



Description

This Procedure sets out the maternity pay and leave entitlements available to employees of Hampshire and Isle of Wight Fire and Rescue Service (the Service).

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Introduction

The Service aims to:

- support employees taking maternity leave
- promote flexible and family friendly work practices.

This Procedure is based on legislative entitlements and requirements.

The table below outlines where information can be found about provisions that are not in covered in this Procedure.

Provision	Where to look and find more information
Adoption leave and pay	Adoption Procedure
Paternity leave and pay	Paternity Procedure
Shared parental leave and pay	Shared Parental Leave Procedure
Unpaid parental leave	Unpaid Parental Leave Procedure

Parental bereavement leave	Miscarriage, Stillbirth & Child Loss Guidance.
Parental Support Leave	Parental Support Leave Procedure
Time away for IVF & fertility treatment	IVF & Fertility Treatment Guidance
Time away for surrogacy	Surrogacy Guidance
Compassionate leave	Leave & Time Off Procedure
Emergency leave	Leave & Time Off Procedure
Flexible working arrangements and making a request	Flexible Working Procedure

For further information regarding any of the above provisions, please contact The HR Team.

Scope

This Procedure applies to:

- Gold Book employees
- Green Book employees
- Grey Book employees (including Control).

Employees that have been subject to a TUPE into the Service may be excluded from this Procedure. In such cases, the employee should refer to their own contractual policies and procedures.

Informing the Service & the IBC

An employee must inform the Service of their pregnancy as soon as practicably possible. This must be no later than the end of the 15th week before the expected week of childbirth (EWC). This is unless it is not reasonably possible.

It is important that all employees notify the Service as soon as they know that they are pregnant. Once informed, the line manager must complete a risk assessment at the earliest opportunity.

Managers must consider [working arrangements](#) for employees during pregnancy.

An employee must notify the IBC of their pregnancy and maternity intentions via ESS. They must provide the following:

- the expected week of childbirth (EWC)
- the date they intend to commence maternity leave
- a copy of their MatB1 certificate. This will be provided by the employee's midwife.

An employee must provide 8 weeks' notice of when they wish their maternity leave to start. In exceptional circumstance less than 8 weeks' notice may be given.

The line manager must enter appropriate details into Gartan (for Grey Book employees) to ensure the availability change is reflected.

An employee can change the date on which they intend to start maternity leave. The employee must discuss this with their line manager.

The employee should provide at least 28 days' written notice of a change, unless this is not possible. The line manager must update Gartan for Grey Book employees, and the employee must notify the IBC via ESS to ensure payroll records the correct date.

The employee will receive written confirmation of the details of their maternity leave from the IBC.

Leave entitlement

To qualify for maternity leave, an employee must:

- have a contract of employment with the Service
- give 8 weeks' notice of when they wish their maternity leave to begin.

The maternity leave entitlement is 52 weeks. This is made up of:

- 26 weeks Ordinary Maternity Leave (OML)
- 26 weeks Additional Maternity Leave (AML).

Employees do not have to take the full 52 weeks' leave. However, they are not permitted to return to work during the first two weeks immediately following childbirth (Compulsory Maternity Leave (CML))

Employees may be able to take some of their maternity leave as Shared Parental Leave. For more information, please refer to the Shared Parental Leave Procedure.

The earliest that an employee can begin maternity leave is 11 weeks before the EWC. Maternity leave may also start:

- from the day after childbirth if the baby is born early
- automatically if the employee is off sick with a [pregnancy-related illness in the 4 weeks before the EWC](#)

An employee's maternity leave can commence on any day of the week.

All terms and conditions (apart from pay and allowances) continue to apply during OML and AML. However, there are [different rights of return](#) depending on whether an employee returns after OML or AML.

Pay entitlement

There are two types of pay during maternity leave:

- Statutory Maternity Pay (SMP)
- Occupational Maternity Pay (OMP).

The table below sets out the requirements for whether an employee qualifies for SMP and OMP:

SMP	OMP
<p>To qualify, an employee must:</p> <ul style="list-style-type: none"> • have a contract of employment with the Service • have continuous local government service for at least 26 weeks by the 15th week before the EWC • earn more than the lower earnings limit for paying National Insurance (for current rates, see https://www.gov.uk/government/publications/rates-and-allowances-national-insurance-contributions/rates-and-allowances-national-insurance-contributions) • still be pregnant at the 11th week before the EWC or have already given birth. 	<p>To qualify, an employee must:</p> <ul style="list-style-type: none"> • meet the requirements for SMP • have completed 1 year's continuous local government service at the beginning of the 11th week before the EWC • have confirmed in writing their intention to return to the Service following maternity leave for a period of at least 6 months.

If an employee does not qualify for SMP or OMP, they may be able to claim the Maternity Allowance (MA) which is provided by the Government. The employee must contact the Department for Work and Pensions or their local Jobcentre Plus for more information.

The table below sets out the pay entitlements for SMP and OMP:

SMP	OMP
<ul style="list-style-type: none"> • 6 weeks at 90% of average weekly earnings or 90% of contractual pay offset against payments made by way of SMP or MA, as applicable (whichever is higher), followed by • 33 weeks SMP. 	<ul style="list-style-type: none"> • 16 weeks at full pay (this will include SMP), followed by • 20 weeks at half a weeks pay plus SMP, where eligible, without deductions (except by the extent to which the combined pay and SMP exceeds full pay), followed by • 3 weeks at SMP.

For current rates of SMP, please refer to the maternity pay section of the Government website: <https://www.gov.uk/maternity-pay-leave/pay>.

Please see Appendix A for a table that summarises the maternity pay entitlements over the 52 weeks maternity leave. (This does not include On-call entitlements).

The IBC will calculate maternity pay entitlements for employees on the On-call system (RDS). This is based on the average weekly pay over a 12-week period. This period is based on the time before the last complete week before the employee stopped full operational duties. This is excluding any week in which payments were made for sickness absence or attendance at a training establishment.

Maternity pay arrangements for On-call employees will be discussed on an individual basis. Entitlements may vary according to:

- whether an employee is employed elsewhere
- the level of National Insurance contributions which have been paid.

All eligible employees may receive OMP. If the employee does not return to the Service for a period of at least 6 months following maternity leave, they will be required to repay all or part of the OMP. SMP is a statutory right and therefore does not have to be repaid.

The period of 6 months for which an employee must return to work can be varied by the Service in exceptional circumstances.

Returning to work

The earliest date on which an employee can return to work is after the (Compulsory Maternity Leave (CML) period.

An employee who intends to return to work at the end of the full 52 weeks entitlement to maternity leave, does not have to notify their line manager of their return.

An employee may wish to return to work before the end of their maternity leave. In such cases, they must notify their line manager, in writing, at least 8 weeks before the proposed return to work date.

The notice given may be less than 8 weeks if the manager agrees.

If necessary, the Service may postpone the return to ensure 8 weeks' notice is given. Any postponement must not go beyond the end of the overall maternity leave entitlement, as the employee is only entitled to a maximum of 52 weeks maternity leave.

If an earlier return date is agreed with the line manager, the employee must notify the IBC via ESS as soon as practicable.

An employee does not need to inform the IBC of their return-to-work if they are returning on the date that they had planned through the IBC.

Subject to any organisational changes, an employee may return to work within, or at the end of, the first 26 weeks (OML) of maternity leave. They are entitled to return to the same role, terms and conditions as if they had not been away.

The same can be expected for an employee who returns to work after more than 26 weeks (AML). However, where this is not reasonably practicable, they are entitled to return to a similar role. This role must have the same or better status, terms and conditions as the role they occupied before going on maternity leave. This will be subject to discussions with the employee.

An employee is entitled to benefit from any pay increase awarded during the maternity leave period.

An operational employee who is absent from operational activities for 6 months or more must undertake the Return to Operations Refresher Training. This must be completed before the employee returns to operational duty.

Where an employee decides not to return to work following their maternity leave, the usual resignation process should be followed. For more information, please refer to the Resignation and Retirement Procedure.

Other requirements & entitlements

This section details the other requirements and entitlements associated with maternity leave.

This section has been arranged in alphabetical order.

Annual leave

An employee that is pregnant or on maternity leave will normally take their contractual leave during the year in which it is accrued.

Time off in lieu may be granted for any public holidays that fall during maternity leave. Alternatively annual leave entitlements can be adjusted to accommodate for the additional public holidays.

Wherever operationally possible, the employee should take their annual leave before commencing maternity leave.

Accrued annual leave must be taken either within the year in which it was accrued or in the following leave year. It must always be taken within 15 months of the employee's return to work.

In exceptional circumstances, through agreement and for operational reasons, leave entitlement may be carried forward into the subsequent leave year. This must be taken at the earliest opportunity in that subsequent year, and always within 15 months of the employee's return to work.

Annual pay award

The annual pay award may occur during an employee's maternity leave. In such cases, the employee's OMP will be adjusted to reflect the pay increase.

SMP will not be adjusted in line with the annual pay award. This payment amount is determined separately by HMRC on an annual basis.

Antenatal appointments

A pregnant employee is entitled to paid time off during working hours to attend antenatal appointments. This may include:

- medical examinations
- relaxation classes
- parent craft classes.

An employee has the right to:

- not be unreasonably refused time off to attend appointments

- be paid for this period of absence.

An employee will be required to provide evidence of their attendance at an antenatal appointment if requested by their line manager. For example, this could be an appointment card or letter.

An employee may be the parent of an unborn child or the partner of a pregnant person. They may be entitled to unpaid time off up to accompany the expectant mother/primary adopter to an antenatal/pre-adoption appointment. For more information, please refer to the Paternity Procedure.

Breastfeeding/expressing at work

Where an employee's work affects breastfeeding, suitable facilities for expressing should be provided. The employee must notify the Service in writing that they wish to breastfeed/express whilst at work.

The Service must then ensure that they provide a suitable private room for use when needed. This includes facilities for storing milk and sterilising equipment.

Where this is not reasonably possible, the employee may, on a temporary basis, have their working arrangements changed. This may include altering:

- working conditions
- working hours
- duties.

Each case will be considered according to individual circumstances. Arrangements will be made at the discretion of the Service.

Reasonable contact during maternity leave

Before the employee starts maternity leave the line manager and employee should agree appropriate and reasonable contact arrangements for the maternity leave period.

These arrangements should be used to keep each other up to date on vacancies, promotion opportunities, workplace developments, training opportunities, any changes which would affect the employee's return to work, key Service communications or other circumstances which are relevant to the maternity leave.

Continuous service

The full period of maternity leave (OML and AML) counts as continuous service.

An employee may return to local authority service following a break for maternity reasons. They will be entitled to have previous service taken into account in respect of sickness and maternity schemes.

This is provided that the break in service has not exceeded 8 years. During the 8-year period, the employee must not have undertaken any permanent, paid, full-time employment.

For the purpose of the entitlement to annual leave, the 8-year time limit does not apply. This is provided that no permanent full-time employment has intervened.

Employee's status during maternity leave

Whilst on maternity leave, an employee remains in the Service and is bound by its Policies and Procedures. Welfare facilities and other support services remain available to an employee throughout the maternity leave period.

Fixed term contracts

If an employee who is on a fixed term contract falls pregnant, the line manager must contact The HR Team for further advice.

Multiple births

Where there are multiple births, the standard maternity leave and pay arrangements apply. A twin birth, for example, does not attract an entitlement to double the amount of maternity leave and pay.

Multiple contracts with the Service

An employee may have more than one contract of employment with the Service. Individual consideration will be given as to the maternity pay entitlements under each contract.

Pension arrangements for Green Book

During paid maternity leave, pension contributions continue at the usual percentage rate. This period counts in full for pension purposes.

During unpaid maternity leave, an employee has the choice of whether to pay their pension contributions.

Where an employee chooses to make the contributions, the appropriate amount of CARE pension will be credited. Where an employee does not choose to make the contributions, the unpaid period will not count towards their CARE pension.

Pension arrangements for Grey Book

During paid maternity leave, pension contributions continue at the usual percentage rate. This period counts in full for pension purposes.

For information regarding pension contributions during unpaid maternity leave, employees should contact the IBC Pensions Admin Team.

Premature birth

If the baby is born before an employee is due to start maternity leave, maternity leave will take effect from the day after the date of birth.

Securing a new post within the Service during pregnancy or maternity leave

Whilst pregnant or on maternity leave, an employee may apply and be successful for a post that is advertised within the Service.

If successful whilst pregnant, the employee will be placed in, or promoted to the position. They will receive the relevant rate of pay on the date that is advertised as the start of the post.

However, if they are already on maternity leave, maternity pay will be calculated on the basis of the salary before maternity leave commenced. The employee will commence duties in the new post on their return from maternity leave.

Sickness absence whilst pregnant

If the employee has a pregnancy related illness within the 4 weeks before the EWC, then the maternity leave period starts automatically. This will begin on the day after the first day of absence. This applies even if the day of absence is before the intended start date of the maternity leave.

The employee may have a few individual days of pregnancy related illness within the 4 weeks before the EWC. The line manager can apply discretion if the employee wishes to defer the start of their maternity leave period. This will be subject to the advice of a medical practitioner.

Sickness absence, which is related to pregnancy, will not be included when monitoring an employee's total sickness absence.

An employee may be unable to return to work at the end of maternity leave due to sickness. In such cases, they will be entitled to receive sick pay from the intended return to work date. This will be in accordance with the usual sick pay arrangements.

For more information, please refer to the Managing Sickness Absence Procedure.

Miscarriage & stillbirth

A miscarriage is the loss of a pregnancy during the first 23 weeks of pregnancy.

Baby loss after the 24th week before the expected week of childbirth (EWC) is known as stillbirth. In such cases, the employee retains the right to maternity leave and pay as outlined in this Procedure.

For more information about entitlements and support that is available, please refer to the Miscarriage, Stillbirth & Child Loss Procedure.

Trade union subscriptions

Where trade union subscriptions are automatically deducted from pay, this will continue during a period of paid maternity leave. However, trade union subscriptions will cease during a period of unpaid maternity leave.

During a period of unpaid maternity leave, employees are encouraged to contact their trade union to find out if and how they are covered.

Subscriptions will start again automatically when an employee returns to work following a period of unpaid maternity leave.

Training, college & further education

An employee may have received funding from the Service to attend an external course within the last 24 months. If they do not intend to return to work following maternity leave, they may have to repay some of the course fees.

Please see the Learning and Development Form (FM/9/6/1/2).

Uniform

The employee may be required to wear a uniform during pregnancy. The line manager must make arrangements for the employee to be supplied with an appropriate replacement.

Working arrangements during pregnancy

Pregnant employees and new mothers are entitled to protection against risks that could cause harm to themselves or their child before and after it is born.

For health and safety reasons, operational employees must not undertake a fully operational role during pregnancy.

Pregnant firefighters will be immediately relieved from full operational duties whilst alternative duty arrangements are discussed. Suitable alternative employment will be arranged by the Service together with the employee.

There should be no assumptions that:

- employees working on a watch pattern will automatically assume day duties
- an On-call employee will cease to attend drill nights
- alternative duties will be carried out away from the normal place of work.

If medical advice suggests that night work could have a negative impact on health and safety, then modified or alternative work will be considered.

Modified or alternative work will be subject to an individual risk assessment. This will be carried out jointly between the employee and their line manager.

Further risk assessments must be carried out at appropriate intervals throughout the duration of the pregnancy. Working arrangements can then be modified accordingly.

The employee should be encouraged and supported to continue with training (including operational training if appropriate). This will be subject to a relevant risk assessment.

Modified or alternative working arrangements may prevent a pregnant employee from working their full hours. Occupational Health may advise that the employee should work reduced hours. In such cases, this will not impact the employee's pay.

Working during maternity leave/Keeping in Touch (KIT) days

An employee can undertake a maximum of 10 days' work during maternity leave. These are known as Keeping in Touch (KIT) days.

If an employee works a KIT day this will not bring their maternity leave to an end or result in any loss of SMP for that day.

Work during maternity leave is defined as any work done under the contract of employment. This may include training, or any activity undertaken for the purposes of keeping in touch with the workplace.

The Service cannot insist that an employee undertakes work during maternity leave. The employee is protected from suffering a detriment or being dismissed for refusing to work whilst on maternity leave. The Service is not obliged to offer an employee work during their maternity leave.

An employee's maternity leave will not be extended due to any work that they carry out during this period.

An employee who undertakes KIT day(s) during maternity leave will be paid for the hours they work at plain time. Working for part of a day will count as one KIT day. Line managers must process payment for KIT days via the IBC Portal.

An employee may travel to a location other than the normal place of work on a KIT day (for example to attend a 'team away day'). The employee can claim mileage in accordance with the Allowances & Expenses Procedure.

Support

The Service recognises the importance of the health and wellbeing of all employees and managers. They are actively encouraged to access the Service's Wellbeing pages: <https://hantsfire.sharepoint.com/sites/COM-WELL>.

The following can be found on the Wellbeing pages:

- details of the Service's employee assistance programme (EAP) which provides free confidential advice and impartial support
- wellbeing advice and information
- information about mental health and how to get support
- guidance from Occupational Health & Wellbeing and the ways in which they can be contacted.

Additionally, the Staff Network Groups can provide information and workplace support as well as signposting to advice and support. For further information, contact Inclusion & Diversity at id@hantsfire.gov.uk.

Support for the employee

If an employee is a member of a trade union, they can contact their representative for advice.

Support for the manager

If the manager has any HR questions or queries, they can contact The HR Team on 002380 626871 or at hr@hantsfire.gov.uk.


If the manager has any occupational health questions or queries, they can contact Occupational Health & Wellbeing on 02380 626600 or at occupational.health@hants.gov.uk.

Appendix A - Maternity pay entitlement table

	Do not qualify for SMP or OMP	SMP*	OMP*
Weeks 1-6	Maternity Allowance (provided by the Government)	90% of average weekly earnings or 90% of contractual pay (whichever is higher)	Full pay (including SMP)
Weeks 7-16		SMP	
Weeks 17-36			Half a weeks pay plus SMP, where eligible, without deductions (except by the extent to which the combined pay and SMP exceeds full pay)
Weeks 37-39			SMP
Weeks 40-52	Unpaid		

* subject to meeting the eligibility criteria as detailed in this Procedure.

Updates

Section	What's been updated	Date updated	Who updated
All	Change of department owners as agreed with head of POD	02.03.2022	
	Department number changed as instructed by AM	07.03.2022	
	Name change Firewatch to Gartan	07.03.2022	
Continuous service	Updated to reflect that Local Government service is taken into account in order to be eligible for the SMP and OMP.	11.08.2022	
Pay entitlement	Link Updated	22.03.2023	
All	Review date extended	19.04.2024	
All	Contact details updated	10.05.2024	
All	Review date extended until dec 24	10.05.2024	
All	Moved from EDI to HR	20.08.2024	
All	Review date extended until 31/03/2025	02.10.2024	