



# **MATERNITY GUIDANCE**

This guidance applies to all Aberdeen City Council employees apart from Teachers and other employees covered by the SNCT terms and conditions.

This guidance incorporates relevant national and local conditions of service and legislation.

This guidance applies to employees whose baby is due to be born on or after 5<sup>th</sup> April 2015.

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## 1. Overview of maternity process

Following the steps on this checklist will make sure that you take the necessary actions at the right time so that you receive your maternity entitlements.

ACTION	TIMESCALE	Tick box on completion
1. Submit <b>Notification of Pregnancy</b> form to your Line Manager for risk assessment purposes.	As early into pregnancy as possible.	
2. If applicable, consider whether you wish to remain in the childcare voucher or other salary sacrifice schemes.	As early into pregnancy as possible. Cancellation needs to be processed by the 24th week before the expected week of childbirth to provide the highest level of maternity pay.	
3. Obtain <b>MAT B1</b> form from your doctor or midwife.	Available from 20 weeks before the expected week of childbirth.	
4. Submit <b>Application for Maternity Leave</b> form, along with original copy of the <b>MAT B1</b> form to your Line Manager.	By the end of the 15 <sup>th</sup> week before the expected week of childbirth (or as soon as possible).	
5. If applicable, submit <b>Notification of Early Return to Work</b> form to your Line Manager (only required if you wish to return to work <u>early</u> i.e. before the end of your 52-week maternity leave period).	At least 8 weeks before early return date.	
6. If applicable, consider whether you and your partner may be eligible and wish to opt into <b>Shared Parental Leave and Pay</b> . You may wish to discuss and seek further information from your Line Manager.	You would be required to follow notification and curtailment of maternity leave and/or pay processes, providing notice at least 8 weeks before the first day of your intended period of leave.	
7. Write to Pensions if you wish to pay an Additional Pension Contribution (APC) to purchase any or all amounts of pension 'lost' during any unpaid period of maternity leave.	Within 30 days of returning to work for it to be a shared cost APC (Council pays 2/3rds and you pay 1/3 <sup>rd</sup> ).	

## 2. What do I need to know during my pregnancy?

### 2.1 Risk assessment

The Management of Health and Safety at Work Regulations 1999 require employers to assess any risks to all pregnant or breast-feeding employees and to do what is reasonably practicable to control these risks. Potential risks include the use of hazardous substances, manual handling and dealing with violence and aggression. You should complete the **Notification of Pregnancy** form and give it to your Line Manager as early as possible into your pregnancy, so that the risk assessment can be carried out.

Any necessary adjustments will be made to your working environment or duties to remove any potential risk to you. In a minority of cases, if you are unable to carry out your normal duties while pregnant because your health and safety is at risk because of the job you do, you have the right to be offered suitable alternative work, or if such work is not available, to be suspended on full pay on health and safety grounds.

### 2.2 Time off for ante-natal care

You are entitled to reasonable paid time off to attend ante-natal care regardless of your length of service or hours of work, as long as you provide evidence of your appointment to your Line Manager. You do not have to provide evidence for the first ante-natal appointment, but you should provide evidence for all further ante-natal appointments. You should give your Line Manager as much notice of your appointments as possible and wherever possible appointments should be made for the start or end of the working day.

### 2.3 Rest Breaks

It is recognised that pregnant or breastfeeding employees may need to take rest breaks. You should discuss this with your line manager so that any necessary arrangements and facilities can be put in place. For pregnant employees, this could be discussed during the risk assessment. There are dedicated rest rooms available to book at both Marischal College and the Town House (i.e. the 'First Aid-Parent Rooms') for pregnant and breastfeeding employees. This is done through the normal electronic room booking system. Rest areas will be identified at other Council sites as required.

### 3. What do I need to know about maternity leave and pay?

#### 3.1 Am I entitled to maternity leave?

You are entitled to maternity leave regardless of your length of service or hours of work if you:

- a) Submit the original copy of the maternity certificate (**MAT B1** form) available from a registered doctor or midwife stating the expected date of childbirth to your Line Manager by the end of the 15<sup>th</sup> week before the expected week of childbirth (or as soon as possible).
- b) Complete and submit an **Application for Maternity Leave** form to your Line Manager by the end of the 15<sup>th</sup> week before the expected week of childbirth (or as soon as possible).

Once you have submitted the original copy of the **MAT B1** form along with the **Application for Maternity Leave** form, your Line Manager will send these forms to the HR Service Centre. The HR Service Centre will then write to you within 5 days of receiving the forms (by law this must be within 28 days of your Line Manager receiving the completed forms from you) to confirm your maternity information along with your date of return to work, assuming you decide to take your full entitlement to maternity leave. If you later decide to change the start date of your maternity leave, you need to let your Line Manager know in writing at least 28 days before the revised start date of your maternity leave (or as soon as possible).

#### 3.2 When can my maternity leave start and how long can I be on maternity leave?

The earliest your maternity leave can start is the beginning of the 11<sup>th</sup> week before the expected week of childbirth. The expected week of childbirth means the week, starting on a Sunday, during which a registered doctor or midwife expects the birth to take place. After the beginning of the 11<sup>th</sup> week before the expected week of childbirth, it is generally for you to choose when you start your maternity leave. Your maternity leave can start on any day of the week.

If you are off work for any reason connected with your pregnancy (e.g. pregnancy related illness) and the absence continues into the fourth week before your baby is due, your maternity leave will start automatically from the 2<sup>nd</sup> day of the 4<sup>th</sup> week before your baby is due. This applies even if you are subsequently fit for work.

If you go off work for any reason connected with your pregnancy (e.g. pregnancy related illness) within the four weeks before your baby is due, your maternity leave will start automatically on the day after you go off sick. This applies even if you are subsequently fit for work.

If your baby is born early, before your maternity leave has started, your maternity leave will start automatically the day after the birth. If this is the case, you should contact your Line Manager in writing (by letter or email) as soon as possible to let them know that you have given birth and to tell them the date of birth of your baby.

You must take at least 2 weeks of compulsory maternity leave after your baby is born.

You can take up to 26 weeks' ordinary maternity leave immediately followed by 26 weeks' additional maternity leave i.e. a total of 52 weeks' leave.

You can return to work early i.e. before the end of the 52 week maternity leave period, provided that you complete the **Notification of Early Return to Work** form and give it to your Line Manager at least 8 weeks before the date on which you intend to return.

### 3.3 Can I share my maternity leave with my partner?

The baby's father, your partner or nominated carer may be entitled to take 2 weeks of paid paternity leave at or around the time your baby is born.

In addition, under Shared Parental Leave provisions, you can choose to share a period of leave and pay with your partner after the birth of your child. If eligible you would do this by ending/curtailing your maternity leave and/or pay at a future date and share the untaken balance of leave and pay with your partner or return to work early from maternity leave and opt into Shared Parental Leave and Pay at a later date.

Further information on the Shared Parental Leave can be found in the Council's Shared Parental Leave Guidance which is available on the People Anytime portal on the Intranet or from your Line Manager.

### 3.4 Am I entitled to maternity pay?

Your entitlement to maternity pay depends on your length of continuous service and how much you earn.

To qualify for **Statutory Maternity Pay (SMP)** and/or **Occupational Maternity Pay (OMP)** continuous service means, continuous service with **Aberdeen City Council** or a **public authority** as listed in the Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Orders (which covers local authorities and related bodies).

(Please note that if you have returned to local government service following a break for maternity reasons and the break in service does not exceed eight years and does not include a period of employment for which you were paid, you will be entitled to have the previous service taken into account for maternity pay purposes).

Qualification	Entitlement
<p><b>If you have less than 26 weeks' continuous service* by the end of the 15<sup>th</sup> week before the expected week of childbirth</b></p> <p>(*see previous page for definition of continuous service)</p>	<p>You will not be entitled to SMP or OMP but you may be entitled to claim Maternity Allowance through Jobcentre Plus.</p> <p><b>See notes below</b> for further details.</p>
<p><b>If you have 26 weeks' continuous service* or more by the end of the 15<sup>th</sup> week before the expected week of childbirth and your average weekly earnings are <u>equal to or more than</u> the lower earnings limit for National Insurance contributions:</b></p> <p>(*see previous page for definition of continuous service)</p>	<p>You will be entitled to OMP and SMP for a maximum period of 39 weeks as follows:-</p> <ul style="list-style-type: none"> <li>• For the first 6 weeks you will get 90% of your average weekly earnings.</li> <li>• For the following 12 weeks you can get a sum equal to 50% of your normal pay (this is optional and you can choose whether or not to receive this money – <b>see notes below</b> for further details). In addition, you will get the flat rate of SMP or 90% of your average weekly earnings if this is less than the flat rate of SMP. The maximum amount you can receive for these 12 weeks is your normal full pay.</li> <li>• For the following 21 weeks you will get the flat rate of SMP (or 90% of your average weekly earnings if this is less than the flat rate of SMP).</li> <li>• The remaining 13 weeks of maternity leave, if taken, would be without pay.</li> </ul>
<p><b>If you have 26 weeks' continuous service* or more by the end of the 15<sup>th</sup> week before the expected week of childbirth but your average weekly earnings are <u>less than</u> the lower earnings limit for National Insurance contributions:</b></p> <p>(*see previous page for definition of continuous service)</p>	<p>You will not be entitled to SMP but you may be entitled to claim Maternity Allowance through Jobcentre Plus.</p> <p>See notes below for further details.</p> <p>You will be entitled to OMP as follows:-</p> <ul style="list-style-type: none"> <li>• For the first 6 weeks you will get 90% of your normal pay (which includes any Maternity Allowance).</li> <li>• For the following 12 weeks you can get a sum equal to 50% of your normal pay (this is optional and you can choose whether or not to receive this money – <b>see notes below</b> for further details). The maximum amount, including any Maternity Allowance, you can receive for these 12 weeks is your normal full pay.</li> <li>• The remaining 34 weeks of your maternity leave, if taken, will be without pay.</li> </ul>



## Notes:

- If you are not entitled to SMP you may be entitled to claim Maternity Allowance through Jobcentre Plus. If you have submitted the MAT B1 form and the Application for Maternity Leave form by the end of the 15<sup>th</sup> week before the expected week of childbirth, you will be issued with an SMP1 form within 7 days of the decision that you are not entitled to SMP. This is so that you can ask about claiming and applying for Maternity Allowance through Jobcentre Plus.
- If you choose to take the 12 weeks at 50% of your normal pay and then do not return to work for a period of 12 completed calendar weeks at the end of your maternity leave, you will be required to pay the money back (paid back on a pro rata basis if you return for less than 12 completed calendar weeks).
- If you choose not to take the 12 weeks at 50% of your normal pay, you will get the flat rate of SMP (or 90% of your average weekly earnings if this is less than the flat rate of SMP) for these 12 weeks. However if you do then return to work a period of 12 completed calendar weeks at the end of your maternity leave, you will then be paid for the 12 weeks at 50% of your normal pay (paid on a pro rata basis if you return for less than 12 completed calendar weeks).
- The definition of 'average weekly earnings' for the purpose of Statutory Maternity Pay is the gross average of all payments made to you in the 8 week period up to and including the last pay day before the end of the 15<sup>th</sup> week before the expected week of childbirth. The definition of 'normal pay' for the purpose of Occupational Maternity Pay is basic pay plus any contractual payments.
- If you are expecting more than one child (e.g. twins or triplets), your entitlement to maternity pay and maternity leave is the same as if you were only expecting one child.
- The rate of Statutory Maternity Pay is usually reviewed each April by the Department for Work and Pensions. If payment of your Statutory Maternity Pay starts before and continues after the rate is changed, you will receive the new rate from the start of the week in which the change occurs.
- Income tax and national insurance contributions will be deducted from your maternity pay as appropriate.
- In the event of a stillbirth after 24 weeks of pregnancy an employee is entitled to maternity leave and pay provisions.

### 3.5 What if I have more than 1 permanent or fixed term contract with the Council?

If you have more than 1 permanent or fixed term contract with the Council e.g. two part time permanent posts, you only need to submit one copy of the **Application for Maternity Leave** form and you should list both job titles on the form. If you are entitled to receive Statutory or Occupational Maternity pay this will generally be calculated based on your total earnings under all permanent or fixed term contracts with the Council.

### 3.6 I currently receive Essential Car User allowance – what will happen to this allowance when I'm on maternity leave?

As you currently receive Essential Car User allowance, you will continue to be paid the full lump sum allowance during your maternity leave.

### 3.7 I am part of the childcare voucher scheme (or any of the other salary sacrifice schemes) – how will this affect my maternity pay?

If you have chosen to take part in any of the salary sacrifice schemes offered by the Council, this may affect the amount of maternity pay you will receive. This is because Statutory Maternity Pay (SMP) is calculated on your average gross weekly earnings during the 8-week period up to and including the last pay day before the end of the 15<sup>th</sup> week before the expected week of childbirth. Your 'gross weekly earnings' means the amount of salary you receive **excluding** the amount of salary which is sacrificed through the salary sacrifice scheme. So, you may receive a lower rate of maternity pay if you remain in a salary sacrifice scheme after the 24th week before the expected week of childbirth than you would if you opt out of the scheme by that date.

You should give urgent consideration to whether or not you wish to remain in the scheme after the 24th week before the expected week of childbirth. You may choose to leave the scheme at any time but if you do so after the 24th week before the expected week of childbirth the amount of maternity pay you receive may be proportionately reduced.

If you decide to leave the scheme you should do so by completing the required cancellation process from your online childcare account for childcare vouchers or the stated cancellation method for any of the other salary sacrifice schemes. Further information can be obtained by contacting [ACCMYBenefits@aberdeencity.gov.uk](mailto:ACCMYBenefits@aberdeencity.gov.uk) You should check the timelines to plan when you would need to opt out of the relevant scheme.

If you choose to remain in a salary sacrifice scheme you will receive the maternity pay due to you based on your average gross weekly earnings during the 8 week period up to and including the last pay day before the end of the 15<sup>th</sup> week before the expected week of childbirth. There will be no deduction made from this amount to fund your salary sacrifice during your maternity leave. When you go into a period of Statutory Maternity pay or no pay, childcare vouchers will be suspended during this time. When you return to work and are in receipt of pay and wish to re-instate your childcare vouchers, then you should send a written request to [ACCMYBenefits@aberdeencity.gov.uk](mailto:ACCMYBenefits@aberdeencity.gov.uk) and your request will be effective from the next available pay period.

The Council and its benefits providers are unable to offer financial advice, so you are advised to seek financial advice from a qualified, independent source if you find yourself in any doubt as to the best course of action for your circumstances.

### 3.8 How does being on maternity leave affect my Local Government Pension Scheme (LGPS) pension contributions?

Whilst you are on maternity leave you will pay pension contributions based on the maternity pay you receive during the paid period of your maternity leave (where you are entitled to receive maternity pay).

Whether or not you are entitled to receive maternity pay, the Council will pay pension contributions for you for the ordinary maternity leave period (first 26 weeks of your

maternity leave) based on your normal full pay. The ordinary maternity leave period will be classed as pensionable service.

In addition, if you are entitled to be paid Occupational Maternity Pay and Statutory Maternity Pay for up to 39 weeks, the Council will pay pension contributions for you for the first 39 weeks of your maternity leave period based on your normal full pay. The ordinary maternity leave period (first 26 weeks of your maternity leave) plus the first 13 weeks of your additional maternity leave period (a total of 39 weeks) will be classed as pensionable service.

In respect of any unpaid period of maternity leave, where no pension contributions are paid either by you or the Council, you can elect, if you wish, to buy the 'lost' pension using an Additional Pension Contribution (APC) contract. Where you elect to pay an APC to purchase any or all the amount of pension 'lost' during the unpaid period of your maternity leave and you make the election within 30 days of returning to work, the Council will pay 2/3rds of the cost of the APC with you paying 1/3rd (it being a shared cost APC). If the election is made after 30 days following your return to work, you would require to pay the entire cost of the APC yourself. You should contact the Pensions Section on 01224 264264 or by email [pensions@nespf.org.uk](mailto:pensions@nespf.org.uk) if you wish to make an election for an APC.

### 3.9 How does going on maternity leave affect my annual leave and public holiday entitlement?

Once the start date of your maternity leave is known, the HR Service Centre can carry out a calculation to determine how much annual leave and public holiday entitlement you have for the current leave year up to your maternity leave start date. You will generally be expected to take any outstanding leave entitlement before your maternity leave start date.

If you are a part year employee (e.g. you work term time in a school), this calculation won't apply to you because your leave is taken as it falls in the school holiday periods throughout the year.

Both full year and part year employees continue to accrue annual leave and public holidays during maternity leave. See Section 5 of this guidance for further details on accrual of annual leave and public holidays during maternity leave.

### 3.10 How does going on maternity leave affect my continuous service with the Council?

Maternity leave counts towards your continuous service with the Council and so does not count as a break in continuous service.

### 3.11 How does going on maternity leave affect my eligibility to receive a national pay award or a salary increment?

Going on maternity leave will not affect your eligibility to receive a national pay award or a salary increment.

For those employees covered by the Continuous Review & Development Scheme, if you are pregnant or have a period of maternity leave during a review year you will receive your annual increment if you are not already at the top point of your salary grade and have not been managed under Managing Performance, or received a disciplinary warning during the review year.

National pay awards will be applied automatically to those on maternity leave and Statutory or Occupational Maternity Pay (where applicable) will be recalculated to take into account any such pay award.

### 3.12 What if I decide to resign before my maternity leave starts?

You should submit your resignation in writing to your Line Manager. Your contract end date will be in accordance with the notice period stated in your contract of employment. For most employees this will be 4 calendar weeks (28 days) from the date of resignation (3 months for Chief Officials), or the requested contract end date provided by you in writing where this is later. You will receive payment for any outstanding money due to you in your final salary payment. You should return any Council property you may have including ID badge, fob, keys, computer equipment etc. to your Line Manager.

Maternity leave won't apply to you as you are resigning before your maternity leave starts. If you are still employed by the Council by the end of the 15<sup>th</sup> week before the expected week of childbirth, and you have at least 26 weeks' continuous service (see definitions in section 3.4) at that time, you will receive any maternity pay which you are entitled to as a lump sum payment in your final salary from the Council. You won't be entitled to receive the 12 weeks of Occupational Maternity Pay at 50% of your normal pay because you won't be returning to work with the Council after the baby is born.

The HR Service Centre will carry out a calculation to determine how much annual leave and public holiday entitlement you have for the current leave year up to your leaving date. If you have taken less leave than you are entitled to, you can then either use any entitlement before you leave or be paid for the outstanding leave entitlement in your final salary from the Council. If you have taken more leave than you are entitled to, the balance of leave will be deducted from your final salary from the Council.

## **4. What do I need to know during my maternity leave?**

### 4.1 Keeping in touch days

Keeping in touch days can help to make it easier for both you and the Council when it comes to you returning to work.

You are not obliged to do any work or attend any work-related events during your maternity leave but if both you and your Line Manager agree, you can do **up to 10 days** work during your maternity leave. These days do not have to be limited to your normal job as they could be used for training or other work-related events.

Although you are entitled to a maximum of 10 keeping in touch days during your maternity leave you can only use a maximum of 2 days in any one week. Also, you cannot use any keeping in touch days during the first two weeks after the baby is born. You will need to discuss arrangements for keeping in touch days with your Line Manager at least 7 days in advance, detailing the dates and times that you wish to work. Your Line Manager has to agree these dates and times and the nature of the work that you will do before you can work them.

Any work you do as a keeping in touch day, even a one-hour training course for example, will be counted as a whole keeping in touch day towards the total of 10

days. For a keeping in touch day you will be paid your normal contractual rate of pay (inclusive of any maternity pay where applicable) for the days you work. If you work less than a full working day as a keeping in touch day you will be paid for the actual hours worked.

Any childcare costs incurred as a result of working a keeping in touch day will need to be met by you.

#### 4.2 Reasonable contact

The purpose of reasonable contact is for you to stay in touch with the Council during your maternity leave period and does not require you to actually do any work. Your Line Manager will agree with you before you start your maternity leave how you will stay in touch and how often. This may be by telephone, by email, by you making a visit to the workplace, or in other ways. Any contact of this nature will not bring your period of maternity leave to an end or result in you losing any maternity pay. It is an opportunity for you to find out from your Line Manager about any developments or changes at work, any relevant promotion opportunities or for you to talk about your plans to return to work if this is your intention.

#### 4.3 Right to live and work in the UK

If you are working in the UK on a visa or work permit, you must keep the documentation evidencing your right to live and work in the UK up to date during your maternity leave. You must also be able to produce this documentation at any time if requested to do so by the Council. This is because you remain an employee of the Council during your maternity leave period.

#### 4.4 PVG

If your post requires you to be a member of the Protecting Vulnerable Groups (PVG) scheme and as part of your maternity leave you are outwith the UK for more than 3 months, you will need to provide a foreign police check before you return to work. For guidance on how to obtain a foreign police check please visit the Foreign & Commonwealth Office website.

#### 4.5 SSSC Registration

If your post requires you to be registered with the Scottish Social Services Council (SSSC), you must continue to pay your SSSC registration fee and remain registered with the SSSC during your maternity leave.

## **5. What do I need to know when I'm coming to the end of my maternity leave?**

### 5.1 Do I need to notify my Line Manager of the date I will be returning to work?

If you are taking the full 52 weeks of maternity leave you are not obliged to tell your Line Manager the date on which you will be returning to work, as the date of return will be assumed to be the day following the end of the 52 week period. However as part of the reasonable contact you have with your Line Manager during your maternity leave, it is a good idea to be discussing with your Line Manager when you will be returning to work and also how you will use any accrued annual leave and public holiday entitlement.

If you are returning to work early from your maternity leave (i.e. before the end of the 52 week period), you need to complete the **Notification of Early Return to Work** form and give it to your Line Manager at least 8 weeks before the date on which you intend to return.

If you want to return to work early, you also need to sign the declaration on the **Notification of Early Return to Work** form before returning to work, confirming that you are medically fit to return. You must take at least 2 weeks of compulsory maternity leave after your baby is born.

### 5.2 Will I return to the same job?

You will normally return to the same job that you had before going on maternity leave. However, if this is not possible due to exceptional circumstances (e.g. redundancy or reorganisation) you will be offered a suitable alternative post with comparable duties, terms and conditions, pay and location where such a vacancy exists. You should also be aware that the dismissal or selection for redundancy of a woman on maternity related grounds is automatically unfair.

### 5.3 Can I return to work on a flexible working basis?

If you would like to return to work on a flexible working basis (e.g. part time hours), you should make an application on the standard form, in accordance with the Smarter Working Guidance, to your Line Manager as far in advance of your planned return date as possible. This will allow your Cluster sufficient time to consider your request and to make the necessary arrangements. Your application should include details of the hours/days you would wish to work and should suggest how your flexible working arrangement could operate in practice.

Whilst the law gives you the right to request flexible working, your Cluster does not have to agree to your request, but it does have to consider the request seriously.

The Council's Smarter Working Guidance, as well as the application form for making a flexible working request, are available on the People Anytime portal on the Intranet or from your Line Manager.

### 5.4 What do I do if I am still breastfeeding?

If you are still breastfeeding on your return to work, you should inform your line manager at least 4 weeks before your return so that arrangements and facilities for breastfeeding or expressing milk can be identified and to allow time for these to be put in place. A suitable location should be identified for expressing milk, with it not being appropriate to use toilets for this purpose. It should be noted that there are dedicated rest rooms available to book at Marischal College and the Town House (ie First Aid-Parent Rooms) for breastfeeding employees. This is done through the normal electronic room booking system. Rest areas will be identified at other Council sites as required.

You can request through your line manager reasonable time off during working hours to breastfeed your baby (depending on the location), or to express milk. Your line manager will consider the request and normally grant this, assuming the time off is reasonable. You could also consider using flexible hours for this purpose.

The Council has a responsibility to ensure that employees who have returned to work within 6 months of giving birth, or breast-feeding mothers, are not exposed to any risks that could damage their health and safety, and hence a review of the

workplace risk assessment will be undertaken by the line manager on the employee's return. This is to check whether any new risks have arisen, and where this is the case take appropriate action to reduce, remove or control such risks.

#### 5.5 Do I continue to accrue annual leave and public holidays when I'm on maternity leave?

You continue to accrue annual leave and public holidays when you are on maternity leave. When you return to work after maternity leave, the full period during which you were on maternity leave will be taken into account when calculating your annual leave and public holiday entitlement for the leave year(s) in which your maternity leave fell.

You will be able to take your accrued annual leave and public holiday entitlement on your return to work. When you take this leave is subject to the operational requirements of the Service and before you return to work you should discuss this with your Line Manager. Accrued leave entitlement will usually be taken at the end of the maternity leave period, before you actually come back in to work. If the accrued leave cannot all be taken before the end of the leave year, it can be carried over into the following leave year.

#### 5.6 What if I'm unable to return to work at the end of my maternity leave due to sickness absence?

If you are sick on the day on which you are due to return to work at the end of your maternity leave, the normal sickness reporting and certification procedures apply. This includes letting your Line Manager know that you are sick and also completing a self-certificate for up to 7 days of absence and getting a Fit Note from your GP for over 7 days of absence.

#### 5.7 What if I decide not to return to work after my maternity leave?

If you decide not to return to work after your maternity leave, and so you wish to resign, you should submit your resignation in writing to your Line Manager. Your contract end date will be in accordance with the notice period stated in your contract of employment. For most employees this will be 4 calendar weeks (28 days) from the date of resignation (3 months for Chief Officials), or the requested contract end date provided by you in writing where this is later. You will receive payment for any annual leave and public holiday days accrued during your maternity leave period, along with any other outstanding money due to you, in your final salary payment. Your Line Manager will contact you to arrange for you to return any Council property you may have including ID badge, fob, keys, computer equipment etc.

Resigning whilst on maternity leave will only affect the amount of your maternity pay if you were eligible to receive Occupational Maternity Pay and you chose to receive payment of the 12 weeks at 50% of normal pay. If you do not return to work at the end of your maternity leave because you have chosen to resign, you will be required to pay back the 12 weeks at 50% of normal pay (see section 3.4 above). The HR Service Centre will contact you to arrange for this money to be repaid.

The Council has a Leaver Support Scheme which enables an employee who leaves to care for a young child to maintain work related contact with the Council for a period of 5 years, with the opportunity to work for a minimum of 2 weeks in each of these years. If you register under this Scheme you will receive regular details of Council vacancies, although you will not be given priority when applying for posts.

Full details of the Leaver Support Scheme are available on the People Anytime portal on the Intranet or from your Line Manager.

#### 5.8 What if I start work for another employer during my maternity leave?

If you choose to resign from the Council and then start working for another employer whilst you are still being paid Statutory Maternity Pay and/or Occupational Maternity Pay, your Statutory Maternity Pay and/or Occupational Maternity Pay from the Council will stop. It is your responsibility to tell the Council about your new job and to make sure that you return any payment of Statutory Maternity Pay and/or Occupational Maternity Pay which covers the week you started your new job and any part of the period after you started your new job.

If you chose to receive payment of the 12 weeks at 50% of normal pay and if you do not return to work at the end of your maternity leave because you have started working for another employer, you will be required to pay back the 12 weeks at 50% of normal pay (see section 3.4 above). The HR Service Centre will contact you to arrange for this money to be repaid.

You will receive payment for any annual leave and public holiday days accrued during your maternity leave period, along with any other outstanding money due to you, in your final salary payment. Your Line Manager will contact you to arrange for you to return any Council property you may have including ID badge, fob, keys, computer equipment etc.



## NOTIFICATION OF PREGNANCY FORM

The Management of Health and Safety at Work Regulations 1999 require employers to assess any risks to pregnant employees. This includes the use of hazardous substances, manual handling and dealing with violence and aggression.

**It is important that you complete this form and give it to your Line Manager as early as possible into your pregnancy, so that the risk assessment can be carried out.**

Please note that this form is not your application for maternity leave. To apply for maternity leave you should complete the **Application for Maternity Leave** form and give it to your Line Manager by the end of the 15<sup>th</sup> week before the expected week of childbirth (or as soon as possible).

### PERSONAL DETAILS

**NAME (in full):** .....

**PAYROLL NUMBER:** .....

**CLUSTER/FUNCTION:** .....

**LOCATION:** .....

**JOB TITLE:** .....

**LINE MANAGER:** .....

**I wish to notify you that I am pregnant. My expected date of childbirth is**  
 ..... **and I expect to start my maternity leave\* on**  
 .....

\*Your maternity leave can start at any time beginning with the 11<sup>th</sup> week before the expected week of childbirth. Maternity leave can start on any day of the week.

**I will inform my Line Manager of the date I wish to start my maternity leave by completing the Application for Maternity Leave form and giving it to my Line Manager by the end of the 15<sup>th</sup> week before the expected week of childbirth (or as soon as possible).**

**SIGNED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**Once completed and signed by the employee, this form should be sent to the HR Service Centre by the Line Manager.**

## APPLICATION FOR MATERNITY LEAVE FORM

You are entitled to maternity leave regardless of your length of service or hours of work if you:

- 1) Submit the original copy of the maternity certificate (MAT B1 form) available from a registered doctor or midwife stating the expected date of childbirth to your Line Manager by the end of the 15<sup>th</sup> week before the expected week of childbirth (or as soon as possible) and;
- 2) Complete and submit this form to your Line Manager by the end of the 15<sup>th</sup> week before the expected week of childbirth (or as soon as possible).

If you do not complete and submit this form along with the original copy of the MAT B1 form within the required timescale, you may not be entitled to maternity leave.

### 1. PERSONAL DETAILS

NAME (in full):	
PAYROLL NUMBER:	
HOME ADDRESS:	
CLUSTER/FUNCTION:	
LOCATION:	
JOB TITLE:	
LINE MANAGER:	
START DATE WITH ABERDEEN CITY COUNCIL*:	
PUBLIC AUTHORITY CONTINUOUS SERVICE * START DATE:	
EMPLOYMENT STATUS:	PERMANENT / FIXED TERM **
ANNUAL SALARY:	£
HOURS PER WEEK:	
HOURLY RATE:	£
ESSENTIAL CAR USER:	YES / NO **
SALARY SACRIFICE SCHEME MEMBER***:	YES / NO **
I INTEND TO LEAVE THE SALARY SACRIFICE SCHEME BEFORE STARTING MATERNITY LEAVE:	YES / NO / N/A ***

\* For maternity pay purposes, continuous service means continuous service with Aberdeen City Council or a public authority as listed in the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Orders (which covers local authorities and related bodies).

\*\* Delete as applicable

\*\*\* If you wish to opt out of a salary sacrifice scheme before going on maternity leave, you should do so by the 24th week before the expected week of childbirth. See the Maternity Guidance for further details.

**2. NOTIFICATION**

I am pregnant and wish to apply for maternity leave. I attach Form MAT B1 from my doctor/midwife which gives my expected date of childbirth as:

.....

**3. START OF MATERNITY LEAVE PERIOD**

I intend to start my maternity leave period on (date):

.....

(Note: Your maternity leave can start at any time beginning with the 11<sup>th</sup> week before the expected week of childbirth. Maternity leave can start on any day of the week.)

**4. ARRANGEMENT FOR PAYMENT OF 12 WEEKS AT 50% OCCUPATIONAL MATERNITY PAY (please tick the appropriate box)**

This only applies to employees who have 26 weeks' continuous service (see guidance for definition and further details) or more by the end of the 15<sup>th</sup> week before the expected week of childbirth.

Please **pay me** 12 weeks at 50% Occupational Maternity Pay. If I don't return to work for a period of 12 completed calendar weeks at the end of my maternity leave, I understand that I will be required to pay back this money (repaid on a pro rata basis if I return for less than 12 completed calendar weeks).

Please **do not pay me** 12 weeks at 50% Occupational Maternity Pay. If I return to work for a period of 12 completed calendar weeks at the end of my maternity leave, I understand that I will be paid this money (paid on a pro rata basis if I return for less than 12 completed calendar weeks).

**5. SIGNATURE**

I would like to apply for maternity leave in accordance with the information that I have provided.

Signed: ..... Date: .....

**Once completed and signed by the employee, this form should be sent to the HR Service Centre by the Line Manager.**

**HR SERVICE CENTRE USE** Information Verified Initials..... Date:.....

<b>EWC</b>	<b>QW</b>	<b>26<sup>th</sup> Week</b>		<b>11<sup>th</sup> Week</b>
<b>4<sup>th</sup> Week</b>	<b>OMP</b>	<b>YES/NO</b>	<b>SMP YES / NO</b>	<b>Return to Work date</b>

Letter sent to employee and copied to Payroll: Initials ..... Date:.....

## NOTIFICATION OF EARLY RETURN TO WORK FORM

You only need to complete this form if you are returning to work early from your maternity leave (i.e. before the end of the 52-week period). If this applies to you, this form should be completed and given to your Line Manager at least 8 weeks before the date on which you intend to return.

If you do not complete and submit this form within the required timescale, you may not be entitled to return to work early.

### 1. PERSONAL DETAILS

<b>NAME (in full):</b>	
<b>PAYROLL NUMBER:</b>	
<b>HOME ADDRESS:</b>	
<b>CLUSTER/FUNCTION:</b>	
<b>LOCATION:</b>	
<b>JOB TITLE:</b>	
<b>LINE MANAGER:</b>	
<b>DATE MATERNITY LEAVE STARTED:</b>	
<b>DATE BABY WAS BORN*:</b>	

\* You must take at least 2 weeks of compulsory maternity leave after your baby is born.

### 2. NOTIFICATION OF THE DATE ON WHICH YOU WISH TO RETURN TO WORK EARLY

I intend to return to work early on **(date)**: .....

I declare that, in my opinion, I am medically fit to return to work early.

Signed:.....Date:.....

If you are unsure as to your medical fitness to work, you should ask the advice of your doctor before deciding to return to work early.

**Once completed and signed by the employee, this form should be sent to the HR Service Centre by the Line Manager.**