

Human Resources

MATERNITY LEAVE

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South Yorkshire
Fire & Rescue
WORKING FOR A SAFER
SOUTH YORKSHIRE

MATERNITY LEAVE

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GLOSSARY OF TERMS

1. The following terms will be used throughout this policy and procedure:-

- **Ordinary Maternity Leave (OML)**
OML lasts for a period of 26 weeks and may begin at any time from the 11th week before the expected week of childbirth. The employee is entitled to this leave providing she complies with certain notification criteria.
- **Additional Maternity Leave (AML)**
If taken, AML commences on the day after the last day of the ordinary maternity leave period and continues for a further period of 26 weeks.
- **Continuous Service**
In calculating continuous service for maternity purposes, previous service with a local or public authority may be counted as reckonable service. The service does not necessarily need to be continuous. The Human Resources Department will help to determine continuous service eligibility.
- **Childbirth**
Childbirth means the birth of a living child or a still birth after a pregnancy lasting at least 24 weeks.
- **Expected Week of Childbirth (EWC)**
The week during which the birth is expected to take place.
- **Lower Earnings Limit (LEL)**
The earnings limit for paying National Insurance contributions. The amount is set by government and is reviewed annually.
- **MAT B1**
The certificate issued by a doctor or midwife around the 26th week of pregnancy showing the date the baby is due. It must be handed to South Yorkshire Fire and Rescue (SYFR) as evidence of EWC.
- **Statutory Maternity Pay (SMP)**
SMP is paid to women who meet certain qualifying conditions, for a maximum of 39 weeks.
- **Maternity Pay Period (MPP)**
The period for which SMP is payable (which may start at any time from the start of the 11th week before the EWC and can continue for up to 39 weeks)
- **ML1 Form**
The form sent to the employee by the Human Resources Department. This details when the employee wished to commence maternity leave and her intention of whether she wishes to/does not wish to return to SYFR after maternity leave. The form should be completed by the employee and returned to the Human Resources Department with the MAT B1

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POLICY STATEMENT

2. South Yorkshire Fire and Rescue (SYFR) seek to provide protection for pregnant employees and their unborn children.
3. SYFR has developed this Policy to inform all employees of their maternity entitlements.
4. SYFR understands that it is important to recognise that pregnancy is not a form of sickness and will not be regarded as such.
5. This policy reflects legislation and recommendations and advice from the Home Office. Provisions for the Health and Safety of pregnant employees are also contained in SYFR's Health and Safety Policy (in accordance with the Management of Health and Safety at Work Regulations 1999 and the Workplace (Health, Safety and Welfare) Regulations 1992).
6. SYFR recognises the importance of maintaining a healthy work/life balance and continually reviews current practices to ensure alignment with legislation and best practice.
7. SYFR is committed to establishing and maintaining a positive working environment where the dignity and respect of employees is not undermined. It is committed to working practices that ensure the fair treatment and professional and personal dignity of all its employees. No employee will be treated less favourably on the grounds of race, gender, disability, age, sexual orientation, religion or belief or for any other reason which cannot be justified in job related terms.

INITIAL OBLIGATIONS

8. As soon as an employee suspects she may be pregnant, she should notify her line manager and the Human Resources Department in writing in order to ensure that the potential health and safety risks surrounding pregnant women are identified and addressed as soon as possible.
9. Once informed of the pregnancy the manager will, in association with the Health and Safety Officer, conduct a risk assessment of the employee's work area. This will assess the risks to the employee and her unborn child that arise from work activities.
10. The manager will contact the Occupational Health Unit so that arrangements can be made for the employee to see the Medical Officer or Occupational Health Nurse to assess whether any limitations to work need to be adhered to during the pregnancy. The employee and their manager will receive written information where such limitations apply.

WHOLETIME UNIFORMED EMPLOYEES

11. A wholtime, uniformed pregnant employee will be automatically required to transfer to modified duties. During the pregnancy they must not participate in drill sessions, attend operational incidents or carry out physical activities such as carrying heavy weights.

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12. The proposed modified duties post will be risk assessed. If hazards are found, measures will be taken to avoid them or another suitable alternative post will be sought.
13. The manager of the modified duties post must maintain managerial responsibility and ensure that the employee is kept up to date with watch/department information, new policies and notices regarding promotions or any other such information.
14. Employees on modified duties will work the appropriate day duty system in accordance with the location they are at until commencing maternity leave.
15. The employee's Terms and Conditions of Employment will remain in force whilst engaged in non-operational duties.

CONTROL EMPLOYEES

16. Once the employee has notified her line manager of her pregnancy she may, if she wishes, transfer her shifts to the day duty working system. This transfer is optional and is at the discretion of the individual under guidance from the Health and Safety Department.

RETAINED EMPLOYEES

17. Once a pregnancy is reported, the employee's manager should inform the Human Resources Department.
18. Retained, pregnant employees will automatically cease operational duties on medical grounds.
19. A transfer to modified duties is not possible due to the nature of the hours worked however, pregnant retained employees will be required to attend (but not participate in, unless the drill is theoretical) the normal weekly drill session until commencement of maternity leave.
20. A retained employee will be paid an average of the previous twelve weeks retained earnings from the date of being relieved from operational duties to the commencement of the maternity leave.

NOTIFICATION

21. After a pregnant employee has notified her manager and the Human Resources Department in writing of her pregnancy a letter will be issued within 28 days of receipt of the notification. The letter will include information on maternity pay and leave (in conjunction with this policy) along with an ML1 Form.
22. The employee must obtain a MAT B1 from her doctor or midwife stating the EWC. The MATB1 is needed as evidence of the EWC and it is only after receipt of this form that SMP will be paid to the employee.

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23. The employee must submit the MAT B 1 to the Human Resources Department along with a completed ML1 Form.
24. Human Resources will, upon receipt of the MAT B 1 and ML1, write to the employee detailing entitlements. The letter will also include the date on which it is expected the employee will return to work following maternity leave.
25. If the employee is absent from work at any time after the fourth week before the EWC on account of a pregnancy related illness she must inform the Human Resources Department. This notification is necessary as maternity leave will be automatically triggered, irrespective of the length of absence.
26. The employee can change the date in which she wants to start maternity leave as long as she notifies the Human Resources Department of the new date either:-
 - a. 28 days before the date she originally intended to start her leave
 - b. 28 days before the new date she wants to start her leave (whichever is earlier).
27. The employee must notify the Human Resources Department of the date of childbirth (even if childbirth occurs earlier than expected), so that:-
 - The employee does not return to work during the two week period which commences on the date that the birth occurs (under the Maternity (Compulsory Leave) Regulations 1994)
 - If applicable, the employees 'Additional' maternity leave can be recalculated
 - If the baby is born before the employee is able to give the required notice, maternity leave will automatically be triggered. The line manager must be notified of the birth in writing within 28 days if reasonably practicable.

MATERNITY ENTITLEMENT

28. If an employee becomes pregnant, they are entitled to the following:-
 - Time off for antenatal care
 - Maternity leave
 - Maternity pay
 - The right to return to work
 - The right to request flexible working

ANTENATAL CARE

29. A pregnant employee has the right to paid time off for antenatal care regardless of hours worked and length of service. A pregnant woman will be afforded time off for

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antenatal care based on the guidance of her GP and/or health advisor. Employees should show supporting documents for all appointments to their manager.

INFERTILITY TREATMENT

30. Paid time off for undergoing infertility treatment will be considered on an individual basis under the Special Leave Policy. Treatment includes both appointments and hospitalisation. SYFR may ask for supporting medical documentation to be shown.

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31. Pregnant employees are entitled to 26 weeks 'ordinary' maternity leave and 26 weeks 'additional' maternity leave regardless of length of service.
32. Maternity leave cannot start before the 11th week before the EWC. Employees can commence maternity leave at any time after the 11th week before the birth of the baby.
33. Maternity leave can start on any day of the week.
34. Where maternity leave has not commenced by the time of the birth, it shall commence on the day that the birth occurs.
35. The employee must specify if more than 26 weeks 'ordinary' maternity leave is to be taken and if there is an intention to return to work.
36. Employees may return to work at any time within the 52 week period. If the employee wishes to return to work before the end of her full maternity leave, she will need to give 21 days written notice to the Human Resources Department of the date she wishes to return.
37. If sickness prevents a return to work a GP certificate must be provided.

MATERNITY PAY

38. Maternity pay comprises of two elements. The pregnant employee may receive one of the two following statutory payments during maternity leave, depending on her circumstances:-
 - a. Statutory Maternity Pay (SMP) is set by central government and is reviewed annually. It is due from the Department for Work and Pensions (DWP) but administered and paid via SYFR. This is paid for a maximum of 39 weeks.
 - b. Maternity Allowance (MA) paid by the Department for Work and Pensions (DWP). This is currently paid for a period of 39 weeks for those women who do not qualify for SMP.

If you wish to know the current rate of SMP or MA, please contact Transactional HR.

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39. To qualify for SMP the employee must satisfy the following minimum conditions:
- Employees must have completed 26 weeks continuous service by the 15th week before the EWC, irrespective of the number of hours worked per week.
 - Their average weekly earnings for the 8 weeks up to and including the qualifying week must be at or above the LEL for the payment of National Insurance Contributions.
 - They must still be pregnant at the 11th week before the EWC, or have already been confined by then
 - They must fill out the ML1 form provided by the Human Resources Department and attach the maternity certificate (MAT B1) at least 28 days before their leave is due to begin
 - They must provide medical evidence of the date the baby is due/born within 28 days of the start of the MPP or as soon as is reasonably practical
 - They must have stopped working
40. Employees are eligible for SMP even if there is no intention to return to work after the baby is born.

PAYMENT OF SMP

41. Payment of SMP cannot commence earlier than the 11th week before the EWC.
42. SMP is paid over a period of 39 weeks and is paid as follows:-
- a. 90% of average weekly earnings for the first six weeks
 - b. SMP at the amount set by central government per week or, if earnings are less, 90% of average weekly earnings for the remaining 33 weeks.

SERVICE ENTITLEMENTS

43. If the employee has 1 year's continuous service by the 11th week before the EWC, entitlement to enhanced maternity pay is dependent upon whether the employee intends to return to work or not.
44. If not declaring an intention to return to work, the employee will receive 39 weeks maternity pay made up of:-
- Six weeks at 9/10ths of a weeks' pay (offset against payments made by way of SMP)

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- Followed by up to 33 weeks at standard SMP (See 42b for rate of SMP).
45. If the employee has declared her intention to return to work she will receive:
- 6 weeks at 9/10ths of a week's pay (offset against payments made by way of SMP - See 42b)
 - Half a week's pay and low rate SMP for 20 weeks
 - 13 weeks at standard SMP
46. It should be noted that although SMP is payable for a period of 39 weeks, ordinary maternity leave only lasts for a period of 26 weeks therefore 13 weeks of that SMP would be paid during AML.
47. The two payments when added together must not exceed normal pay, only payments up to this amount will be made.
48. To secure this entitlement, employees must return to work for at least three months. Where this criterion has not been met, the 20 weeks at half pay that has been issued will be reclaimed by SYFR.
49. If the employee states that she does not intend to return to work, she will receive the lower rate of SMP for the subsequent 20 weeks.

CONTRACT OF EMPLOYMENT

50. Maternity leave will not be treated as sick leave.
51. If an employee is unable to work following maternity leave on her expected return date due to sickness, she will be regarded as having returned to work. The sickness should be notified and certified in relation to the usual sickness procedures.
52. Maternity leave shall be regarded as service for the purposes of calculating annual entitlements.
53. Time off in lieu at plain time shall be granted for any public holiday that falls during the period of ordinary maternity leave.
54. Where a new employee's probationary period is interrupted due to maternity leave, the probationary period will be extended to take into account the maternity leave period.

CONTACT DURING MATERNITY LEAVE

55. During maternity leave reasonable contact may be made between both the employee and the employer. Arrangements should be made between the employee and their line manager prior to maternity leave starting as to the way contact will happen, who will initiate the contact and how often it will take place.

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56. Employees should inform their line manager of any particular SYFR information that they wish to receive, such as Weekly Bulletins.
57. An employee will, in any event, be notified of any promotion opportunities and other information relating to their job that she would normally be made aware of if she was working.
58. Employees may, by agreement, do up to 10 days work during their maternity leave – known as ‘keeping in touch days’. Such days are different to the reasonable contact previously detailed as employees may actually carry out work for which they will be paid at their normal hourly rate.
59. Work during maternity leave may only take place after the first two weeks after the baby is born.
60. Work during maternity leave may only take place by agreement between both SYFR and the employee.
61. Employees will continue to receive their SMP during any day worked during their maternity leave as well as their normal hourly rate of pay.

THE RIGHT TO RETURN TO WORK

62. After any period of ML, the employee has the right to return to the job in which she was employed under her original contract of employment. This is on the same terms and conditions which would have been applicable to her if she had not been absent.
63. SYFR will consider requests for flexible working (please see the Flexible Working for Parents and Carers Policy for further details).

RETURNING TO WORK

64. Returning from Ordinary Maternity Leave:-
 - If the employee wishes to return before the end of her 26 weeks ordinary maternity leave, she must give 7 days notice in writing, of her intended date of return.
 - At the end of the 26 weeks maternity leave if the employee intends to return to work, she should return on the date notified to her in writing by SYFR at the time she started her maternity leave.
65. Returning from Additional Maternity Leave:-
 - If the employee wishes to return to work before the end of her additional maternity leave, she must give SYFR 21 days notice in writing of her intention. SYFR can delay the employee's return for up to 21 days where sufficient notice has not been given.

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66. Wholetime and Retained Employees:-

- Once the employee has ceased to breastfeed, she will be required to see the SYFR Medical Officer. Guidelines from the Medical Officer require the employee to remain on modified duties for an average of six months from the date of childbirth however each case will be assessed individually.
- The employee's health may be reviewed during this period and she will return to her original operational duties when she has undergone a physical assessment by the Occupational Health Unit. If the assessment indicates the employee is fit for duty, she will undergo a re-training as detailed in Section 14 of the Training Order.

CONTROL AND SUPPORT EMPLOYEES

67. SYFR will organise a programme of refresher training, if required, for the individual on her return to work.
68. Depending on the nature of some posts, it may be necessary for some employees to attend a medical assessment with the Occupational Health Unit prior to their return to work.

PREMATURE BIRTH

69. Where a baby is born prematurely, i.e. born before 37 weeks; the maternity leave period starts automatically on the date of the birth.

DEATH OR STILLBIRTH OF THE CHILD

70. A woman who suffers a stillbirth after 24 weeks pregnancy is entitled to maternity leave and pay on the same conditions.
71. Where this occurs before 24 weeks (miscarriage) SYFR will give sympathetic consideration to the circumstances and the needs of the employee and medical opinion. Each case will be judged independently.

BREASTFEEDING

72. SYFR will take all reasonable steps to ensure that the employee can continue to breastfeed after returning to work, should she need/wish to do so. Time will be allowed to express milk in a comfortable, private room.

73. For health and safety reasons, it is not possible for babies to be allowed or fed on SYFR premises.

UNIFORM/CLOTHING

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74. SYFR acknowledges that uniform for staff should provide comfort whilst the employee is working during pregnancy.
75. Employees should liaise with the Supplies Department regarding the issue of maternity wear. Comfortable clothes will be provided throughout the pregnancy in line with the colour scheme/style of SYFR's uniform, e.g. maternity trousers etc. These will be ordered by the Supplies Department and will be available for the employee within 10 days from the date of the order being placed. This maternity wear can be worn by the employee at any stage of her pregnancy.

MONITORING THE POLICY

72. The Human Resources function will monitor this Policy and ensure it is being successfully applied and understood. This will be achieved through feedback from employees and managers.

If you require any further guidance on this Policy please contact the Human Resources Department.