



“An Excellent Authority”

Service Instruction <<POD>>
<<Maternity>>

Document Control

Description and Purpose

This document is intended to give guidance to Managers and Employees regarding the benefits the Authority provides

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July 2010	July 2012	A Cross	N Mernock	Magda Jordan
Permanent		Temporary	If temporary, review date must be 3 months or less.	

Amendment History

Version	Date	Reasons for Change	Amended by
Old WLB booklet	unknown	Amended in line with legislation and case law	A Cross

Risk Assessment (if applicable)

Date Completed	Review Date	Assessed by	Document location	Verified by(H&S)
June 2010		K Longshaw	Public Folders	Yes

Equalities Impact Assessment

Initial	Full	Date	Reviewed by	Document location
	X	June 2010	DAG	Public folders

Civil Contingencies Impact Assessment (if applicable)

Date	Assessed by	Document location

Related Documents

Doc. Type	Ref. No.	Title	Document location
Policy		Work life balance	Committee services
SI		Adoption	Committee services
SI		Paternity	Committee services
SI		Parental	Committee services

Contact

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Target audience

All MFS	X	Ops Crews	Fire safety	Community FS
Principal officers		Senior officers	Non uniformed	

Relevant legislation (if any)

Equality Act 2010

Maternity

This Service Instruction sets out the procedures for women employees and their line managers when the employee is pregnant, on maternity leave or when returning from maternity leave. It sets out the health, safety and welfare requirements in relation to the pregnant employee and the entitlements for the pregnant employee in terms of maternity leave, pay and other conditions. It also provides guidance on the options for returning to work.

This document applies to all employees, whether permanent or temporary, an operational employee or a member of support staff and regardless of the number of hours worked per week. Nothing contained within the policy shall be construed as providing rights less favourable than statutory rights.

Notification

The Authority would prefer to have as much notice as possible of a woman's pregnancy. This enables the Authority to plan resource allocation, but more importantly allows the Authority to undertake full and proper continuous specific risk assessments of the woman and her role. The Authority recognises that every woman, every role and every pregnancy is different and that this needs to be factored into the risk assessment.

A woman should advise her line manager and/or Time and Resource Management (TRM) as soon as reasonably practical that she is pregnant. If the female employee does not wish to inform her line manager as the first point of contact, she may instead inform the Group Manager, Time and Resource Manager. This may be done when off-duty if preferred. Whilst the Service's policy will be observed, the person they have contacted will meet with the individual and discuss the best way of keeping the matter as confidential as possible and set out the options for the way forward. The employee may be accompanied by a colleague/representative at this meeting. However, should the Group Manager, Time and Resource Management be unavailable, the female employee must not delay informing some person within her line management structure.

In order to qualify for statutory maternity pay and leave, the woman must inform the Authority, **on or before the 15th week before her Expected Week of Childbirth (EWC)** with the following information:

- Confirmation that she is pregnant by submitting her MatB1 certificate from a registered medical practitioner or a certified midwife. The MATB1 is normally provided after the 21 week.
- The date she intends to start her period of Maternity Leave. This date cannot be earlier than the 11th week before the EWC; and
- The Expected Week of Childbirth.

Upon receipt of this notification, TRM will advise the Pay and Pensions team to make the necessary arrangements. TRM will also notify the Health and Safety department in order that a specific risk assessment may be undertaken.

Within 28 days of receiving this notice, the Authority will write to the employee setting out her entitlements and stating the date she will be expected to return including ordinary (paid) and additional (unpaid) maternity leave.

The date the employee is expected to return to work will be one day after her maternity leave ends. However, it remains the choice of each woman whether or not she takes up all of her available maternity leave entitlement to 52 weeks. The employee may change the date that she intends her period of Maternity Leave to start or finish providing that she provides notice of this. Details of the notice required can be found later in this document.

Health and Safety

The Management of Health and Safety at Work Amendment Regulations (1999) require employers to carry out risk assessments for all employees. The regulations specifically require particular account to be taken of the risks to the health and safety for new and expectant mothers.

The Authority has a generic risk assessment available on the intranet or on request from the Health and Safety department that identifies the risks for employees who may become pregnant.

Any employee who is considering becoming pregnant or who believes she might be pregnant should review the specific risk assessment applicable to their role and take such steps as immediately necessary to remove or reduce any risks. The list of current risk assessments is included at the end of this Service Instruction.

As soon as the employee notifies her line manager or TRM of her pregnancy, the line manager or TRM will notify the Health and Safety department to arrange for a specific risk assessment to be carried out. The employee will be provided with a copy of the risk assessment and encouraged to discuss it with her medical advisors. The views of the employee and her medical advisors will be factored into subsequent risk assessments throughout the employee's pregnancy.

For operational fire fighters and subject to the risk assessment, the employee will not be permitted to attend any further emergency incidents but will remain on her watch and continue normal training and development activities.

Where an operational employee notifies her line manager or the Group Manager, Time and Resource Management of her pregnancy in circumstances where the Health and Safety department are unavailable, for example on a weekend or on a night duty, the line manager should detail the employee to undertake non operational duties. In so doing the line manager should consider that the employee may wish to keep the fact that she is pregnant confidential and should exercise as much discretion as possible in the circumstances. The line manager should immediately arrange for a risk assessment to be conducted by a Manager with a NEBOSH qualification in order to assess the extent of the duties that the woman can do until such time as the Health and Safety department can undertake a full assessment. The underlying principles will be, in conjunction with the employee, to assess the duties that she is able to do, not just what she is not able to do in order to ensure that wherever possible she will be provided with work that enables her to retain her operational skills levels and that she stays on duty with her watch.

Risk assessments will be ongoing through the pregnancy. Ongoing risk assessments will be conducted as close after antenatal appointments as practicably possible. All employees should keep their line manager informed of any medical issues identified by a GP or midwife.

Where risks are identified the Authority will take practical steps to remove or reduce any risks identified. If this is not possible, the Authority will meet with the employee along with her colleague/representative and seek to agree with the employee to reduce the hours of work without any reduction in existing salary such that monthly pay will remain as that prior to the reduction in hours; or offer her alternative work. After all other avenues have been explored, and as a last resort, the Authority may place the employee on safety leave with full pay on maternity grounds for as long as it is necessary to protect her, i.e. until such time as there are no longer risks to her health and safety. The underlying principle is that the employee's pay and where practicably possible her terms and conditions of employment (for example in terms of location) during her pregnancy shall not be less favourable than her normal employment.

Maternity leave

After providing notification to the Authority the employee may change her mind about the intended start date of her Maternity Leave as long as she notifies the Authority of the new start date. She must do this in writing, by whichever is the earlier of:

- 28 days before the date she originally intended to start her leave
- 28 days before the new date she wants to start her leave

There may be situations where this is not always possible and request that as much notification is provided as the employee is able to provide.

Maternity leave will start automatically if the employee is absent from work for a pregnancy related illness during the 4 weeks before the start of her EWC regardless of when she has said she wishes for her maternity leave to commence.

Statutory Maternity Leave

All employees, regardless of length of service are entitled to 52 weeks Statutory Maternity leave (SML). The SML period is made up of:

- 26 weeks ordinary Maternity Leave (OML) and followed immediately by
- 26 weeks Additional Maternity Leave (AML).

Maternity leave can start at any time from the beginning of the 11th week before the expected week of childbirth or the time of childbirth if that is earlier.

SML will remain at 52 weeks regardless of the number of children resulting from a single pregnancy.

Compulsory Maternity Leave

All employees must take a minimum of two weeks' compulsory maternity leave following the birth of their child. This leave forms part of the Ordinary Maternity Leave (OML)

Time Off for Ante-Natal Care etc

Employees will be given reasonable time off with pay (including travelling time) to attend ante-natal care appointments. Except for the first appointment, women may be asked to produce proof that appointments have been made.

Partners of pregnant women may also be permitted time off with pay to attend parent craft/relaxation classes/exercise classes provided they produce evidence of enrolment and details of future appointments. However, every attempt should be made to arrange attendance at such classes outside normal duty hours.

Annual and PH Leave prior to going on Maternity Leave

Where possible the Authority encourages expectant mothers to plan to use their leave time prior to commencing maternity leave. It is advisable that the employee contacts the T&RM team to ensure that the correct leave entitlements are clarified

Pay during Maternity Leave

The Authority is committed to being a family friendly employer and has an enhanced maternity pay scheme over and above the statutory minimum.

Statutory Maternity Pay (SMP)

In order to qualify for SMP an employee should have:

- At least 26 weeks' continuous employment with the Authority extending into the 15th week before the EWC
- Average weekly earnings at or above the lower earnings limit for NI contributions that applies at the end of the qualifying week.

SMP is made up of

- 6 weeks at the higher rate (90% of salary), followed by
- 33 weeks SMP at the lower rate, followed by
- 13 weeks unpaid leave

The lower rate of SMP changes annually and is governed by DWP, details regarding the current lower earnings limit and current SMP rate can be obtained from the Pay and Pensions Team.

Occupational Maternity Pay

In addition, employees with 1 year or more of continuous service with the Authority (at the beginning of the 11th week before the EWC) are entitled to half their pay from week 7 to week 39 of their maternity leave. This means that they receive:

- 6 weeks SMP at the higher rate (90% of earnings)
- 33 weeks SMP at the lower rate **PLUS** 50% of Salary
- 13 unpaid leave

Employees with less than 26 weeks service as at the 15th week prior to the Expected week of Childbirth:

Employees will not be entitled to Statutory Maternity Pay (SMP) or Occupational Maternity pay. However, they may apply directly for Maternity Allowance from the Department of Works and Pensions.

Where the employee receives contractual maternity pay, it is on the understanding that they will return to employment for a period of at least three months (which may be varied by the Authority on good cause). In the event of her not doing so, the employee may be required to repay the monies paid above the level of SMP, however this remains at the discretion of the Fire Authority.

Contact with Employees whilst on Maternity Leave

The Authority may make contact with the woman employee from time to time during the maternity leave period (for example to discuss her return to work)

Prior to commencing maternity leave the employee will meet with the Pay and Pensions team for a pre-maternity meeting and will additionally be offered an opportunity to meet with the Occupation Health Nurse who will provide them with additional information relating to maternity, the birth and her health and well being.

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The services of the Occupational Health Nurse can be accessed by the employee when she is on maternity leave if support, advice and guidance are required, or if the employee wishes to discuss any health concerns they may have prior to resuming work. Where appropriate and with consent of the employee, the Occupational Health Dr may liaise with the employee's GP to ensure that there is a suitable support to assist the employee to return to her role.

Whilst employees are absent on maternity leave, the Pay and Pensions Team will send them copies of any relevant literature concerning job advertisements and information circulars etc. They will also be entitled to apply for promotion opportunities that may arise during this time.

Keeping In Touch Days

The Authority may make contact with the woman employee from time to time during the maternity leave period (for example to discuss her return to work).

An employee on maternity leave may carry out up to and including 10 days work for the Authority during her statutory maternity leave period without bringing the leave to an end and without any loss to maternity pay. This may be worked as single days or consecutive days at any time during maternity leave after the 2 weeks compulsory maternity leave, regardless of the length of maternity leave taken. Any days worked will not extend the total duration of the statutory maternity leave period.

There is no right or any requirement for the woman to work during her maternity leave. Any work undertaken will be agreed in advance between the woman and her line manager. "Work" may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Any work done on a KIT day counts as one KIT day. Therefore, if an employee comes in for a one-hour training session and does no other work that day, she will have used up one of her KIT days.

Payment is at the employee's normal daily rate of pay. Following completion of a KIT Day, a KIT Day Claim Form should be forwarded to the Pay and Pensions Team in order for the day's work to be included in her monthly pay.

Benefits during Maternity Leave

Annual Leave

Whilst absent on Ordinary Maternity and Additional Leave, expectant and new mothers will accrue leave. It is likely that during an employee's absence on maternity leave, one annual leave year will end and a new one will commence.

For employees whose leave is scheduled to be taken at fixed points during the year and where this leave is scheduled to take place when the employee is absent on maternity leave, it may be carried into the following leave year, where it must be taken upon their return to work. This will normally be taken as an extension to the employee's period of maternity/additional leave

For employees whose annual leave entitlement is not scheduled to be taken at fixed points, holiday may be carried over with agreement with TRM. The employee can also opt to take any annual leave for the new leave year immediately on their return to work. (Annual leave scheduled for later in that year can be brought forward for this purpose).

If the employee gives birth before the date she intended to begin her maternity leave, maternity leave will commence on the following day. Where this occurs any leave that was intended to be taken but was not, it will be carried forward and taken upon their return to work.

Where the employee has been absent from work due to illness during her pregnancy and missed periods of scheduled leave, the Authority may, with agreement, re-instate this leave. Each case will be treated on its merits. The Authority has a duty of care to ensure that all employees take meaningful leave each year and therefore all re-instated leave must be taken prior to the individual taking maternity leave where there is opportunity to do so.

Essential Car User Allowance or use of an Authority vehicle

Where an employee is entitled to Essential Car User Allowance, this will be paid for the period of the Maternity Leave.

Where an employee has use of an Authority vehicle as part of their every day duties and some private use of the vehicle is accepted as part of the arrangement, the use of this vehicle may continue through the period of maternity leave. The Authority does have the right to provide an alternative vehicle should the particular vehicle be required for operational or other purposes or pay the employee essential user allowance for the period of ordinary maternity leave if a vehicle cannot be provided.

Where an employee has use of an Authority vehicle as part of their every day duties and some private use of the vehicle is accepted as part of the arrangement, the use of this vehicle may continue through the period of maternity leave. The Authority may provide an alternative vehicle should the particular vehicle be required for operational or other purposes or pay the employee essential user allowance for the period of ordinary maternity leave if a vehicle cannot be provided.

Any fuel used for non-business related purposes must be paid for by the employee.

Uniform/Corporate Wear for Pregnant Employees

Where the employee is provided with a uniform as part of her job, the Authority will ensure that maternity wear is available in line with corporate identity. Where appropriate the Authority will provide a maternity version of the uniform or corporate wear on request. Where this is not possible, the Authority may reimburse any costs (up to £200) incurred for the purchasing of suitable maternity wear which is subject to tax. Such claims should be forwarded, with the relevant receipts, to the Operational Equipment Manager for authorisation.

Returning from Maternity Leave

Unless previously notified by the employee, the date on which an employee will return to work will normally be the first working day 52 weeks after her maternity leave began.

An employee exercising her right to return to work after absence because of pregnancy or childbirth will continue to be employed in the same role/grade as before.

The Authority recognises that circumstances change and is prepared to waive the legal requirement to alter a return date from an 8 week notification period. However employees wish to return to work before or after the originally agreed date **MUST** provide the Authority with at least **21** days notice.

If an employee gives notice that she intends to return to work but:

- subsequently fails to do so, the Authority will be entitled to operate its normal procedures for unauthorised absence or sickness absence as appropriate, or
- Subsequently decides to resign, she will have no right to return to work with the only exception relating to still births. Please see that section for more details.

Employees who do not wish to return to work after maternity leave

Employees who do not wish to return to work after her maternity leave must give the Authority notice as required by her contract of employment. Please refer to the section regarding the repayment of contractual maternity pay if an employee does not return to work following maternity leave.

The current notice periods required are as follows:

Grey Book Employees

Operational Fire fighters and Control room employees 28 days

Green book Employees

Grade 1 to Grade 9 (Scale 1 to SO2)	1 month
Grade 10 to Grade 13 (PO1 to PO3)	2 months
Grade 13 and above (PO4 and above)	3 months

Red Book Employees

All employees working under the Red book their notice period that they are required to provide the Authority is 1 month

Risk Assessments

On return to work from maternity leave a woman must have a risk assessment carried out by the Health and Safety Department to ensure that all reasonable adjustments can be made to facilitate a timely return to work.

Medical Examination - Operational Employees

Before the date on which the employee is due to return to work, the Authority will make arrangements for an appointment with the Medical Officer, the employee can also request this appointment. If the employee is considered by the Authority's Medical Officer to be able return to work, but not to resume full operational duties, arrangements will made for alternative work, commensurate with role etc. Where possible, this will involve returning to the work and location that the employee carried out prior to maternity leave.

Breast Feeding

If the mother advises that she is breastfeeding, the Authority will undertake an individual risk assessment. It may be necessary to restrict her from returning to full operational duties. The Authority will continue to liaise with the employee to ensure that she is able to continue breastfeeding. The Authority will ensure that suitable facilities are available for expressing and storing milk during working hours. Further information is available from the Diversity Team or representative bodies.

Fit to Ride

Once notified of the return to operational duties, the Station Manager with operational responsibility for the employee should, with the employee, consider any particular training needs arising. This may depend on the length of absence and be in line with Service procedures in place at the time.

Flexible Working

The Authority will consider flexible working requests in line with Service procedures and legislative requirements and will endeavour to facilitate these where it is practicable and meets the exigencies of the Authority. An employee may make a request to work flexibly prior to returning from Maternity Leave. Further information about requesting flexible working are set out in the Flexible Working Service Instruction.

Parental Leave

Parents of children under the age of eight are entitled to 13 weeks unpaid Parental leave.

An employee who is the parent or adoptive parent of a child who is disabled is entitled up to 18 weeks' unpaid parental leave, which can be taken up to the child's 18th birthday. Further information can be found in the Parental leave Service Instruction.

Additional information

IVF ICSE or IUI

The Authority wishes to be supportive of employees and partners going through the IVF or other fertility treatment and recognises that this can be a difficult and stressful time for those concerned. Each case will be treated individually and the Authority will seek to be flexible with regards to facilitating time off or flexible working for employee and partners during this time if they confidentially inform their Manager or the Group Manager, TRM that they are going through this treatment.

Premature Births

Should a woman give birth prematurely and her child remains in hospital after she has been discharged, the Authority will consider extending the woman's maternity leave by a period of special leave to allow her to care for her child when the baby is allowed home. Each case will be considered on its merits.

Death of a baby and stillbirth

In the unfortunate event that the baby dies or is still born after 24 weeks pregnancy, the employee, if eligible, will remain entitled to maternity pay and leave as outlined above and full support will be provided by the Authority.

If the employee has resigned and there is an unexpected change of circumstances, such as stillbirth, the Service will normally allow the employee to return to work by offering re-employment.

If a miscarriage occurs before 24 weeks, sympathetic consideration will be given to individual circumstances and where appropriate discretionary leave or sick leave will be granted after the needs of the employee and medical opinion have been considered.

Specific Risk Assessments.

The Health and Safety Department have produced separate risk assessments pertaining to individual groups of workers. The risk assessments are located in Public Folders>Risk Assessments and will be regularly reviewed to ensure that all relevant groups are covered by a specific assessment:

1. NO 0029 Operational Personnel – New and Expectant Mothers.
2. NO 0030 Office/Admin Personnel – New and Expectant Mothers.
3. NO 0031 Cleaning Staff – New and Expectant Mothers.

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4. NO 0032 Kitchen Staff – New and Expectant Mothers.
5. NO 0033 Instructional Staff – New and Expectant Mothers.
6. NO 0034 Driver/Delivery Personnel – New and Expectant Mothers.
7. NO 0035 Advocate Personnel – New and Expectant Mothers.

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