

# Maternity Information Pack

October 2020

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Cyngor **Sir Gâr**  
**Carmarthenshire**  
County Council



Dear Colleague,

Congratulations on your good news in what must be a busy and exciting time. To help you prepare we have produced an information pack which we hope you will find useful. Your pack contains:

- Maternity Regulations
- Maternity Application form
- FAQ (frequently asked questions)
- Useful contacts

For any queries that you may have during this period, please contact The Absence Team, in People Management on 01267 246156/246169 or email [HRAbsenceTeam@carmarthenshire.gov.uk](mailto:HRAbsenceTeam@carmarthenshire.gov.uk)

We hope that you find this information useful.

Yours sincerely

Paul R Thomas  
Assistant Chief Executive (People Management)

# MATERNITY LEAVE POLICY

## INTRODUCTION

The Occupational Maternity Scheme applies to all pregnant employees regardless of the number of hours worked per week or their length of service.

This document provides a brief guide to the regulations relating to maternity leave and pay for employees of Carmarthenshire County Council whose expected week of childbirth (EWC) is on or after 6<sup>th</sup> April 2021.

For explanations of the technical terms used in this document please refer to Appendix 1 – Definitions.

For a detailed explanation of Statutory Maternity Pay (SMP) please refer to Appendix 2 - Statutory Maternity Pay.

For details on how to reinstate lost pension as a result of unpaid maternity leave please refer to Appendix 3.

Frequently asked questions can be found at Appendix 4

Details of organisations, which offer support to new or expectant mums and their families, are contained in Appendix 5.

## SCOPE

This Policy covers all employees including centrally employed teachers but excluding staff on the complement of locally managed schools for which a separate policy applies. (reference to adoptive parent or partner includes all parents or partners regardless of gender).

## MATERNITY PAY AND ENTITLEMENTS

All pregnant employees are entitled to 52 weeks maternity leave consisting of 39 weeks Ordinary Maternity Leave (OML) and 13 weeks Additional Maternity Leave (AML).

An employee with less than 1 years' service (at the commencement of the 11<sup>th</sup> week before the baby is due) will be entitled to take maternity leave and pay as detailed below:-

***Option 1 a or 1 b – Employees with Less Than One Year’s Service***

- **Shall have an entitlement to remain absent for up to 39 weeks (OML) and 13 weeks (AML).**

Option 1 a – For those who qualify for SMP – (See Appendix 2 for more SMP information)

- For those employees who qualify for SMP their entitlement will be **6 weeks at 9/10ths** of a week’s pay followed by **33 weeks at £151.97** SMP per week (or 9/10ths of average weekly earnings if this is less)
- And a further 13 weeks Additional Maternity Leave (unpaid)

Option 1 b – For those who do not qualify for SMP – (See Appendix 2 for more SMP information)

- Where an employee is not entitled to SMP their entitlement will be 39 weeks OML (unpaid) and 13 weeks AML (unpaid) and an SMP1 Form will be provided so that a claim for maternity allowance and/or other benefits can be made to the Job Centre Plus or Department of Work and Pensions.

Any employee with over 1 years’ service (at the commencement of the 11<sup>th</sup> week before the baby is due excluding the EWC week) will be entitled to take maternity leave and pay in accordance with either **SCENARIO 2a or 2b or 3a or 3b** as detailed below:

***Option 2 – Employees With At Least One Year’s Service Where No Declaration of Intention to Return to Work Following Their Maternity Leave Has Been Made (This Will Not Apply Where A Resignation Has Been Submitted)***

- **Shall have an entitlement to remain absent for up to 39 weeks (OML) and 13 weeks (AML).**

Option 2 a – For those who qualify for SMP – (See Appendix 2 for more SMP information)

- For those employees who qualify for SMP their entitlement will be **6 weeks at 9/10ths** of a week’s pay followed by **33 weeks at £151.97 SMP** per week (or 9/10ths of average weekly earnings if this is less).
- Shall be entitled to a further 13 weeks **unpaid** additional maternity leave (AML).

Option 2 b – For those who do not qualify for SMP – (See Appendix 2 for more SMP information)

- For those who do not qualify for SMP their entitlement will be **6 weeks at 9/10ths** of week’s pay followed by **33 weeks unpaid leave (OML)**
- Shall be entitled to a further **13 weeks unpaid leave (AML)**

- An SMP1 Form will be provided so that a claim for maternity allowance and/or other benefits can be made to the Job Centre Plus or Department of Work and Pensions.

***If following a period of maternity leave, the employee declares their intention to resume duties, then arrangements will be made to pay 12 weeks at half pay in the next available pay period.***

***Option 3 – Employees With At Least One Year’s Service Electing to Return To Work Following Maternity Leave***

- **Shall have an entitlement to remain absent for up to 39 weeks (OML) and 13 weeks (AML).**

Option 3 a – For those who qualify for SMP – (See Appendix 2 for more SMP information)

- For those employees who qualify for SMP their entitlement will be **6 weeks at 9/10ths** of a week’s pay followed by **12 weeks at half pay plus £151.97** SMP per week (or 9/10ths of average weekly earnings if this is less), except to the extent that the half pay plus SMP (or MA and any dependent’s allowances if the employee is not eligible for SMP) does not exceed full pay followed by a further **21 weeks at £151.97** SMP per week (or 9/10ths of average weekly earnings if this is less). Alternatively, the equivalent amount of 12 weeks half pay (i.e. 6 weeks’ pay) may be paid on any other mutually agreed distribution within the pay period i.e. up to a maximum of 33 weeks – see employee election below.
  - a further **13 weeks unpaid** additional maternity leave (AML)

Option 3 b – For those who do not qualify for SMP– (See Appendix 2 for more information)

- For those who do not qualify for SMP their entitlement will be **6 weeks at 9/10ths** of week’s pay followed by **12 weeks at half pay** and further **21 weeks unpaid leave**
- Shall be entitled to a further **13 weeks unpaid leave (AML)**
- An SMP1 Form will be provided so that a claim for maternity allowance and/or other benefits can be made to the Job Centre Plus or Department of Work & Pensions.

**Employee Election – Alternative Pay Arrangements during half pay period**

The occupational maternity pay scheme provides 12 weeks at half pay in addition to SMP for those employees who are returning to work, as long as the two combined do not exceed full pay. The new arrangements provide that as an alternative the same sum (6 weeks’ full pay) may be spread over any other mutually agreed distribution within the paid

leave period i.e. up to a maximum **of 33 weeks**. The distribution of the payment will be agreed between the employee and the Absence Team. The requirement that earnings including SMP during the additional pay period are restricted to full pay remains in place under the new arrangement.

***If after confirming the intention to return to work an employee does not return to local authority employment for at least 13 weeks they will be asked to refund the half pay or such part thereof, if any, as the authority may decide. Payments made to the employee by way of SMP are not refundable.***

**NOTE: Maternity leave shall commence no earlier than 11 weeks before the EWC (excluding the EWC), or from the time of childbirth if that is earlier.**

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

An employee who does not wish to return to work after maternity leave must give the Authority the notice of termination required by the contract of employment. However, it will usually help the Authority if they can give as much notice as possible. As long as they specify the date on which they wish to terminate the contract (this could be the first day they were due back at work after maternity leave) this will not, of itself, mean that they are no longer entitled to maternity leave or pay for the rest of the maternity leave period.

**Termination Date** – All employees have the right to return to duty following their maternity leave. However, an employee also has the right to terminate her employment under any of the above options. If the employee decides to terminate their duties the termination date will normally be the last day of maternity leave, this would be different where unpaid leave applies.

### **NOTIFICATION OF MATERNITY LEAVE**

An employee will be required to notify the Absence Team in writing (a copy of which should also be sent to the Line Manager) and by completing the attached maternity form of the following no later than the end of the 15<sup>th</sup> week before the week the baby is due (or as soon as reasonably practicable) that:

- you are pregnant;
- the expected week of childbirth (EWC);
- the date you want your ordinary maternity leave to start. This cannot be earlier than the 11<sup>th</sup> week before the EWC. Maternity leave can start on any day of the week

It will be possible to change the date the leave commences provided the employee gives 28 calendar days written notice or if that is not possible as soon as reasonably practicable (a copy of which should also be sent to the Line Manager)

The Absence Team will write to the employee within 28 calendar days of receiving the maternity application (a copy will also be sent to the Line Manager) and will notify of the eligibility of maternity entitlements and the expected date of return from maternity leave.

**Please note that before your maternity leave is to commence you will need to submit a certificate from a registered medical practitioner or a registered midwife stating the Expected Week of Childbirth (MATB1 Form)**

## **HEALTH AND WELLBEING**

### **Time Off for Ante Natal Care**

Any pregnant employee has the right to paid time off to attend ante natal care and must produce evidence of the first appointment if requested to do so by the Line Manager. Ante-natal care can include not only medical examinations but also relaxation and parent craft classes. If attendance at the appointment is a matter of personal choice for the employee and is not on the advice of a registered medical practitioner, registered midwife or registered nurse, the employee can request unpaid time off/annual leave or flexi-time (if applicable). Carmarthenshire County Council reserves the right to ask employees to re-arrange appointments where it is reasonable to do so. Employees should wherever possible try to arrange these appointments as near to the start or end of the working day as possible.

### **Antenatal Appointments for Spouses and Partners**

From 1 October 2014, employees and agency workers who have a qualifying relationship with a pregnant employee or an expected child are entitled to take unpaid time off work to accompany that pregnant employee at up to two antenatal appointments.

Employees will have the right from day one of their employment. Agency workers will qualify after 12 weeks in the same assignment. The right to time off is capped at a maximum of six-and-a-half hours on each occasion, which can include travelling time, waiting time and attendance.

An employee or agency worker has a qualifying relationship with a pregnant employee or the expected child if they:

- are the spouse of the pregnant employee;
- live with the pregnant employee in an enduring family relationship, but is not their parent, grandparent, sister, brother, aunt or uncle;
- is the parent of the expectant child; or

- is an intended parent in a surrogacy situation who meets certain conditions.

## **Health and Safety**

Consideration must be given to any health and safety implications for pregnant and breastfeeding employees identified in the Workplace Risk Assessment. It is vital that you inform your Line Manager that you are pregnant in order for the [workplace risk assessment](#) to be undertaken. Line Managers are to refer to the [New and Expectant Mothers Guidance](#).

## **Absence Due to Sickness Prior To Commencement of Maternity Leave**

If the employee is absent from work due to a pregnancy related reason before the date they have notified (or before they have notified a date) the maternity leave period begins automatically on the second day of absence following the beginning of the fourth week before the EWC. The employee must notify the Absence Team (in writing if requested) as soon as reasonably practicably, that they are absent wholly or partly because of pregnancy. (A copy of which should be sent to the Line Manager)

If the employee is absent from work due to an illness unrelated to the pregnancy, they may take sick leave and receive statutory sick pay/occupational sick pay until the maternity leave period begins. The maternity leave period will begin either on the date they have notified or (if they are yet to notify a date) on the expected week of childbirth or on the date of birth if sooner.

Advice about whether absence may be pregnancy related is available from the Absence Team.

## **Reasonable contact**

During the maternity leave period it is advisable that both the employee and Line Manager maintain reasonable contact with each other, this may be by means of telephone, email, Skype/Teams calls, letter or by arranging a work or home visit. This may be for a number of reasons:

- new changes at the workplace that might affect the employee on her return;
- keeping the employee informed of promotion opportunities;
- other information that she would normally be made aware of if she is working.

## **Keeping In Touch (KIT) days**

Up to ten days' work KIT days under the employee's contract of employment may be undertaken at any stage during the maternity leave period, by mutual agreement with the Line Manager. There is no compulsion for an employee to work KIT days or for a Line Manager to agree to them.

The only period an employee cannot work is during the first two weeks after the baby is born, i.e. compulsory maternity leave.

### **The benefits of KIT Days**

- Helps employers plan for employees return to work
- Help employees receive updates on new developments within the workplace i.e. new initiatives, training, re-validation of knowledge and experience
- Contribution to current team projects

Keeping in touch days will allow the employee to do a limited amount of work under their contract without the loss of their statutory maternity pay. Any work done under the contract on any day will be recorded as one KIT day e.g. if the employee attends work for a 1-hour training session they will have used 1 of their KIT days. The employee will be paid their contractual rate of pay for the hours of work and will be offset against SMP

Managers are responsible for notifying the Absence Team of KIT days worked.

## **RETURN TO WORK**

### **Exercise of The Right to Return to Work**

All employees will be entitled to remain absent for the full 52 weeks maternity leave. Employees must notify their Line Manager and The Absence Team of their intention to return to work. Employees will need to give at least 8 weeks' notice in writing of their intention to return to work. This notice requirement applies during both ordinary maternity leave and additional maternity leave

If you attempt to return to work earlier than the end of your maternity leave without giving 8 weeks' notice, we may postpone your return until the full 8 weeks' notice has been given. However, we will not postpone your return to a date later than the end of your maternity leave period.

### **Returning to work earlier or later than previously notified**

An employee, who has notified their line manager that they wish to return to work before the end of the maternity leave, is entitled to change their mind. However, in these circumstances they should give notice in writing of this new, earlier, date of return at least 8 weeks before the earlier date.

An employee who wishes to delay their return to work to a date after the end of the full Maternity Leave (52 weeks) needs to apply either for unpaid leave, parental leave or a career break in line with the authority's policies and procedures. All applications should

be made at least 8 weeks before the expected date of return and are subject to the eligibility criteria within the policies and procedures.

**An employee is entitled to:**

- Return to the job in which they were employed under their original contract of employment and on terms and conditions not less favourable than those on which would have been applicable to them if they had not been absent. “Job” for this purpose, means the nature of the work which they are employed to do and the capacity and place in which they are employed.
- Where it is not practicable by reason of redundancy for the Authority to permit the return to work to the job in which they were employed the employee shall be entitled to be offered Suitable Alternative Employment (SAE) where one exists, provided that the work to be done in that post is suitable to employee and appropriate to the circumstances, and that the capacity and place in which they are to be employed and the terms of conditions of employment are not substantially less favourably to them than if they had been able to return to the job in which they were originally employed.
- SAE may also be offered if exceptional circumstances other than redundancy (e.g. a general re-organisation), which would have occurred if the employee had not been absent, necessitate a change in the job in which they were employed prior to their absence. The work to be done should be suitable to the employee and appropriate to the circumstances and the capacity and place in which they are to be employed and the terms and conditions of employment should not be less favourable to them than if they had been able to return to the job in which they were originally employed.

Where an employee wishes to return to work on different hours or job share, the Authority should consider such requests seriously. For further details please refer to the Authority’s Flexible Working Policy and Procedure and/or the Job Share Policy and Procedure. If you wish to apply for any of the above, you will need to apply no later than 8 weeks of your expected date of return.

**Relationship with Sickness and Annual Leave**

Maternity leave shall be regarded as continuous service for the purpose of the National Joint Council’s sickness scheme and annual leave.

Where an employee is unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way. A medical certificate will be required from the first day of the sickness absence.

For an employee, where because of an interruption of work (whether due to industrial action or some other reason) it is unreasonable to expect a return to work on the due date, they may instead return when work resumes, or as soon as reasonably practicable thereafter.

Annual leave and Bank Holiday entitlement will continue to be accrued during the full maternity leave period.

Employees are encouraged to take any outstanding annual leave due wherever possible before the commencement of ordinary maternity leave. Employees are reminded that wherever possible annual leave must be taken in the year that it is earned and therefore if the annual leave year is due to end during the maternity leave, the employee should endeavour to take the majority of their full year's entitlement before starting maternity leave.

### Term Time Employees

Your leave entitlement will continue to be accrued during your maternity leave and any adjustments required will be made at the end of your period of maternity leave.

Employees who do not return to work will have their last day of the paid/unpaid maternity leave period treated as their leaving date and annual leave entitlement will be calculated as at that date and any excess days taken will be reclaimed accordingly.

## **SHARED PARENTAL LEAVE**

Shared Parental Leave (SPL) enables the primary carer to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay with their partner or return to work early from maternity leave and opt in to shared parental leave at a later date.

Please see the Shared Parental Leave policy for further information. The Policy sets out the rights of employees to shared parental leave (SPL) and shared parental pay (SHPP) available to parents with babies due on or after 2<sup>nd</sup> April 2017.

Please also see the Paternity Leave Policy and Procedure.

## **ADDITIONAL PAYMENTS**

### **Car Loan Repayments**

An employee who has a Car Loan or who leases a car from the Authority, and intends to return to work, will be required to maintain the contracted monthly repayments whilst on maternity leave, whether by deduction from pay or any other means. Employees are

strongly advised to contact the Corporate Services department regarding appropriate repayment arrangements.

### **Effect on Pension Contributions**

A member of the Local Government Pension Scheme who takes maternity leave will pay pension contributions on the whole period of paid maternity leave. The contributions will be paid on pay received and will count as reckonable and qualifying service. If an employee elects to take unpaid leave in addition, the opportunity remains to pay contributions in respect of unpaid leave please follow the guidance note at appendix 3.

Individual employees who have chosen to take out a Personal Pension Plan are advised to check the implications of maternity leave and maternity pay on that pension with the pension provider.

### Definitions

There are number of technical terms and abbreviations used in relation to maternity rights that are explained below:

**Childbirth** – childbirth means the live birth of a child, or still-birth after a pregnancy lasting at least 24 weeks.

**EWC** – Expected Week of Childbirth i.e. the week starting on a Sunday during which the employee’s doctor or midwife expects her to give birth.

**MAT B1** – a form, normally given to an employee by their doctor or midwife, that confirms that they are pregnant and gives the EWC.

**Statutory Maternity Pay (SMP)** – is paid by the Authority to an employee who is expecting a baby. SMP is taxable and subject to National Insurance contributions (see Appendix 2 for further clarification).

**Occupational Maternity Pay** – maternity pay paid by the Authority, in accordance with the NJC for Local Government Services Agreement (Green Book).

**Ordinary Maternity Leave (OML)** – provided all notification procedures have been complied with pregnant employees (regardless of service) will be entitled to 26 weeks’ Ordinary Maternity Leave.

**Additional Maternity Leave (AML)** – provided all notification procedures have been complied with pregnant employees (regardless of service) will be entitled to a further 26 weeks’ Additional Maternity Leave which will start at the end of the Ordinary Maternity Leave.

**Maternity Allowance (MA)** – an allowance which may be payable to those employees who do not qualify for SMP and is paid directly by the Department of Social Security

**Maternity and Parental Leave Regulations 1999** – employees are not permitted to work within 2 weeks of giving birth.

**Additional Paternity leave and pay** – The government introduced a new law, the Additional Paternity Leave Regulations 2010, allowing an employee to transfer up to six months of their maternity leave to their spouse, civil partner, partner or co-adopter, this gives parents a greater choice over childcare responsibilities.

### **Statutory Maternity Pay**

An employee can choose when to start getting SMP. The earliest SMP can start is from the 11<sup>th</sup> week before the week baby is due. SMP can start on any day of the week:

- The baby is born more than 15 weeks before the due date
- The baby is born before the intended start date of leave
- An employee has a pregnancy related illness

### **Qualification Requirements**

To qualify for SMP employees must:

- have 26 weeks continuous service at their qualifying week (the 15<sup>th</sup> week before their EWC);
- have average earnings in the 8 weeks ending with the 15<sup>th</sup> week before the EWC equal to the lower earnings limit. (Lower Earnings Limit for 2021/2022 £120);
- still be pregnant at the 11<sup>th</sup> week or have already given birth.

Employees who do not qualify for SMP may qualify for Maternity Allowance and/or other benefits. These are paid directly by the Department of Work and Pensions.

The Absence Team section will issue you with a SMP1 Form if you do not qualify. This form should be submitted with your claim for Maternity Allowance to the Job Centre Plus or Department of Work and Pensions.

### **Employees responsibilities during payment of SMP**

Once payment of SMP has begun, the employee is responsible for telling the Authority if any of the following apply:

- Starts working after the baby has been born, for an employer they were not employed by during the Qualifying Week (QW)
- Goes abroad outside the EEA (European Economic Area)
- Has been taken into legal custody

In these cases, payment of Statutory Maternity Pay and Occupational Maternity Pay will stop.

### **What happens if an employee leaves employment?**

If an employee leaves employment before the start of the 15<sup>th</sup> week before the week baby is due they do not qualify for SMP.

If an employee is employed at any time in the 15<sup>th</sup> week before the week the baby is due and they have qualified for SMP, then they will be entitled to receive SMP even if they leave their job. SMP will begin on the later of:

- If they leave after the date and before the SMP pay period is due to start, or the baby is born before the intended start of leave, or your employee has a pregnancy related absence, the SMP pay period starts the day following the day on which they left their employment, or
- the Sunday of the 11<sup>th</sup> week before the week baby is due.

### **Anything else I need to know?**

If an employee has more than one employer, they may be able to get SMP from each employer.

An employee does not have to intend to return to work to get SMP from the Authority.

Entitlement to SMP does not affect the employee's right to other maternity payments provided by the Authority.

### **39-week Maternity Pay Period starts before 6<sup>th</sup> April 2021**

First 6 weeks of payment: 90% of average weekly earnings

Remaining weeks: £151.20 a week or 90% of average weekly earnings if that sum is less than £151.20 a week.

### **39-week Maternity Pay Period starts on or after 6<sup>th</sup> April 2021**

First 6 weeks of payment: 90% of average weekly earnings

Remaining weeks: £151.97 a week or 90% of average weekly earnings if that sum is less than £151.97 a week.

## MATERNITY EXPLANATORY

*All pregnant employees have the right to 52 weeks maternity leave (39 weeks Ordinary Maternity Leave and 13 weeks Additional Maternity Leave) regardless of the number of hours worked or length of service.*

**Employees with less than 1 years' service will be entitled to:**

- 39 weeks (OML) Ordinary Maternity Leave (unpaid) + SMP if entitled (see SMP qualification requirements) and a further 13 weeks (AML) Additional Maternity Leave unpaid

**Employees with over 1 years' service** (at the commencement of 11<sup>th</sup> week before the EWC excluding the EWC) **and are unsure as to whether you will be returning to work** at the end of the maternity leave will be entitled to remain absent for up to 52 weeks maternity leave consisting of

**39 weeks (OML) Ordinary Maternity Leave consisting of:**

- 6 weeks 9/10<sup>ths</sup> of a weeks' pay (SMP offset if entitled) and
- 33 weeks unpaid leave + SMP if entitled (see SMP qualification requirements)

**and a further 13 weeks (AML) Additional Maternity Leave (unpaid)**

***If you decide to take the above option and you do return to work at the end of the maternity leave period, then the 12 weeks at half pay will be paid to you following your return to work.***

**Employees with over 1 years' service** (at the commencement of 11<sup>th</sup> week before the EWC excluding the EWC) **and who are returning to work at the end of the maternity leave** will be entitled to remain absent for up to 52 weeks maternity leave consisting of:

**39 weeks (OML) Ordinary Maternity Leave consisting of:**

- 6 weeks 9/10<sup>ths</sup> of a weeks' pay (SMP offset if entitled) and
- 12 weeks at half pay + SMP if entitled (see SMP qualification requirements) and
- a further 21 weeks SMP if entitled (see SMP qualification requirements)

**and a further 13 weeks (AML) Additional Maternity Leave (unpaid)**

***If you decide to take the above option and receive the 12 weeks at half you must return to work for at least 13 weeks in the event of you not doing so, you will be required to refund the half pay element of the maternity pay***

***(See Appendix 1 for explanation of abbreviations).***

## ***Rates of Pay***

### ***Qualification Requirements – to qualify for SMP you must have:***

- 26 weeks continuous service at the 15<sup>th</sup> week before your EWC (qualifying week)
- average weekly earnings in the 8 weeks ending at the 15<sup>th</sup> week before your EWC equal to £120 (this is the lower earnings limit)
- and be pregnant at the 11<sup>th</sup> week or already have given birth

### ***Statutory Maternity Pay*** is paid at the following rate:

6 weeks at 9/10ths of your average weekly earnings  
33 weeks at £151.97 per week (or 9/10<sup>th</sup> of your average weekly earnings if this is less)

**Maternity Allowance** If you are not entitled to SMP you may be able to claim Maternity Allowance (MA), which is paid by the Benefits Agency or Job Centre Plus office. To claim MA you can get a claim form from your local Jobcentre Plus or Department of Work & Pensions office. Claim MA as soon as you can after you have been pregnant for 26 weeks

**Re-instating lost pension as a result of unpaid maternity leave**

As a member of the LGPS, you are able to reinstate any 'lost pension' arising from a period of unpaid maternity leave by paying additional contributions under an Additional Pension Contribution (APC) arrangement on your return to work. In order to do so, you will need to make an election to re-instate your lost pension within 30 days of returning to work. Provided you make your election within this period, and the reason for the period of absence is authorised unpaid leave the cost will be shared with the Authority (1/3<sup>rd</sup> to the member and 2/3<sup>rd</sup>s to the Authority).

**However, if your election is made after 30 days of the date on the payslip in which the deduction of unpaid leave is taken, the entire cost will fall with you, as the member.**

If you wish to reinstate the lost pension during your period of unpaid maternity leave, you will need to complete an online form via the Dyfed pension fund website. The link to the website is as follows: <https://mypensiononline.dyfedpensionfund.org.uk/> Before accessing the online modeller, you will need to have to hand, the lost pensionable pay for your period of unpaid leave (you will be able to request for this information from payroll) and the date you returned to work.

Please note that you will need to complete all of the following details on the online calculator:

**Personal Details section** – complete all fields 1 – 7 – (information you must have at hand to complete this section are your NI Number and payroll number)

**Details for Quote:** - complete fields 8, 9, 10, 11 & 12

Field 8 – insert the lost pensionable pay – this will be to amount shown in your payslip for the deduction of the unpaid leave or industrial action taken

Field 9 – insert the reason of absence –click on 'authorised unpaid leave' from drop down menu

Field 10 – section during absence – click on 'main section' from down menu (unless you have made an election to contribute under the 50/50 Section of the Scheme)

Field 11 – Last day of absence – insert the last date of unpaid leave taken during the applicable month. If the reason for absence is "authorised unpaid leave", and you are making the application within 30 days of the date on the payslip in which the deduction of unpaid leave is taken, please click on the box "30 day override" (employer confirmation must be provided).

Field 12 – Method of payment – click on 'lump sum deduction' from drop down menu

Finally click on 'Get Quote' to calculate the cost of purchasing lost pension – this will show on the results section on the right hand side of the page see below:

Please note that you can also choose to buy the lost pension by spreading payment of the additional pension contributions over a number of complete years, however, you will be required to arrange a medical examination (by a Registered Medical Practitioner) to obtain a certificate at your own expense to certify that you are in 'reasonably good health' before your application is accepted.

Having completed the above, if you then wish to proceed with the purchase of your lost pension, please follow the following steps:

Step 1 – you will need to download the online form by ticking the 'Application' box, which confirms that the information entered is correct and that you have read and understood the '[Terms and Conditions](#)' for your additional pension applications;

Step 2 – click on the 'submit' button on the bottom right hand side of the page. This will transfer the details that you have entered onto a pdf document;

Step 3 – please sign the declaration on this form and email or post it directly to :

**CR Payroll ([crpayroll@carmarthenshire.gov.uk](mailto:crpayroll@carmarthenshire.gov.uk) )** mailbox or post to  
Payroll Section, Building 4, St David's Park, Job's Well Road, Carmarthen,  
SA31 3HB

If you do not elect to reinstate your 'lost pension', the pension benefits that you have built up within the Scheme Year (1 April to 31 March), in which your period of unpaid leave falls, will be proportionately less as a result. For further information, please refer to the Dyfed Pension Fund website: [www.dyfedpensionfund.org.uk](http://www.dyfedpensionfund.org.uk)

<b>Frequently asked questions</b>
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**Am I entitled to time off for antenatal care?**

You have the right to paid time off to attend antenatal care. You will need to produce evidence of the first appointment if requested to do so by your line manager. Antenatal care can include not only medical examinations but also relaxation and parent-craft classes. Please note the council reserves the right to ask you to re-arrange appointments where it is reasonable to do so. Employees should wherever possible try to arrange these appointments as near to the start or end of the working day as possible.

**What am I entitled to?**

For details of what type of payment, you may be entitled to please see the information enclosed.

**When can I begin my Maternity Leave?**

The earliest you can start your Maternity Leave is 11 weeks before the baby is due.

**What is the latest date I can begin my maternity leave?**

Although maternity leave can commence no earlier than 11 weeks before the EWC, maternity leave can begin on any day of the week and no later than the expected date of childbirth (The start of the maternity pay period will not be changed for cases which are triggered by the early birth of the baby or pregnancy related absence)

**How much notice do I need to give of my pregnancy and intention to take maternity leave?**

You must provide your line manager with written notice no later than the 15<sup>th</sup> week before the EWC before your absence begins. It is possible to change the date the leave commences provided that you give 28 days' written notice or if that is not possible as soon as reasonably practicable.

**What happens to my holiday entitlement during maternity leave?**

Holiday entitlements continue to accrue during your maternity leave. To avoid unnecessary service difficulties, you should try to take any holiday leave already owing to you **before** beginning your maternity leave. In cases where this is not possible your remaining annual leave days will be carried over to your new leave year. *(The Authority may require an employee to take all or part of the holidays carried into a new leave year on particular days as determined by the line manager and service requirements).*

## Term Time Employees

Your leave entitlement will continue to be accrued during your maternity leave and any adjustments required will be made at the end of your period of maternity leave.

### **What if I am off sick?**

If you are absent through sickness unrelated to the pregnancy while you are still working, you will be paid sick pay in the usual way. However, you will not receive sick pay while you are on maternity leave but will continue to receive maternity pay for the entitlement period.

Note- if your sickness absence is pregnancy related reason before the date you have notified us of (or before you have notified us of a date) your maternity leave period begins automatically on the second day of absence following the beginning of the fourth week before the baby is due.

Advice about whether absence may be related is available from the Human Resource Section.

### **What if my baby is born before I am due to start maternity leave?**

If your baby is born before your maternity leave (or even before you have informed us of the intended start date), the maternity leave period starts automatically on the day after the birth.

### **What notice am I required to give of my intended return to work?**

It is assumed that employees will return at the end of the Maternity Leave Period. If you wish to return to work earlier than this then you must inform your line manager and the HR Section at least 8 weeks' notice of an early return to work, this will apply during OML and AML.

### **Can I return to work on a part time basis?**

The council is actively committed to supporting a family friendly environment and policies have been developed in support of this. These include the Flexitime scheme, which operates a system of flexible working hours. Other options that you may wish to consider may be available to you include, making an application for flexible working, job-sharing or part-time working. Please see the councils Flexible Working policy for further information.

### **Can I take parental leave?**

The Parental Leave Regulations give parents of young (and disabled) children provision for time away from work to fulfil childcare responsibilities. Parental Leave is the right to take unpaid leave for the purpose of caring for a child. From 2nd April 2017 this includes children up to the age of 18 years. <http://intranet/our-people/hr/time-off-work/paternity-leave/> . Parents have an entitlement to 18 weeks unpaid leave. No minimum service is

required for eligibility. Please refer to Parental Leave Policy and Procedure for more information.

### **What about Dependants leave?**

This provides time off for carers of young children or other dependants. It is designed to cover emergencies such as break down in childcare arrangements and is unpaid. For further information please consult the time off for dependant's policy.

### **What is my entitlement should I decide not to return to work?**

If after confirming your intention you do not return to work for at least 13 weeks you will be asked to refund some of the pay you have received. See the Maternity Leave policy for further details.

## **Case Studies**

### **Scenario 1**

**Alex has worked for the Authority for 2 years. Maternity leave was planned to start in a month's time but gave birth early on Monday. Alex is unsure when maternity leave will begin.**

Alex will be entitled to remain absent for up to 52 weeks. 39 weeks ordinary maternity leave and 13 weeks additional maternity leave.

Although Alex had arranged dates for her maternity leave to begin, the leave will now automatically start the day after the baby is born. In Alex's case it will start on the Tuesday.

### **Scenario 2**

**Charlie had planned to take the remaining annual leave 2 weeks before baby was due on the 10<sup>th</sup> of April. The annual leave year runs from 20<sup>th</sup> April to 19<sup>th</sup> April 2018. Charlie visited the midwife on Thursday the 4<sup>th</sup> of March. It was recommended by the midwife that maternity leave starts early due to high blood pressure. Charlie informs the line manager on the Friday; hence the 26 weeks maternity leave starts from the 7<sup>th</sup> of March. Charlie is concerned about what will happen to the 10 days annual leave that was pre-booked from the 22<sup>nd</sup> to the 13<sup>th</sup> of April.**

Charlie's current annual leave year ends during the first weeks of the maternity leave period; therefore can carry over the outstanding 10 days into the new leave year. The Authority may require an employee to take all or part of the holidays carried into a new leave year on particular days as determined by the line manager and service requirements.

### **Scenario 3**

**Jaden is currently on maternity leave and has worked for the Authority for a year and a half. Although agreed to return back to work, Jaden wants to stay at home with the baby. Jaden is in the second week of half pay and is concerned about what will happen with the money already received.**

Jaden's half pay element will be stopped. Arrangements will also be made for the 2 weeks half pay to be recovered. If Jaden has not notified a return to work date at the end of the maternity leave, then all the half pay will be repaid, or Jaden can return to work for 13 weeks and finish at the end of that period and not repay anything back.

### **Scenario 4**

**Marley has taken the full 52 weeks entitlement of maternity leave. and is due to return to work, however there are problems with childcare and has difficulty returning to work, however, a nursery place will be available in 6 weeks' time. Marley wonders if there is a further period of unpaid leave can be agreed.**

Marley is entitled to apply for up to 18 week's unpaid parental leave. Parental leave can be taken in blocks of a week or more so could use 7 weeks of this to help with childcare difficulties. The further 11 weeks leave can be taken later, up until the child's eighteenth birthday.

### **Scenario 5**

**Whilst on Maternity leave, Ray wishes to return to work part time and wonders what are the entitlements?**

Ray is able to request a reduction in working hours via the Authority's Flexible Working policy, submit a flexible working application, and discuss with the line manager. Ray may also be able to access the flexi time scheme depending on the job role, which may allow some flexibility within a normal working week.

<b>USEFUL CONTACTS</b>
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**Tommy's the baby charity**

Helps parents-to-be find ways to support a healthy pregnancy and offers advice about pre-pregnancy care, pregnancy health and complications including Toxoplasmosis. You can also order any of Tommy's free leaflets.

Contact details: 0800 0147 800

Website: [www.tommys.org](http://www.tommys.org)

Email: [mailbox@tommys.org](mailto:mailbox@tommys.org)

**National Childbirth Trust**

Provides support in pregnancy, childbirth and early parenthood. Stories from parents, practical tips and advice offered.

Enquiry Line: 0300 330 0700

Website: [www.nct.org.uk](http://www.nct.org.uk)

**Breastfeeding Network**

A source of support and information for breastfeeding women, and others.

Breastfeeding supporters are available at the end of the phone to give information and support to mothers who have challenges with breastfeeding.

Supporter line 0870 900 8787 - 9.30 am to 9.30 pm, everyday of the year.

Website: [www.breastfeedingnetwork.org.uk](http://www.breastfeedingnetwork.org.uk)

E-mail: [email@breastfeedingnetwork.org.uk](mailto:email@breastfeedingnetwork.org.uk)

**Working families**

Helps children, working parents and carers and their employers, find a better balance between responsibilities at home and work.

Website: [www.workingfamilies.org.uk](http://www.workingfamilies.org.uk)

Email: [advice@workingfamilies.org.uk](mailto:advice@workingfamilies.org.uk)

Tel: 0300 012 0312

**Childcare link**

For national and local childcare information. Sign posting information from Welsh National Assembly. Through the website you can find useful information about different types of childcare and early education in your local area. The site also contains details of your local Children's Information Service, who can provide additional help and advice with all aspects of childcare and early years

For more information on childcare, contact your Carmarthen childcare co-ordinator:  
01267 224224

Lists are given of the co-ordinators and contact numbers in the Wales area

Website: [www.childcare.co.uk](http://www.childcare.co.uk)

### **Carmarthen Childcare Partnership**

*The partnership provides information about the range of childcare services in Carmarthen. For more information please see their website.*

[www.carmarthenshirechildrenspartnership.org.uk](http://www.carmarthenshirechildrenspartnership.org.uk)

email: [childreninfo@carmarthenshire.gov.uk](mailto:childreninfo@carmarthenshire.gov.uk)

### **Association for Post Natal illness**

The Association provides a telephone helpline, information leaflets for sufferers as well as a network of volunteers (telephone or postal), who have themselves experienced postnatal illness. A range of publications and leaflets are available.

Contact Details: Helpline 020 7386 0868 (Monday, Friday 10am-2pm) (Tues-Thurs 10am-5pm); Parentline helpline (24hr helpline) 0808 800 2222

Website: [www.apni.org.uk](http://www.apni.org.uk)

### **APEC Action on Pre- Eclampsia**

Information and support for women at risk or affected by pre-eclampsia. Information, conferences and study days for health professionals. Membership services, including newsletter with research updates.

Contact details: Helpline 020 8427 4217 Weekdays

Confidential service open to anyone seeking information or support.

Website: [www.action-on-pre-eclampsia.org.uk](http://www.action-on-pre-eclampsia.org.uk)

E-mail: [info@apec.org.uk](mailto:info@apec.org.uk)

### **CRY-SIS**

Provides support for families with excessive crying, sleepless and demanding babies and young children. They can put you in touch with volunteer contacts with similar problems.

Contact details: 08451 228 669 (7 days a week 9am- 10 pm)

Website: [www.cry-sis.org.uk](http://www.cry-sis.org.uk)

E-mail: [info@cry-sis.org.uk](mailto:info@cry-sis.org.uk)

### **Family Lives**

Family Lives is a national charity providing help and support in all aspects of family life.

Contact details: 0808 800 2222

Website: [www.familylives.org.uk](http://www.familylives.org.uk)

**MAMA (Meet-a-Mum Association)** – National organisation aimed at providing a network of care. Provides, friendship and support to mothers and mothers-to-be who are lonely or isolated after the birth of a baby or moving to another area.

Contact details: Helpline 0845 120 3746

Website: [www.mama.co.uk](http://www.mama.co.uk)

To find out if there is a group in your area, please e-mail

**TAMBA Twins & Multiple Births Association**

A national, confidential, support, listening and information service for all parents of twins, triplets and more, and the professionals involved in their care.

Provides information and mutual support networks for families

of twin, triplets and more, highlighting their unique needs to all involved with their care.

Twin line: 0800 138 0509 10am to 1pm and 7pm to 10pm every weekday, and 10am to 10pm on Saturdays and Sundays.

Website: [www.tamba.org.uk](http://www.tamba.org.uk)

**Birth Choice UK**

A website promoting informed choice for parents over where, and how, they give birth.

Lots of information about parents' rights, and the options available for childbirth.

Website: [www.birthchoiceuk.com](http://www.birthchoiceuk.com)

**UK parents**

A UK-based site with information for all parents. Lots of active online discussion lists.

Forum, with facts, weekly articles, polls and, parenting tips.

Website: [www.ukparents.co.uk](http://www.ukparents.co.uk)

<p><b>Please note:</b> - Carmarthenshire County Council has no links to any of the organisations listed and can take no responsibility for the accuracy of the information or quality of the services provided.</p>
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**MATERNITY LEAVE APPLICATION**

FULL NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

HOME TEL NO: \_\_\_\_\_ WORK TEL. NO: \_\_\_\_\_

EMPLOYEE NO: \_\_\_\_\_

DATE COMMENCED WITH AUTHORITY: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_

DESIGNATION: \_\_\_\_\_

EXPECTED WEEK OF CHILD BIRTH : \_\_\_\_\_

DATE ORDINARY MATERNITY LEAVE  
TO COMMENCE: \_\_\_\_\_

***I WISH TO APPLY FOR MATERNITY LEAVE AS FOLLOWS: (Tick appropriate box)***

**SCENARIO 1      (UNDER 1 YEAR'S SERVICE)**

Up to 52 weeks maternity leave with the right to return at the end of that period to include:  
39 weeks Ordinary maternity leave unpaid plus SMP (dependent upon entitlement)

and a further 13 weeks Additional maternity leave unpaid leave

**SCENARIO 2      (OVER 1 YEAR'S SERVICE)**

Up to 52 weeks maternity leave with the right to return at the end of that period to include:

39 weeks ordinary maternity leave which will be paid at:

- 6 weeks at 9/10ths of salary with SMP offset (dependent upon entitlement)
- 33 weeks unpaid plus SMP (dependent upon entitlement)

***If following maternity leave I declare my intention to resume duties, then arrangements will be made to pay me 12 weeks at half pay.***

Plus 13 weeks unpaid Additional Maternity Leave

**SCENARIO 3      (OVER 1 YEAR'S SERVICE)**

Up to 52 weeks maternity leave with the right to return at the end of that period to include:

39 weeks ordinary maternity leave which will be paid at:

- 6 weeks at 9/10<sup>ths</sup> of salary with SMP offset (dependent on entitlement)
- 12 weeks half pay plus SMP (dependent on entitlement)
- 21 weeks unpaid plus SMP (dependent upon entitlement)

And

*I wish to elect to spread the 12 weeks half pay over a longer period i.e. up to a maximum of 33 weeks (please tick this box if this is your choice)*

Plus 13 weeks unpaid Additional Maternity Leave

***Failure to resume duties for at least 13 weeks under this option will necessitate the refund of 12 weeks at half pay.***

**N.B. All employees have the right to return to duty following their maternity leave. However, an employee also has the right to terminate their employment under any of the above options. If the employee decides to terminate employment the termination date will normally be last day of maternity leave, this would be different where unpaid leave applies. If it is an employee's intention to terminate duties the date of termination if known can be included below:**

\* I intend to terminate my employment on  
.....

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

**TO: Assistant Chief Executive (People Management)  
The Absence Team  
Building 4  
St. David's Park,  
Job's Well Road,  
Carmarthen  
Carmarthenshire. SA31 3HB**