



*Dunbartonshire and Argyll & Bute
Valuation Joint Board*

Maternity Leave and Pay Scheme

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Maternity Leave and Pay Scheme: Rationale/Driver for Review:			
Introduction of Scheme to align with WDC scheme and procedures and to extend existing practice to include surrogacy.			
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MATERNITY LEAVE AND PAY SCHEME

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MATERNITY LEAVE AND PAY SCHEME

1. INTRODUCTION:

- 1.1 Dunbartonshire and Argyll & Bute Valuation Joint Board (the “Joint Board”) will ensure that good equal opportunities practice underpins the operation of this scheme and will apply to all employees irrespective of age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 1.2 All pregnant employees (including those involved in Surrogacy) of the Joint Board are entitled to take up to 52 weeks statutory maternity leave (SML) around the birth of their child.
- 1.3 This scheme outlines the rights, obligations and entitlements including pay and leave provisions for all Joint Board employees.
- 1.4 During the maternity leave, the employee is entitled to benefit from all her normal terms and conditions of employment, except for remuneration (monetary wages or salary). An employee can do up to 10 days' work during her maternity leave without losing any Statutory Maternity Pay. These days are called Keeping in Touch days (see section 7 of scheme).
- 1.5 At the end of maternity leave, the employee has the right to return to her original job, if that is not possible then a similar job on the same terms and conditions should be offered. If a redundancy situation arises, she must be offered a suitable alternative vacancy if one is available. If there is no suitable alternative work, she may be entitled to redundancy pay.
- 1.6 In terms of how Occupational Maternity Pay and Statutory Maternity pay are calculated the following definitions apply:
 - Statutory Maternity pay is calculated on average weekly earnings further information on SMP can be found by clicking attached link: [Maternity-pay-leave calculation](#)
 - Occupational Maternity pay is calculated on normal weekly pay.

2. MATERNITY LEAVE ENTITLEMENT:

2.1 Entitlement to Maternity Leave

- 2.1.1 Pregnant employees, including those in Surrogacy Arrangements and regardless of length of service, are entitled to up to 52 weeks maternity leave (26 weeks ordinary maternity leave, and 26 weeks additional maternity leave). There is a compulsory maternity period. No

employee may work for any employer for two weeks immediately following the date of childbirth.

Commencement of Maternity Leave

- 2.2 Maternity leave can begin any time after the beginning of the 11th week before the expected week of confinement (due date) providing that the notification procedure has been followed (see section 44).
- 2.2.1 If an employee gives birth before the date they have notified, the maternity leave period will start automatically on the day after the date of birth. The employee must notify the Joint Board as soon as is reasonably practicable of the date of birth. The employee will receive written confirmation within 28 days of notification of the latest date of return.
- 2.2.2 If maternity leave has not started and an employee is absent on pregnancy related grounds 4 weeks or less before the baby is due then Maternity Leave will start automatically. The employee will receive written confirmation within 28 days of notification of the latest date of return.

3. MATERNITY PAY ENTITLEMENT:

Entitlement to Maternity Pay

- 3.1 Employees may be entitled to Maternity Pay for up to 39 weeks of their maternity leave period depending on their length of service and average weekly earnings.
- 3.2 An Employee who has at least 26 weeks continuous service at the beginning of the qualifying week
- 3.2.1 Employees will be entitled to both Statutory Maternity Pay (SMP) and Occupational Maternity (OMP) pay providing they meet the following criteria. Employees:
- Are employed by the Joint Board for all of the qualifying week.
 - Continue to be pregnant at the 24th week of pregnancy.
 - Have average weekly earnings at least equal to the lower earnings limit for payment of National Insurance.
 - Have followed the notification procedure (see section 4)

3.3 Local Government Employees

- 3.3.1 For employees who meet the qualifying conditions for Occupational Maternity Pay (OMP) only, the maternity pay due is calculated as detailed in the OMP column in the table over.
- 3.3.2 For employees who meet the qualifying conditions for Occupational Maternity Pay (OMP) and Statutory Maternity Pay (SMP), the maternity pay due is per the OMP plus SMP column in the table over..

Maternity Weeks	OMP	SMP	OMP plus SMP
Weeks 1 to 6	90% of Normal Weekly Pay	90% of Ave. Weekly Earnings	Higher of OMP <u>or</u> SMP figure
Weeks 7 to 18	50% of Normal Weekly Pay	Lower rate of SMP	OMP + SMP (capped at a maximum of Normal Pay)
Weeks 19 to 39	NIL	Lower rate of SMP	SMP only
Weeks 40 to 52	NIL	NIL	NIL

3.3.3 If an employee does not meet the lower earnings limit for payment of national insurance then they will be entitled to 6 weeks at 9/10^{ths} of normal pay and 12 weeks at half pay

3.3.4 Each employee must return to work for a period of 3 months after Maternity Leave otherwise the 12 weeks at half pay (OMP) must be repaid. If the employee is unsure whether they will return to work after the period of Maternity Leave they can defer payment of the 12 weeks at 5/10^{ths} pay until they return to work.

3.4 An employee who has less than 26 weeks continuous service at the beginning of the qualifying week will have no entitlement to maternity pay. She may, however, be entitled to Maternity Allowance payable through the Department of Work and Pensions and can be claimed using the form SMP1.

End of Entitlement to Maternity Pay

3.5 Payment of Statutory Maternity Pay will end if and when:

- An employee has received 39 weeks payment of SMP;
- An employee returns to work with the Joint Board or another employer (SMP ceases on the Saturday of the week before the week in which the employee starts work)
- An employee dies (SMP ceases on the Saturday of the week in which the death occurred)
- An employee is taken into legal custody (SMP ceases with the last complete week within the maternity pay period before the employee is taken into custody)

3.5.1 Where the Joint Board decides that SMP is no longer to be paid, the employee will be notified in writing within 28 days of:-

- The weeks for which the Joint Board considers SMP is payable
- The amount of SMP payable for these weeks
- The weeks for which the Joint Board considers SMP not payable and the reasons

- Where the reason is because the employee is taken into legal custody the Joint Board shall complete form SMP1 and send this to the employee along with the Mat B1 (this may enable the employee to claim national insurance maternity allowance).

4 NOTIFICATION REQUIREMENTS:

4.1 Notification of Commencement of Maternity Leave

- 4.1.1 Employees must notify the Joint Board, in writing, by the qualifying week (15th week before the expected week of confinement (due date)) using the Form HRP/040/01 of the date they intend to commence maternity leave. A maternity certificate (MAT B1) from a registered medical practitioner or midwife stating the expected date of childbirth should also be attached.
- 4.1.2 To change the date of commencement of maternity leave the employee is required to give 28 days' notice.

Notification of Return to Work

- 4.1.3 Employees will have been notified of the date they are expected to return to work after their maternity leave (see 2.1.1 and 2.2.1 above).
- 4.1.4 When an employee wishes to return to work they must give the Joint Board at least 8 weeks' notice, in writing. If an employee does not give the required notice the Joint Board can postpone the return to work by up to 8 weeks providing that the return to work date is not later the end of the employees maternity leave entitlement.
- 4.1.5 If an employee resigns from employment because of pregnancy, but the child does not live, the Joint Board will make every effort to allow the employee to return to work although there is no guarantee that this will be to the same post, grade, salary or location.
- 4.1.6 Where it is not practical by reason of redundancy, or other circumstances (e.g. Reorganisation) for the employee to return to their existing post, the employee will be offered a suitable alternative vacancy, where one exists.
- 4.1.7 Where an employee is unable to return to work on the expected date due to sickness, the normal notification and certification provisions of the Joint Board's Attendance Management Procedures will apply.
- 4.1.8 If because of an interruption of work, (whether due to industrial action or some other reason) it is unreasonable to expect an employee to return on the notified day, she may instead return when work resumes, or as soon as reasonably practicable thereafter.
- 4.1.9 If no date of return has been notified by the employee and there is an interruption of work (whether due to industrial action or some other reason) which makes it unreasonable to expect the employee to return

to work before the end of the maternity leave period and in consequence she does not notify a date of return, the employee may exercise her right of return by giving at least 7 days' notice to the Joint Board that she intends to return at any time before the end of 14 days from the end of the interruption.

5 ANTE-NATAL CARE

- 5.1 Employees will be entitled to take reasonable time off with pay as is needed to attend ante-natal care appointments. Ante-natal care covers any appointment made on the advice of a doctor, midwife or health visitor. This may include relaxation, parentcraft classes and dental appointments in addition to attending ante-natal clinics.
- 5.2 Employees must provide their Line Manager with evidence of appointments, if requested. Whenever possible, these appointments should be arranged out with normal working hours.

6 RISK ASSESSMENT

- 6.1 Following notification that an employee is pregnant the manager will carry out a risk assessment, taking into account any medical advice from the GP or midwife, to ensure that new or expectant mothers are not exposed to any significant risk.
 - 6.1.1 The form which is attached as Appendix 1 can be used for this purpose and completed taking account of the individual's circumstances.
 - 6.1.2 The manager should regularly monitor and review any assessment to take into account possible risks that may occur at different stages of pregnancy, and where applicable breast-feeding.
 - 6.1.3 There may be some instances where confirmation in writing from the employee's GP or midwife would be required prior to the manager implementing the findings of the assessment. For example, where there was a significant change in the way the activity is done, excessive change of work routine responsibilities, excessive costs involved etc.
 - 6.1.4 Prior to confirmation in writing, the employee must not be put at risk and has the right to have their work modified as appropriate or offered suitable alternative work. If neither of these options is possible the Joint Board reserves the right to suspend the employee on normal pay until they are no longer at risk. This applies to an employee who is pregnant, has recently given birth, or is breast-feeding and cannot carry out normal duties for reasons related to their health and safety, and that of their baby.
 - 6.1.5 Suitable facilities for expectant mothers or breastfeeding mothers to rest should be provided for example, staff room, first aid room, or other designated room.

7. MAINTAINING CONTACT/KEEPING IN TOUCH DAYS

- 7.1 Throughout the pregnancy and maternity leave period, it is important that communication and information exchange between the Joint Board and the employee is maintained. During the leave period the manager should ensure that the employee is kept informed of changing circumstances at work.
- 7.2 Employees are not obliged to work or attend any events during their maternity leave however they may agree with their manager to work up to 10 days during the leave period. These are known as 'Keeping in Touch' (KIT) days. Such days can only apply where there is agreement with the employee and their manager as to both the activity and the timing. A maximum of 10 days can be taken and employees will receive payment based on their normal daily rate of pay inclusive of SMP.
- 7.3 KIT days are optional and do not affect the employee's entitlement to SMP.

8. ANNUAL LEAVE/PUBLIC HOLIDAYS:

Local Government Employees and Craft Operatives

- 8.1 Employees who are on maternity leave continue to accrue annual leave and Public Holidays throughout the maternity leave period.
- 8.1.1 Where possible, employees should use a proportionate amount of annual leave before starting maternity leave.
- 8.1.2 Where an employee returns from maternity leave with accrued annual leave, they should make every effort to use it before the end of the leave year. However where this is not practical employees may, in consultation with their manager, transfer outstanding leave to the next leave year.
- 8.1.3 On return from maternity leave an employee will be entitled to a day in lieu for each Public Holiday (pro rata'd for part time staff) that coincided with their maternity leave.

9. TRANSFER OF MATERNITY LEAVE

- 9.1 If an employee returns to work early without using their full 52-week entitlement to maternity leave, they may be eligible to transfer up to 26 weeks of their outstanding maternity leave (and outstanding SMP) to their spouse, civil partner or partner, or the father of the child, to be taken as **Shared Parental Leave (formerly referred to as Additional Paternity Leave)**.

DABVJB RISK ASSESSMENT – PREGNANT WOMEN

Many hazards in the workplace can affect the health and safety of new and expectant mothers and their children and therefore working conditions, normally considered acceptable, may no longer be suitable when a worker is pregnant or breast-feeding. Because pregnancy normally goes undetected for the first few weeks after a conception, employers should identify hazards and risks for all female employees of childbearing age, not only those that they know are pregnant. In addition some hazards can present more of a risk at different stages of pregnancy.

Section:	Location:
Name:	Date baby due/born:
Risk Assessor:	Responsible Person Signature:
Assessment Date:	Position:
Job Title/Task:	Review Date:

<u>HAZARD</u>	<u>HOW IT MAY CAUSE HARM</u>	<u>WAYS OF AVOIDING THE RISK AND CONTROL MEASURES</u>	<u>REMAINING RISK</u>	<u>COMMENTS</u>
1. Movement and Posture - a variety of factors linked to pace of work, rest breaks, work equipment and the work area can be involved. Hormonal changes during and shortly after pregnancy can increase chances of injury. Postural problems may get worse as pregnancy advances.	Standing in one position for long periods can cause dizziness, faintness, fatigue. It can also increase chances of premature birth or miscarriage. Sitting for long periods increases risk of thrombosis/varicose veins. Backache is also associated with long periods of standing or sitting. Confined space may be a problem particularly in the latter stages of pregnancy	<ul style="list-style-type: none"> Avoid standing or sitting for long periods of time. If you are unable to do this, exercise your legs from time to time by moving your feet up & down at the ankles and your legs at the knees. 	1 - Low	

HAZARD	HOW IT MAY CAUSE HARM	WAYS OF AVOIDING THE RISK AND CONTROL MEASURES	REMAINING RISK	COMMENTS
2. Manual Handling - lifting/carrying of heavy loads	<p>Sprains, strains and pains – the hormonal changes in pregnancy increase risk of manual handling injuries. Postural problems can also increase risks as pregnancy progresses. There can also be risks for women who have recently given birth. Breast-feeding mothers may have problems because of increased breast size and sensitivity.</p> <p>Does the job involve twisting, stooping or stretching to lift objects? Does the job involve rapid, repetitive lifting (even of lighter objects)? Does the job involve lifting objects that are difficult to grasp or are awkward to hold?</p>	<ul style="list-style-type: none"> • Do use any equipment provided e.g. Trolley • Check the route for obstructions (doors, chairs, etc) • Bend the knees and lift with your legs • Have a firm grip before lifting • Hold the load close to your body • Make packages smaller if possible - <i>lighter easier to lift and carry</i> • Move feet rather than twist the body • Move an item to the edge of a desk before lifting • Move space constraints • Store heavier items at chest/waist height • Ask for assistance 	1 - Low	
3. Noise	Increased blood pressure/tiredness	<ul style="list-style-type: none"> • Control noise in room • Reduce time spent in noisy environments 	1 - Low	
4. Slips, trips and falls	Death, major Injury, permanent disability	<ul style="list-style-type: none"> • Trailing cables. Try and place equipment to avoid cables crossing pedestrian routes, use cable guards to cover cables where required • Wear suitable footwear • Do not store or abandon articles on the floor 	7 - High	

HAZARD	HOW IT MAY CAUSE HARM	WAYS OF AVOIDING THE RISK AND CONTROL MEASURES	REMAINING RISK	COMMENTS
5. Workstations and posture	Upper limb disorders including aches and pains in the fingers, wrists arms, elbows, shoulders neck and back Headaches, eyestrain, fatigue and stress	<ul style="list-style-type: none"> • use mouse mats and wrist rests • ensure desk is suitable and chair adjustable • suitable lighting, heat & humidity • short, frequent breaks taken away from workstation 	1 - Low	
6. Work-related stress	New and expectant mothers can be vulnerable to stress because of hormonal, psychological and physiological changes around pregnancy. Additional stress may occur if the woman has reason to be anxious about her pregnancy. Increased blood pressure	<ul style="list-style-type: none"> • Regularly monitor and review workload • If unable to remove the risk then rearrange working conditions or hours of work – this could include changing hours of work so that employee does not have to travel to work in the rush hour. • Remove need to deal with irate customers • Colleagues and supervisors should be supportive towards pregnant worker • Is she aware of what to do if she feels she is being bullied or victimised? 	1 - Low	
7. Long working hours	Fatigue	<ul style="list-style-type: none"> • More frequent rest breaks • A suitable resting place for breaks 	1 - Low	
8. Excess travelling	Fatigue	<ul style="list-style-type: none"> • Avoid long journeys • If long journeys have to be made plan for sufficient and regular stops for stretching legs, toilets etc. • Consider emergency arrangements if in isolated situations 	1 - Low	

HAZARD	HOW IT MAY CAUSE HARM	WAYS OF AVOIDING THE RISK AND CONTROL MEASURES	REMAINING RISK	COMMENTS
9. Heat – pregnant women are less able to tolerate heat or extreme cold.	Can cause accidents because concentration level is lowered Dehydration caused by loss of fluids due to perspiration giving rise to cramp, headache and fatigue Heat stress with symptoms of nausea, extreme tiredness, dizziness, clammy skin, racing pulse, fainting, lower levels of concentration and tolerance	<ul style="list-style-type: none"> • Access to cool drinking water at all times, extra breaks, limited amounts of salt • Wear cooler clothing • Increased ventilation, fans or air conditioning • Avoidance of direct sunlight through windows by using shades 	1 - Low	
10. Cold	Tiredness and fatigue due to the body over working to keep warm	<ul style="list-style-type: none"> • Wear warmer clothing • Increase heating through use of fan heaters • Avoid exposure to cold draughts even where the average temperature is acceptable 	1 - Low	
11. Work at heights – because of the risk of fainting and high blood pressure, it is hazardous for pregnant women to work at heights.	Muscle Injury	<ul style="list-style-type: none"> • Avoid reaching high above the head to reach files • Only stretch within a comfortable reach or ask for assistance 	1 - Low	
12. Lone Working and work-related violence	Death, major Injury, permanent disability	<ul style="list-style-type: none"> • use of cybertrak if working out with office • otherwise do not work alone 	7 - High	
13. Welfare Issues	Rest facilities: Rest is particularly important for new and expectant mothers. Hygiene: Easy access to toilets is essential to protect against risks of infection and kidney disease	<ul style="list-style-type: none"> • ensure somewhere quiet for pregnant worker to rest • ensure easy access to toilets and more frequent breaks than other workers, if needed 	1 - Low	