



Essex County
Fire & Rescue Service

MATERNITY POLICY

About

This policy sets out the maternity provisions to which employees are entitled.

- 1 Policy Statement.....2**
- 2 Scope.....2**
- 3 Principles2**
 - 3.1 Key Principles.....2**
 - 3.2 Maternity Leave (ML).....3**
- 4 Procedure.....5**
 - 4.1 Notification.....5**
 - 4.2 Health and Safety5**
 - 4.3 Time off for antenatal care.....5**
 - 4.4 Changes to leave dates.....6**
 - 4.5 Annual Leave6**
 - 4.7 Contact during Maternity Leave6**
 - 4.8 Keeping-in Touch days (KIT).....6**
- 5 Futher Matters.....8**
- 6 Additional Policies and Procedures.....9**
 - 6.1 Links to Other Procedures.....9**
- 7 Document History.....9**

1 POLICY STATEMENT

- 1.1 **Essex Police, Fire and Crime Commissioner Fire and Rescue Authority (“the Authority”)** is committed to family friendly policies. This policy provides information on statutory and contractual maternity rights.
- 1.2 Essex County Fire and Rescue Service (“the Service”) are committed to ensuring all policies treat their employees equally regardless of their age, race, religion or belief, gender or gender reassignment, disability or sexual orientation.

2 SCOPE

- 2.1 This policy applies to all employees who may become pregnant. It does not apply to Contractors or Agency Workers.

3 PRINCIPLES

3.1 Key Principles

- You should notify your line manager of your pregnancy as soon as possible due to health and safety considerations.
- You can take up to 52 weeks maternity leave.
- You must take at least two weeks leave after the birth.
- Maternity pay depends on your length of service.
- You have the right to take reasonable paid time off to attend antenatal appointments, as advised by a medical practitioner.
- You must give written notice of your maternity leave and provide your MATB1 certificate.
- Up to 10 keeping-in-touch days can be worked during maternity leave.
- Your employment rights (with the exception of normal salary) are protected during maternity leave.
- If you are absent from work due to a pregnancy-related illness after the beginning of the fourth week before your expected week of childbirth, your maternity leave will start automatically.

Maternity Leave Policy

3.2 Maternity Leave (ML)

Pregnant employees may take up to 26 weeks ordinary maternity leave followed immediately by up to 26 weeks additional maternity leave, making a total of 52 weeks.

Maternity leave can start at any time after the beginning of the 11th week before your expected week of childbirth (unless your child is born early in which case it will start earlier).

3.3 Maternity Pay

Statutory Maternity Pay (SMP) is payable to employees who have been continuously employed by the Service for at least 26 weeks at the Qualifying Week (the 15th week before the week in which the baby is due) and have earned at least the lower earnings limit for National Insurance contributions in the 8 weeks up to and including the Qualifying Week.

SMP is a weekly amount set by the Government.

Contractual Maternity Pay (CMP) is payable to employees who have been continuously employed by the Service for at least one year at the Qualifying Week (the 15th week before the week in which the baby is due) and have earned at least the lower earnings limit for National Insurance contributions in the 8 weeks up to and including the Qualifying Week.

Contractual Maternity Pay (CMP) is made on condition that you return to work for a minimum period of 3 months. This period is based on your existing hours or a proportionately extended period should you return on reduced hours. If this condition is not met, the CMP must be repaid.

SMP and CMP are treated as earnings and is therefore subject to PAYE and National Insurance deductions. Pension contributions will continue to be made during the period when you are receiving pay but not during any period of unpaid maternity leave.

3.4 Maternity Pay Chart

Length of Service and Average Weekly Earnings	Eligibility
Less than 26 weeks service at Qualifying Week Or	Not eligible for Statutory Maternity Pay. Maternity Allowance may be paid for 39 weeks if you don't qualify for SMP. Payroll will formally assess your entitlement to SMP

Maternity Leave Policy

<p>Average weekly earnings are below the lower earnings limit for NI contributions</p>	<p>and issue you with a SMP1 form that you should send to the Benefits Agency.</p>
<p>More than 26 weeks and less than one years' service</p>	<p>39 weeks Statutory Maternity Pay.</p> <p>Weeks 1-6 = 90% of average weekly earnings (inclusive of SMP)</p> <p>Weeks 7-39 = Current rate of SMP or 90% of average weekly earnings whichever is the less.</p>
<p>More than one years' service</p>	<p>If you do not intend to return to work = 39 weeks Statutory Maternity Pay (as above)</p> <p>If you declare that you intend to return to work for at least 3 months following your maternity leave you are entitled to Contractual Maternity Pay:</p> <p>Weeks 1-6 = 90% of average earnings (inclusive of SMP)</p> <p>Weeks 7-18 = Current rate of SMP plus 50% normal pay (total not to exceed full normal pay)</p> <p>Weeks 19-39 = SMP at the current rate.</p>

4 PROCEDURE

4.1 Notification

Inform your line manager that you are pregnant as soon as possible.

Give your completed Notification of Maternity Leave form to your line manager by the end of the 15th week before your expected week of childbirth. You should also provide your MAT B1 certificate.

Within 28 days of receiving your written notice of intention to take maternity leave, your line manager will write to you to confirm leave start and end dates, your eligibility for SMP and CMP, the amount you will receive and when your pay will start and stop.

4.2 Health and Safety

The Authority has a legal obligation to assess the risk posed to expectant, new or breastfeeding mothers. The Management of Health and Safety Regulations 1999 require a suitable and sufficient risk assessment be undertaken. The risk assessment will be undertaken by your line manager. Where there is a significant risk identified, the Authority will take protective and preventative measures to remove it.

If it is not possible for the Authority to alter working conditions to remove the risks and there is no suitable alternative work available on a temporary basis, the Authority may suspend you from work on maternity grounds until such time as there are no longer any risks to your health. This may be for the remainder of your pregnancy until the commencement of your maternity leave. If you are suspended in these circumstances, your employment will continue during the period of the suspension and it does not in any way affect your statutory or contractual employment and maternity rights. You will be entitled to your normal salary and contractual benefits during the period of suspension, unless you have unreasonably refused an offer of suitable alternative employment.

4.3 Time off for antenatal care

Pregnant employees are entitled to reasonable paid time off to attend antenatal appointments. This may include relaxation and parenting classes that your doctor, midwife or health visitor has advised you to attend. You should give your

Maternity Leave Policy

line manager as much notice as possible of these appointments and, wherever possible, try to arrange them outside working hours or as near to the start or end of the day as possible.

To be entitled to take time off for antenatal care, you are required to produce a certificate from your doctor, registered midwife or registered health visitor, stating that you are pregnant. Except in the case of the first appointment, you should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

An individual who has a qualifying relationship with you, is eligible to take unpaid time off to accompany you to two antenatal appointments.

4.4 Changes to leave dates

You are permitted to change your maternity leave date, provided that you advise your manager in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable.

4.5 Annual Leave

Outstanding annual leave should be taken before the start of maternity leave. Contractual annual leave entitlement will continue to accrue during maternity leave. Annual leave cannot be taken during the maternity leave period.

4.7 Contact during Maternity Leave

Your manager will arrange with you how best to keep in contact during maternity leave. This may be to give you an update on developments at work or to discuss your plans for returning to work.

4.8 Keeping-in Touch days (KIT)

Except during the first two weeks after childbirth you can agree to work (or to attend training) for up to 10 days without bringing your maternity leave to an end and without loss of SMP.

The Authority has no right to require employees to carry out any work and employees have no right to undertake any work during their maternity leave.

You will be paid your normal hourly pay for any hours worked on keeping-in-touch days.

Maternity Leave Policy

Mileage and subsistence will be paid in accordance with normal practice if KIT days take place away from your usual workplace.

4.9 Returning to work after maternity leave

You will be expected to return to work at the end of your maternity leave. If you wish to change your return date, you must give your manager at least 21 days written notice.

If you decide not to return to work after maternity leave, you must give notice of your resignation to your manager in accordance with the terms of your contract of employment.

If that notice period expires after your maternity leave has ended, you may be required to return to work for the remainder of your notice period.

Failure to return to work by the end of maternity leave will be treated as an unauthorised absence unless you report that you are absent due to sickness.

You have the right to return to the same job if returning from ordinary maternity leave. If you return to work after a period of additional maternity leave, you 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.

5 FURTHER MATTERS

5.1 Twins and Multiple Births

Maternity leave, pay and other arrangement in this policy apply regardless of the number of children born.

5.2 Sickness Absence

If you are absent from work due to a pregnancy-related illness after the beginning of the fourth week before your expected week of childbirth, your maternity leave will start automatically.

5.3 Transfer of maternity leave

If you propose to return to work earlier than 52 weeks, your spouse, civil partner or partner, inclusive of same sex couples may be eligible to take shared parental leave (and receive shared parental pay) once you have returned to work. Further details should be obtained from your spouse's or partner's employer.

Explicit references made to same sex couples throughout the policy is to account for Section 110(5A) of the Equality Act 2010 (inserted by s.2 of the Marriage (Same Sex Couples) Act 2013).

5.4 Pension Scheme

Local Government Pension Scheme

You will pay contributions on the actual maternity pay received. If you decide to take a period of unpaid Maternity Leave you will not build up pension benefits. You can elect to cover the period of pension "lost" by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract. Where a SCAPC contract is taken out, the cost is shared 1/3rd to the employee and 2/3rds to the Service, provided that you make an election to buy the "lost" pension within 30 days of returning to work.

New Firefighters' Pension Scheme and Firefighters' Pension Scheme

During maternity leave you will make contributions from the pay you receive. If maternity leave is unpaid, you can opt to pay contributions based on the rate you were receiving immediately before pay ceased, so that it will count as pensionable service.

6 ADDITIONAL POLICIES AND PROCEDURES

6.1 Links to Other Procedures

You may wish to refer to the Parental Leave, Shared Parental Leave, Paternity Leave and Flexible Working policies. Information about Childcare Vouchers is available on the Service Intranet.

Frequently Asked Questions relating to this policy are available on the intranet.

If you would like to speak to someone about this policy please call the HR Support Team on 01376 576199 or email HR-Support.

7 Document History

The Policy will be reviewed by the Director of HR and Organisational Development every three years or as required.