



Maternity Policy

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NEWTON ABBOT TOWN COUNCIL MATERNITY POLICY

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Acronyms:

AML - Additional Maternity Leave

EWC - Expected Week of childbirth - (beginning on a Sunday).

KIT - Keeping in Touch (days).

OML - Ordinary Maternity Leave

MA - Maternity Allowance

SMP - Statutory Maternity Pay

Purpose and scope

This policy and procedure applies to all current employees, whether full or part-time, temporary or fixed-term.

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

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

Procedure

Telling your manager that you are pregnant

As soon as you know that you are pregnant, you are encouraged to let us know. This is in your own interests and ensures that we can take any necessary steps to look after your health and safety and that of your baby.

As soon as you tell us that you are pregnant, we will conduct an assessment of any health and safety risks to you or your baby. Early notice also allows us to let you know what your rights will be to maternity leave and pay. However, you do have the right to wait until the 15th week before your due date before telling us that you are pregnant.

You are required to confirm in writing the fact that you are pregnant, attaching a copy of your MAT B1 certificate and indicating when you expect to start your maternity leave. You should note that you have the right to change the start date of your maternity leave provided that you give at least 28 days written notice of the change, (where possible).

Note on the MAT B1 certificate

The MAT B1 is a form signed by a doctor/midwife confirming your 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 you may have to ask your doctor/midwife for a copy.

Entitlements

Ante-natal care

During your pregnancy, your doctor/midwife will make regular appointments with you for ante-natal checks, scans, tests etc. You are entitled to take reasonable time off work to attend these appointments, regardless of your length of service or the hours that you work. This time off will be paid, and you will not be expected to make up the time. You should however give us as much notice as possible of your appointments and, after the first one, should present the appointment card from the hospital or clinic.

Maternity leave

You 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). You also have the right

to return to work after the end of your OML or AML. This right applies to all employees regardless of length of service or the number of hours worked per week.

You can choose when to start your 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 your pregnancy or maternity leave

If you are 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 your maternity leave period will begin straight away.

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

Key Provisions of the [Neonatal Care \(Leave and Pay\) Act 2023](#)

The Neonatal Care (Leave and Pay) Act 2023, effective from 6 April 2025, introduces statutory rights for eligible employees to take up to 12 weeks of paid leave if their baby requires neonatal care

- **Eligibility:** Parents of babies admitted to neonatal care within the first 28 days of life, with a continuous stay of at least seven days, are eligible. This includes biological parents, adoptive parents, and those in surrogacy arrangements.
- **Leave Entitlement:** Eligible parents can take one week of leave for each week their baby is in neonatal care, up to a maximum of 12 weeks. This leave is in addition to existing maternity, paternity, and parental leave entitlements.
- **Pay:** Statutory Neonatal Care Pay is set at £187.18 per week or 90% of the employee's average weekly earnings, whichever is lower. Employers are required to deduct tax and National Insurance contributions.
- **Notice Requirements:** For leave taken while the baby is still receiving care (Tier 1), employees must provide at least 15 days' notice. For leave taken after the baby has been discharged (Tier 2), 28 days' notice is required.

Standards for Neonatal Care

In addition to legislative support for parents, the UK has established standards to ensure high-quality neonatal care:

- **Service and Quality Standards:** The British Association of Perinatal Medicine (BAPM) provides guidelines for neonatal care services, emphasizing the importance of appropriate staffing, facilities, and care protocols. bapm.org
- **Staffing Ratios:** Recommended nurse-to-baby ratios are:
 - 1:1 for intensive care
 - 1:2 for high dependency care
 - 1:4 for special care england.nhs.uk
- **Regulatory Oversight:** The Care Quality Commission (CQC) monitors and inspects neonatal units to ensure compliance with established standards and to promote continuous improvement in care quality.

Maternity Pay

Payments for employees who have less than 1 year's continuous local government service at the beginning of the 11th week before the EWC shall be entitled to Statutory Maternity Pay (SMP), where eligible.

Payments for employees who have completed 1 year continuous local government service at the 11th week before the EWC shall be as follows:-

(i) For the first six weeks of absence an employee shall be entitled to nine-tenths of a week's pay offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.

(ii) An employee who declares in writing that she intends to return to work will for the subsequent 12 weeks' absence receive half a week's pay plus SMP, where eligible, without deduction except by the extent to which the combined pay and SMP (or MA and any dependant's allowances if the employee is not eligible for SMP) exceeds full pay.

Alternatively, the equivalent amount (i.e. 6 weeks' pay) may be paid on any other mutually agreed distribution.

For the remainder of the maternity leave period the employee will receive their entitlement to SMP (currently 39 weeks in total), where eligible.

(iii) For employees not intending to return to work payments during their maternity leave period following the first 6 weeks will be their entitlement to SMP (currently 39 weeks in total), where eligible.

(iv) Payments made by the authority during maternity leave under (ii) above shall be made on the understanding that the employee will return to local authority employment for a period of at least three months, which may be varied by the local authority on good cause being shown and, in the event of her not doing so, she shall refund the monies paid, or such part thereof, if any, as the authority may decide. *Payments made to the employee by way of SMP are not refundable.*

Parental Leave (SPL)

You are entitled to curtail your maternity leave and pay and instead take SPL and pay with your 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.

To opt into SPL, you must provide at least 8 weeks' notice, complete the appropriate forms, and meet the eligibility requirements, including sharing childcare responsibility and qualifying employment and earnings criteria. Please refer to [government guidance](#) for full details.

The Council will consider SPL requests on case-by-case basis and each will be assessed as per the local government guidance framework.

Surrogacy

If an employee is acting as a surrogate for another person or will be receiving a child via surrogacy both are entitled to maternity leave and pay subject to the criteria above. This is the case even if both parties are employees of the same organisation. Intended parents should provide a birth certificate and proof of a [Parental Order application](#) to confirm eligibility for leave and pay will need to be provided in order for the leave and pay to be granted.

Breastfeeding at work.

Newton Abbot Town Council, as a family friendly organisation, offers help and support to mothers who are breastfeeding when they return to work. If an employee will be breastfeeding when they return to work, they would need to notify the organisation in advance of their return so appropriate arrangements can be made e.g., a private room for expressing, a fridge to store expressed milk, flexible hours, etc.

In accordance with Health and Safety Executive guidance, a breastfeeding-specific risk assessment will be conducted as part of your return to work plan.

The effect of maternity leave on contractual benefits

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

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

Annual leave

Your contractual annual leave entitlement continues to accrue during your maternity leave. You can choose to take any leave accrued, as a block, either before you commence maternity leave, immediately upon your return to work or a combination of the two. You should be aware that if you take the annual leave before starting maternity leave and then leave employment mid-way through the maternity leave, the usual deductions will apply from your final salary, or we may ask for an appropriate refund.

Pension scheme

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

Enhanced protection against redundancy for pregnant employees

Employees taking certain types of parental leave now have enhanced protection from redundancy for at least 18 months. This protection means that if their role is made redundant their employer must give them first refusal of any other vacancies; however, they can still be made redundant if no appropriate vacancy is available. Previously, employees only had this protection during their period of maternity, adoption or shared parental leave.

Protection now begins on the day the employer is first notified of the employee's pregnancy and ends 18 months after the date of the child's birth. These protections also now extend to 18 months after the date of adoption for parents taking adoption leave or 18 months after the child's birth in cases where a parent is taking at least six weeks of shared parental leave.

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 you start your maternity leave, we will meet with you to discuss reasonable contact arrangements during your maternity leave. Below is a list of the sorts of information you 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 you even if you have indicated that you do not wish to be contacted. In these circumstances contact will only be made when there is significant information which might affect you. For example, where there are changes proposed to the job you are expected to return to.

Keep in Touch (KIT) Days

You may work for up to 10 days during your maternity leave. KIT days can only be worked by mutual agreement; that is to say both you and the Council must agree to the work / training taking place. When agreeing KIT days, we will agree the type of work to be carried out and the duration 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

We will assume that you will take your 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 you notify us, in writing, or request otherwise.

In other words, you do not have to notify us if you intend to return to work at the end of your AML.

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

You have the right to resume working in the same job if returning to work from OML. If you return to work after a period of AML, 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.

If you decide not to return to work after your maternity leave, you will need to resign giving the appropriate notice as specified in your contract of employment.

Requesting a change to your pattern of work

You have the right to request that we consider changing your pattern of work (subject to eligibility criteria). See page 6 of the Staff Handbook, (and the notes section at the end of this policy).

Your health and safety

Risk assessment

Whilst most people are able to work normally during pregnancy there are some duties which are best avoided or minimised. We may be able to reorganise your work to avoid/minimise such duties or may arrange different work for you for health and safety reasons. Only in exceptional cases would other action be required e.g., suspension on medical grounds or other appropriate action.

Once you tell us of your pregnancy, we will hold a meeting with you to discuss health and safety issues. In consultation with you, we will complete a risk assessment, agreeing with you any measures to be taken. We will hold regular meetings with you throughout your pregnancy in order to review the initial assessment. If you have any concerns, please raise these directly with your Line Manager.

Data protection

When managing your maternity leave and pay, we will process personal data collected in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

Personal and/or sensitive information will be held securely, accessed only by those who need it, and processed according to our data protection policy. Inappropriate access or disclosure constitutes a breach and may result in disciplinary action.

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

Date of policy: October 2022

Date for next review: As required.

— policy ends here —

Notes:

Extract from [staff handbook](#)

Flexible Working

NATC values collaboration between the Council and its staff, recognizing that flexible working can support both organizational needs and individual circumstances. Employees have the right to request flexible working from their first day of employment, and requests will be considered in a fair and reasonable manner.

Types of Flexible Working:

- **Working from Home:** Subject to the Home Working Policy.
- **Part-Time:** Working fewer days or reduced hours.
- **Compressed Hours:** Full-time hours condensed into fewer days.
- **Flexitime:** Adjusting start and finish times within agreed core hours, typically 10 a.m. to 4 p.m.
- **Retirement Flexibility:** Employees may choose when to retire and reduce hours to part-time.

Request Process:

1. Submit a request to your line manager.
2. The employer will respond within three months (or longer if mutually agreed).
3. Approved requests will result in updated terms and conditions.
4. If denied, the employer will provide written reasons, and employees may appeal through an employment tribunal if necessary.