 days of your baby being born or as soon as reasonably practicable. If you do not, your entitlement to Statutory Maternity Pay may be affected.

If you are unable to supply the required written confirmation and medical evidence within the 28 days, your letter to your Head of Service should also advise why it was not possible to provide these sooner.

14 What will happen if my baby is late?

Your maternity leave and pay will be unaffected.

15 My appointment is temporary, does this affect my maternity entitlements?

Temporary employees qualify for the same entitlements as permanent employees.

Should your temporary contract end shortly before your maternity period would otherwise have commenced, you may still be entitled to Statutory Maternity Pay, if eligible.

Should your temporary contract end during your maternity leave for reasons unrelated to your pregnancy, your maternity leave period and your right to return to work would end automatically. However, you would continue to receive any outstanding Statutory Maternity Pay.

If you are a temporary employee, you must contact your nominated H.R. representative for further advice about your maternity entitlements.

16 What would happen if my baby does not live?

If you lose your baby during your pregnancy, or suffer a stillbirth, you must contact your nominated H.R. representative for further advice.

If you suffer a stillbirth before the 24th week of pregnancy you will not be entitled to maternity pay or maternity leave. Any absence that results will be treated as sickness absence.

If you suffer a stillbirth from the 24th week of pregnancy, you will be entitled to the maternity pay and leave that you would have been entitled to in the event of a live birth.

If the child is born alive at any point during the pregnancy and subsequently dies, you will be entitled to the maternity pay and leave that you would have been entitled to in the event of a live birth.

If you resign from your employment because of your pregnancy, but your baby does not live, you may be entitled to return to work, but not necessarily to the same post at the same grade and salary as applied immediately prior to the termination of your employment. If this situation arises, you must contact your nominated H.R. representative for further advice.

17 What happens to my pension contributions during my maternity leave?

If you are a member of the Pension Fund you will continue to pay pension contributions during the time you are receiving maternity pay. Both Occupational Maternity Pay and Statutory Maternity Pay count for pension contributions. The appropriate contributions will be deducted from maternity pay as normal.

Any period of unpaid maternity leave will not be counted as pensionable service as you will not receive any payments from the Council, from which pension contributions can be deducted. On your return to work, pension contributions and pensionable service will recommence.

If you have a period of unpaid leave, you can “buy back” pensionable service for that period. You will automatically be sent pension form S4 for this purpose. You should complete and sign Part 2 of this form and forward it to the appropriate H.R. section within 30 days of your return to work.

18 What about my health and safety?

Routine risk assessment will have established any health and safety risks posed to pregnant employees, those employees who have recently given birth or those who are breastfeeding, and provisions made to ensure the health and safety of both the employee and her baby.

However, employees who are experiencing difficulty with their working conditions because of their pregnancy, or recent birth, or who believe there is a risk which has not been identified, should immediately advise their Manager, and this Manager should immediately seek advice from the appropriate Health and Safety Section.

19 What happens to my childcare vouchers when I go on maternity leave?

There are two options available to you.

You can opt to leave the childcare voucher scheme. You must do this no later than 23 weeks before your baby is due. This will ensure that your Statutory Maternity Pay calculations are based on an 8 week average at your higher salary without the salary sacrifice deductions.

You can continue to remain in the childcare voucher scheme where deductions will be taken from Occupational Maternity Pay, in line with normal criteria, but cannot be taken from Statutory Pay. You will continue to receive childcare vouchers for the duration of your maternity leave. These will be funded, wholly or partially, (dependent on the level of Occupational Maternity Pay you receive) by the Council.

20 What is maternity support leave?

Maternity Support Leave of five days with pay can be granted, to your child's father (whether this is your husband or partner) or any other carer you nominate, if they are employed by the Council, to be taken at or around the time of your baby's birth.

A nominated carer is the person nominated by the mother to assist with the care of the child and to provide support to the mother at or around the time of the birth. The availability of this leave provision will not extend beyond 56 days (eight calendar weeks) after the date of birth of the child. It cannot be taken before the child is born.

An employee wishing to apply for Maternity Support Leave should complete Form HR 07 and submit this to their line manager prior to the requested period of Maternity Support Leave, providing as much notice as possible of the proposed dates.

21 What is paternity leave and statutory pay?

In addition to Maternity Support Leave of five days, the following leave and pay provisions may be available, subject to eligibility criteria:-

Ordinary Paternity Leave

Ordinary paternity leave and ordinary statutory paternity pay may be available for the father of a newborn child; husband / partner (including same-sex partner or civil partner) of the mother. Ordinary paternity leave is time to care for the newborn child or to support the mother following the birth. Leave entitlement is one complete week, which must be taken and end within 56 days of the actual birth date. Statutory rates of pay in force at the time of application will apply. To apply, complete Form HR 01 and submit this to your line manager in accordance with the guidance on the form.

Shared Parental Leave

Shared Parental Leave (ShPL) allows working parents who share the main responsibility for the care of their child to manage working and childcare responsibilities. Available from 2 weeks after birth, ShPL can begin if the mother chooses to curtail her maternity leave and/or statutory maternity pay and allowing the balance of leave and/or pay to be taken by the child's father or her partner (subject to meeting eligibility requirements). ShPL can only be taken if the mother has informed her employer of the date on which she intends to return to work. Fathers/partners can take periods of ShPL while the mother is on maternity leave or after the mother has returned to work. Subject to eligibility, statutory shared parental pay may be available. To apply, complete Form HR 08 and submit this to your line manager in accordance with the guidance on the form.

For further information about Ordinary and Shared Parental Leave, including eligibility criteria, refer to your nominated H.R. representative.

22 What about job sharing after my maternity leave?

If you wish to job share your existing post, you should submit a request in writing to your Head of Service, or nominated officer, who will consider your application.

Implementation of the job sharing arrangements is dependent on the appointment of a job sharing partner. If a suitable job sharing partner cannot be appointed, the job sharing arrangement will not go ahead.

To allow the recruitment and selection procedures to be followed, applications for job sharing must be submitted no later than eight weeks before the date that you want the job share to start.

If you wish to job share, you should consider the pattern of working you would prefer. There is no set pattern of work that you must adhere to. However, any pattern of working will need to fit with the operational requirements of the service and any existing job sharing arrangements, if appropriate. Examples of the most common job sharing patterns would be, working 2.5 days per week (e.g. Monday, Tuesday & Wednesday morning or afternoon), working 5 days per fortnight (e.g. Monday, Tuesday & Wednesday in week 1 and then Monday & Tuesday in week 2) or working five mornings or afternoons each week.

For further advice and information about the Job Sharing Policy, you should contact your nominated H.R. representative.

23 What about flexible working after my maternity leave?

An employee who has 26 weeks continuous service with the Council (by date of application) and who has not made another application in their current post in the last 12 months has the right to request a flexible working pattern. This is not an automatic right and requests will not be granted automatically, but all applications will be considered seriously, and can only be rejected where there is a recognised business reason. An agreed change to a work pattern will normally result in a permanent change to the employee's contract of employment, unless otherwise agreed by mutual consent.

For further advice and information about the Flexible Workstyle Options Policy, you should contact your nominated H.R. representative.

24 Can I apply for promotion during my maternity period?

Yes, you are able to apply for any vacancy that arises within the Council regardless of your pregnancy or you being on maternity leave. Any application you make will be processed in the normal manner.

If you feel you have been unfairly treated due to your pregnancy or your maternity leave at any stage of the recruitment process, you should raise your concerns with the chair of the interview panel in the first instance. If you fail to resolve the matter at this stage, you have recourse to the Council's Grievance Procedure.

25 What about breastfeeding following my return to work?

To assist you with breastfeeding following your return to work from maternity leave, you will be entitled to the time off detailed below.

When your child is aged six months or under, you will be entitled to a maximum of two 30 minute paid breaks per day.

When your child is older than six months but under one year, you will be entitled to take a maximum of two 30 minute unpaid breaks per day.

Every effort will be made to provide suitable facilities. However, it should be remembered that there is no legal requirement to provide these.

For further advice and information about breastfeeding following your return to work, you should contact your nominated H.R. representative.

26 How can I calculate my service?

You are advised in the letter (MAT1) which accompanied this guidance note whether your period of continuous service entitles you to occupational and/or statutory maternity pay. If you have any queries about your period of service, you should contact your nominated H.R. representative.

27 Where can I get further advice?

If you want further advice, or need help with any of the guidance in this booklet, you should contact your nominated H.R. representative as detailed in the MAT 1 letter which accompanies this guidance.