



Managers and Employees' How to Guide..... Maternity

Policy statement **The Office of the Police and Crime Commissioner is committed to ensuring that all maternity benefits are applied fairly and consistently. This policy outlines the framework for managing maternity and related absences and the steps that managers and employees must take to ensure that the pregnant employee's statutory and occupational benefits are applied appropriately.**

Scope **All employees of the OPCC**

How to use this document This document is not part of the formal policy. Instead it provides additional information to help you in the practical day to day application of the policy.

It is expected that you will have an understanding of the Maternity Policy prior to using this guide.

Working Days - where reference is made to working days, these are defined as Monday to Friday, excluding weekends, Bank Holidays or Public Holidays. This is consistently applied irrespective of an individual employee's work pattern.

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Roles and responsibilities

As the manager you are responsible for:

- applying the Maternity Policy accurately
- carrying out appropriate risk assessments
- maintaining regular contact with parties during the process
- arranging meetings as necessary
- suspension of IT accounts and security passes as appropriate
- considering flexible working requests and deciding whether to implement where reasonable
- keeping records, drafting and issuing letters / documentation with HR support as necessary
- monitoring your staffing budget to ensure payments during maternity leave are in line with planned expectations and notifying their appropriate Finance support and Integrated Business Centre of any discrepancies
- managing any overpayment recovery process, if applicable
- informing the IBC in good time of any changes to the planned management of the maternity leave absence
- reminding employees that a strict 30 day time limit applies if they wish to buy back lost LGPS pension following unpaid maternity leave

All employees are responsible for:

- complying with the Maternity Policy
- conducting themselves in an acceptable manner
- notifying their manager and the IBC if, before their baby is born they do some work for another employer, or if before their baby is born but before the end of the Maternity Pay period they do some work for another employer who did not employ them in the qualifying week notifying their manager and the IBC in good time of their intentions regarding their maternity leave and return to work
- monitoring their monthly payslips to ensure payments during maternity leave are in line with planned expectations and notifying their line manager and the IBC of any discrepancies

The IBC person who is supporting the manager is responsible for:

- advising on policy application
- supporting with case management
- assessment of the employee's eligibility for maternity related benefits
- the completion and issue of standard casework letters and relevant documentation

- all SAP input relating to the maternity leave absence and pay

The OPCC work colleague or trade union representative is responsible for:

- supporting their member/ colleague
- attending arranged meetings or ensuring meetings are covered and not delayed

They may make representations, submit papers, ask questions and address a meeting on behalf of the employee.

They may not answer questions on behalf of the employee.

Policy stages

There are five main stages to this policy:

- [notification of pregnancy](#)
- [starting maternity leave](#)
- [during maternity leave](#)
- [intentions regarding a return to work](#)
- [completion of the return to work period](#)

The actual steps in the policy may vary dependent on the employee and employer needs.

Stage 1 - Employee notifies they are pregnant

Informal discussion

You must meet with the employee on a one-to-one basis as soon as possible to hold an informal discussion regarding their intentions about maternity leave.

The employee has no statutory right to be accompanied at the discussion. However, a request to be accompanied by an OPCC work colleague or trade union representative may be considered in exceptional circumstances.

You may need to arrange more than one informal discussion.

How to run an informal discussion

You must:

- ask the employee to detail their intentions regarding starting their maternity leave
- the employee is not required to confirm at this stage their intentions about returning from maternity leave
- confirm with the employee if they wish to keep the pregnancy confidential from colleagues

- confirm the requirement to carry out an appropriate risk assessment of the employee's work environment
- ask the employee if they have already notified the Integrated Business Centre of their pregnancy. If they have not, advise the employee to do so at the earliest opportunity or confirm that you will do so on their behalf
- you must review the employee's annual leave entitlements and ensure that accrued annual leave is properly planned around their planned maternity leave. You must refer to the annual leave policy
- you must establish with the employee what reasonable contact will be in place during their maternity leave

Attendance at ante-natal appointments by a partner

The expectant father or partner (including same sex) of the pregnant woman is entitled to take unpaid time off work to accompany the pregnant woman to up to 2 of the ante-natal appointments.

The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the condition for, and intend to apply for, a Parental Order for the child born through the arrangement.

The entitlement is to unpaid leave to attend up to 2 appointments, with the statutory maximum time capped at 6 hours and 30 minutes per appointment (this represents half the maximum working day under the Working Time Regulations). It is anticipated that no more than half a day will be needed for an ante-natal appointment, including travelling and waiting time.

You are not entitled to ask for any evidence of the ante-natal appointments, such as an appointment card, as this is the property of the expectant mother attending the appointment.

You may request the employee to provide a signed declaration stating:

- the employee has a qualifying relationship with the expectant woman or her expected child
- the purpose of the time off is to accompany the pregnant woman to an ante-natal appointment
- the appointment in question is made on the advice of a registered practitioner, registered midwife or registered nurse, and
- the date and time of the appointment

Formal notification You must ensure that the employee completes and submits the appropriate internal notification forms at the earliest opportunity. You must ensure you see the employee's original MATB1 certificate.

To notify the Integrated Business Centre of their pregnancy and maternity intentions, the employee must complete form M1 and submit a copy of their MATB1 certificate.

The IBC will respond within 28 days of receipt.

Employee amends their notification If the employee needs to change the information provided on the original form M1 they must complete a form M1A providing 28 days notice.

The IBC will respond within 28 days of receipt.

Ensuring the employee's health and safety at work

You have a statutory duty to:

- assess the risks to the employee's health and safety if they are pregnant, have recently given birth, or are breast feeding
- ensure the employee is not exposed to risks identified by the risk assessment which present a danger to their health and safety or their child

It is therefore very important that, once you have been told by the employee that they are pregnant, you carry out a risk assessment with the employee.

This must be reviewed regularly throughout their pregnancy and especially their circumstances change during their pregnancy and again if/when the employee returns to work.

You must pay particular attention to this section in respect of employees who are pregnant, have recently given birth or are breastfeeding.

In most situations, if the employee's general health is good they should be able to do all or at least most of the job they did before becoming pregnant. Nevertheless pregnancy may place extra strain on them so you should be advised to take steps to safeguard themselves and their unborn child.

The first three months of pregnancy are when the unborn child is particularly vulnerable and in certain occupations extra protective measures may be required.

Safe and healthy working conditions will depend on the employee's individual circumstances and the majority of workplaces in OPCC do not pose risks for pregnant women.

However, health and safety law requires assessment of the risks to new and expectant mothers at work. The overview of OPCC is that the health and safety implications for pregnant employees can be adequately addressed by normal management procedures. As individual circumstances can vary there is a need for you to undertake a risk assessment in conjunction with your employees. Line managers will therefore be provided with guidance which explains how this should be done.

Common hazards

Employees should avoid heavy lifting and long periods of standing. Other risks at work to avoid are:

- Shocks, vibration or movement
- Manual handling of loads
- Ionising and non-ionising radiation
- Extremes of heat and cold

Teachers, nurses and agricultural workers among others should avoid exposure to the following:

- listeria
- toxoplasma
- rubella
- cytomegalovirus
- chickenpox

It is advisable for employees to stay away from work if their doctor considers that there is a risk of contracting one of these diseases (this applies mostly in the early months of pregnancy). If your employee is advised not to come into work, they must be granted leave with full pay provided they do not unreasonably refuse to work in a different location.

If a risk is identified, measures must be taken to protect employees from it. These should be done in the following sequence:

- introduce safety measures to control the risk.

- temporarily adjust working conditions and hours.
- temporarily relocate the employee to another job.
- give paid time off

If the employee has any concerns about their health and safety while at work they should bring these to your attention immediately.

Please contact your Health and Safety team for further advice on health and safety matters for new and expectant mothers at work.

Agreeing reasonable contact during maternity leave

Prior to the employee starting their maternity leave you must arrange the contact arrangements that will be in place during their maternity leave.

Contact arrangements should take into consideration the employee's right to a private and family life, whilst at the same time, keeping the employee up to date with vacancies, any significant workplace developments and training opportunities to help the employee settle back into their job when they return to work.

You may therefore wish to agree sending the employee newsletters, service information, minutes of relevant meetings and invitations to staff briefings or meetings.

You may also wish to agree with the employee dates and times of informal one to one meetings or telephone conversations.

Employees are, in turn, encouraged to maintain contact with you to let you know how they are and to discuss any changes that affect their maternity leave or their intention to return to work.

You will therefore need to confirm the agreed method of communication, be it face to face, a contact telephone number, email address or postal address.

Sickness absence – before starting maternity leave

The earliest an employee's ordinary maternity leave can start is 11 weeks before the expected week of childbirth.

If the employee is certified medically unfit to remain at work at any point earlier than the 11th week before the expected week of childbirth, they are only entitled to access statutory and occupational sick leave and pay.

In these instances, you must enter the sickness absence in SAP as normal and manage the absence under the sickness policy

If the employee is certified medically unfit to remain at work between the 11th and 4th week before the expected week of childbirth they can choose whether to take sick leave or start their maternity leave.

In these instances, you must establish the employee's intentions and notify the Integrated Business Centre who will update the employee's SAP record accordingly and issue any revised documentation.

If the employee is absent due to sickness wholly or partly because of pregnancy or childbirth within four weeks of their expected week of childbirth, maternity leave will start and maternity pay will be applied if appropriate.

In these instances, you must notify the Integrated Business Centre who will update the employee's SAP record accordingly and issue any revised documentation.

**Resignation –
before starting
maternity leave**

If an employee intends to resign, rather than take maternity leave, they will normally be required to give you their normal contractual notice.

If the employee cannot give their contractual notice, they should give their line manager at least 28 calendar days' written notice of their intention to resign.

**Arranging
maternity cover**

It is your responsibility to arrange appropriate staffing cover for the anticipated duration of the maternity leave.

Maternity cover contracts will normally be temporary appointments with an anticipated duration of 12 months (reflecting the default assumption that the pregnant employee will take the full 52 weeks maternity leave).

Additionally, the maternity cover contract will usually explicitly state that it is a maternity cover.

These arrangements will enable you to end the cover contract if the absent employee returns to work earlier than the 52 weeks maximum.

Refer to the recruitment policy.

Formal notification You must ensure the Integrated Business Centre is notified of the employee's resignation at the earliest opportunity. The employee's intention to resign can be submitted using either form M1, M1A, or by forwarding a copy of their resignation letter.

The IBC will confirm the employee's entitlements within 28 calendar days of being notified and will complete the leaver action on behalf of the line manager.

Stage 2 - Employee starts their maternity leave

Monitoring maternity payments

During the maternity leave period, you must ensure you review your monthly staffing budget reports to monitor payments being made to the absent employee are consistent with the above principles.

In SAP, these reports are called ZPP1 or PP01 reports. As a rule you should see a reduction in your reported staff salary costs for the absent employee no later than the 7th week of their maternity leave.

By the 19th week of their maternity leave you should only be able to see costs associated with the statutory rates of pay.

Queries you are unable to resolve on your own or with your Finance support should be referred to the IBC in the first instance.

If the employee is in receipt of childcare vouchers through the salary sacrifice scheme, the cost of the vouchers will be charged to your budget when there are insufficient occupational payments being paid to the employee to cover the cost. Refer to the salary sacrifice policy and how to guide for more information.

Employees must also ensure they review their monthly payslips to monitor payments are being made consistently with the above principles.

You should encourage the employee to access their payslips via the Individual Self Service portal, if they have not already signed up.

Employee queries should be referred to you in the first instance and only referred to the Integrated Business Centre if you have been unable to identify or resolve the.

Stage 3 – During maternity leave

Reasonable contact

The contact arrangements agreed prior to the start of maternity leave should be followed by both the employer and employee.

You should keep a record of any key discussion or action points that arise through this contact, especially if they relate to the employee's on-going maternity leave/pay or their return to work.

It may be helpful that any points that require follow up by yourself are recorded in writing back to the employee.

If you are unable to establish contact with the employee through the agreed methods of communication you must record each of your attempts to contact them.

You must continue to be considerate of the employee's right to a private and family life, but if after the third attempt you have still be unable to contact them informally, you should write to the employee expressing concern that you've been unable to maintain the agreed contact arrangements and asking them to contact you by a specified date.

Keeping In Touch Days

KIT days are different to the reasonable contact that employers and employees may make with one another. During KIT days the employee will actually carry out work. Social contact and reasonable contact is not considered as "keeping in touch" as no work is undertaken.

Neither you, nor the employee, can insist on a KIT day being worked. It is therefore important that you agree, beforehand, exactly what type of work they will be expected to do when they attend. You may find it helpful to confirm this in writing.

You must notify the Integrated Business Centre of any KIT days that are worked.

The IBC will update the employee's SAP record and make any payments due, in line with the maternity policy.

Sickness during maternity leave

If the employee is ill while they are absent on maternity leave, they are not entitled to statutory or occupational sick pay, even if they are in an unpaid period of their maternity leave.

The employee will need to decide whether the maternity or

sickness scheme will be of most benefit to them.

If they wish to access the statutory and occupational sick pay schemes, they will need to 'return' from their maternity leave and start sickness absence.

If they wish to do this, you will need to notify the Integrated Business Centre who will update the employee's SAP record.

Once the employee has 'returned' to work, you must manage their sickness absence under the managing sickness absence policy.

Stage 4 – Employee's intentions regarding their return to work

Employee requests to return to work on a flexible basis There is no statutory right to return to work on a flexible basis, but there is a statutory obligation on you to consider all requests to return to work on a flexible basis.

All requests to return to work on a flexible basis (eg different working pattern, different hours per week etc.) must be considered under the flexible working policy.

Where the employee has decided to return to work earlier than the end of their maternity leave period

Where the employee intends to return to work sooner than their maximum entitlement of 52 calendar weeks' maternity leave, they should, but are not required, to discuss this with you as part of the agreed contact during their maternity leave.

The employee is only required to give you at least 21 calendar days' written notice of their intended return to work date.

You cannot refuse the return to work date and can only postpone the early return to work if the employee fails to give you the required 21 calendar days notice.

If this is not received, you can postpone the return to work so that you do receive the 21 days notice or to the end of the AML period, whichever is sooner.

Formal notification You should ensure the employee completes form M4E and submits this to the Integrated Business Centre.

The IBC will confirm the employee's required return to work period within 28 calendar days of being notified.

Where the employee has decided to return to work at the end of their maternity leave period

Where the employee takes their maximum entitlement of 52 calendar weeks' maternity leave, you can assume that the employee will return to work on the next available working day following the end of the AML period.

This will usually be discussed with you during the agreed contact with employee during their maternity leave.

Formal notification

You do not need to do anything in this instance.

The IBC will confirm the employee's required return to work period within 28 calendar days of being notified.

Where the employee resigns during maternity leave

If the employee has given birth and is absent on either ordinary or additional maternity leave and they wish to resign, they must give you written notice of their resignation giving their contractual notice (or a shorter period if agreed with you).

An element of occupational maternity pay may be repayable.

Where a resignation means an employee has been overpaid, this will be recovered in accordance with the overpayment policy.

You will be responsible for managing the recovery of the overpayment, but will receive support from the IBC.

Formal notification

You should ensure the employee complete form M4F and submit this to the Integrated Business Centre.

The IBC will confirm the employee's entitlements within 28 calendar days of being notified and will complete the leaver action on behalf of you.

Stage 5 – Employee returns to work

Annual Leave

You must ensure that any unused/carried forward annual leave is used up at the earliest available opportunity.

You must refer to the annual leave policy.

Return to work period

Employees who have taken any part of the 12 weeks half pay of their occupational maternity pay are required to return to work for a period of time defined in their terms and conditions of service.

You must advise the Integrated Business Centre of any changes

to the employee's contracted working hours during the return to work period or if they do not complete the return to work period.

Monitoring maternity payments

During the maternity leave period, you will have been reviewing your monthly staffing budget reports to monitor payments being made to the absent employee are consistent with the policy principles.

When the maternity leave ends, you should expect to see the employee's full salary costs return to your staffing budget reports.

If you do not see the costs return to your budget when expected you must inform the Integrated Business Centre as soon as possible.

If the employee resigns after maternity leave

If the employee returns to work after their maternity leave and then resigns they will be bound by the normal terms and conditions outlined in their contract of employment.

If the employee has completed their required return to work period, you must complete the leaver e-form to notify the IBC of the employee's leaving date.

If the employee has not completed their required return to work period, you must notify the IBC of the employee's leaving date. The IBC will then complete the leaver action on your behalf and confirm the employee's remaining entitlements within 28 calendar days.

Where a resignation means an employee has been overpaid, this will be recovered in accordance with the overpayment policy.

You will be responsible for managing the recovery of the overpayment, but will receive support from the IBC.

Ending maternity cover arrangements

As soon as you have confirmed the return to work date of the absent employee you must meet with the employee covering the maternity leave absence to give them notice.

You must refer to the ending of fixed term or temporary contracts policy.

Tools

Employee notification forms are available at <http://www3.hants.gov.uk/maternityleave.htm>

Support

Managers:

Any queries can be directed to the IBC via an HR enquiry on ESS

A confidential Employee Support service is available on freephone **0800 030 5182** (or 0161 836 9498 if calling from a mobile) at any time. Further information is available at <http://www3.hants.gov.uk/employee-support>

How to guide Governance

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