



*Cherwell*  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# Maternity Policy

## DOCUMENT CONTROL

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## DOCUMENT APPROVALS

This document requires the following committee approvals:

<b>Committee</b>	<b>Date of meeting pending approval</b>
<b>CDC</b> Personnel Committee	17 October 2022 (16:00)
Personnel Committee	3 December 2025

## DOCUMENT DISTRIBUTION

This document will be distributed to all employees of Cherwell District Council.

## DATE FOR REVIEW

No later than 3 December 2028 but sooner if impacted by legislative changes.

## REVISION HISTORY

<b>Version</b>	<b>Revision date</b>	<b>Summary of revision</b>
2.0	3 Dec 2025	This policy is reviewed on a three-year cycle to ensure continued relevance and compliance

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## **1 INTRODUCTION**

### **1.1 Who the scheme applies to**

Cherwell District Council's Maternity Leave Policy applies to employees only. It does not apply to agency workers, consultants, self-employed contractors, volunteers or interns.

This policy does not form part of any contract of employment or other contract to provide services, and the Council may amend it at any time.

### **1.2 Maternity rights**

All pregnant employees are entitled to: -

- special consideration with regard to health and safety
- paid time off for antenatal care
- 26 weeks' ordinary maternity leave
- 26 weeks' additional maternity leave

Qualifying employees are also entitled to: -

- maternity benefit (Statutory Maternity Pay or Maternity Allowance)
- occupational maternity pay

### **1.3 Health and safety**

The Council's Health, Safety and Welfare Policy requires you to inform your manager if you are unable to carry out any working activity in a safe manner or without risk to your health and safety.

Therefore, you are strongly advised to inform your manager of your pregnancy as soon as possible. This is important as there may be health and safety considerations. This will also enable him/her to arrange for a risk assessment to be carried out relating to your working activities and environment. This will establish what, if any, action is required to safeguard your health and well-being and/or that of your unborn child.

Where an unacceptable risk is identified, the Council will take protective or preventative measures to eliminate it. Where this will not avoid the risk, you may find that one of the following steps is taken: -

- *if it is reasonable to do so, your working conditions or hours of work may be altered;*
- *if it is not reasonable to make such alterations, or if the risk cannot be avoided in this way, you may be offered suitable alternative work;*
- *if no suitable alternative work is available, you may be suspended from duties, that is given paid leave, for as long as necessary to protect your safety or health (unless you have unreasonably refused suitable alternative work).*

Another risk assessment will be undertaken upon your return to work, and if, for health and safety reasons, you are still considered to be at risk, alternative arrangements may be put in place.

If you have any further concerns or queries about the effects of your work on your own or your unborn baby's health, you should consult your manager immediately.

### **1.4 Time off for antenatal care**

If you are pregnant, you are entitled to take paid time off, at your normal rate of pay, during your normal working hours to attend antenatal appointments. This may include relaxation and parentcraft classes as recommended by your GP on a clinical basis, as well as medical examinations.

You should advise your manager that you will be absent as far in advance of your appointment as possible. With the exception of your first appointment, you must provide evidence of your appointments if requested to do so by your manager, which could include providing a certificate from the doctor, midwife or health visitor stating that you are pregnant; and an appointment card.

### 1.5 **Sickness during pregnancy**

If you become ill while you are pregnant you will receive your normal entitlement to sick pay, whether or not your illness is pregnancy related. You must not remain at work if you have been certified medically unfit to do so.

If you are absent from work because of a pregnancy related illness and your illness continues or starts after the beginning of the 4<sup>th</sup> week before the week in which your baby is due, your maternity leave will usually start automatically. Non pregnancy related illness during this 4-week period will be treated as normal sickness absence.

Periods of pregnancy-related sickness absence from the start of your pregnancy until the end of your maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.

## 2 **MATERNITY LEAVE**

### 2.1 **Timing of maternity leave**

You can choose to start your maternity leave at any time after the start of the 11<sup>th</sup> week before the week in which your baby is due (unless your baby is born prematurely before that date) and your maternity leave will start on the day that you have notified the organisation.

However, in the last 4 weeks prior to the week, starting on a Sunday, in which your doctor or midwife expects you to give birth (**Expected Week of Childbirth**) your maternity leave will begin on the day after any day on which you are absent from work wholly or partly due to pregnancy related illness or suspension from work for a pregnancy related health and safety reason.

### 2.2 **Early birth**

Your leave will start on the day after your baby is born if this is earlier than your notified leave date.

If your baby is born before a maternity certificate has been issued, one should be completed by your general practitioner or registered midwife showing the date your baby was born as well as the date the baby was expected. You must, if reasonably practicable, provide your manager with this certificate within 28 days.

### 2.3 **Death of your baby or still-birth**

If your baby dies or is stillborn after 24 weeks of pregnancy you will still be entitled to leave in accordance with this policy and SMP. You will also be entitled to parental bereavement leave which can be one week, two consecutive weeks, or two separate weeks and can be taken at any time during the first 56 weeks after the child's death.

### 2.4 **Entitlement to ordinary maternity leave**

All pregnant employees are entitled to a period of 26 weeks' **ordinary maternity leave (OML)**, provided the notification requirements have been complied with (see section 2.7).

### 2.5 **Entitlement to additional maternity leave**

All pregnant employees are entitled to a period of 26 weeks' **additional maternity leave (AML)**. This runs from the day after the last day of the OML period and continues for a further 26 weeks,

provided the notification requirements have been complied with (see section 2.7).

## **2.6 Compulsory maternity leave**

You must take 2 weeks' **compulsory maternity leave** beginning on the day that your child is born.

## **2.7 Notification requirements**

You are required to notify your manager in writing of your intention to take maternity leave before the end of the fifteenth week before the week that you expect to give birth (**Qualifying Week**) or as soon as reasonably practicable afterwards. You will need to tell your manager:

- that you are pregnant
- the week, starting on a Sunday, in which your doctor or midwife expects you to give birth (**Expected Week of Childbirth**)
- the date on which you would like your maternity leave to commence (**Intended Start Date**)

If you wish to change the Intended Start Date you will need to tell your manager at least 28 days in advance of the new commencement date (unless this is not reasonably practicable).

**Note:** Medical evidence usually in the form of a maternity certificate (known as a MAT B1 form) will need to be provided for SMP purposes and to confirm your Expected Week of Childbirth. The earliest this can be obtained from your general practitioner or registered midwife is the 20<sup>th</sup> week of pregnancy.

You can notify your manager of the above on any day of the week and your maternity leave can start on any day of the week.

## **2.8 The contract of employment during maternity leave**

Your contract of employment continues throughout OML and AML and all of the terms and conditions of your employment remain in force during OML and AML except for the terms relating to pay (unless your employment terminates during this period of time).

## **2.9 Contact with work during maternity leave**

You and your employer are entitled to have reasonable contact with each other to ensure that you are kept up to date with departmental changes, vacancies and any other matters relevant to the employees of CDC. The mode of contact should be confirmed and agreed prior to the commencement of maternity leave. Contact during maternity leave does not bring that period to an end. Reasonable contact does not constitute 'work' as described in 2.10 below and would not therefore count towards the 10 days.

## **2.10 Working during maternity leave**

For the purposes of this provision, 'work' is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace. You may ask or be asked to come to work for up to 10 keeping in touch (KIT) days during the maternity leave period without bringing that period to an end as a result of carrying out the work. Working for part of a day will count as one day. This is not compulsory and must be discussed and agreed with your line manager.

In any case, you cannot work during the compulsory maternity leave period i.e. the first two weeks' following childbirth. The maternity leave will not be extended due to the fact that you have carried out some work in this period.

You will not lose your right to SMP as a result of working up to 10 days. You will be paid at your normal basic rate of pay for the actual time spent working on a KIT day and this will be inclusive of any maternity pay entitlement. To claim for hours worked you will need to submit a maternity kit day payment claim form (Appendix 4).



## **2.11 Terms and Conditions**

### **i) Annual leave**

Your entitlement to annual leave remains unaffected by maternity leave.

**Subject to agreement by your manager, you should take your accrued annual leave prior to the commencement of your maternity leave.** Any holiday entitlement for the year that is not taken **OR** cannot reasonably be taken before starting your maternity leave can be carried over to the next holiday year. This must be taken immediately before returning to work **OR** within three months of returning to work (unless your line manager agrees otherwise).

### **ii) Local Government Pension Scheme**

Pension contributions will be deducted in the normal way from any payment you receive during your Maternity Pay Period. Any employee contributions you make will be based on the amount of any maternity pay you are receiving.

Any maternity absence which is unpaid will be treated as a break in service for occupational pension purposes unless you choose to pay voluntary contributions. These contributions will be based on the reduced remuneration that you were entitled to receive immediately before the unpaid period (this means that even if you defer receipt of your half pay until your return to work, you will pay the same contributions as someone who actually receives it during maternity leave).

You must write to Payroll and state your intention to pay voluntary contributions no later than 30 days after your return to work. You may pay these contributions as a lump sum or in instalments. For further advice please contact Payroll.

## **2.12 Allowances**

### **i) Assisted car or cycle purchase scheme**

The terms and conditions contained in your car or cycle loan agreement apply throughout the period of your maternity leave. Therefore, you are required to continue to make the appropriate repayments throughout your maternity leave period.

During the period of your leave where you are receiving payment, your repayment will be deducted as usual. Where there is a shortfall, you must make arrangements for the Council to receive the outstanding amount before the end of each calendar month. During any period of your maternity leave in which you are receiving no payment, you must ensure that the Council receives the full monthly amount due before the end of each calendar month.

### **ii) Standby duty payments**

During the period of your maternity absence, you will not be required to undertake standby duty and therefore you will not receive any standby payments.

## **2.13 Flexible working arrangements**

The Council will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave on a case-by-case basis. There is no absolute right to insist on working part-time, but you do have a statutory right to request flexible working, and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is recommended that you review the flexible working policy before any formal request for flexible working is made. You may wish to explore this with your manager either before or during your maternity leave, however, it is helpful if requests are made as early as possible.

## **2.14 Other leave arrangements**

Please refer to the following Council policies for further information including Neonatal Leave and Pay Policy, Parental Leave, Paternity Leave, Time off for Dependents and Special Leave

arrangements.

### 3 **STATUTORY MATERNITY PAY (SMP)**

Entitlement to maternity pay is determined by various factors, including length of service and earnings, and therefore Human Resources (in conjunction with Payroll) will assess your eligibility and entitlements on an individual basis.

SMP is payable for a maximum of 39 weeks. This is called the “**Maternity Pay Period**” and it may start at any time from the start of the 11th week before the Expected Week of Childbirth.

SMP is paid to you by the Council on behalf of the Inland Revenue.

#### 3.1 **The right to SMP**

If you are pregnant or have just given birth, you are entitled to a maximum of 39 weeks' SMP providing that you: -

- *have been continuously employed by this Council for at least 26 weeks at the end of the Qualifying Week (the 15<sup>th</sup> week before your Expected Week of Childbirth);*
- *have average weekly earnings of not less than the lower earnings limit for National Insurance contributions purposes set by the government during the eight weeks ending with the Qualifying Week;*
- *still be pregnant at the 11<sup>th</sup> week before the Expected Week of Childbirth or have had your baby by that time;*
- *have provided medical evidence (usually a MAT B1) confirming the Expected Week of Childbirth either before the birth or no more than 3 weeks after the birth (or if you have good cause for delay, as soon as reasonably practicable);*
- *have stopped working for the Council wholly or partly because of pregnancy or confinement (either a live birth (at any time), or a stillbirth after 24 weeks of pregnancy);*
- *have given at least 28 days' notice (or, if that is not possible, as much notice as you can) to your manager of your intention to take maternity leave.*

#### 3.2 **Non entitlement to SMP**

If you are not entitled to SMP or if your circumstances change and you stop getting SMP, Payroll will provide you with form SMP1 which states the reasons why the Council cannot pay you SMP.

You may be entitled to receive Maternity Allowance (**MA**) if you do not qualify for SMP. You will need form SMP1 and your maternity certificate to claim MA. This benefit is paid to you directly by the Department for Work and Pensions (for more information contact your local Social Security office or Job Centre Plus office).

You must claim MA if you are entitled to receive occupational maternity pay but are not eligible to receive SMP. You should inform your manager immediately if you receive MA as this allowance will be offset against any occupational maternity payments made to you.

#### 3.3 **Changes in circumstances**

You cannot continue to receive SMP if, during the Maternity Pay Period:

- *you return to work after your baby is born, or you work for a new employer after the child is born who did not employ you in the Qualifying Week; or*
- *you are taken into legal custody (this means that you have been detained, usually arrested or in prison) or;*
- *you die.*

You (or a person acting for you, if applicable) are responsible for informing your manager if your circumstances change in any of the ways described above.

### 3.4 The rate of SMP

There are two weekly rates of SMP: -

**“Earnings Related Rate”:** *This is equivalent to 9/10<sup>ths</sup> of your average weekly earnings before tax and is payable during the first 6 weeks of the Maternity Pay Period. As a general rule, your gross earnings will be averaged over the 8 weeks up to and including the last payday before the end of the Qualifying Week.*

**“Flat Rate”:** *This is paid at the prescribed rate which is set by the government and reviewed each year, or at the Earnings-Related Rate if this is lower, and paid for the remaining 33 weeks of the Maternity Pay Period. Human Resources can confirm the current rate on request.*

### 3.5 Payment of SMP

You will receive SMP at the same time and in the same way as your normal salary would be paid. SMP is subject to income tax and National Insurance contributions. Any deductions which are lawfully made from pay, for example pension contributions, trade union subscriptions etc, will also be made from SMP, if applicable.

### 3.6 Multiple Births

There is no entitlement to additional SMP for multiple births.

## 4 OCCUPATIONAL MATERNITY PAY

### 4.1 Entitlement to occupational maternity pay

You qualify for occupational maternity pay if you have completed a minimum of one year's continuous local government service at the beginning of the 11<sup>th</sup> week before the week in which your baby is due.

### 4.2 The rate of occupational maternity pay

For the first 6 weeks of your maternity leave you will be entitled to 90% of your average weekly earnings which will be offset against payments made by way of SMP or MA if you are not eligible for SMP (this means that you will not receive two lots of payments).

For the next 12 weeks you will receive your entitlement to the Flat Rate SMP (or MA if you are not entitled to SMP), as well as half pay. However, if your half pay plus SMP (or MA and any dependants' allowances if you are not eligible for SMP) comes to more than your full pay, it will be reduced accordingly.

You will then receive the Flat Rate SMP for the remainder of your maternity leave period (up to a maximum of 21 weeks).

### 4.3 Conditions attached to receiving half pay

You will receive 12 weeks' half pay (as set out at [5.2] above) on the understanding that you will return to work for the Council for **at least three months following your period of maternity leave**. Should you not do so, you may be required to pay back all, or part, of the 12 weeks' half pay. You do not have to pay back any payments made to you by way of SMP.

If you are unsure about your intention to return to work after your maternity leave, the Council will retain your half pay until you do return, provided that you inform Human Resources of your request for half pay to be withheld until your return *before* you start your

maternity leave.

#### **4.4 Calculation of a week's pay**

For the purposes of occupational maternity pay, a week's pay is calculated in one of the following ways depending upon your working hours: -

**Normal working hours:** *where your normal working hours do not vary with the amount of work done in the period, a week's pay is the amount payable to you by the Council under your current contract of employment for working your normal working hours in a week.*

**Variable working hours:** *where there are no normal working hours, a week's pay is your average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.*

As the amount of maternity pay is based upon your contract of employment in force during your maternity leave, it would consequently change if, for instance, a pay award was implemented during this period.

#### **4.5 Payment of occupational maternity pay**

During your maternity absence, the payments due to you will be paid in exactly the same way as you normally receive your salary.

If you have certain payments deducted from your salary, for example, car loan, Council Tax, rent, etc, these will continue to be deducted from any payments made to you.

If you have an electrical vehicle on the salary sacrifice scheme, you must contact your HR Business Partner for more information on how maternity leave may impact your payments.

Payroll will inform you if you need to make alternative arrangements at any time during your maternity leave to ensure that you do not fall into arrears.

### **5 NOTICE OF RETURN TO WORK AFTER MATERNITY LEAVE**

#### **5.1 Notice required for return to work**

If you intend to return immediately after the end of your AML period (52 weeks), you do not need to give advance notice of your return. Your expected date of return will be your next normal working day after the end of your 52 weeks maternity leave period (i.e. your first normal working day of the 53<sup>rd</sup> week).

However, if you wish to return to work earlier than the end of your entitled maternity leave period or if you wish to change your date of return from maternity leave, you must give your manager at least eight weeks' notice of your return date. If you do not provide this notice, the Council may postpone your return date for a period of up to eight weeks after you gave notice, or until the end of the maternity leave period, if this is sooner.

At the very least you must take two weeks' compulsory maternity leave beginning on the day that your baby is born. Should you decide to return immediately after the compulsory leave period, you may be required to provide your manager with a certificate from your

doctor which states that you are fit to work.

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

If you decide that you do not wish to return to work after your OML or AML period, you must provide your manager with a written statement of your resignation giving the notice required by your contract of employment.

**5.3 Sickness at the end of OML or AML**

If you are unable to attend work at the end of your OML or AML period due to sickness, the normal contractual arrangements for sickness absence will apply.

**6 RIGHTS ON AND AFTER RETURN TO WORK AFTER MATERNITY LEAVE**

**6.1 Return to work after OML**

You are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent.

**6.2 Return to work after AML / parental leave**

If you have taken any period of AML, or more than 4 weeks' parental leave, and it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

**6.3 Return to work and redundancy**

If a redundancy situation has arisen either during your maternity leave or upon your return to work, you have the right to be offered a suitable and appropriate alternative vacancy, where there is one.

## Appendix 1

### New and Expectant Mothers Risk Assessment

Name:	Job Title:
-------	------------

1. Physical Job Demands	Yes	No
Does your role involve: <ul style="list-style-type: none"><li>• Lifting or pushing of heavy objects, e.g. lifting boxes?</li><li>• Standing or squatting for long periods?</li><li>• Lots of walking?</li><li>• Working at height or climbing steep steps?</li><li>• The need to access areas with limited space, e.g. storerooms?</li></ul> If yes, will the task become more hazardous to your changing shape and size? Does your role involve shift work? If yes, does it involve working in the evening or at night?		

2. Mental Job Demands	Yes	No
Does your role involve meeting challenging deadlines? Does your role involve rapidly changing priorities and demands? Does your role require a high degree of concentration? Can you control the pace of your work?		

3. Working Conditions	Yes	No
Does your role involve any lone working or working in remote locations? Does your role involve any home working? Are there any risks of violence at work? Does any part of your role involve dealing with members of the public? If yes, do you have: <ul style="list-style-type: none"><li>• Contact with young children?</li><li>• Contact with sick people?</li><li>• To deal with distressed people?</li></ul> Does your role involve dealing with emergencies?		

4. Office Environment	Yes	No
Are toilet facilities easily accessible?		
Can you take toilet and rest breaks when required?		
Are there any obstacles that could cause you problems in the event of evacuation?		
Is there any form of indoor air pollution, e.g. diesel fumes?		
Is the temperature reasonable?		
Is there enough room for you to get in and out of your workstation?		
Will there be enough room as your pregnancy develops?		
Do you have an adjustable seat, which conforms to statutory standards?		

5. Specific Hazards	Yes	No
Does any part of your role involve the use of chemicals?		
If yes, are there any additional risks while you are pregnant?		
Is there any exposure to vibration, e.g. through the use of hand tools?		
Do you need to wear personal protective clothing?		
If yes, will this present any problems as your pregnancy develops?		

**Notes**

Name: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2

MATERNITY LEAVE NOTIFICATION FORM	
Name of employee	
Department	
Job Title	
Line Manager	

**Please complete this form and return it to the HR Department with your MAT B1 (if not already forwarded) before the 15<sup>th</sup> week before the Expected Week of Childbirth.**

<b>The earliest date for the commencement of maternity leave is at the beginning of the 11<sup>th</sup> week before the week in which your baby is due.</b>	
My expected date of childbirth is:	
The date of the 11 <sup>th</sup> week before the week in which my baby is due is:	
I intend to commence my maternity leave on:	
I intend my maternity leave to end on:	
Following my maternity leave, I intend to take Annual Leave	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>If Yes</b> , after I have taken Annual Leave, I intend to be back in the office on:	
<b>During your maternity leave your line manager will keep you up to date and informed of changes, vacancies and any other matters that are of relevance to you. You may also wish to discuss the opportunities for returning on reduced hours or with a change to your pattern of work. Please tell us how you wish to be contacted during your Maternity Leave, and give details:</b>	
<input type="checkbox"/> Phone	
<input type="checkbox"/> E-mail	
<b>After the first 6 weeks of your maternity leave you will receive 12 weeks' half pay on the understanding that you will return to work for the Council for at least 3 months. This payment is in addition to Statutory Maternity Pay. You will have to pay back the 50% salary that you receive if you do not return to work for the Council for at least 3 months after your baby is born. Please select the option you wish to be applied to you:</b>	
<input type="checkbox"/> I wish to receive the 50% salary whilst on Maternity Leave	



<input type="checkbox"/>	I wish to receive the 50% salary in a lump sum after I have completed the 3 months back at work.		
<input type="checkbox"/>	I do not wish to receive the 50% salary payment.		
<b>HR will need your MAT B1, please select the option that applies to you:</b>			
<input type="checkbox"/>	I enclose my MAT B1		
<input type="checkbox"/>	I have previously forwarded my MAT B1		
<input type="checkbox"/>	I will forward my MAT B1 as soon as I receive it		
Signed Employee			Date

### Appendix 3

#### MATERNITY KIT DAY PAYMENT CLAIM FORM

Name of employee	
Department	
Job Title	
Line Manager	

I wish to claim for	hours worked on
<p>These hours represent <b>one day</b> of the <b>ten</b> maximum that I can take without bringing my maternity leave to an end.</p> <p>I understand that working for part of a day will count as one day. This payment is made in addition to any SMP owed.</p>	

I have now worked	days during my maternity leave
-------------------	--------------------------------

Signed Employee		Date	
Signed Line Manager		Date	

#### PAYROLL USE ONLY

Date Received		By	
Date System Updated		By	