

SOLIHULL METROPOLITAN BOROUGH COUNCIL

MATERNITY SCHEME

(School staff)

- (1) This policy sets out the terms of agreement reached by those participating in the Council's Consultation and Negotiating Framework.

For School's (e.g. some Academies) not participating in the Council's Consultation and Negotiation Framework

- (2) This Model Policy was provided by the Solihull School's HR Service. The school must undertake negotiation and consultation with the relevant Trade Union/Staff Association representatives before this policy is adopted by the School Governing Body. Advice is available from your HR provider on how to undertake this, if required.

SMBC can provide information in a range of different ways, for example via the use of large print, audio, summarising large documents, interpretation, translation and British Sign Language interpreting services.

If you require this information in an alternative format or need assistance because English is not your first language, please contact your line manager or nominated Human Resources Advisor in the first instance for further support.

This policy sets out the terms reached by those participating in the Council's Consultation and Negotiation Framework.

MATERNITY SCHEME

Current version: 6.8

Document type: Final

Prepared by: Claire Cooksey - Human Resources

Approved by: SMBC's Consultation and Negotiating Framework & Governance Committee

Review date: June 2023

Circulation: All employees (except on Teacher T&C's) / Intranet/ Extranet

Document revision dates

Version	Date	Reason for change
6	April 2018	Updated new SMP rates GDPR statement added to policy and form Added clarification to section 7 'non return to duty'
6.1	July 2018	Addition of bank holidays to section 4 under 'Annual leave'
6.2	March 2019	Updated new SMP rates Updated childcare vouchers section
6.3	May 2019	Updated to include the new Employee Assistance Programme details
6.4	March 2020	Updated pension section. Extra information added to section 4 – annual leave accrual for term-time staff Updated new SMP rates for April 2020
6.5	November 2020	Replaced grievance process with Resolution process in section on page 14
6.6	April 2021	Updated new SMP rate
6.7	April 2022	Updated new SMP rate and EAP helpline number
6.8	June 2023	Updated new SMP rate Information added on surrogacy, breastfeeding, multiple contracts and benefits Added to the ante natal section More Information added on premature births/new neonatal leave and pregnancy wellbeing meetings Added section on fixed term contracts Additional wording added on redundancy protection

CONTENTS

Section 1	Introduction	4
Section 2	Maternity definitions	5
Section 3	Scope	6
Section 4	Notification of pregnancy	6
Section 5	Ante-Natal Considerations	7
Section 6	Leave Considerations	10
Section 7	Pay	14
Section 8	During Maternity leave	19
Section 9	Post Maternity leave	21
Section 10	Further support	25
Section 11	Data Protection	27
	Appendix One- MS1 form	28

Please contact your HR Advisor for further discussion in the application of this policy.

1. INTRODUCTION

Looking forward to and looking after a new baby is a busy and exciting time. This booklet aims to guide you through what can appear complex and explain what maternity leave you are entitled to, information on maternity leave and your return to work. The Council recognises that motivated, loyal and committed employees are vital to the success of the organisation. So by supporting employees throughout their pregnancy and maternity leave and ensuring their wellbeing, the Council aims to retain its highly valued and skilled employees.

The maternity scheme applies to all pregnant employees, regardless of length of service or number of hours worked per week.

Nothing in this guidance shall be construed as providing less favourable terms than statutory rights, is in line with the NJC (National Joint Council) Green Book and will ensure that no woman receives less favourable treatment on the grounds of being pregnant, during maternity leave or on return to work as a new mother. Separate guidance is available for employees on Teachers terms and conditions.

Human Resources (HR) will always be happy to help with any particular questions or queries you may have. Please do contact us for further discussion in respect of the application of this policy.

If you work for **Core** Council, i.e. you get paid on the 15th of the month, the HR team's contact details are:

Payroll & HR Administration – Corporate Services
Employee Service Centre
Council House Manor Square
Solihull
West Midlands. B91 3QB

Tel: 0121 704 8730 (hunt number)
Email: payandhradminendi@solihull.gov.uk
payandhradminchildrens@solihull.gov.uk
payandhradminadults@solihull.gov.uk
payandhradminpublichealth@solihull.gov.uk
payandhradminresources@solihull.gov.uk

Or if you work in a **school**:

Payroll & HR Administration – School Services
Employee Service Centre
Council House
Manor Square
Solihull
West Midlands. B91 3QB

Tel 0121 704 8726 or 8727

Email schoolshrea@solihull.gov.uk or schoolshreb@solihull.gov.uk

2. MATERNITY DEFINITIONS

The following outlines some of the terms that are used in this document:

EWC	Expected Week of Childbirth. This is the expected week the baby will be born.
OML	Ordinary Maternity Leave. The first 26 weeks of Maternity Leave (weeks 1-26)
AML	Additional Maternity Leave. The second 26 weeks of Maternity Leave (weeks 27-52)
SMP	Statutory Maternity Pay- this amount is set annually by the Government.
SSP	Statutory Sick Pay.
OMP	Occupational Maternity Pay
LEL	Lower Earnings Limit
MATB1 form	A Maternity certificate issued from your midwife or medical practitioner confirming that you are pregnant and your EWC. This is usually issued around the 20 th week before EWC.
Job	The nature of the work which you are employed to do and the capacity and place in which you are employed.
Childbirth	Childbirth means the birth of a living child, or the birth of a child whether living or dead after 24 weeks of pregnancy.
Average Weekly Pay	The amount payable to you under your current contract of employment. If there are significant variations in your salary, please contact HR
Qualifying week	15 th week before the Expected Week of Childbirth
Set period (SMP)	This is the last eight weeks pay before the Saturday of your Qualifying Week. This is used to calculate your average weekly pay for SMP purposes
HR	Human Resources
SMP1 form	Issued by HR if you are not entitled to SMP and for you to take to your local Job Centre Plus
Partner	This is the person with whom the employee shares parental responsibility either the biological parent or the pregnant employee's partner – including same-sex partner

2023-2024 rates (from 3 April 2023)

SMP (standard rate)	£172.48
LEL	£123.00

3. SCOPE

This policy applies to employees employed by us. It does not apply to agency workers, casual staff, contractors, consultants or any self-employed individuals working for the Council.

The policy does not apply to the intended parent of a child who is born under a surrogacy arrangement as they are not entitled to either maternity leave or statutory maternity pay as these benefits are available only to employees who give birth. However, the employee may be entitled to adoption leave and pay and other types of family leave. Please refer to the other family friendly policies on the Intranet. Maternity leave and pay entitlements will apply to an employee who gives birth to a child as a surrogate.

We also recognise and appreciate that pregnancy applies across a diversity of genders, same sex parents and civil partners and not only heterosexual and married couples for the purposes of this policy, we will refer to 'women/woman' in parts, but we also recognise and appreciate that the pregnancy can also impact on non-binary employees who do not identify as women in the same manner. They require the same support, flexibility and dignity in the workplace as others.

4. NOTIFICATION OF PREGNANCY

4.1 FROM YOU

You are encouraged to notify Human Resources (HR) and your manager about your pregnancy, as soon as possible, but no later than the qualifying week (which is the 15th week before the Expected Week of Childbirth). This will allow you to establish what financial support you are entitled to and enable a risk assessment to be carried out to protect the health, safety and welfare of you and your unborn child.

Solihull MBC also requires the following information and documents, otherwise your SMP (Statutory Maternity Pay) will be affected: -

- An **original** MATB1 form.
- A completed MS1 form (found in Appendix ONE) **at least 28 days** before you wish to start your maternity leave.

You will notice that the MS1 form asks about your choice of option with regards to the occupational maternity pay scheme. This is a scheme in which Solihull MBC pays an additional 12 weeks at half pay on top of the statutory scheme. Section 5 of this document will explain this further and outline any conditions that apply.

Please send your MS1 and original MATB1 directly to the Payroll & HR Administration team or via your line manager, who will forward it on to

us. Once we have taken a certified copy of the MATB1, it can be returned to you if you request to have it back.

If you have chosen a maternity leave start date, but then you wish to change your mind, please let us know at least 28 days before the revised start date or 28 days before the original date that you chose, whichever of these two dates is the earlier.

4.2 FROM US

Within 28 days of receiving your MS1 form you will receive notification from HR confirming your expected return date; this date will be 52 weeks from your maternity leave start date.

5. ANTE-NATAL CONSIDERATIONS

5.1 Time off for ante-natal care

Once you have told us that you are pregnant, you will be entitled to reasonable paid time off work to attend your antenatal appointments. This may include relaxation and parent craft classes that your doctor, midwife or nurse has advised you to attend, in addition to medical examinations, screening tests and any midwife appointments.

After your first appointment, we may ask you to provide proof of your further antenatal appointments such as an appointment card or an equivalent document confirming your booking.

You should give your line manager as much notice as possible of your antenatal appointments and, wherever possible, try to arrange them outside as near to the start or end of the working day. Employees using the flexi-time scheme, whose appointments are scheduled during normal working hours, are entitled to a credit up to their normal standard hours.

Any individual who has a qualifying relationship with you (which includes your spouse, civil partner, surrogacy parents and the father of your expected child), has a statutory right to unpaid time off to accompany you to up to two antenatal appointments. They would need to contact their employer to request time off in these circumstances.

5.2 Health and safety

The Council has a duty to take care of the health and safety of all our employees. We have an additional duty to carry out an individual risk assessment as soon as a manager is notified that an employee is pregnant, has given birth in the last six months or is breastfeeding where the work is of a kind that could pose a risk to their health or their baby.

Managers are responsible for ensuring a risk assessment is carried out when they are made aware of the pregnancy and then at regular intervals, or as needed, throughout the pregnancy.

The risk assessment will be a joint activity between the line manager and the employee. Where risks are identified, steps to eliminate or reduce the risks will be proposed and agreed. This may mean altering working hours, changing working conditions or offering suitable alternative work. For more information and support, please review the 'Expectant Mother' section of the A-Z directory on the Health and Safety Intranet pages or contact your Health and Safety Advisor.

Please also see [Model New and Expectant Mother Risk Assessment](#).

Adjustments may need to be made to your job but if this is not practicable, you may be offered alternative work. If this alternative work is not feasible and as long as you do not unreasonably refuse, you may be placed on leave on full pay until the risk has passed.

If you have issues which impact on your ability to work, your line manager can make an Occupational Health referral to obtain appropriate medical advice.

5.3 Rubella & Infectious diseases

If, you work at a school or child care setting and in the early months of pregnancy you are advised by an approved medical practitioner that you should be absent because of the risk of rubella, or any other infectious disease that may pose a risk to an unborn baby, you will be granted leave with full pay, provided that you have not unreasonably refused work in another setting where there is no risk of infection.

Rubella is an infectious disease which, if contracted in early pregnancy, can cause serious damage to the unborn child. Chickenpox can also affect the pregnancy of a woman who has not previously had the disease and it can be more severe in pregnant than in non-pregnant women. Slapped cheek disease (Parvovirus) is transmitted via respiratory secretions and can occasionally affect an unborn child. If a pregnant employee knows she has been exposed, she should inform her GP, or the provider of her ante-natal care.

For more information please visit [NHS England](#).

5.4 Sickness absence

Normal sick leave provisions will apply where a pregnant employee is absent from work due to a non-pregnancy related illness. However, if the illness is pregnancy related, the absence will not be included in the usual Council's sickness absence management triggers and you will receive occupational sick pay in the same way as you would during any other sickness absence.

If you do have occasions of pregnancy-related sickness that would normally trigger the Sickness Absence Management policy, then you may be invited to a '**Pregnancy wellbeing meeting**' with your line manager to ensure appropriate

support is provided before you leave work and on your return. Any additional risk assessments should be conducted as identified as a result of return-to-work or review meetings. You can be assured however, that pregnancy-related sickness absence, in its entirety, will not form the basis to progress through the formal stages of the policy and there will be no monitoring period set. The aim of the meeting is to ensure your wellbeing at work.

If you are absent from work due to a pregnancy-related illness in the four weeks immediately before your expected week of childbirth, your maternity leave will start automatically. You must notify your line manager as soon as reasonably practicable that you are absent for a pregnancy-related illness and the date that your absence began.

5.5 Loss of a baby

We are so sorry when an employee experiences pregnancy loss as we know it is extremely distressing, regardless of how early in pregnancy the loss occurs.

The Council have signed the Miscarriage Association's Pregnancy Loss Pledge to ensure support is in place for employees affected by pregnancy loss. In doing so, the Council has pledged its commitment to the pregnancy loss standard set by the Association. The Council is committed to creating a supportive work environment for those experiencing pregnancy loss by showing them flexibility when returning to work and ensuring guidance and resources are in place. Please also refer to the guidance document 'Supporting employees experiencing pregnancy loss' for more information on how we can support you.

A miscarriage means the loss of a baby before the end of the 24th week of pregnancy. In this very sad event, the absence will be treated as a sickness absence. You will need to self-certify absences of up to seven days or provide a GP's fit note for longer periods of absence in accordance with the policy.

Your certificate or fit note should confirm that the absence is pregnancy related. Your right to sick pay is also covered by the sickness absence policy. Any period of sick leave for this reason will not count towards sickness absence trigger points.

You may be granted a period of compassionate leave and, this is detailed in the Leave of Absence policy.

You may want to consider taking a period of annual leave if you do not qualify for paid sick leave. You should request this in the usual way and we will consider any request sympathetically. We will also consider requests for periods of unpaid leave and working in a hybrid way, where the role allows. You should discuss this with your line manager.

5.6 Stillbirth

We are so sorry when an employee experiences a stillbirth as we know it is extremely distressing for all those involved. If your baby is stillborn after 24 weeks of pregnancy, your maternity leave will begin on the day following the childbirth. If,

however, your child is stillborn within the first 24 weeks of your pregnancy, you will not be entitled to maternity leave. In these circumstances normal sickness absence management will apply (please see the Sickness Absence Management Policy and Leave of Absence policy on the School's Extranet).

Statutory parental bereavement leave and pay is available to parents of a child who dies before they turn 18, including an employee whose partner suffers a stillbirth after 24 weeks of pregnancy, or whose child is born alive but dies after birth.

Any information given to line managers and HR is confidential. Colleagues will only be told about the stillbirth if this is what you want. Your line manager will discuss your wishes with you. You can also access support by approaching your HR Advisor or the Employee Assistance Programme.

Please also refer to the guidance document 'Supporting employees experiencing pregnancy loss for more information on how we can support you and it also signposts to some local and national charities and support groups that can offer further support, advice and counselling for you and your family.

6. LEAVE CONSIDERATIONS

You are entitled to 52 weeks Maternity Leave regardless of your length of service. Maternity leave is not treated as sick leave and will count towards your continuous service with Solihull MBC.

6.1 Maternity leave

The earliest you can start your maternity leave is 11 weeks before the EWC but you have the option to decide on your maternity leave start date, which can begin on any day of the week. SMP will start on that day.

If your baby is born **before** your chosen maternity leave date, your maternity leave and SMP will automatically start on the day after childbirth (unless you take neonatal leave – see below). You will need to notify HR in writing as soon as is reasonably practicable to ensure that your pay will be accurate.

6.2 Premature birth / Neonatal leave and pay

The term "premature" refers to babies born at less than 37 weeks' gestation. When a baby is born too early some aspects of their development are not complete and they may not be ready for life outside of the womb. Many of these babies therefore will need urgent neonatal care after birth and are likely to be hospitalised for a longer period than babies born at full term. This means parents of premature babies will often have to wait weeks for their new-born baby to be allowed home.

During the period babies remain in hospital, parents often have to travel back and forth from hospital. For parents with other children this can be particularly

challenging as they manage the birth of their premature baby alongside their other children.

If your baby is born alive before 24 weeks of the pregnancy, the day after the childbirth will be the first day of the maternity leave (unless you are taking neonatal leave, as detailed below).

Even in the situation where the baby subsequently does not survive, maternity leave including maternity pay will still apply as a live birth did take place, even though it was before 24 weeks. You will need to let your line manager or HR know of this as soon as is reasonably practicable. Please refer to the Parental Bereavement Leave section of **the Leave of Absence policy on the Intranet/school extranet** and the guidance document 'Supporting employees experiencing pregnancy loss for more information on how we can support you.

6.2.1 Neonatal care leave

If your baby is born before 37 weeks and is required to stay in hospital for specialist neonatal care, for at least 7 days within the first 28 days of birth, you will be entitled to receive neonatal care leave. This is for up to a maximum of 12 weeks and must be taken in the first 68 weeks after the baby's birth. You will need to take neonatal care leave at the end of your maternity leave entitlement as maternity leave cannot be curtailed to take neonatal leave and then re-started.

Neonatal leave can also be taken in days and not necessarily in blocks of one week. It is important that you keep your line manager updated as to when the baby's specialist care is completed.

Parents will have a day one right to time off from work in these circumstances and would be in addition to any maternity/paternity leave entitlements.

6.2.2 Neonatal care pay

If you need to take neonatal leave, the Council will ensure you are paid at full pay during this time, up to a maximum of 12 weeks. There is no qualifying period for this enhanced rate.

Your normal entitlement to maternity leave will continue to apply and will not be affected by neonatal care leave. Neonatal care leave and pay will commence when your maternity leave has ended.

This should hopefully provide some peace of mind so that your focus can be on your baby without having to worry about pay or using up your maternity leave whilst the baby is in hospital, as the overall period of paid leave will be extended.

6.3 Babies born with disabilities

Knowing that your child has a disability can be life changing. The school will support parents when their child has a disability and show flexibility and compassion. Our Carer's Policy details how parents of children with a disability can request paid time off from work to attend to their caring responsibilities. We would encourage parents to complete a Carers Agreement with their line manager on return to work to document the support that can be put in place to help balance their work and caring responsibilities.

You can find more information [here](#) on how your local Council might be able to help you.

Our Employee Assistance Programme offers practical and emotional support for you and your family 24/7. The details for the helpline and other charities can be found in section 10.

6.4 Late births

If your baby is born after the EWC, your Statutory Maternity Pay would start on the first day of your maternity leave.

6.5 Annual leave

Annual leave entitlement and bank holidays will continue to accrue during your maternity leave.

It is important that staff who are on term-time only contracts understand that you will have annual leave to take as you will accumulate annual leave entitlement during your maternity leave. Therefore, the school should discuss with the HR Advisor the annual leave entitlement that the staff member will need to take.

It is important that you discuss your holiday plans with your line manager in good time before starting your maternity leave.

You are encouraged to take any outstanding holiday due to you before the commencement of maternity leave.

If your maternity leave continues into the next holiday year, any holiday entitlement that cannot be reasonably taken before starting your maternity leave can be carried forward to the new leave year, as an exceptional circumstance, but must be taken immediately before returning to work from maternity leave or unless otherwise agreed with your line manager.

If you give birth whilst you are on annual leave, your annual leave will cease and your maternity leave will start on the day following the childbirth. Any annual leave days that you have been unable to take, can be taken after your maternity leave ends.

Where it has been agreed that you return to work on the basis of reduced hours, you will be entitled to annual leave on a pro-rata basis with effect from the date you return to reduced hours.

For term-time working, please use the Term Time Only Guidance on the Intranet/school Extranet for further details about annual leave calculations and accrual of leave.

6.6 Sickness

Sickness payments will automatically and immediately cease whenever Maternity Leave and Statutory Maternity Pay/ Maternity Allowance commences.

6.7 Shared Parental Leave

You may wish to consider, depending on whether the eligibility criteria is met, to curtail your maternity leave and choose to convert it to Shared Parental Leave and Pay which can be taken by both you and your partner/co-parent.

Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

Please refer to the Shared Parental Leave policy on the Solihull MBC Intranet/School's Extranet for further details.

6.8 Parental leave

There is also an opportunity, dependant on your length of service, for you to take advantage of the right to unpaid parental leave of up to 4 weeks at the end of your maternity leave; the parental leave scheme is on the Solihull MBC Intranet/School's Extranet, or is available from HR.

6.9 Fixed Term Contract Employees

If you are employed on a fixed term contract, your period of maternity leave is dependent on your contract being extended beyond your current Fixed-Term Contract end date.

If your contract is to be renewed whilst you are on maternity leave or will continue after you would be due to return from your maternity leave then you maintain your right to return. However, if the contract is not due to be renewed (e.g. you were covering a period of sickness absence or maternity leave) then you may not have the right to return.

If your fixed term contract ends, then your statutory maternity leave will end on the expiry of your fixed term contract. If you qualify for Statutory Maternity Pay then this will continue to be paid to you.

It is unfair not to renew a fixed term contract or dismiss an employee purely for reasons relating to pregnancy. Please feel free to contact a member of the HR Advisory Team for advice and guidance.

7. PAY

7.1 Statutory Maternity Pay

Maternity Leave Period	Statutory Maternity Pay (SMP)	Occupational Maternity Pay (OMP)
Weeks 1-6	90% of employee's average weekly earnings (calculated on the salary 15 weeks before the due date)	90% of employee's contractual weekly earnings
Weeks 7 -18	SMP standard rate Where employees' normal earnings are lower than SMP, they will receive 90% of normal earnings instead of SMP rate	Half normal weekly pay This will be in addition to SMP standard rate (providing the total does not exceed normal pay)
Weeks 19 – 39	Lower of SMP standard rate or 90% of the average weekly earnings calculated in the qualifying period	n/a
Weeks 40 - 52	n/a (unpaid leave)	n/a (unpaid leave)

Statutory Maternity Pay (SMP) is paid to you whether or not you decide to return to work after maternity leave but is dependent on your earnings and length of service. The rate for SMP is a flat weekly rate and is adjusted annually.

To be eligible for SMP you need to have:

- earnings of more than the lower earnings limit during the set period (current rate and definitions on page 4)
- continuous service of more than 26 weeks at the end of the qualifying week (i.e. 15 weeks before your baby is due)
- informed us following the guidelines set out in section 2 (see page 5)

If you are entitled to SMP, this is payable for a maximum of 39 weeks which can start on any day of the week, but cannot start before the 11th week before the EWC, unless the baby is born prematurely.

There are two levels of SMP. There is a standard rate and a lower rate. If the standard rate is more than 90% of your average weekly salary during

the qualifying period, your SMP will be 90% of the average weekly earnings and not the standard rate.

7.2 What if I am not entitled to SMP?

If you are not entitled to SMP, you will be issued with a SMP1 form by HR. You should take the SMP1 with your MATB1 form to your local Job Centre Plus Office, as you may be able to claim for Maternity Allowance which is paid for by the Government.

7.3 Does taking strike action affect my entitlement to SMP?

If you have 26 weeks' continuous service at the end of the qualifying week, but have taken strike action during those 26 weeks, the week in which you take the action does not count towards you qualifying for SMP. Therefore, you will not be entitled to SMP until you return to work and trigger the entitlement. Periods spent on strike do not break continuity for the purposes of qualifying for statutory maternity pay and leave. However, the number of days between the last working day before the strike and the day on which work resumes will not count.

7.4 What happens if I resign or am dismissed before my maternity leave?

If you resign or you are dismissed, after the 11th week before EWC, provided you are eligible, your SMP will start on the day after your job ends.

If you resign or you are dismissed between the 15th and 11th week before the EWC and if you are eligible to SMP, you will receive SMP when you reach the 11th week before the EWC.

7.5 Solihull MBC's Occupational Maternity Scheme

If you have completed **one year or more continuous local government service 11 weeks before the EWC**, you are entitled to receive 12 weeks half pay on top of the statutory pay scheme. This is called the Occupational Maternity Scheme.

Even if you do not earn enough to receive SMP, as long as you have the relevant continuous service, you will be eligible for the Occupational Maternity Scheme.

The 12 weeks' half pay can be paid out in 2 options:

- Option 1 Half pay lump sum on return to work.
- Option 2 Half pay on week's 7-18 and no balance on return to work.

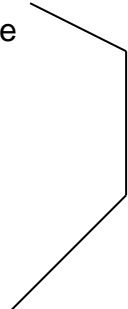
Be aware that, the total of your SMP and half pay during weeks 7-18 must not add up to more than your normal weekly full rate of pay. If this is the case, the sum will be scaled down to 100%.

A qualifying condition to this occupational maternity pay, is that you must return to your job for at least 13 calendar weeks (including periods of school closure), otherwise all or part of the 12 weeks half pay must be refunded to Solihull MBC.

If you are unsure whether you will return to work, it might be wise to choose option 1.

N.B. It is 13 calendar weeks, regardless of the number of days worked per week and does **not** include parental leave or shared parental leave.

Schedule of Pay

WEEKS 1-6	6 weeks at 90% average weekly pay (see page 4 for definition)		Plus option 1 or 2 (See above)
WEEKS 7-39	Statutory Maternity Pay		
WEEKS 40-52	Unpaid Leave		

7.6 Statutory scheme

- (i) If you have 26 weeks' service but less than one year's continuous service by the 15th week before the Expected Week of Childbirth the statutory maternity entitlement is as follows:

WEEKS 1-6	6 weeks at 90% of average weekly salary
WEEKS 7-39	Statutory Maternity Pay
WEEKS 40-52	Unpaid Leave

- (ii) If you have less than 26 weeks' continuous service by the 15th week before the Expected Week of Childbirth will have an entitlement to:

- 52 weeks' unpaid leave

You may be entitled to some benefits during this unpaid period. To check your eligibility, you should forward your MATB1 and MS1 form to HR (address details can be found on page 2).

7.7 Pay increments

You will not receive less favourable treatment as a result of your maternity leave. Depending on the date you go on maternity leave and where you are in the Performance Development Review Framework (PDRF) year, it may be necessary for your manager to hold a performance review meeting with you **before** you go on maternity leave if you have worked at least 4-6 months of the PDRF year. This can review your key achievements but also discuss your performance development plan, career goals and possible flexible working options which can help you both to plan for your return from maternity leave.

Depending on the duration of your maternity leave, if your maternity leave crosses into a new PDRF year, or you have worked less than 4 months of the PDRF year it may also be necessary for your manager to set a performance review period with you on your return to work that is outside of the usual corporate timescales. This is so that you have sufficient time to demonstrate your performance and achievements and participate in a meaningful PDR assessment. A reasonable review period might be between 4 and 6 months following return but this will depend on your role. Any change to pay would be backdated to 1st April in line with other employees.

7.8 Pension Contributions

If you are a member of the Local Government Pension Scheme (LGPS)/ NHS Pension Scheme, we will make employer pension contributions during any period of paid Maternity Leave. This will be based on the contribution rate effective at the time and will be based on assumed pensionable pay (APP). APP is calculated on the contractual pay that would have been received if the employee was on normal unreduced pay and is based on 3 months' pay (full months) received prior to the date the employee went on to reduced pay annualised up. The employee will pay contributions on the amount of pay actually received.

During any unpaid period of Maternity Leave, LGPS/NHS employees may elect to buy any or all 'lost' pension through an Additional Pension Contribution (APC). If this is done within 30 days of returning to work the Council/ School shall pay two thirds of the cost of the APC (a shared cost APC) and you will pay the remaining one third. If you make your election past the 30-day deadline the Council/ School will not make a contribution to the APC and the full cost has to be met by yourself. Where you choose to stop contributions during the same period this will not count towards reckonable service for pension purposes until contributions are resumed.

You can contact the HR Pensions team for further information on pensions@solihull.gov.uk.

7.9 Contractual Benefits

You are entitled to all normal contractual benefits during paid Maternity Leave (except normal pay/salary and sick pay - see Section 5). However, during any unpaid period, if applicable, your contractual rights and obligations will remain the same as if you had exhausted your occupational sick pay. For example, the main requirements would be:

- Notice periods
- Redundancy payments
- Disciplinary and Resolution procedures
- Duty of trust and confidence
- Duty of good faith
- Leave (see Section 4)

All statutory rights will be upheld.

7.9.1 Salary sacrifice arrangements

Salary sacrifice deductions cannot operate during a period of Statutory Maternity Pay as SMP cannot be reduced under any circumstances.

If you are in the closed Childcare vouchers scheme, you will continue to benefit from the vouchers when deductions can no longer be made from salary throughout the full maternity leave. This applies even where you are no longer entitled to receive pay.

If you are in the Cycle 2 Work scheme, repayments will be frozen when deductions can no longer be made from salary until you return to work. Salary sacrifice reductions will therefore re-commence when you return from maternity leave if the hire period has not expired. If you do not return to work, you will be considered an early leaver and any remaining balance left shall be paid by you within 14 days of your employment ceasing.

The Council might have to stop your participation in a salary sacrifice AVCs arrangement during your maternity leave to comply with the duty to pay you at least the National Minimum Wage.

Please contact the Pay & HR Admin team for more information.

7.9.2 Other deductions from pay

- **Travel Pass Loans** - repayments will be frozen when deductions can no longer be made from salary until you return to work. Repayments will therefore re-commence when you return from maternity leave. If you do not return to work, you will be considered an early leaver and any remaining balance left on your loan shall be paid by you within 14 days of your employment ceasing.
- **Birmingham Hospital Saturday Fund (BHSF) membership** - should an employee wish to continue with their membership of the health cash plan scheme during their maternity leave, they must make their own arrangements for payments to be made directly to BHSF via direct debit, as this cannot continue to be paid via payroll.
- **Trade Union Membership** - should an employee wish to continue their trade union membership during their maternity leave, they must make their own arrangements for subscriptions to be paid by direct debit as this cannot continue to be paid via payroll. Please contact your trade union for advice on how to do this.
- **Advance Credit Union membership** - if the employee is a member of the Advance credit union and participates in a savings scheme or loan repayments scheme via their salary, arrangements must be made with Advance to make payments direct as they cannot continue to be paid via the payroll during your maternity leave.

- **Purchased additional annual leave** - If the employee has taken the option to purchase additional annual leave, their annual leave allowance will be calculated on a pro-rata basis up until their last day at work before maternity leave plus any additional bought leave. Any outstanding leave must normally be taken before the maternity leave starts. Any balance of monies to be repaid in respect of the days bought will be recovered from the employee's pay when they return from maternity leave.

7.10 Multiple Employments

If you work for the Council under two or more distinct contracts of employment at the same time, eligibility for, and payment of, SMP will be assessed separately.

If you also have a job with another employer (i.e. not the Council) you may be able to receive SMP from both the Council and the other employer.

You should be careful to follow the notification requirements for the start of maternity leave for each employer.

8. DURING MATERNITY LEAVE

8.1 Keeping in touch days

You can work for up to 10 mutually agreed days without bringing your maternity leave to an end. These days are known as “Keeping in Touch” (KIT) days. The 10 day maximum is the same regardless of if you work on a full or part time basis.

Keeping-in-touch days are useful for updating or refreshing an employee's knowledge and skills if they are invited to training sessions and professional development events and can help ensure that the logistics are in place for the employee's return to work. It is also a good way of maintaining or re-establishing the employee's relationships with key contacts and colleagues.

Work done in a “Keeping in Touch” day is any work done under your contract of employment and may include training or any activity undertaken to “Keep in Touch” with the workplace. Any work done on a day during the maternity leave period will count as a [whole Keeping in Touch day](#). If, for example, you attend a 3 hour training session to “keep in touch”, you will have used one of your 10 KIT days. Keeping in Touch days cannot be converted into hours to span more than 10 days.

You will receive your normal pay for these “Keeping in touch” days on a pro rata basis, even during unpaid maternity leave. You are paid for the actual hours you work. If you decide to attend a “Keeping in Touch” day whilst you are receiving SMP and/or OMP, then this will be offset against your normal pay for the day. This should not add to more than full pay on any of these days.

Keeping in Touch days can be worked either before or after the birth. However, there is a period of two weeks following the birth of your child where, by law, you are unable to carry out any work. This is called the compulsory maternity period.

If you work more than the allocated 10 days, you will lose your SMP for any work done in that week. Your line manager must inform HR if this situation arises. Your line manager will need to send your KIT dates on an email or electronic C288 to the HR Pay & Administration team so that your pay can be adjusted appropriately.

It would be good practice prior to starting maternity leave to have a conversation with your manager to investigate the opportunities and protocol that may arise for any opportunities for KITs in the future.

8.2 What if you do not want to work a “Keeping in Touch” day?

There is no requirement for you to undertake work. Your manager cannot insist that you carry out any work and if they do, you are protected from suffering any detriment or being dismissed for refusing to do so. Equally, you cannot insist on being given any work to do if there is no appropriate work in your department. Any “Keeping in Touch” day should therefore be through mutual agreement.

If you decide to work a “Keeping in Touch day” this does not mean that your maternity leave will be extended.

8.3 Reasonable contact

You and your line manager, or designated member of staff, are actively encouraged to make reasonable contact during maternity leave to discuss such issues as your return to work, special arrangements to be made or update you on training or job opportunities at work whilst you are on leave.

Reasonable contact does **not** constitute ‘work’, so does not count towards the ten “Keeping in Touch” days and will not bring your maternity leave period to an end.

8.4 Restructure/ Reorganisation

If, whilst you are on maternity leave and your department is involved in any restructure or reorganisation, you must be informed of this and given the opportunity to become involved in the process in accordance with the Management of Change policy (available on the School’s Extranet).

If your role is being made redundant, we will try to re-deploy you. Whenever possible you will be offered a suitable alternative vacancy on no less favourable terms. Employees who are pregnant, on maternity leave, or have recently returned from maternity leave (protection is for 6 months after returning to work), have priority over other employees who are also at risk of redundancy. This would also be the case if any other exceptional circumstances, such as reorganisation, occur whilst you are on maternity leave and which require a change in the job to which you have been previously employed. In these situations, alternative jobs will be sought that are suitable to you and to the circumstances.

Maternity leave counts as continuous service for redundancy purposes and does not affect the right to a redundancy payment.

8.5 What if I become pregnant when I'm on maternity leave?

Please contact the Pay & HR Admin team at the earliest opportunity to discuss your entitlement. We would need to know the date on which you intend the new maternity leave period to start no later than the end of the 15th week before the expected week of childbirth.

You will be entitled to a second period of maternity leave, however, if you did not earn above the lower earnings limit for National Insurance during the qualifying period (the eight weeks that end in the 15th week before the EWC) the second spell of maternity leave will be unpaid as you would not be entitled to occupational or statutory maternity pay. In this situation, you should seek advice from Jobcentre Plus regarding benefits that may be available to you.

9. POST MATERNITY AND RETURNING TO WORK

9.1 Returning to work

We recognise that returning to work from maternity leave after a significant period of time away from work can be challenging. We will take steps to ensure that your return to work is as smooth as possible and work will be handed back to you on a gradual basis.

Your line manager will be in touch with you at least 8 weeks before returning to work to help you with the transition back to work and make arrangements for your return. During the employee's first few days and weeks back at work, their line manager should focus on rebuilding the employee's confidence, refreshing their knowledge and skills and rebuilding their relationships with stakeholders.

A Manager's checklist for managing a return to work is available on the HR Extranet or from your HR Advisor. A booklet '[Preparing for your return to work from maternity leave](#)' can be found on the School's Extranet.

It is for you to decide your return-to-work date, as long as it is not within two weeks of childbirth. Unless you choose an earlier return date, Solihull MBC will assume that you will return to work on the first working day after the end of 52 weeks.

If, however, you intend to return before the end of the 52 weeks' maternity leave, you must notify your manager and HR in writing at least 8 weeks before the intended return date. You can change your mind with respect to your return date as long as you provide similar notice.

If you return to work at the end of your Ordinary Maternity Leave, you are entitled to return to your original post as if you had not been absent, unless the job has been made redundant; you will, however, be offered a job on no less favourable terms and conditions.

If you return to work after Additional Maternity Leave, you are entitled to return to your original post. However, if it is not reasonably practicable, then a similar job on no less favourable terms and conditions must be offered.

9.2 Risk assessment

A further risk assessment will be undertaken if you return to work within six months of birth, or are breastfeeding. If you continue breastfeeding beyond six months, then notify your line manager so that any risks can be assessed and thus avoided.

9.3 Breastfeeding / Expressing Milk **(Schools will need to amend as appropriate)**

The school is dedicated to providing all possible support and facilities to employees who have returned to work after a period of maternity leave, to assist their transition back to work. With this in mind, the school provides a rest room for pregnant employees and new mothers at the school. Employees can use this room to:

- rest when they feel tired - comfortable chairs together with a couch are provided;
- breastfeed or bottle-feed their babies - sterilising equipment, heating facilities for bottled milk and a refrigerator are provided;
- express milk

You should inform your manager if you wish to use the assigned rest room. You should also let your manager know of any recommendation that your doctor has made in relation to your health and wellbeing during pregnancy or during the period following the birth of the baby.

The school will ensure (while also taking the needs of the business into account) that pregnant employees and new mothers are allowed reasonable flexibility in their working hours and rest breaks to allow them to make use of the facilities. If you wish to request flexibility to, for example, go home to feed your baby (if you live close to the workplace), you should speak to your manager. While the school cannot guarantee that it will be able to agree to every request for flexibility, it will give favourable consideration to requests and endeavour, within reason, to accommodate employees' wishes.

9.4 Unable to return to work- medical reasons

If you are unable to attend work at the end of your maternity leave because of sickness, then you will need to produce a medical certificate and normal reporting and contractual arrangements for sickness absence will apply (see Sickness Absence Management Policy on the School's Extranet).

9.5 Part Time and Flexible Working

All employees have the right to **request** flexible working. This request must be in writing and should identify the proposed hours, work pattern or working arrangement, the intended start date of this new work arrangement and provide a rationale on how the new working pattern can be accommodated.

However, it is not an automatic right for you to work flexibly as there can be circumstances where your department cannot accommodate your desired working arrangement.

The aim of the request is to facilitate discussion and encourage both yourself and your manager to consider flexible working arrangements and find a solution that suits you both.

If you are considering requesting a change to your working hours when you return from maternity leave, then it is recommended that you speak to your manager and complete the flexible working form as soon as possible. It can take up to three months to consider your request and to make a decision, so it is important to plan ahead.

The flexible working policy and form are available on the School's Extranet. You can also contact your HR Advisor for further advice.

9.5 Career Breaks

The school's Career Break scheme is available if you want to apply for an unpaid break from work following your period of maternity leave.

The Career Break scheme guidance can be found on the extranet.

9.6 Assistance with childcare costs - Childcare vouchers / Tax-Free Childcare Scheme

The Government closed the Childcare Vouchers scheme to new entrants in 2018 and so employees are no longer able to join the Edenred scheme. Existing members will continue to receive childcare vouchers as they do now as long as their child remains eligible*, they stay with the same employer, and they have had a salary sacrifice adjustment to their pay and received vouchers within any 12-month period.

**Eligibility will end 1st September after the child's 15th birthday, or 1st September after their 16th birthday if they are disabled.*

For existing members of the Edenred scheme, information on the scheme can be found on www.childcarevouchers.co.uk in the parent section or by contacting the Edenred helpdesk by calling 0800 247 1233.

For new parents, or parents who did not join the voucher scheme, the government offer a form of childcare funding support for working parents, called **Tax-Free Childcare (TFC)**.

Tax-free childcare gives eligible families up to £2,000 free per child towards childcare costs. Tax-free childcare is a Government-backed scheme which helps parents with the cost of childcare. The scheme gives eligible families an extra 20% towards childcare costs. The scheme's available to parents of children up to and including the age of 11 (or until they turn 17 if you've children with disabilities).

Some people who are currently receiving childcare vouchers might be better off claiming tax-free childcare instead. If you're thinking of switching, it's important you see how much you'd get with each scheme before switching, as you can't go back to vouchers once you've moved over to tax-free childcare.

To find out more about which option is best for your own circumstances, there is a useful document on the Edenred website: '[A parent's guide to childcare vouchers and tax-free childcare](#)'.

For more information and eligibility criteria on the government's Tax-Free Childcare scheme please visit <https://www.childcarechoices.gov.uk/> or <https://www.gov.uk/tax-free-childcare>.

9.7 Non-return to duty and resignations

If you have elected to receive Solihull MBC's Occupational Scheme (OMP) of 12 weeks half pay, but have decided not to return to your job, or you return to your job and then wish to resign, if this is less than 13 calendar weeks from your return date, you will be required to repay all of your half pay

In exceptional circumstances only, where you are not able to complete all of your 13 weeks' employment on return to work for reasons outside of your control (for example, due to family illness, redundancy etc), you will be required to repay part of the OMP. For example, if you work 7 weeks of the 13 weeks, you will repay the difference of 6 weeks (6/13ths of the 50% OMP paid to you). You will not be asked to repay your half pay if you cannot work your 13 weeks due to being on consecutive maternity leave following another pregnancy.

N.B. The required 13 calendar weeks does **not** include periods of parental leave or shared parental leave.

If you return to work on different hours following a flexible working request, you will still need to complete 13 calendar weeks upon return, based on your new hours.

If you have more than one contract of employment with the Council and only return to one of these contracts, you will not be required to pay back any half pay OMP, provided you complete 3 months service in at least one of the contracts.

(N.B. you do not have to repay any Statutory Maternity Pay that may have been paid to you by SMBC).

If you are based in an SMBC school, you can return to another maintained school within the Solihull Council Local Authority on return from maternity leave and will not have to repay the 12 weeks half pay (provided you have completed 13 weeks' employment upon return – see above).

However, if you return from maternity leave and work within a different Local Authority, you will no longer be entitled to the 12 weeks half pay. Occupational payments will therefore need to be repaid.

If you move to or from an Academy, you will need to check with the Academy or Human Resources about OMP. This is because the Academy is the employer and may have arrangements that differ from those contained within this policy.

If you decide to resign, you must give the relevant contractual notice.

10. FURTHER SUPPORT

10.1 Employee Assistance Programme

Solihull MBC offer a free and confidential information, support and counselling service for employees, the [Employee Assistance Programme](#) run by Health Assured. The service gives employees a place to turn for support any time of day or night, 365 days a year. Support is available for whatever issues you might be facing; personal or work-related problems including parenting issues, stress, depression, medical issues, marriage and relationship issues, financial and tax problems and more. To use the confidential service employees can contact the freephone number **0800 028 0199**, the email facility on their website or via the instant web chat facility via the website: www.healthassuredeap.co.uk using the login in details:

Username: **Solihull**

Password: **MBC**

In addition, professional and trade union associations are also able to offer support and information.

There is also '**My Healthy Advantage' Mobile App** and an Online Health & Wellbeing Portal that offers employees access to online webinars, factsheets and tailored programmes online, allowing them to take control of their wellbeing independently, or alongside their counselling support. The My Healthy Advantage' app provides an enhanced set of wellbeing tools and features designed to improve your mental and physical health by using personal metrics to set goals and achievements. It is available on the Apple Store and Google Play store and you will need to use the **employer code which is MHA109491**.

10.2 Trade Unions

If you are a trade union member, you can seek help and guidance from your trade union representative.

10.3 Employee Wellbeing pages of Extranet

The Employee Wellbeing section of the Extranet has links to lots of local and national resources charities and campaigns and a suite of wellbeing tools. A [Wellbeing Action Plan](#) can be a useful tool to identify what helps you to have good wellbeing at work, what might trigger you to have poor wellbeing and how you can manage your wellbeing more effectively.

10.4 Other sources of support

The Council has many policies/arrangements aimed at enabling you to balance work and home life both now and in the future and include:

- *Flexible working*
- *Shared Parental leave*
- *Maternity Support leave*
- *Carers policy*
- *Career break scheme*
- *Leave of Absence policy*

External links:

[Solihull Council's Parenting Team](#) provides a range of supportive groups and workshops for parents and carers in Solihull, taking place both face-to-face and virtually, and all free of charge.

(added links below)

[Childcare Choices](#) Information on childcare costs

Family & Childcare [Daycare Trust](#) Information on childcare

[Maternity Action](#) Promotes wellbeing of pregnant employees, new parents and families, also information on parental rights and benefits.

[Gingerbread](#) Information for lone parents

[Working Families](#) Information for working families and carers

[The Miscarriage Association](#) Information and support on miscarriage and entopic pregnancy

[The Lily Mae Foundation](#) is a local, Solihull based charity, who offer bereavement support for families who have lost a baby to Stillbirth, Neonatal Death, Miscarriage or Medical Termination in the West Midlands and Warwickshire.

[Tommy's](#) Information aimed at and preventing premature birth, miscarriage and stillbirth

The charity [Contact](#) has advice and information for families with disabled children.

11. DATA PROTECTION

When managing your maternity leave and pay, the Council/school processes personal data that has been collected in accordance with its data protection policy. Data collected from the point at which you inform the Council/school that you are pregnant is held securely and accessed by, and disclosed to, individuals only for the purposes of managing your maternity leave and pay.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Council's/school's data protection policy. It may also constitute a disciplinary offence, which will be dealt with under the Council's/school's disciplinary procedure.

APPENDIX ONE

SMBC - NOTIFICATION OF MATERNITY LEAVE- MS1 form

Surname:	Forenames:	School:	Employee No:
Address:		Work Tel No:	
Home Tel No:		Work email address	
Home email address		Local Government Start Date:	

Thank you for informing the Council that you are expecting your baby. Please complete this form and return it to me as soon as possible, but at least 28 days before starting maternity leave, in order to establish your entitlements.

- 1) I wish to confirm that I am taking leave of absence to have my baby and will **commence my maternity leave on:**

(Maternity leave can commence on any day of the week).

Day	Month	Year

- 2) My expected date of childbirth is:

Day	Month	Year

- 3) I enclose an **original** copy of a certificate giving the expected date of my childbirth as issued by my Doctor/Midwife **(MATB1)**.

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

Note: If you are not sending the certificate at this time, please forward it as soon as possible.

- 4) Will you have 12 months' continuous local government service 11 weeks before the date at (2) above? **(If YES, please read and complete this section. If NO, go to (5) overleaf)**

You appear to qualify for the Council's occupational maternity scheme, which provides for half pay on top of your statutory maternity pay between weeks 7 and 18 (inclusive) of your paid maternity leave. You must return to work for 13 weeks following paid or unpaid maternity leave, otherwise you will have to repay the extra salary paid. You have two options as to how this pay is received. Please tick the appropriate box.

OPTION ONE – To receive the half pay as a lump sum payment on your return to work

OPTION TWO – To receive half pay between weeks 7 and 18 of paid maternity leave with no balance due on your return to work

Note: If you fail to tick one of the above options, the Council will pay you the Option One arrangement

The Council will assume you will be returning to work after 52 weeks' maternity leave.

If you wish to return to work before the expiry of your leave, please write to the HR Employee Service Centre at least 8 weeks before your intended start date.

Maternity leave is compulsory for the 2 weeks immediately after the child is born. **[Now, sign the employee declaration below]**

5) Will you have less than 12 months' continuous local government service 15 weeks before the date at (2) above? **(If YES please indicate which of the below categories you fall into)**

- a) **Less than 12 months but more than 6 months**
You appear to qualify for the Statutory Maternity Scheme if your earnings are more than the Lower Earnings Limit for National Insurance (see Appendix 1).
- b) **Less than 26 weeks**
Employees with less than 26 weeks' continuous service may be ineligible.

To find out your eligibility for **5a** and **5b** above, please complete and return this form along with your **original** MATB1 form to Human Resources.

The Council will assume you will be returning to work after 52 weeks' maternity leave.

If you wish to return to work before the expiry of your leave, please write to the HR Employee Service Centre at least 8 weeks before your intended start date.

Maternity leave is compulsory for the 2 weeks immediately after the child is born. **[Now, sign the employee declaration below]**

Employee Declaration

I wish to apply for maternity leave starting on the date as in Section 1 above.

Your signature:

Date:

If you need further help or explanation, please contact HR on:

**0121 704 8730 (Core Council);
0121 704 8726 or 8727 (Schools).**

Please advise us immediately if any of your circumstances change.

We will acknowledge your request and write back confirming your entitlements within 28 days.

Signed:

for Solihull MBC

Date:

DATA PROTECTION FAIR PROCESSING NOTICE

All information supplied on this form may be held and used as detailed:

The form will be passed to the Human Resources department to process your maternity leave and to ensure that you receive the pay and other benefits to which you are entitled. The line manager will also retain a copy of the form to manage the maternity leave absence and to allow effective workforce management.

The information you provide may be shared with third parties such as other Local Authorities, the Department of Work and Pensions (DWP), HMRC and pension scheme providers. For further information about how we use your information please refer to the Council's Data Protection Policy on the Intranet/ School's Extranet and Privacy Statement on www.solihull.gov.uk.