
Maternity Pay and Leave Policy

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Change History

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1.1	July 2024	Moved to updated template. Merged two guidance documents. Revised to include updated legislation on; neonatal leave, parental bereavement. Breastfeeding guidance incorporated.	Sam Johnson

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Bracknell Forest Council

Maternity Pay and Leave Policy

1 Introduction

The Bracknell Forest Maternity Pay & Leave Policy outlines an employee's entitlement to maternity leave and maternity pay and eligibility requirements. The policy also includes guidance on enhanced maternity pay which applies to those employees on NJC terms and conditions of employment.

2 Equality

At Bracknell Forest Council we are committed to encouraging equality, diversity, and inclusion among our workforce, and eliminating unlawful discrimination. We want everyone that works for us to feel that their individuality is respected, and their unique contributions are valued.

The aim is for our workforce to be truly representative of all sections of society and our customers, and for each employee to feel respected and able to give their best.

The Council, in providing goods and/or services and/or facilities, is also committed against unlawful discrimination of customers or the public.

3 Purpose

The Maternity Pay and Leave Policy ensures that a birth parent is aware of their eligibility to both maternity pay and leave and the procedure that they need to follow to ensure they receive their full entitlements.

The Council's policy ensures that all requests are managed effectively and fairly in line with existing legislative requirements.

4 Principles

This policy is based on the following general principles:

- The birth parent has the right to up to 52 weeks' maternity leave if they are having a baby and are legally classed as an employee.
- A Birth parent has the right to maternity leave from their first day of employment.
- By law, the birth parent must take at least 2 weeks off work after their baby is born. After that, how many of the 52 weeks they take is up to them.
- A Birth parent gets the same amount of maternity leave and pay if they have more than one baby, e.g. twins.
- Qualification for maternity leave and pay is dependent upon the birth parent meeting the eligibility criteria.

- The birth parent must notify the Council of their pregnancy and their intention to take leave at least 15 weeks before the expected date of childbirth.
- A Birth parent may be entitled to Occupational Maternity Pay and Statutory Maternity Pay.
- A birth parent who is employed under NJC terms and conditions of employment will receive occupational maternity pay subject to certain terms and conditions being met – see section 8.3 below.

5 Scope

This procedure applies to all employees of Bracknell Forest Council, except for:

- School based staff (see separate School policy)
- Individuals undertaking casual work

6 Definitions

Definitions for the abbreviations used throughout this document are shown below:

Expected Week of Childbirth (EWC): the week in which the baby is due.

Qualifying Week (QW): the 15th week before the expected week of childbirth (EWC).

Statutory Maternity Leave (SML): The statutory leave entitlement for employee's is 52 weeks, which is comprised of the following:

a) Ordinary Maternity Leave - The first 26 weeks of maternity leave.

b) Additional Maternity Leave: The last 26 weeks of maternity leave.

Birth Parents do not have to take the full 52 weeks, but a minimum of two weeks leave must be taken after the baby is born.

Statutory Maternity Pay (SMP): SMP is pay which a birth parent may be entitled to, subject to meeting qualifying conditions, whilst they are on maternity leave. Where birth parents are eligible it is paid monthly in the same way that normal pay is paid by the Council.

Maternity Allowance (MA): If a birth parent does not qualify to receive SMP, they may be entitled to receive an alternative Government Benefit - Maternity Allowance.

Contractual weekly pay: A week's earnings if remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the Council under the contract of employment which applies when a birth parent starts their maternity leave, for working their normal hours in a week.

Occupational Maternity Payments are calculated on current contractual earnings. However, in situations where a birth parent does not work regular working hours, the value of a week's pay is the average remuneration in the 12 weeks preceding the date

on which the last complete week ended, excluding any week in which no remuneration was earned. Please contact the HR team for further information.

7 Maternity Leave

A birth parent is entitled to a maximum of 52 weeks statutory maternity leave, which is made up of 26 weeks Ordinary Maternity Leave immediately followed by 26 weeks Additional Maternity Leave.

The birth parent can decide when they want their maternity leave to start. However, maternity leave cannot start more than eleven weeks before the EWC and by law the birth parent must take a compulsory period of leave of two weeks which starts with the day of childbirth.

Maternity leave will be automatically triggered if the birth parent is off sick with a pregnancy related absence in the four weeks before their EWC.

If a baby is born earlier than expected or is premature, maternity leave starts straight away and the birth parent may be eligible for neonatal leave. Please see section 13 for more details and eligibility criteria.

8. Statutory Maternity Pay

All birth parents are entitled to Statutory Maternity Pay (SMP), subject to meeting the following qualifying terms and conditions:

- They have been working for Bracknell Forest Council continuously for 26 weeks before their 'qualifying week'.
- They earn at least the qualifying rate of NI which is calculated based on average earnings for the 8 weeks prior to the qualifying week.

8.1 Birth Parents with Less Than 1 Year's Continuous Service

Statutory maternity pay entitlements for a birth parent with less than one year's continuous Local Government service at the beginning of the 11th week before the EWC is as follows, is a maximum of 39 weeks' pay, which is broken down as follows:

Weeks 1 – 6 of Maternity Leave: 6 weeks at 90% of weekly pay.

Weeks 7 – 39 of Maternity Leave: 33 weeks [SMP](#) at the current rate

A Birth Parent who does not qualify for SMP may be entitled to Maternity Allowance (MA) which is paid by the Benefits Agency (see section 8.4 below).

A Birth Parent can check their eligibility to SMP using the [Gov.UK maternity calculator](#).

8.2 Statutory Maternity Pay (SMP)

A birth parent who has more than 26 weeks continuous service at Bracknell Forest Council by the 15th week before the expected week of childbirth (week 25 of pregnancy) and where their pay is more than the National Insurance Lower Earnings limit, is entitled to SMP for a maximum of 39 weeks', which is calculated as follows: -

Weeks 1 – 6 of Maternity Leave: 90% of your Average Weekly Earnings.

Weeks 7 – 39 of Maternity Leave: 33 weeks SMP at the [current rate](#).

8.3 Occupational Maternity Pay (OMP)

Only applicable to birth parents employed under NJC Terms or Soulbury Terms & Conditions of Employment

Birth parents employed under NJC or Soulbury Terms & Conditions of Employment, with over a year's service with Bracknell Forest Council at the 11th week before the EWC, who declare in writing that they intend to return to work after their maternity leave, are entitled to claim for Occupational Maternity Pay. Maternity pay will be paid for 39 weeks as shown below:

Weeks 1 – 6 : 90% of Average Weekly Earnings

Weeks 7 – 18 : 50% of an Average Week's Pay plus SMP

Weeks 19 – 39 : SMP only

(NB Half pay may be reduced if half pay and SMP combined exceeds normal pay).

To qualify for the half-pay element, the birth parent must return to work for a minimum period of 3 months following their maternity leave. A birth parent who does not return to work for this minimum period will be required to repay the enhanced payment. Repayment is calculated pro rata based on complete months not worked, e.g. if a birth parent returns for 2½ months they will be required to repay one month's enhanced pay which is equivalent to 1/3 of the half pay.

8.4 Maternity Allowance

If a birth parent does not qualify for SMP they may be entitled to claim Maternity Allowance (MA) for up to 39 weeks.

Maternity Allowance can be claimed once from the 26th week of pregnancy and payments can start up to 11 weeks before the baby is due. Maternity payments are calculated at a weekly rate but paid monthly in complete weeks.

In these situations, the Payroll team will issue an SMP1 claim form to confirm your circumstances upon receipt of your MATB1. More information is available on the [Gov.UK Website](#).

9. Fixed Term Contracts: Maternity Pay and Leave

Birth Parents on fixed-term contracts qualify for statutory maternity leave and pay in the same way as permanent employees. Although statutory maternity leave will end on the expiry of a fixed-term contract, the right to statutory maternity pay will continue subject to eligibility.

10. Ante-Natal Care

A birth parent has the right to paid time off to attend ante-natal care and must produce evidence of such appointments if requested. The time taken for ante-natal appointments should be recorded on timesheets.

11 Health and Safety

Consideration must be given to any health and safety implications for birth parents or employees who are breast feeding and a risk assessment undertaken.

Once notified of a pregnancy, a manager should undertake a risk assessment at the earliest opportunity. The risk assessment can be found [here](#)

If there are any concerns that a birth parent's duties and/or work environment may be detrimental to the birth parent's health this must be discussed with their line manager in the first instance. Advice may also be sought from occupational health. It is also advisable that any such concerns are discussed between the birth parent and their GP/Midwife/Specialist so that they can advise and assess any risk. Any advice given should be confirmed in writing by the GP/Midwife/Specialist.

When a birth parent returns to work, a risk assessment may be required to identify any support or adjustments that the birth parent may require, including whether they intend to breastfeed in the workplace.

12 Notification of Absence

A Birth parent must give a minimum of 28 days' notice of the date they intend to start their maternity leave. Maternity leave cannot start earlier than 11 weeks before the EWC. The Council requires notice to be given in writing along with a copy of the certificate of childbirth (MATB1)

A maternity leave [form](#) can be found on the intranet and is submitted automatically to HR.

Birth parents are encouraged to notify their line manager of their pregnancy and their intentions about taking maternity leave as soon as reasonably possible to allow preparations to be made for staff cover.

If the required notice is not given, the birth parent may be regarded as being on unauthorised absence, which may result in disciplinary action.

13 Neonatal Leave

The Neonatal Care (Leave and Pay) Act 2023 provides important rights for employed parents whose newborn babies require neonatal care. It is a Day 1 right for all eligible employees.

This legislation will be effective from April 2025, if a newborn baby requires neonatal care before this date, the maternity leave and pay outlined above applies.

From April 2025, eligible employed parents whose babies are admitted to neonatal care can take up to 12 weeks of paid leave. Neonatal Leave is in addition to other entitlements such as maternity and paternity leave.

14 Communication During Maternity Leave

Birth parents and managers are encouraged to maintain communication during maternity leave. For example, a birth parent should be kept informed of any relevant job vacancies, changes within their department and updates on issues facing the Council.

Both the manager and the birth parent should agree preferred communication method(s) and before maternity leave commences.

15 Keeping In Touch (KIT) Days

The birth parent will be able to work during their maternity leave for up to 10 Keeping In Touch (KIT) days without losing their right to statutory or enhanced maternity pay, if they wish to do so. Any work undertaken will be paid at their normal rate of pay when the birth parent returns from maternity leave. The employer is not obliged to provide 10 KIT days and the birth parent is not obliged to attend work if they do not wish to do so.

16 Shared Parental Leave (SPL)

Shared Parental Leave enables birth parents/adopters to end their maternity/adoption leave and pay and to share the untaken balance of leave and pay as SPL (and pay) with their partner or to return to work early from maternity or adoption leave and opt in to shared parental leave/pay at a later date. SPL replaces additional paternity leave and pay. Parents on SPL are each entitled to 20 Shared Parental Leave Keeping In Touch days (SPLIT days).

More information on SPL can be found [here](#).

17 Resignation

If a birth parent resigns before commencing maternity leave, normal contractual notice will apply.

If a birth parent resigns before the start of their Qualifying Week, they will not be entitled to SMP from the Council, although they may be entitled to Maternity Allowance.

If a birth parent on maternity leave decides that they do not intend to return to work the date that they resign is treated as their leaving date.

18 Benefits and Payments Whilst on Maternity Leave

18.1 Pay Slips

Birth parents can view their pay-slips online by logging into their iWorks ESS account from a home PC, smart phone or laptop. It is the birth parent's responsibility to ensure they contact ICT for access before going on maternity leave.

18.2 Annual Leave

Whilst on maternity leave (whether during the paid or unpaid period) annual leave will continue to be accrued by the birth parent. It is strongly encouraged that annual leave is planned in advance and discussed between the birth parent and the line manager prior to the birth parent commencing maternity leave. Where it is not possible to take the annual leave entitlement before going on maternity leave, this may be carried forward to the next annual leave year.

18.3 Pension scheme contributions

Members of the Local Government Pension Scheme will automatically continue to make contributions during any period of paid leave. Any period of unpaid maternity leave (Additional Maternity leave) will result in a reduction in the birth parents' pension unless they elect to pay contributions for that period.

If a birth parent wishes to make contributions, they may either make a lump sum payment on their return to work or alternatively, increase their level of contribution until the outstanding sum has been paid off. The Request maternity or paternity leave (bracknell-forest.gov.uk) form prompts the birth parent to decide what course of action they would like to take.

More information can be obtained from [Berkshire Pensions](#).

18.4 Buying and Selling Annual Leave and other flexible benefits

Buying, selling and banking of annual leave is permitted during maternity leave, whilst the scheme is open (usually January annually) and should be discussed between the birth parent and their line manager.

Participation in the Council's scheme of flexible benefits is permitted during maternity leave. Please contact HR for more details.

18.5 Life Assurance/Death in Service/Ill Health Retirement

Cover continues as normal during maternity leave provided the birth parent is a member of the pension scheme. If the birth parent is not in the pension scheme this benefit does not apply.

18.6 Continuous Service

Any period of maternity leave counts towards continuous service for the calculation of; redundancy payments, holiday entitlement and sick pay schemes.

18.7 Essential Car User (ECU)

Essential Car User allowance will continue to be paid in full during maternity leave, where a birth parent is eligible at the time their maternity leave starts.

18.8 Mortgage Subsidy

Where the birth parent is in receipt of mortgage subsidy, this payment will continue to be paid during the entire period of Maternity Leave.

18.9 Regular deductions from salary

For regular monthly deductions from pay such as payments in respect of, childcare or shopping vouchers, rent, Council tax etc, please contact the HR team to discuss the arrangements for payment during maternity leave.

19 Returning from Maternity Leave

It is assumed that a birth parent will take their full maternity leave entitlement (i.e., 52 weeks) unless they notify their line manager (with a copy to Human Resources) to the contrary.

If a birth parent wishes to change the date in which they return to work, either by staying on maternity leave longer than planned or returning to work sooner than planned, they are required to give at least twenty one days' written notice to their line manager prior to the original return date.

Returning to your role

If a birth parent returns to work during OML, they have the right to return to the same role when they return to work.

If a birth parent returns to work during AML, they still have the right to return to the role on the same terms as before they left. If it is not possible because there have been significant changes to the organisation, they may be offered a similar role. In such circumstances, the manager must discuss with the birth parent when they notify the manager of their intention to return to work.

If a reorganisation of the team or service was undertaken whilst a birth parent was on maternity leave, they must be fully consulted and included in all aspects of the restructure as per the Council's Organisational Change Policy.

Returning from maternity leave to different hours/locations

Employees are entitled to request a change to your working hours, times or location under the Council's policy on the [Right to ask for Flexible Working](#).

20 Breastfeeding in the Workplace

The Council recognises that some employees may wish to continue breast feeding, or expressing milk, on their return to work. There is also a legal requirement to provide employees who are breastfeeding, with somewhere suitable to express milk and store it.

Employees who wish to breastfeed/express milk should discuss this with their manager prior to their return to work, so that they are aware what area has been set aside for this and, if required, where they should store the milk at their work location.

Employees can request the following adjustments to enable them to breastfeed when they return to work:

- An unpaid break from work to be able to breastfeed or express milk for storage and later use (flexitime can be used where applicable)
- A suitable place to be able to express milk and store it safely. Employees should ensure that the bottles and equipment used are sterile to avoid any contamination.

Additionally, if the employee lives close to the workplace, or their baby is being cared for nearby, they may request an unpaid break during the working day to be able to leave work to breastfeed their baby.

21 Parental Leave

Employees may also be entitled to Parental Leave – please see the Council’s Parental Leave policy which can be accessed on the Intranet.

22 Parental Bereavement Leave

If a child dies before they are 18 years old, or is a stillbirth after 24 weeks pregnancy, parents/carers may be eligible for parental bereavement leave. More information can be found on the intranet: [Intranet - parental-bereavement-leave.pdf - All Documents \(sharepoint.com\)](#)