

Heddlu Dyfed-Powys Police



Maternity Provisions – Police Staff

Version: 1:2

Human Resources Department

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1. Who this scheme applies to

The occupational maternity scheme shall apply to all pregnant employees regardless of the number of hours worked per week.

2. Initial obligations on the Employee

2.1 An employee should notify the Force (via their line manager who should inform HR) at least 28 days before her absence begins or as soon as is reasonably practicable:

2.1.1 That she is pregnant.

2.1.2 The expected week of childbirth (EWC).

2.1.3 The date of the beginning of her absence.

2.2 The Force can request that the notification of the beginning of the absence is given in writing and that the employee produce a certificate from a registered medical practitioner or a registered midwife stating the EWC (i.e. a Mat B1 available from the 28th week of pregnancy).

3. Health and well-being

3.1 Ante-natal care

Any pregnant employee has the right to paid time off to attend ante-natal care and must produce evidence of appointments if requested by her line manager. Time off for ante-natal care is not defined but may include relaxation classes if advised by a doctor or midwife.

3.2 Health and safety

Consideration must be given to any health and safety implications for pregnant or breast-feeding employees identified in the Workplace Risk Assessment.

See Health and Safety Risk Assessment for further details.

3.3 Absences due to sickness prior to commencement of maternity leave

If the employee is absent from work due to a pregnancy related reason before the date she has notified (or before she has notified a date) her maternity leave period begins automatically on the first day of absence following the beginning of the fourth week before the EWC. The employee must notify the HR Manager (in writing if requested) as soon as reasonably practicable, that she is absent wholly or partly because of pregnancy.

If the employee is absent from work due to an illness unrelated to her pregnancy, she may take sick leave and receive statutory sick pay / occupational sick pay until her maternity leave period begins. Her leave period will begin either on the date she has notified or (if she has yet to notify a date) at the expected week of confinement.

4. Maternity leave entitlement

- 4.1 All employees, regardless of service or hours of work, are entitled to leave of 52 weeks' duration (normally defined as 26 weeks ordinary maternity leave (OML) and 26 weeks additional maternity leave (AML).
- 4.2 Maternity leave shall commence no earlier than 11 weeks before the EWC or from the time of childbirth if that is earlier and can commence on any day of the week.
- 4.3 Within 28 days of receipt of the initial notification of maternity leave, the Force will write to the employee stating the expected date of return from maternity leave.

5. Maternity pay

- 5.1 Payments for employees who have less than 1 year's continuous service at the beginning of the 11th week before the EWC will be Statutory Maternity Pay (SMP), if entitled, i.e. 6 weeks at 9/10ths of a week's pay plus 33 weeks at lower rate SMP, i.e. £117.18 (w.e.f. 01/04/08).

Entitlement depends upon employees:

- having 26 weeks' continuous service at their qualifying week, i.e. 15th week before EWC;
 - having average earnings in the 8 weeks ending with the 15th week before the EWC equal to the lower earnings limit, i.e. £90 per week for the year 2008/09;
 - still being pregnant at the 11th week; or
 - having given birth.
- 5.2 Payments for employees who have completed 1 year's continuous service at the 11th week before the EWC will be as follows:
 - 6 weeks at 9/10ths of a week's pay and SMP of 33 weeks at the lower rate provided that they have average earnings in the 8 weeks ending with the 15th week before the EWC equal to the lower earnings limit, i.e. £90 / week provided they are
 - still pregnant; or
 - have given birth
 - Also an employee who declares in writing that she intends to return to work will, for the subsequent 12 weeks, receive half a week's pay in addition to SMP except where the combined pay and SMP exceeds full pay.
 - For employees not intending to return to work, payments during the subsequent 20 weeks shall be the employee's entitlement to SMP, i.e. currently £117.18, w.e.f. 01/04/08.
 - 5.3 Employees who do not qualify for SMP may qualify for maternity allowance or other benefits paid directly by the DSS. The Finance Department will issue affected staff with an SMP1. this form should be submitted with your claim for maternity allowance.

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- 5.4 Payments made by the Force during maternity leave under the above shall be made on the understanding that the employee will return to work for a period of at least three months, which may be varied by the Force 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 Force may decide. Payments made to the employee by way of SMP are not refundable.
- 5.5 During payment of SMP the employee is responsible for telling the Force if any of the following apply:
- She starts working after the baby is born for an employer she was not employed by during the qualifying week;
 - She has been taken into legal custody.

6. Right to return to work

- 6.1 An employee is entitled to:
- 6.1.1 Return to the job in which she was employed under her original contract of employment and on terms and conditions not less favourable than those on which would have been applicable to her if she had not been absent. "Job" for this purpose, means the nature of the work which she is employed to do and the capacity and place in which she is so employed.
- 6.1.2 Where it is not practicable by reason of redundancy for the Force to permit her to return to work in her job in which she was employed, the employee shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to her and appropriate to the circumstances and that the capacity and place in which she is to be employed and her terms of conditions of employment are not substantially less favourable to her than if she had been able to return to the job in which she was originally employed.
- 6.1.3 Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general re-organisation), which would have occurred if the employee had not been absent, necessitate to change in the job in which she was employed prior to her absence. The work to be done should be suitable to her and appropriate to the circumstances and the capacity and place in which she is to be employed and her terms and conditions of employment should not be less favourable to her than if she had been able to return to the job in which she was originally employed.
- 6.1.4 Where an employee wished to return to work on different hours or job share, the Force will consider such requests seriously and only refuse if the individual circumstances are such that the operation of the Force could not continue without unreasonable dislocation (see Part Time Flexible Working Guidance for further details).

7. Working during maternity leave

A woman can do 10 days' work during her maternity leave without ending her maternity leave. Part days could as one day for this purpose and no SMP will be lost. "Work" can include training. The employer cannot insist upon the woman's attendance for this period

and she is protected from suffering a detriment if she refuses. Nor, however, can the woman insist on 10 days' work being provided. The Force will not give pay plus SMP for these days, SMP will be offset against pay, if it is still being paid. Maternity leave continues during any work period of up to 10 days and is not therefore extended. Any work undertaken during this period should be claimed via timesheets. Work cannot be undertaken during the compulsory maternity period, i.e. 2 weeks after the birth.

7.1 Exercise the right to return to work

- 7.1.1 If an employee wishes to return to work, apart from on a date which they have previously notified to the Force, they should give 21 days' notice.
- 7.1.2 Where an employee is unable to return on the expected day due to sickness, the absence will be covered by the sickness scheme in the normal way.
- 7.1.3 For an employee, where, because of an interruption of work (whether due to industrial action or some other reason) it is unreasonable to expect to return on the due date, she may, instead, return when work resumes or as soon as reasonably practicable thereafter.

7.2 Relationship with sickness and annual leave

- 7.2.1 Maternity leave will not be treated as sick leave and will not, therefore, be taken into account for the calculation of the period of entitlement to sickness leave.
- 7.2.2 Maternity leave shall be regarded as continuous service for the purpose of Police Staff Council's sickness scheme and annual leave.
- 7.2.3 Employees can request to take their annual leave at the beginning or end of maternity leave, which, with the agreement of the department will extend the time away from work.
- 7.2.4 Where the maternity spans two years i.e. leave starts in old leave year and finishes in the new one, the employee should be treated no more or less favourably than any other employee. The Force allows the carry over of up to 5 days from one leave year to another; therefore, the onus is on the employee to plan their annual leave so as not to be detrimentally affected by any limiting of carry over provision. These days are subject to the same policies as other annual leave days. No payment in lieu of annual leave days will be made.

8. Definitions

8.1 A week's pay

The term 'a week's pay' for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the Force to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the past 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

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8.2 **Childbirth**

Childbirth means the live birth of a child, or a still birth after a pregnancy lasting 24 weeks.

8.3 **Expected week of confinement**

(EWC) means the week beginning with midnight between Saturday and Sunday in which it is expected that childbirth will occur.

8.4 **Mat B1**

8.5 **SMP**

SMP – Statutory Maternity Pay – maternity pay paid by the Force under DSS rules.

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Pension Contributions, Maternity, Adoption & Paternity / Parental Leave

Changes have been introduced regarding the payment of Employer / Employee contributions, which will apply to those men / women whose expected week of childbirth / adoption begins on or after **5th October 2008**.

An employee is entitled to 52 weeks Statutory Maternity Leave (SML), which is split via 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML). During this period an employee is eligible to 39 weeks Statutory Maternity / Adoption Pay (SMP / SAP) providing they satisfy the qualification set by their Employer.

Under the Maternity and Parental Leave etc. and the Paternity and Adoption Leave (Amendment) Regulations 2008, an employer is only required to pay pension contributions when an employee is on Ordinary Maternity or Adoption Leave, regardless of whether they receive any Statutory Maternity / Adoption Pay.

During the Additional Maternity / Adoption Leave period an Employer is only required to pay pension contributions if an employee is in receipt of any Statutory Maternity / Adoption pay.

Ordinary Maternity or Adoption Leave, or Statutory Paternity Leave

- An Employer must pay contributions throughout any of the above leave periods irrespective of whether the Employee actually receives any pay. The Employer's contributions are based on what the employee would have been earning had he / she been working.
- The Employee will also pay basic contributions, at the Employee's normal contribution rate, but based on the pay he or she actually receives. ***If he / she receives no pay during this period e.g. because he/she does not qualify for statutory pay, he / she WILL NOT have to pay any contributions but the period will still count as LGPS membership.***

Additional Maternity or Adoption Leave

- During the above periods of leave both the Employer and Employee must pay pensions contributions throughout the period in which the period Employee is entitled to receive any statutory and / or occupational maternity pay (OMP). As Statutory Maternity Pay (SMP)/Statutory Adoption Pay (SAP) is now payable for 39 weeks this will mean that contributions will be payable for at least the first 13 weeks of this period (apart from when an Employee is not eligible for SMP / SAP / OMP).
- The Employer's contributions are based on the pay which the employee would have received had he / she been working normally.
- The Employee will make basic contributions based on the actual amount of SMP / SAP / OMP he / she receives.

The table below illustrates when pension contributions are payable by the Employee and / or Employer.

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MATERNITY LEAVE

Type of Leave	Employee	Employer	How service counts under the LGPS
Ordinary Maternity Leave (wks 1-26)	Actual OMP and / or SMP, if any, received (including any OMP paid as a lump sum on return to work)	Notional full pay	COUNTS IN FULL as if the employee had been at work
Paid Additional Maternity Leave (wks 26-39)	Actual pay received	Notional full pay	COUNTS IN FULL as if the employee had been at work
	If an employee OPTS TO REPAY for the UNPAID LEAVE PERIOD , the contributions will be based on the notional pay the employee received or was entitled to receive before unpaid period began (ignoring any increase in pay due to a KIT day.		
Unpaid Additional Maternity Leave (wks 39-52)	If before AML began, was entitled to receive: SMP only	Notional pay based on: SMP	Notional full pay COUNTS IN FULL as if the employee had been at work
	SMP and OMP	SMP and OMP	Notional full pay COUNTS IN FULL as if the employee had been at work
	OMP only	OMP	Notional full pay COUNTS IN FULL as if the employee had been at work
	No SMP or OMP	Full pay received before OML began	Notional full pay COUNTS IN FULL as if the employee had been at work
<i>Employee does not opt to pay contributions for unpaid AML period</i>	Not applicable – no basic contributions are due	Not applicable – no basic contributions are due	Does not count

ADOPTION LEAVE

Type of Leave	Employee	Employer	How service counts under the LGPS
Ordinary Adoption Leave (wks 1-26)	Actual OAP (if any) and / or SAP (if any) received (including any OAP paid as a lump sum on return to work)	Notional full pay	COUNTS IN FULL as if the employee had been at work
Paid Additional Adoption Leave (wks 26-39)	Actual pay received	Notional full pay	COUNTS IN FULL as if the employee had been at work
<i>Employee opts to pay contributions to cover unpaid period</i>	Notional pay based on pay employee received or was entitled to receive before unpaid period began (ignoring any increase in pay due to a KIT day.		
Unpaid Additional Adoption Leave (wks 39-52)	If before AAL began, was entitled to receive: SAP only	Notional pay based on: SAP	Notional full pay COUNTS IN FULL as if the employee had been at work
	SAP and OAP	SAP and OAP	Notional full pay COUNTS IN FULL as if the employee had been at work
	OAP only	OAP	Notional full pay COUNTS IN FULL as if the employee had been at work
	No SAP or OAP	Full pay received before OAL began	Notional full pay COUNTS IN FULL as if the employee had been at work
<i>Employee does not opt to pay contributions for unpaid AAL period</i>	Not applicable – no basic contributions are due	Not applicable – no basic contributions are due	Does not count

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PATERNITY LEAVE

Type of Leave	Employee	Employer	How service counts under the LGPS
Statutory Paternity Leave	Actual pay (if any) received	Notional full pay	COUNTS IN FULL as if the employee had been at work