



MATERNITY POLICY

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1	October 2018	Karen Smith, HR Manager	Updated Policy
2	July 2023	Karen Smith, HR Manager	Section 22 – updated with national office terminology



1. Purpose and Scope

1.1 The purpose of this policy is to provide you with information regarding working whilst pregnant, applying for maternity leave, what happens when you are on maternity leave, the assistance available and your rights regarding your return to work.

1.2 These guidelines are in sections, not only for ease of reference but because both Maternity Leave and pay are calculated according to your length of service, your salary prior to starting your Maternity Leave and whether or not you intend returning to work. It is therefore important that you look up the relevant section, which refers to your own personal circumstances. It is not intended to replace the discussion you will have with your line manager and a Human Resources (HR) Adviser, but to provide you with useful reference material prior to that meeting.

1.3 This policy relates to all Ministries Council (MCMC) employees.

2. Initial Notification of Pregnancy

2.1 An appointment (in person or by phone) should be made with an HR Adviser once you know you are pregnant and no later than the end of the 15th week before the expected week of childbirth (please note that notification by this time is a requirement). It is recommended that you read through these guidelines prior to your first meeting, to enable you to prepare any questions in advance. During your first discussion with an HR Advisor you will discuss, complete and sign the Initial Notification of Pregnancy form. This form notifies the MC of the following:

- That you are pregnant
- The expected week of childbirth (EWC)
- The date on which you envisage starting your maternity leave.

2.2 You should advise your line manager of your pregnancy as soon as you are comfortable doing so.

3. How to Apply for Maternity Leave and Pay

3.1 Notification

- You should submit the maternity leave application form to an HR Adviser as soon as reasonably practicable and at least by the end of the 15th week before your Expected Week of Childbirth (EWC).
- You should also enclose your MatB1 certificate with this form where at all possible. Your GP / Midwife will typically provide you with a MatB1 certificate around the 20th week of your pregnancy. When you receive your MatB1 certificate you contact an HR Adviser and:
 - Confirm your actual Maternity Leave start date and;
 - Confirm how you propose to use up your annual holiday entitlement.
- The earliest that you may start your Maternity Leave is 11 weeks before your Expected Week of Childbirth. Your Maternity Leave may start on any day of the week. Following



submission of this form, you may still be able to change your mind about when you start your Maternity Leave provided that you give at least 28 calendar days' notice, in writing before the new date, to an HR Adviser.

- Unless you tell us otherwise, it will be assumed that you will return to work at the end of your maximum entitlement to Maternity Leave and this date will be notified in writing by an HR Adviser.
- If you do not wish to return to work, please refer to Section 7.

4. Returning to work early

4.1 Where you wish to change the initially agreed return to work date identified must give the HR Adviser at least 8 weeks notice, in writing, of your revised return to work date. Your return to work may be delayed where the 8 weeks notice is not provided. It may not however be delayed beyond the end of your 52 weeks maternity leave.

4.2 If your baby is born early i.e. before your Maternity Leave is due to start, you should inform an HR Adviser as soon as possible. Your Maternity Leave will then start from the day after your baby is born.

5. Entitlements

5.1 Entitlement to Maternity Leave

All employees, regardless of service, are entitled to 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML). You can start your OML any time after the 11th week before your EWC, right up until the EWC.

5.2 Entitlement to Maternity Pay

- Your entitlement to pay depends on your length of service, reckonable service and providing your average weekly earnings are equal to, or above, the Lower Earnings Limit (LEL) for payment of NI Contributions.
- If your average weekly earnings do not meet this level, you will not be entitled to maternity pay. In such cases you may be entitled to Maternity Allowance (MA) which would be paid to you directly by the Department of Work and Pensions (DWP). You will be issued with Form SMP1 which Payroll will assist you in completing. You should then take this form to the DWP.
- The different entitlements to maternity pay are shown in a summary table in section 6.0 and are explained in more detail as follows: -
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Employees with less than 26 weeks continuous service at the qualifying week (ie 15th week before the EWC):

- You are not entitled to any Statutory Maternity Pay (SMP) or Occupational Maternity Pay (OMP), but may be eligible to receive Maternity Allowance (MA). Once you notify the MC that you are pregnant, you will be issued with Form MA1. The Payroll Department will assist you in completing this form and you should then take it to the DWP who will then advise on your entitlement to MA.
- Maternity Allowance (MA) will last for up to 39 weeks and will start on the same day as your Maternity Leave and will be paid to you directly by the DWP.



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Should you choose to take 26 weeks OML followed by 26 weeks AML, the final 13 weeks of AML will be unpaid.

Employees with more than 26 weeks continuous service by the qualifying week (i.e. 15th week before your EWC), but less than 1 year’s continuous service by the beginning of the 11th week before their EWC, are entitled to the following:

- You will be entitled to 39 weeks SMP provided your average weekly earnings are equal to or above the Lower Earnings Limit (LEL) for National Insurance Contributions.
- For the first 6 weeks, SMP equals 9/10ths of your average weekly earnings. You will then receive a further 33 weeks at the lower rate of SMP.

Employees with 1 year’s continuous service by the beginning of the 11th week before your EWC are entitled to:

- payment of OMP. This will be made payable at the following rate:
 - 18 weeks you will receive full pay and then 8 weeks at half pay. (this rate is inclusive of SMP)
 - You will then receive a further 13 weeks at the lower rate of SMP.
 - In circumstances where the OMP payment of 8 weeks at half pay equates to a rate which is below the lower rate of SMP, then the lower rate of SMP will apply.

6. Church of Scotland Ministries Council, Summary of Maternity Leave and Pay Entitlements

	Less than 26 weeks reckonable service at 15th wk before the EWC	More than 26 weeks and less than 1 year at 15th wk before the EWC	1 year or more reckonable service at 11th week prior to EWC
LEAVE	26 weeks OML & up to 26 wks AML	26 weeks OML & up to 26 wks AML	26 weeks OML & up to 26 wks AML
PAY	No SMP or OMP up to 39 weeks MA (as assessed by DWP)	6 weeks SMP at 9/10ths of average weekly earnings & up to 33 weeks at the lower rate of SMP	OMP 18 weeks at full pay & 8 weeks at half pay (inclusive of SMP) & 13 further weeks at the lower rate of SMP



7. If You Do Not Return to Work

- 7.1 You should give careful consideration as to whether you wish to give up your right to return to work at the end of your Maternity Leave period. You are entitled to return to work and it is recommended that you keep your options open, to allow you to make the final decision after the birth of your baby.
- 7.2 If you then decide NOT to return you will need to resign from your post in writing to your line manager. You are required to provide the relevant notice period, as stipulated within your contract of employment. Please contact an HR Adviser for clarification if you are unsure of the notice period required.
- 7.3 If you do resign, you will ONLY be entitled to 39 weeks Statutory Maternity Pay (SMP).
- 7.4 If you have 1 year or more reckonable service and received the OMP of 18 weeks full pay and 8 weeks half pay. Ministries Council reserves the right to claim this back, less the Statutory Maternity Pay, should you not return to work or decide to resign within 3 months of returning from maternity leave.

8. Notification of Your Return to Work

- 8.1 Once you have submitted your Maternity Leave Application form, you do not have to give any further indication of when you will be returning to work. However, if you intend to return early or on a different date please refer to 4.1
- 8.2 If you are unable to return to work due to illness, you should follow the normal procedure for sickness absence notification. Please contact an HR Adviser or your line manager for advice and guidance should you have any concerns in relation to your return to work arrangements.

9. Multiple Births

Please note that multiple births do not affect your Maternity Leave and pay entitlements.

10. Continuous Service

Irrespective of the length of your maternity leave, your service will be regarded as continuous and therefore count towards pay increments on your return to work, at the end of your Maternity Leave period. This will include both paid and unpaid Maternity Leave periods.

11. Annual Leave and Public Holidays

Your annual leave including the fixed and public holidays will continue to accrue during both ordinary and additional maternity leave.



12. Pension Rights

During your period of maternity leave, the MC will continue to contribute the employer rate, as it was at your last working day prior to maternity leave during the period of both ordinary and additional maternity leave.

13. Antenatal Care

You are entitled to reasonable time off with pay for antenatal care and appointments which have been made on the advice of a registered medical practitioner. The time off for such appointments is paid and . You should be prepared to provide an HR Adviser with evidence (copy appointment confirmations) of such appointments if they are requested.

14. Sickness Absence During Pregnancy

14.1 During your pregnancy, you must follow normal sickness absence notification procedures, whether the absence is pregnancy related or otherwise and it will be dealt with in the normal manner. However, if you go off sick due to a pregnancy related illness within the 4 week period leading up to the commencement of your maternity leave, you will automatically be placed onto Maternity Leave with effect from the first date of your date of absence.

14.2 Should this absence be unrelated to your pregnancy, then you would continue on paid sick leave until the date you originally specified as being your Maternity Leave start date.

15. Risk Assessment of Pregnant Employees

15.1 In order to ensure that you and your unborn baby are not subjected to any undue risk, it is your responsibility to notify an HR Adviser as soon as you know you are pregnant. HR will arrange for a New-Expectant Mothers Risk Assessment to be carried out on the work you do by a trained risk assessor from the Central Properties Department.

16. Formal Contact Whilst on Maternity Leave

16.1 Whilst on maternity leave, your Line Manager should maintain reasonable contact with you, and try to keep you updated with any work related issues. However, it is recognised that you may also want to undertake some of the responsibility in keeping in touch with both your colleagues and the workplace and this can be facilitated via the agreed Keeping in Touch (KIT) days as outlined in Section 17.0. This, along with regular liaison with a HR Adviser, is actively encouraged.

16.2 You can choose how you would like to be kept informed by completing the Maternity Liaison Contact form.

17. Keeping in Touch (KIT) Days

17.1 You can attend work for up to 10 days within your Maternity Leave period and these are considered Keeping In Touch (KIT) days.



The purpose of KIT days is to give employees the opportunity to keep up to date with developments in the workplace, and if they wish, to attend meetings, participate in training, or carry out any work. You are not however obliged to attend work at any time during your Maternity Leave. If you attend work on a KIT day you will receive your normal hourly rate of employment i.e. not exceeding your normal monthly pay.

- 17.2 KIT days should be agreed in advance between you and your Line Manager. Accordingly, you should complete the KIT day Attendance at Work form.

18. Assistance with Returning to Work

- 18.1 Reasonable rest facilities will be provided for you from the date you notify your Line Manager / Head of Department of your pregnancy and up to the point when you finish breastfeeding.

18.2 Post Risk Assessment

When you return to work after maternity leave an HR Adviser will organise for a further Risk Assessment to be completed by the Health and Safety Department. If any specific advice is required, the HR Adviser will be able to make an occupational health referral.

18.3 Training Needs

- In the time leading up to your return to work your line manager will get in touch to discuss any training needs you may have, any outstanding KIT days you may wish to utilise and agree a re-familiarisation plan in relation to your return to work arrangements.
- Your line manager will have kept you up to date with any changes in the workplace and will assist you in identifying any additional training, which may be required. For example, training on a new computer package.
- Arrangements can be made for you to have a meeting with your line manager in order to identify any training needs. The discussion will focus on local changes to policy, procedure, equipment etc. and should leave you with a clear idea of what training will be given.
- It is accepted that time is required to accommodate the above training and for you to find your feet again.

19. Requesting Flexible Working

- 19.1 Applications can be made to amend your working pattern under the Flexible Working Policy at any time, not just upon return from maternity leave.

- 19.2 Full details of the scheme and an application form are available from HR. The application should be discussed between yourself and your Line Manager to reach agreement but any request must also be sent to HR. Please note that all requests for flexible working must be concluded within a maximum timescale of 14 weeks and the requesting employee must apply within 8 weeks of their planned return to work date.



20. Infant Bereavement

20.1 Prior to 24 weeks of pregnancy

Tragically a few pregnancies end either in miscarriage or stillbirth of a baby. Where a miscarriage occurs within 24 weeks of pregnancy, sympathetic consideration will be given and, where necessary, special compassionate leave may be granted or you may be placed on sick leave, as per the Absence procedures. If your sick leave lasts longer than 7 calendar days, you will need to submit a GP's medical certificate to the HR Department.

20.2 After 24 weeks of pregnancy

Where a baby is either stillborn after 24 weeks of pregnancy, or the baby dies after the birth, you would either be placed on, or continue on your maternity leave. Your entitlements would not be affected in any way.

21. Other Relevant policies

- Statutory Adoption Leave Policy
- Parental Leave Policy
- Statutory Paternity Leave Policy
- Flexible Working Policy

22. Review

This policy will be reviewed on a regular basis by HR, The Hub and Faith Action senior managers to ensure adherence to best practice, and any related legislation. If necessary, the policy will be taken to the Faith Action Programme Leadership Team (Ministries Council is the employing body of FAPLT) as part of a consultation process.