

## **Maternity Leave**

The Treasury recognises, that female employees often wish to combine their careers with a family life and positively encourages women to return to work after childbirth, thus retaining essential and valued skills within the department and allowing women to continue to develop their careers.

At the Treasury we will ensure that employees do not suffer any detrimental treatment as a result of being pregnant, having given birth to a child or having taken or sought to take maternity leave.

### **Eligibility**

This policy applies to full-time and part-time employees no matter how many hours they work, provided they satisfy the qualifying conditions detailed in the Treasury Maternity Entitlements section.

This policy outlines the benefits to which employees will be entitled when taking maternity leave. This includes a period of leave, pay for a specified period, the retention of certain contractual benefits and a right to return to work

The 3 types of statutory maternity leave:

### **Ordinary maternity leave**

All employees are entitled to 26 weeks ordinary maternity leave irrespective of their length of service or number of hours worked each week.

### **Additional maternity leave**

All employees irrespective of their length of service or number of hours worked each week are entitled to 26 weeks additional maternity leave (AML) in addition to the ordinary maternity leave (OML). The AML directly follows the OML.

### **Compulsory Maternity Leave**

Legislation prohibits employees from working during the 2 week period immediately after child birth. This is to protect the health of both the new mother and the baby.

All employees are entitled to take 52 weeks leave comprising Ordinary and Additional maternity leave. It will be assumed that employees will take the full 52 weeks entitlement unless notice of early return to work is given.

### **Maternity Pay and Leave Entitlements Including Treasury Contractual Pay**

Employees with at least 52 weeks service or more at the beginning of the 14th week before the expected week of childbirth.

- Employees with at least 26 weeks or more but less than 52 weeks service at the beginning of the 14th week before the expected week of childbirth.
- Employees with less than 26 weeks service at the beginning of the 14th week before the expected week of childbirth.

Entitlement for employees with at least 52 weeks service or more by the beginning of the 14th week before the Expected Week of Childbirth (EWC).

### **Ordinary Maternity Leave and Contractual Maternity Pay**

In order to qualify for contractual maternity pay employees must have:

- 52 weeks service or more by the beginning of the 14th week before the EWC and must have been in paid Treasury employment (or on sick leave) for the entire duration of the 8 weeks period ending with the week immediately preceding the 14th week before the EWC and remain in employment until the start of the maternity leave.
- Fixed term staff are eligible for contractual maternity pay provided they have a contract which allows them to return for at least one month after the end of their maternity leave.
- At or before the date an employee starts their maternity they must have signed and returned the Maternity Leave Intention Form which states entitlement is dependent on the employee returning to work at the end of the maternity leave period and giving one month's effective service after the return. See the Notifying the Treasury of Pregnancy section of this policy for further information.

### **Pay entitlement**

Employees are entitled to 26 weeks ordinary maternity leave during which time they may be eligible to receive Contractual Maternity Pay at:

- full salary for the 26 week ordinary maternity leave period provided they meet the qualifying conditions. This payment includes any statutory maternity pay or maternity allowance to which the employee may be entitled. Contractual Maternity Pay (CMP) is paid directly to qualifying employees on the normal pay date via the payroll.

Contractual maternity pay is paid for the first 6 weeks at the greater of statutory maternity pay or contractual maternity pay and thereafter as contractual maternity pay.

If an employee is on unpaid leave (excluding unpaid sick leave) for any reason during this qualifying period (8 weeks before the 14th week before EWC) they will not receive any CMP. Whether they will qualify for SMP is dependant on their average earnings during the qualifying period (8 weeks before the 14th week before EWC). If they do not qualify for SMP they may claim maternity allowance. In which case payroll will issue the employee with a form (SMP1) stating the reason why they are not eligible for payment from their employer.

### **Additional Maternity Leave**

Employees are also entitled to an additional maternity leave (AML) period of 26 weeks to directly follow the ordinary maternity leave. This is extended where the end of the 26 weeks AML gives a date earlier than the end of the 40th week after the



actual date the child is born, in which case AML is extended to the end of the 40th week after the child is born.

For the first 13 weeks of this period the employee may be entitled to receive SMP, the remaining period or longer is unpaid. Whether they will qualify for SMP is dependant on their average earnings during the qualifying period (8 weeks before the 14th week before EWC). If they do not qualify for SMP they may claim maternity allowance. In which case payroll will issue the employee with a form (SMP1) stating the reason why they are not eligible for payment from their employer.

Note if the employee works any days as 'Ad Hoc Days' these will not extend the AML period. This extension does not affect an employee's right to take parental leave or to apply for a career break.

Entitlement for employees with 26 weeks or more but less than 52 weeks service at the beginning of the 14th week before the expected week of childbirth (EWC).

### **Ordinary Maternity Leave**

Employees are entitled to 26 weeks ordinary maternity leave and may be entitled to Statutory Maternity Pay (SMP) for this period. See below for entitlement to SMP.

### **Additional maternity leave**

Employees are also entitled to an additional maternity leave (AML) period of 26 weeks to directly follow the ordinary maternity leave. This is extended where the end of the 26 weeks AML gives a date earlier than the end of the 40th week after the actual date the child is born, in which case AML is extended to the end of the 40th week after the child is born. For the first 13 weeks of this period the employee may be entitled to SMP, the remaining period is unpaid. Note if the employee works any days as 'Ad Hoc Days' these will not extend the AML. This extension does not affect an employee's right to take parental leave or to apply for a career break.

### **Statutory Maternity Pay**

Statutory maternity pay (SMP) is paid directly to the employee on the normal pay date via the Payroll.

Statutory Maternity Pay (SMP) is paid for 39 weeks providing that:

- in the 8 week period ending with the qualifying week (14th week before the EWC), the employee's average earnings are not less than the lower earnings limit in force for the payment of national insurance contributions.

SMP consists of 39 weeks paid leave divided as follows: 6 weeks at 90% of full pay, and 33 weeks at the lesser of a flat rate of £112.75 per week (for the tax year 2007-2008), or 90% of full pay, payable only in complete weeks while the employee is not working, save for any Ad Hoc Days worked. The employee does not need to undertake to return to work in order to claim SMP. SMP is only paid where the

employee has average earnings of at least the lower earnings level for National Insurance contribution purposes and otherwise meets the qualifying conditions.

SMP is subject to tax and national insurance. Employees are entitled to the benefit of their normal terms and conditions of employment, except the terms relating to remuneration, throughout the 39 week paid maternity leave period. See Treatment of Benefits during maternity leave for further information.

Further information on Statutory Maternity Pay is available at: SMP information

### **Entitlement for employees with less than 26 weeks service at the beginning of the 14th week before the Expected Week of Childbirth (EWC).**

#### **Ordinary Maternity Leave**

Employees are entitled to 26 weeks ordinary maternity leave but are not eligible for Statutory Maternity Pay or Contractual Maternity Pay paid by the Treasury.

#### **Additional Maternity Leave**

Employees are also entitled to the 26 weeks additional maternity leave but are not eligible for SMP. Note if the employee works any days as 'Ad Hoc Days' these will not extend the AML.

#### **Maternity Allowance**

Employees may be eligible for maternity allowance to be claimed directly from DWP. Form MA1 can be obtained from your ante-natal clinic or DWP and a letter can be provided by HR Services to confirm your employment status at the request of DWP.

Further information and claim forms for maternity allowance are available at Information on Maternity Allowance.

#### **When can maternity Leave start?**

Employees can choose to begin their maternity leave from 11 weeks before the expected week of childbirth. Employees should give at least 28 days notice of the date they wish to start maternity leave or of any change to the start date of their maternity leave that differs from the original written confirmation. This enables the line manager to make arrangements to cover the employee's responsibilities whilst they are on leave.

Maternity leave will automatically start, if it has not already started, where an employee is absent for a pregnancy related reason after the beginning of the 4th week before the EWC. Please refer to the Pregnancy related illness section of this policy for further information.

Maternity leave will also start from the day after the date of childbirth if it has not already started, i.e. if childbirth occurs before the date the employee notified (or



before she has notified any date) even if this is before the 11th week before the expected week of childbirth.

**Notifying the Treasury of Pregnancy:**

When an employee receives confirmation that they are pregnant they should complete and submit the Maternity Leave Intention Form to their line manager. The MATB1 form (available from the GP or midwife) should also be given to the line manager as soon as this is available.

These documents must be submitted no later than the beginning of the 14th week before the expected week of childbirth to ensure that the employee does not lose her right to maternity benefits.

The Maternity Leave Intention form requires the pregnant employee to state:

- the date they wish to start maternity leave;
- the expected week of childbirth;
- that the employee intends to return to work for Treasury; and
- an indication of the date they wish to return.

The Maternity Leave Intention form also details the payback clause around Contractual Maternity Pay. If an employee is eligible for contractual maternity pay by signing the form (which is a legally binding document), they will be agreeing to repay the Treasury the amount of salary less the amount of Statutory Maternity Pay if they do not return to work at the end of maternity leave and give one month's effective service. Note days worked as part of the Ad Hoc Days worked scheme do not count towards the one months effective service.

The Treasury may waive repayment where there are good management reasons why they believe a genuine intention to return cannot be realised because of exceptional circumstances. Repayment will always be waived if there is medical evidence that return to work is prevented because the child is disabled.

**Notification of maternity leave - Response from the Treasury.**

Within 28 days following receipt of the Maternity Leave Intention Form from the pregnant employee, the employee will receive a response from the Treasury confirming the following the date on which the maternity leave period will end based on the expected week of confinement.

**Notification of birth of child**

The employee should provide a copy of the birth certificate within 45 days of the birth to the Line Manager or HR Services. On receipt of this certificate HR Services will confirm the maternity leave end date to the employee.

## **Rights during pregnancy**

### **Time off for Antenatal Visits**

All pregnant employees have the right to reasonable time off to visit the antenatal clinic regardless of length of service. This time off will be paid as long as the amount of time required is reasonable. Employees must provide their Line Manager with evidence of their pregnancy and written confirmation of an antenatal appointment if requested.

### **Health & Safety Risk Assessment**

All pregnant employees are entitled to a Risk Assessment to ensure protection of the Health & Safety of themselves and their unborn child. The Health & Safety team can provide advice to the pregnant worker e.g. on their work station set up, working times and workloads to enable them to work comfortably throughout their pregnancy. The line manager should contact their Group OSHA to arrange the assessment for the employee.

There will be a further risk assessment upon the employees return to work. See the Upon return to work section of this policy.

Pregnant employees will continue in their normal role unless it is decided that nature of the work poses a risk to the health of the employee or their unborn child e.g. excessive workload, foreign travel. If this is the case the Treasury will make arrangements to modify the existing work or provide suitable alternative work. This may be different to the employee's normal employment and will be discussed with them before any change is made.

If it is not possible to find alternative work the Treasury reserves the right to suspend the pregnant employee on full pay until the maternity leave commences, although this will only happen in exceptional circumstances. The pregnant employee will retain all employment rights they would have had, had they continued working up to the beginning of the 11th week before the expected week of child birth. Note if the employee is on suspension at the beginning of the 4th week before the expected week of child birth the ordinary maternity leave period will be deemed to have started that day.

If an employee has any concerns in relation to Health & Safety issues throughout the duration of their pregnancy they should contact their Group OSHA to discuss their concerns.

### **Performance Appraisal**

The line manager must ensure that they complete a Performance Appraisal with the employee before the employee goes on maternity leave. This will provide input to the Performance Review Team and ensure that the employee's eligibility for an annual pay review and their career development is not disadvantaged by their undertaking maternity leave.



### **Sickness absence during pregnancy**

If the pregnant employee is ill during pregnancy, sickness entitlement will be as for any other illness, subject to service qualifications. Please refer to the Treasury Sick Allowances for further guidance.

If the employee is absent from work due to sickness for three weeks or more in total or has frequent sickness absence during the pregnancy, they may be asked to see an Occupational Health Advisor to offer help and advise and to ascertain whether they are fit to continue working for the duration of the pregnancy.

### **Pregnancy related illness prior to maternity leave**

Pregnancy related illness cannot be counted as input for unsatisfactory attendance decisions or for any other detrimental purpose.

Staff who are absent due to a pregnancy related illness should make their line manager aware that this is the case. Line Managers should report this sickness absence in the usual way and the individual will be paid as per the Treasury sick allowance entitlements.

If the employee is absent from work due to pregnancy related illness for three weeks or more in total or has frequent pregnancy related absence, they may be asked to see an Occupational Health Adviser to offer help and advice and to ascertain whether they are fit to continue working for the duration of the pregnancy.

If an employee is absent from work wholly or partly because of pregnancy after the beginning of the 4th week before the expected week of childbirth, the ordinary maternity leave period will be deemed to have started on the following day. Employees must notify their line manager of this date as soon as is reasonably practicable in these circumstances or they will not be entitled to ordinary maternity leave.

## **Special Circumstances**

### **Early birth**

If the employee's baby is born before the start of their maternity leave, maternity leave is deemed to have started on the day after the birth. Employees should notify their manager in writing with a copy of the birth certificate, as soon as is reasonably practicable after the birth that they have given birth and the date on which birth occurred or they will not be entitled to ordinary maternity leave.

The line manager is to notify HR Services of changes to the employees leave dates.

### **Miscarriage or Still birth**

If a pregnancy ends after the end of the 24th week of pregnancy other than in a live birth, then maternity pay is still payable and women remain eligible for maternity leave in the normal manner.

If a pregnancy ends before the end of the 24th week of pregnancy other than in a live birth, then women do not remain eligible for maternity leave in the normal manner but absence associated with the end of the pregnancy will be counted as pregnancy related sickness absence. Please refer to the section on Pregnancy related illness prior to maternity leave for further guidance.

In such circumstances the line manager should notify the Welfare Officer. HR Services will also need to be informed to enable them to recalculate any maternity leave dates and re-confirm these in writing to the employee.

## **Treatment of Benefits during Maternity leave**

### **Contractual Benefits**

Employees continue to receive contractual benefits during the ordinary maternity leave period apart from remuneration unless they qualify for Contractual Maternity Pay. The employee's service with Treasury is also regarded as continuous upon return to work and they do not have to re-qualify for any service related rights.

### **Annual Leave**

Employees are strongly encouraged to take all annual leave owing to them, including that for the current year, before starting maternity leave. Employees should be aware that 9 days carry forward from one holiday year to the next is the maximum permitted in normal circumstances. Line manager approval is required for carry forward of more than 9 days and this will only be given in exceptional circumstances, please refer to the annual leave policy.

Where leave cannot be taken directly before or after the maternity leave period for operational reasons, line management can authorise that annual leave in excess of the 9 days permitted carry over, be carried over into the subsequent holiday year.

## **Annual Leave Entitlement**

### **Expected date of confinement before 5 October 2008**

Employees will accrue contractual annual leave and privilege days during the period of ordinary maternity leave.

During unpaid additional maternity leave employees will accrue additional holiday to meet the statutory annual leave obligations under the Working Time regulations. Employees will not be entitled to additional pay for any bank holidays that fall within the ordinary or the additional maternity leave periods.

### **Expected date of confinement on or after 5 October 2008**

Employees will accrue contractual annual leave, privilege days and bank holidays during the period of ordinary maternity and additional maternity leave.



## **Pensions**

Pension contributions will continue during the period of paid maternity leave. When maternity payments cease so too will pension contributions. The employee will remain a member of the PCSPS and retain all other benefits associated with being so.

For further information relating to PCSPS, please refer to: Civil Service Pension Scheme

## **Keeping in Touch (KIT) Scheme**

Whilst on leave, employees will regularly receive information to enable them to keep up to date with what is happening at the Treasury. They will receive job vacancy listings, office notices and copies of Chequerboard magazine. The vacancy listings are sent via email therefore employees should provide HR Services with an email contact address before starting leave. If an employee does not have a home email facility then the vacancy listings can be sent by post. Office notices, other Treasury messages and Chequerboard magazine will be sent to employees either by email or post.

Please could all employees ensure that they notify HR Services of any change to their postal and/or email addresses whilst they wish to be part of the Keeping in Touch (KIT) Scheme. If you have any queries relating to the KIT scheme please contact the HR Services team ([hr.services@hmtreasury.gsi.gov.uk](mailto:hr.services@hmtreasury.gsi.gov.uk) or 020 7270 4741).

## **Ad Hoc Days Policy**

The Treasury adheres to the statutory arrangement whereby employers and employees may agree that up to 10 days work may be carried out during the maternity leave period. There is no requirement on the employer, the Treasury, to offer or agree to such work, correspondingly the employee is not obliged to accept any such work offered. Where agreement is reached the employee will be paid her normal contractual rate of pay for any day or half day worked, less any Treasury or statutory maternity pay, which will be offset. Ad Hoc Days worked do not extend the maternity leave period. Note if more than 10 days are worked the maternity leave period will end. If you have any queries relating to the Ad Hoc Days policy please contact HR Reward and Policy.

## **Returning to Work**

### **After Ordinary Maternity Leave**

An employee who returns to work after ordinary maternity leave is entitled to return to the same job on the same terms and conditions as if she had not been absent, unless a redundancy situation has arisen, in which case she is entitled to be offered a suitable alternative vacancy should one be available.

### **After Additional Maternity Leave**

An employee who returns to work after additional maternity leave is entitled to return to the job in which they were employed before their leave or, if it is not reasonably practicable for Treasury to permit them to return to that job, to another job which is both suitable for them and offers no less favourable terms and conditions of employment.

### **Notification of Return to Work**

It will be assumed that employees will take their full statutory entitlement to leave (i.e. ordinary and additional maternity leave) unless they notify their line manager to the contrary. Employees must follow the notification guidelines as detailed below:

Return to work prior to the end of ordinary or additional maternity leave

If the employee wishes to return to work before the end of the ordinary or additional maternity leave period, 8 weeks notice of the return date must be given to the line manager. This notice does not have to be in writing.

If an employee is eligible for additional maternity leave but wishes to take the ordinary maternity leave only, notice of 8 weeks must be given of the return to work because the return date is before the full maternity leave entitlement has ended.

The line manager is to notify HR Services if the employee intends to return to work before the end of their full maternity entitlement so that the employee's pay may be reinstated.

### **Postponement of return to work**

If an employee attempts to return to work earlier than the end of her ordinary or additional maternity leave without giving her employer 8 weeks notice, the Treasury reserves the right to postpone her return until 8 weeks notice has been given. However the return date will not be postponed beyond the 52 week return date. Should the Treasury exercise this right, and the employee returns to work prior to the date specified, she is not entitled to any remuneration.

If an employee wishes to return to work on an amended work pattern

If an employee wishes to return to work on an amended work pattern, they may have the right to make a formal request in line with the statutory guidelines provided by the DTI.

Line managers should also refer to the DTI guidance and seek advice from their HR Business Partner when responding to a request for an amended work pattern.

If an employee does not wish to return to work after maternity leave

An employee who does not wish to return to work after the ordinary or additional maternity leave must resign and give the Treasury notice as required by her contract of employment.



If an employee decides to resign, the employee will be required to repay the Treasury the amount of contractual maternity pay received during the ordinary maternity leave period, less the amount of Statutory Maternity Pay as they have not returned to work at the end of maternity leave and given one month's effective service.

### **Upon return to work**

Upon the employees return to work, the line manager should notify the Group OSHEA so that a follow up Health & Safety risk assessment can be carried out. Employees are advised to inform their Group OSHEA if they are still nursing when they return to work. This information will be treated in the strictest of confidence and is requested so it can be taken into account for the purposes of the risk assessment and so the OSHEA can inform the employee of relevant facilities available to them.

### **Process Flowchart**

For further information relating to responsibilities within the process please refer to the Maternity Process Flowchart.

## **Related Policies at the Treasury**

### **Paternity Leave (Maternity/Adoption Support Leave)**

The partner of a new mother or adopter employed by HM Treasury may be entitled to paternity leave. Please refer to the HM Treasury Paternity Leave Policy for full details.

### **Parental Leave**

Parents who have completed one year's service with the Treasury may wish to take a period of Parental Leave. Please refer to the policy for full details.

### **Childcare**

The department will support the childcare costs of eligible staff. Please refer to the section on Childcare on Diversity website for further information.

### **Time off for Dependents**

Employees are entitled to reasonable time off work to deal with certain unexpected emergencies involving people who depend on them. The time off is granted so that the employee may make long-term care arrangements if required but not to carry out prolonged care themselves. Please refer to the Treasury Special Leave Policy for further guidance

### **Career Breaks**

Employees may opt to take a career break as detailed in the Special Leave Policy. Please refer to the policy for full details.

