

# 1222 MATERNITY SCHEME (under review)

The following policy sets out the statutory and enhanced Maternity benefits available to operational, support, part time, full time, temporary and fixed term employees. The policy also sets out the entitlements of Agency Workers.

<b>OWNER</b>	People and Organisational Development
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<b>VERSION CONTROL</b>	15.1

## OTHER (CROSS) REFERENCES:

[CFRS-#1181-Paternity Scheme Policy](#); [CFRS-#1180-Parental Leave Policy](#);  
[CFRS-#1179-Adoption Leave Policy](#); [CFRS-#1225-Flexible Working Policy](#);  
[CFRS-#1230-Pay and Recognition](#); [CFRS-#1157-Attendance Management](#);  
[CFRS-#1214-Reorganisation Procedure – All Staff](#) [CFRS-#1215-Redeployment Procedure – All Staff](#) and [CFRS-#1286-Expectant and Breast Feeding Mothers](#) – [CFRS#1989- Shared Parental Leave Policy](#) - [CFRS Fitness Guidance and Firefighter Fitness Programme](#); [Agile Working Policy](#), [Special Leave Policy](#)

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# PART 1 - POLICY SECTION

## 1. Introduction and Scope of Policy

- 1.1 This policy sets out the Maternity Scheme provided by Cheshire Fire and Rescue Service (CFRS) to its employees who are pregnant, have recently given birth, or who are undergoing fertility treatment (IVF) and explains the statutory and occupational entitlements in respect of maternity leave and pay. This policy is applicable to all CFRS operational, support, part-time, full-time and fixed term employees.
- 1.2 The purpose of this policy and associated procedures is to:
  - Support staff to balance work and family life
  - Maintain contact with staff and assist them in their return to work
  - Retain staff and thereby promote equality and diversity within the workplace.
- 1.3 The Generic Risk Assessment for New and Expectant Mothers is reviewed simultaneously with all policy reviews.
- 1.4 This policy should be read in conjunction with the Shared Parental Leave Policy which provides parents with more flexibility in how to share the care of their child during the first year. Mothers can opt to curtail their maternity leave early and to share the remaining leave and pay entitlement with their partner. This enables parents to choose to be off work at the same time and/or take it in turns to have periods of leave to look after their child.
- 1.5 Where this policy refers to spouse, partner or parent this is regardless of gender and includes same sex spouses, partners and parents. All reference to 'mother' includes all people who can become pregnant.

## 2. Statutory Maternity Provisions

### Maternity Leave

- 2.1 The law provides up to 52 weeks of maternity leave which is made up of 26 weeks' Ordinary Maternity Leave (OML) and up to 26 weeks' Additional Maternity Leave (AML). This is regardless of the number of hours worked or the length of service.
- 2.2 CFRS will ensure that all employees take Compulsory Maternity Leave (CML) for a period of two weeks immediately after giving birth. By law an employee is not permitted to work during this period.

Maternity Leave is an immediate entitlement and there is no qualifying period.

## **Statutory Maternity Pay (SMP)**

- 2.3 SMP is a state benefit for employees on maternity leave, the conditions for which and the amount of which are determined by the Government, but paid by the employer.
- 2.4 SMP requires the first 6 weeks of maternity leave to be paid at 90% of the employees' average weekly earnings. Thereafter, employees receive the Standard Rate of SMP or 90% of average weekly earnings, whichever is lower, for 33 weeks.
- 2.5 Average weekly earnings are calculated based on earnings over the 8 week period ending with the last payday before the end of the employees' qualifying week. **The qualifying week is the 15<sup>th</sup> week before the week your baby is due.**
- 2.6 To qualify for SMP an employee must:
  - Have completed at least 26 weeks of continuous service with CFRS by the qualifying week;
  - Still be employed by CFRS in the qualifying week; and
  - Have average weekly earnings above the lower earnings limit for National Insurance contribution purposes during the 8 week period up to the last payday before the end of the qualifying week.

### **3. CFRS Maternity Provisions**

#### **Occupational Maternity Pay (OMP)**

- 3.1 OMP is provided by CFRS to give enhanced benefits to employees who intend to return to work after maternity leave. As from 1<sup>st</sup> April 2018, employees who have at least one years' continuous local government service will receive 45 weeks full pay (inclusive of SMP). Any Keeping in Touch ('KIT') days (see further below) which have been taken during this 45 week period or thereafter will be paid once full pay has been exhausted. Whilst you will receive normal pay for any KIT days worked, you may prefer to bank the equivalent time off in lieu. If this is your preference, the lieu time must be taken within the 52 weeks Maternity Leave period. Further, if the employee chooses to take their contractual annual leave entitlement once OMP has been exhausted and all KIT days have been taken, then combined with the full pay entitlement and KIT days, they will receive a maximum 53 weeks of fully paid leave, dependent upon annual leave entitlement (plus any bank holiday entitlement which falls within the leave period).

The Service recognises that employees cannot be obliged to take annual leave and/or KIT days whilst on maternity leave. As such, if an employee decides not to take annual leave or KIT days, they will still be entitled to 52 weeks maternity leave. However, they will not be paid after 45 weeks leave.

For the avoidance of doubt, an employee who is not entitled to OMP will be paid for any KIT days taken in line with normal monthly pay procedures (upon authorisation of KIT Day claim form).

3.2 To qualify for OMP an employee must:

- Have completed at least one years continuous local government service by the qualifying week and remain in work until the 11<sup>th</sup> week before the EWC; and
- Have followed the procedure set out in this document, confirming in writing the intent to return to work at the end of the period of maternity leave for at least 12 weeks. This 12 week period would exclude sickness absence and any period of extended unpaid leave.

### **Antenatal Care**

3.3 Pregnant employees are entitled to paid time off to attend antenatal care as advised by their doctor, registered midwife or registered health visitor. Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife or health visitor has advised the employee to attend, in addition to medical examinations. A spouse, civil partner, partner or an employee who intends to apply for a parental order to become a child's legal parent in a surrogacy situation, and, who is an employee of CFRS may take paid time off on two occasions to attend such appointments which must be requested using the [time off for antenatal appointments form](#).

### **Childcare Vouchers (existing members only)**

3.4 CFRS operates a childcare voucher scheme to help employees with childcare costs. Under the scheme, the Government will allow working parents to receive a fixed amount per week and per month in childcare vouchers, free of tax and NI. The salary amount exempt from tax and NI is updated each April with current rates contained in Appendix G of the [CFRS Pay and Recognition Policy](#). Pregnancy can affect childcare voucher arrangements and in order to qualify for receipt of full SMP (Statutory Maternity Pay) an existing scheme member can choose to withdraw from the scheme during the eight week 'relevant period' for calculating SMP. Please refer to Part 2, Procedure 8 of this policy.

### **Flexible Working Requests**

3.5 A member of staff who indicates they wish to return to work on different working hours following maternity leave, should submit a request under the Flexible Working Policy. The ability to request flexible working is a statutory right and the Service will consider any requests from employees to work different/part time hours on their return to work. No agreement to a requested change can however be guaranteed. Further information is available in the [Flexible Working Policy](#).

## **Shared Parental Leave**

3.6 The introduction of Shared Parental Leave (SPL) entitles eligible mothers to end their Maternity Leave early and share any remaining balance of leave with their partner. Both parents must meet certain eligibility criteria and provide their respective employers with the relevant notification requirements before any leave can be taken. Further details regarding Shared Parental Leave can be obtained via the policy, document number 1898.

## **Fertility Treatment (IVF)**

3.7 CFRS will consider necessary adjustments where required, for those employees undergoing the first stages of IVF treatment, to help minimise stress or physical exertion at work.

3.8 Employees are covered by a statutory right to time off under the provisions of the pregnancy directive from the time that the egg is implanted. Details of this provision for time off are outlined within the Guidance Section (Part 3).

## **Safety and Welfare**

3.9 Although undertaking risk assessments is a legal requirement, the Service sees the safety and wellbeing of its employees as a high priority. Therefore to ensure that the appropriate risk assessments and support can be provided, it is essential that line managers are made aware of any information or medical advice that could be pertinent to the individual's safety and wellbeing during pregnancy at the earliest opportunity. Contact is also encouraged with the Service's Fitness Advisor to obtain advice on physical and dietary fitness before, during and after pregnancy.

3.10 Although the outcome of each risk assessment will be unique, CFRS requires that operational employees reduce/remove any potential risks to themselves or their unborn child for the duration of their pregnancy. For this reason, the Service requires that pregnant operational employees do not undertake emergency response duties and upon notification of an employee's pregnancy, will engage directly with the individual to identify a suitable non-operational placement. In all cases the Service is committed to ensuring that all placements provide a relevant and valuable development opportunity that are in line with an individual's career aspirations and engage them in meaningful work. Flexibility will be afforded as far as is reasonably practicable in respect of working patterns taking into account individual circumstances and the needs of the business.

3.11 CFRS also requires that risk assessments are conducted on a monthly basis (detailed in Procedure 10) to capture all adjustments and considerations that may be required during the changes that take place to an employee before, during and after pregnancy.

3.12 To ensure the comfort of individuals, CFRS will provide a uniform / corporate work wear for both operational and non operational employees during pregnancy (detailed in Procedure 3a and 3b). An allowance will also be made

available to employees to purchase supplementary clothing, provided the clothing is in accordance with the [Appearance and Bearing Policy](#).

- 3.13 CFRS supports the right for mothers to breastfeed after returning to work. Therefore, if a request is made, appropriate arrangements will be made that provide the necessary privacy.
- 3.14 CFRS recognises that employees will have different experiences throughout the various stages of their pregnancy and would like to assure employees that any pregnancy related illness will be excluded for the purposes of progression through the Attendance Management Policy. Pregnancy related and non pregnancy related illnesses are defined in the Guidance Section of this policy. The procedure to be followed in such an event can be found under Part 2, Procedure 7.

### **Problems during Pregnancy**

- 3.15 CFRS recognises that problems during pregnancy and/or childbirth can be very distressing. Therefore, special consideration will be given to individual circumstances and discretion exercised to decide upon any appropriate action, which may include extending Maternity Leave by invoking special leave arrangements. Please refer to Part 2, Procedure 6 and the Guidance Section for further information.

## **4. Communication and Keeping in Touch**

- 4.1 CFRS is committed to ensuring that regular two-way communication prevails during periods of pregnancy and Maternity Leave. This is necessary to ensure that individuals have access to support and do not feel isolated during periods of Maternity Leave.
- 4.2 On becoming pregnant, early notification is encouraged to ensure that future absence from the workplace can be planned for and Health and Safety implications can be considered. The specific requirements and timescales in relation to notifying the organisation of a pregnancy are outlined in the Procedure Section below.
- 4.3 Maintaining regular contact during periods of Maternity Leave is also required to ensure that new mothers are kept aware of developments in the workplace and have access to opportunities, by receiving copies of the green bulletin (*detailed in Procedure 12.5 and Line Manager's Guide to Support Maternity Process*) and are able to discuss plans for returning to work. The requirement for ongoing communication is the responsibility of both the \*current Line Manager and the employee, and arrangements for contact should normally be discussed prior to commencement of the Maternity Leave period.

*\*Current Line Manager - includes immediate supervisor during a period of 'secondment' into a non-operational placement whilst pregnant.*

- 4.4 In order to provide a more tangible means of maintaining contact with the Service and to ensure work practices and risk critical operational training is up-to-date, a maximum of 10 Keeping in Touch Days (KIT) are offered.

Employees can return to work on a voluntary basis during their Maternity Leave without losing the right to SMP or OMP. Details of how these days can be arranged and the extent to which they can be engaged in are outlined within the Guidance Section.

## **5. Returning to Work after Maternity Leave**

- 5.1 By law an employee who has only taken Ordinary Maternity Leave up to a period of 26 weeks is entitled to return to the same job they were in before they went on leave, and on terms and conditions that are no less favourable than those that would have applied had they not been absent.
- 5.2 A member of staff who has stated their intention to return to work after Additional Maternity Leave up to a maximum of 52 weeks will normally be re-employed in their previous post, but if there are exceptional reasons why this is not possible, they will be employed in similar work and on terms and conditions that are no less favourable.
- 5.3 CFRS understands that an employee may have concerns prior to returning to work following Maternity Leave, but it does require the employee to notify the Service of their intention at least 8 weeks prior to their return to work. Or, at the earliest opportunity to allow the organisation to plan for the return and to ensure that an employee has the necessary support to settle back into their role.
- 5.4 On occasion when individuals are absent from the workplace for extended periods of time, their substantive role may be impacted by organisational change. In these circumstances employees on Maternity Leave will be consulted, in person or in writing, at the earliest opportunity. Employees on Maternity Leave will be treated no less favourably due to their absence and the Service will ensure that they are made aware of the additional protections available to them in law should organisational change prevent them from returning to their substantive role.
- 5.5 Employees shall have the right to return to the job in which they were employed. Where it is not practical by reason of redundancy or reorganisation to permit an employee to return to their substantive role a suitable alternative will be offered wherever available. The role will be appropriate and commensurate with the level of responsibility, grade and terms and conditions of the role they were previously employed in.
- 5.6 An employee who chooses not to return to work after Maternity Leave will be treated as being on unauthorised absence, and the Service reserves the right to take appropriate disciplinary action up to and including dismissal. CFRS will in these circumstances seek to reclaim any payments made in excess of SMP.
- 5.7 In the event that an employee is prevented from returning to work as a result of post natal depression or any other pregnancy related medical condition, the Service will refer the individual to the Occupational Health Unit who will provide support and guidance in respect of an appropriate return to work timescale.

- 5.8 If an employee leaves within 12 weeks of their return to work after Maternity Leave the Service has the right to recover any payment made in excess of SMP. This provision shall not apply to employees on a fixed term contract that expires either before their return to work or within a period of 12 weeks from return to work provided that they have not (i) been notified that their contract is to be renewed/extended or (ii) refused an offer of suitable alternative employment.
- 5.9 To assist operational employees' transition back to full operational duties, a referral will be made to Occupational Health and the Fitness Advisor, or the Station's Physical Fitness Advocate. A period of retraining will then be arranged in full consultation and agreement with the employee, tailored to their specific needs.

## **6. Agency Workers**

- 6.1 Agency workers are entitled to the same basic employment and working conditions as if they had been recruited directly, if and when they complete a qualifying period of 12 weeks in the same job.
- 6.2 It is the responsibility of the agency worker to notify both the Temporary Work Agency (TWA) and hirer (CFRS) of their pregnancy. CFRS will carry out a personal risk assessment (see Procedures 9 and 10) upon notification and make any reasonable adjustments where possible. If a reasonable adjustment cannot be made the assignment with CFRS will be terminated and the Temporary Work Agency must find the agency worker alternative work.
- 6.3 Agency workers are entitled to paid time off for antenatal appointments following the 12 week qualifying period.

The same facilities will be made available to agency workers as CFRS employees for breast feeding mothers.

## **7. Benefits during Maternity Leave period**

- 7.1 During Maternity Leave the contract of employment continues. All terms and conditions of the contract continue and continuity of service is maintained. During the period of Maternity Leave when the employee is still in receipt of full pay, pension contributions will continue as usual. Employer pension contributions will not be paid during any period of unpaid Maternity Leave and pensionable service will not be earned for this period. An employee may choose to make this period pensionable on their return to work by paying contributions. If the employee chooses to pay contributions for this period, CFRS will also pay the employer contributions to their pension scheme.
- 7.2 During the period of Ordinary and Additional Maternity Leave a member of staff will continue to accrue annual leave, including bank holidays in the normal way. Employees may take their annual leave at the beginning and/or end of the Maternity Leave. If the employee takes their annual leave at the end of their Service OMP entitlement, and chooses to take the maximum number of KIT days, they will receive a maximum of 53 weeks full pay, depending on annual

leave entitlement (plus any remaining bank holidays that fall within the leave period). If they choose not to do so, any outstanding leave from a previous calendar year should be taken within three months of returning to work following Maternity Leave.

## 8. Roles and Responsibilities

- 8.1 **Employees** must adhere to the responsibilities outlined in the policy and procedure in relation to communication. They must recognise the importance of keeping management informed of their intentions and circumstances at the earliest opportunity and provide any necessary documentation as required.
- 8.2 **Equality and Inclusion Officer** will meet with the employee as soon as possible after notification of pregnancy is received to identify a meaningful placement, provide guidance and support throughout pregnancy, maternity leave and on return to work.
- 8.3 **Line Managers** are responsible for the day-to-day operation of the policy and procedure and ensuring that it is adhered to consistently. Line Managers will also provide guidance and support to employees throughout pregnancy, maternity leave and on return to work.
- 8.4 **Human Resources Team** are responsible for ensuring this policy is implemented across the organisation and to provide advice and guidance on its interpretation.
- 8.5 **Fitness Advisor** will provide guidance on fitness and nutrition before, during and after pregnancy where requested.
- 8.6 **Health, Safety and Wellbeing Advisor** is available to support completion of risk assessments and provide general guidance.

## PART 2 – PROCEDURE SECTION

### During Pregnancy

- Procedure 1 Notification of Pregnancy
- Procedure 2 Grey Book Employees – Non Operational Duties during Pregnancy
- Procedure 3a Uniform Arrangements – Non Operational Employees
- Procedure 3b Uniform Arrangements – Operational Employees
- Procedure 4 Antenatal Appointments/Parent Craft Classes – Notification and Recording Appointments
- Procedure 5 Fertility Treatment (IVF) Appointments – Notification and Recording Appointments
- Procedure 6 Premature Birth and Problems during Pregnancy
- Procedure 7 Sickness Absence during Pregnancy
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### Risk Assessments

- Procedure 9 Generic Risk Assessment
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### During Maternity Leave

- Procedure 12 Maintaining Contact
- Procedure 13 Keeping in Touch (KIT) Days
- Procedure 14 Shared Parental Leave
- Procedure 15 Grey Book Employee Leave Picks

### Returning to Work

- Procedure 16 Returning to Work After Maternity Leave
- Procedure 17 Grey Book Employees – Returning on Non Operational Duties
- Procedure 18 Resignation
- Procedure 19 Changes to Contract of Employment – Requested by Employee
- Procedure 20 Changes to Contract of Employment – Organisational Change

### Procedure 1 **Notification of Pregnancy**

	<b>Process/Action</b>	<b>Responsibility</b>
1	The employee notifies their Line Manager and the Equality and Inclusion Officer, in writing, of pregnancy as soon as possible. HR Advisor is subsequently notified.	Employee
2	Line Manager creates a Welfare Log on Self Serve and makes a record of all communication and action	Line Manager

	taken/required (including risk assessments) during the employee's pregnancy, Maternity Leave and settling in period upon their return to work.	
3	Operational employee is placed on non operational duties immediately and procedure 2 (below) is followed.	Employee / Line Manager
4	Line Manager conducts as soon as possible a risk assessment with the employee. Please refer to Procedure 9 – Risk Assessments during Pregnancy.	Line Manager/Employee
5	Equality and Inclusion Officer meets with employee (as soon as possible) to develop and implement a Step Forward Development Plan. This will be a bespoke work plan for each individual to ensure they are provided with meaningful work while pregnant. This meeting will also consider other issues, for example CPD, appraisals, annual leave, uniform etc.	Equality and Inclusion Officer/Employee
6	Employee writes to Equality and Inclusion Officer, no less than 15 weeks before the Expected Week of Childbirth (EWC), or, as soon as is practical. Letter must include details of the week the baby is expected and the chosen start date of Maternity Leave.	Employee
7	Line Manager needs to consider requirements for temporary Maternity Leave cover in liaison with their Head of Department and the Resourcing Team within the Business Support Unit. A Vacancy Approval Form ( <a href="#">new window Word 81.5 kb</a> ) must be completed and passed to the Resourcing Team. Please refer to the 1 Minute Guide ( <a href="#">Green Book (new window PDF 54 KB)</a> , <a href="#">Grey Book (new window PDF 53 KB)</a> ) for guidance on how to complete the Vacancy Approval Form.	Line Manager/Resourcing Team
8	If the employee wishes to change the date of their Maternity Leave they must give a minimum of 28 days' notice, in writing, to the Equality and Inclusion Officer. The Service does recognise that in some cases this may not be possible if, for example, the baby is born early.	Employee
9	The Equality and Inclusion Officer must forward a copy of the employee's letter advising the service of any changes to their HR Advisor.	Equality and Inclusion Officer
10	The HR Advisor will write to the employee confirming the date of expected leave and entitlements within 28 days of receipt of their written notice. The pension option form MA1 will be enclosed for employees in the Local Government Pension Scheme (LGPS).	HR Advisor
11	The employee must complete the MA1 form and return to their HR Advisor (if applicable).	Employee
12	The employee must forward their MATB1 form to their HR Advisor once received (from their midwife approx. 20 – 26 weeks into pregnancy).	Employee

13	The HR Advisor will notify the payroll team by completing the 'Leave Form' once the MATB1 and MA1 forms have been received.	HR Advisor
14	The HR Advisor will record all maternity details on the HR system.	HR Advisor/HR System

Procedure 2  
**Grey Book Employees – Duties during Pregnancy**

	<b>Process/Action</b>	<b>Responsibility</b>
1	Pregnant operational employees should not undertake emergency response duties. On notification of pregnancy, the employee will meet with the Equality and Inclusion Officer to develop and implement a Step Forward Development Plan. This will be a bespoke work plan for each individual to ensure they are provided with meaningful work while pregnant.	Employee/Equality and Inclusion Officer
2	The Equality and Inclusion Officer at this meeting will also discuss annual leave, CPD, appraisals, uniform etc.	Equality and Inclusion Officer/ Employee
3	Where the employee moves to non-operational duties, the Line Manager must inform OPA Admin Hub and the HR Advisor of the date the employee commenced non operational duties.	Line Manager
4	HR Advisor will note the commencement date of non operational duties on the HR system.	HR Advisor
5	HR Advisor will note the end date of non operational duties on the HR system once Maternity Leave commences.	HR Advisor
6	HR Advisor will send an email to 'Leave Requests' (OPA Admin) to ensure that <b>Maternity Leave</b> dates are entered onto the Gartan System.	HR Advisor
7	OPA Admin will update the Gartan System to reflect the Maternity Leave dates.	OPA Admin

Procedure 3a and 3b  
**3a Uniform Arrangements – Non Operational Employees**

	<b>Process/Action</b>	<b>Responsibility</b>
1	The employee will discuss options for maternity wear with the Equality and Inclusion Officer.	Employee
2	If the employee does not require the support of the Equality and Inclusion Officer, they can order maternity clothing via Agresso in the normal way in accordance with the procedure below. Alternatively, the Equality and Inclusion Officer can	Equality and Inclusion Officer/Employee

	order maternity clothing on the employee's behalf.	
3	In addition, the employee is entitled to purchase maternity clothing up to the value of £150, to supplement the uniform made available by the Service.	Employee
4	Employee completes the General Expense Form ( <a href="#">General Expenses Form (new window Excel 70.0 kb)</a> ) and attaches any receipts.	Employee
5	Equality and Inclusion Officer authorises claim by signing the claim form.	Equality and Inclusion Officer
6	Equality and Inclusion Officer forwards claim form to HR Advisor for processing.	Equality and Inclusion Officer
7	The Payroll team processes the claim.	Payroll Team, HR Advisor
8	Employee is reimbursed through their monthly pay.	Payroll Team, HR Advisor

### 3b Uniform Arrangements – Operational Employees

	<b>Process/Action</b>	<b>Responsibility</b>
1	The employee will discuss options for maternity wear with the Equality and Inclusion Officer.	Equality and Inclusion Officer/Employee
2	<p>The employee is entitled to the following uniform and allowance, which can be ordered by the Equality and Inclusion Officer through Agresso:</p> <ul style="list-style-type: none"> <li>• 2 x trousers.</li> <li>• 3 x shirts.</li> <li>• £150, to supplement this uniform</li> </ul> <p>Any additional uniform purchased by the employee must be in accordance with the Appearance and Bearing Policy.</p>	Employee/Line Manager
3	Please refer to procedure 3a above.	Employee

### Procedure 4 Ante-Natal Appointments/ Parent Craft Classes – Notification and Recording Appointments

	<b>Process/Action</b>	<b>Responsibility</b>
1	The employee will arrange appointments for as near to the start or the end of the working day or on a non working day if working part time, where possible.	Employee
2	The employee should give their Line Manager as much notice as possible of appointments, and with the exception of the first appointment, must provide evidence of	Employee

	appointments.	
3	The Line Manager notes and authorises time off for appointments. Details updated on employee's Welfare Log.	Line Manager
4	Support staff – an employee must record full hours on their timesheet for that particular day regardless of time/length of appointment.	Employee
5	Operational Staff – Line Manager informs OPA Admin who will make the necessary changes to the Gartan system.	Line Manager

## Procedure 5

### **Fertility Treatment (IVF) Appointments – Notification and Recording Appointments**

	<b>Process/Action</b>	<b>Responsibility</b>
1	All appointments will be treated as special leave – up to a maximum of 5 days, paid leave will be authorised.	Line Manager/Head of Department
2	Employees are encouraged to inform their Line Manager as soon as their plans to undergo treatment have been confirmed. A statement should also be provided from a qualified medical practitioner that the treatment has been recommended and approved.	Employee
3	The Line Manager will create and record this information on the employee's Welfare Log (via self-serve) and any subsequent meetings/discussions in relation to the employee's fertility treatment.	Line Manager
4	The employee arranges appointments as near to the start or the end of the working day, where possible.	Employee
5	The employee should give their Line Manager as much notice as possible of appointments and provide necessary evidence.	Employee
6	The employee completes a <a href="#">Special Leave Request Form</a> and forwards to their Line Manager for authorisation.	Employee
7	Line Manager forwards the Special Leave Request Form to the Head of Department for authorisation.	Line Manager/Head of Department
8	Line Manager forwards the Special Leave Request Form to their HR Advisor and records appointments on the Welfare Log.	Line Manager
9	Line Manager and employee conduct a risk assessment following treatment. Please refer to procedure 10.	Line Manager/Employee

**Procedure 6**  
**Miscarriages, Complications during Pregnancy and Premature Births**

	<b>Process/Action</b>	<b>Responsibility</b>
1	Employee notifies their Line Manager of any changes to their circumstances as soon as is reasonably practical.	Employee
2	Line Manager must seek advice from their HR Advisor before advising the employee of any entitlements regarding pay/leave.	Line Manager
3	Line Manager and HR Advisor will seek medical advice from Occupational Health.	Line Manager/HR Advisor
4	The Line Manager and HR Advisor will establish the various options for the employee and seek authorisation for each option with the Head of Department.	Line Manager/HR Advisor/Head of Department
5	The options will be discussed between the employee, Line Manager, HR Advisor and if required, the Equality and Inclusion Officer (via telephone/meeting depending on circumstances).	Employee/Line Manager/HR Advisor/Equality and Inclusion Officer
6	Once agreement has been made the HR Advisor will write to the employee to confirm what action will be taken in relation to their change in circumstances.	HR Advisor
7	The HR Advisor will liaise with the payroll team if any pay adjustments are to be made.	HR Advisor
8	Employee completes a special leave form if required and this will be authorised by the Line Manager and the Duty Station Manager/Head of Department.	Employee/Line Manager/Duty Station Manager/Head of Department
9	The HR Advisor will record any relevant changes onto the HR system.	HR Advisor
10	The Line Manager and HR Advisor will monitor and address any developments in a change of circumstances.	Line Manager/ HR Advisor

**Procedure 7**  
**Sickness Absence during Pregnancy**

	<b>Process/Action</b>	<b>Responsibility</b>
1	Where an employee has a pregnancy related sickness, this will be excluded for the purposes of progression through the Attendance Management Policy. All other sickness absences will be recorded in the normal way.	Line Manager/HR Advisor
2	All sickness absence must be recorded in the normal way <ul style="list-style-type: none"> <li>• employee reports absence to the Line Manager.</li> <li>• fit note submitted if required (applicable to absence of</li> </ul>	Employee/Line Manager

	<p>7 calendar days or more).</p> <ul style="list-style-type: none"> <li>• Line Manager completes details of sickness absence onto employee's self serve and notifies HR Advisor of sickness absence.</li> <li>• employee books fit with Line Manager who updates record on self serve.</li> <li>• upon return to work, employee and Line Manager hold discussion, sickness record updated and closed off.</li> </ul>	
3	If a pregnant employee is absent from work, either wholly or partly, due to a pregnancy related reason in the 4 week period before their EWC, then their Maternity Leave will automatically be triggered. In this case their Maternity Leave will commence on the day following the first day of absence. The HR Advisor must be informed.	Employee/Line Manager
4	Further information and guidance can be found in the Guidance Section of this policy and the Attendance Management Policy.	Employee/Line Manager

**Procedure 8**  
**Child Care Vouchers (existing members only)**

	<b>Process/Action</b>	<b>Responsibility</b>
1	The employee can choose to withdraw from the child care voucher scheme at <b>17 weeks of pregnancy</b> in order to qualify for receipt of full SMP (Statutory Maternity Pay). This must be done in writing to the Line Manager/HR Advisor.	Employee
2	HR Advisor liaises with the Payroll Team to process withdrawal of the scheme at 17 weeks, and re-joining at 25 weeks.	HR Advisor
3	Further information can be found within the Guidance Section attached to this policy, the <u><a href="#">Pay and Recognition Policy</a></u> [#1230] and the <u><a href="#">Childcare Voucher Scheme</a></u> info on the CFRS intranet.	Employee/Line Manager

**Risk Assessments**

**Procedure 9**  
**Generic Risk Assessment – Health & Safety**

	<b>Process/Action</b>	<b>Responsibility</b>
1	An initial generic risk assessment will be conducted in conjunction with each Maternity Scheme review.	Health, Safety & Welfare Team
2	Risks will be communicated to employees via the policy including the precautions being taken to reduce the risk. The generic risk assessment [#1286] is available to all employees via Corporate Docs on the Service intranet page.	Employee Relations & Health, Safety & Welfare Team

Procedure 10  
**Risk Assessments during Pregnancy – Line Manager**

	<b>Process/Action</b>	<b>Responsibility</b>
1	The employee must inform their Line Manager as early as possible that they are pregnant or have given birth in the last six months.	Employee
2	Employee must pass on to her Line Manager any advice from her registered medical practitioner, midwife, Fitness Advisor or Station's Physical Fitness Advocate that could affect the assessment of her risk at work.	Employee
3	Line Manager and employee must review the generic risk assessment on a monthly basis <a href="#">[#1286]</a> and identify any risks specific to the employee.	Line Manager/Employee
4	All discussions relating to the review of the risk assessment must be recorded on the Welfare Log by the Line Manager.	Line Manager
5	If the risk cannot be removed/reduced consideration may need to be given to adjust the employee's working conditions/hours. In this case the Line Manager must discuss any proposed actions with their HR Advisor and the Equality and Inclusion Officer.	Line Manager/HR Advisor
6	If suitable adjustments cannot be accommodated, the employee may be requested to take paid leave for as long as is necessary to protect her Health & Safety. In this event the decision and discussions must be made in conjunction with the Service Management Team and the HR Advisor.	Line Manager/HR Advisor/SMT
7	The Line Manager and employee will agree dates to review the risk assessment again at monthly intervals.	Line Manager/Employee

Procedure 11  
**Risk Assessment for Breastfeeding Mothers upon Return to Work**

	<b>Process/Action</b>	<b>Responsibility</b>
1	In line with the policy the employee must give their Line Manager at least 8 weeks notice of their intended return to work date.	Employee
2	The employee must pass on to their Line Manager any advice from their registered medical practitioner or midwife that could affect the assessment of their risk upon their return to work.	Employee
3	The Line Manager and employee must review the generic risk assessment <a href="#">[#1286]</a> on the first day the employee returns from Maternity Leave. If a risk is identified the Line Manager and employee must explore the options and agree on the action to be taken to remove/reduce the risk.	Line Manager/Employee

4	The Line Manager and employee must conduct a review of the risk assessment at monthly intervals until the mother stops breastfeeding if applicable.	Line Manager/Employee
5	All discussions relating to the review of the risk assessment must be recorded on the Welfare Log on self-serve by the Line Manager.	Line Manager
6	If the risk cannot be removed/reduced then consideration may need to be given to adjust the employees working conditions or hours (and comply with normal office hours if employed in an operational role). In this case the Line Manager must discuss the proposed action with their HR Advisor and the Equality and Inclusion Officer.	Line Manager/HR Advisor/Equality and Inclusion Officer

### During Maternity Leave

#### Procedure 12 Maintaining Contact

	<b>Process/Action</b>	<b>Responsibility</b>
1	If the employee is seconded to a different department during pregnancy, an 'interim' Line Manager may be appointed from the new department. If this is the case, once the employee starts maternity leave the permanent Line Manager (known here on in as the 'Line Manager') should resume managerial responsibility.	Interim Line Manager/ Line Manager
2	The Line Manager and the employee will agree regular dates (monthly contact recommended) to contact each other prior to the employee's Maternity Leave commencing.	Line Manager/ Employee
3	The Line Manager will record details of conversations that take place throughout the employee's Maternity Leave on the Welfare Log.	Line Manager
4	The employee must keep their Line Manager informed of any changes to circumstances and their plans to return to work (8 weeks notice for return date required). Also if any contact details change.	Employee
5	The Line Manager must keep the employee informed of any important developments in the work place.	Line Manager
6	Copies of the CFRS Weekly Bulletin ('The Green') will be sent to all employees during Maternity Leave. Responsibility for this lies with the current Line Manager (via Customer Services) for all employees.	Line Manager
7	Keeping in Touch (KIT) Days can also be arranged during this contact (please refer to procedure 13 below).	Line Manager/Employee

Procedure 13  
**Keeping in Touch (KIT) Days (10 days maximum)**

	<b>Process/Action</b>	<b>Responsibility</b>
1	The Service strongly encourages employees to take KIT days and discussions will be held with the Equality and Inclusion Officer in advance. The Equality and Inclusion Officer will authorise KIT days.	Equality and Inclusion Officer
2	The Equality and Inclusion Officer must consider appropriate arrangements for the KIT day and discuss this with the individual in advance. Risk critical operational training may be incorporated into KIT days wherever possible, including BA hot fire; BA refresher; RTC, height safety and water safety. Risk assessments must be completed where appropriate.	Equality and Inclusion Officer
3	KIT days may also be used for the purposes of carrying out appraisals and ensuring CPD is discussed at the appropriate juncture. The Equality and Inclusion Officer will liaise with Line Managers for these purposes.	Equality and Inclusion Officer/Line Manager
3	The employee must complete the KIT day claim form and forward to their Line Manager for signature.	Employee/Line Manager
4	The Line Manager must keep a record of the KIT days on the Welfare Log to allow them to cross reference it with any claim forms submitted by the employee.	Line Manager
5	The employee must forward the KIT form to the Equality and Inclusion Officer for authorisation, who will subsequently forward for payment. Where an employee prefers to bank the equivalent time off in lieu, the form should still be submitted and the lieu time must be taken within the 52 week Maternity Leave period.	Employee
6	The Payroll Team will process and payment will be made to the employee once Service OMP has been exhausted (where entitled) or in the normal monthly pay.	Payroll Team

Procedure 14  
**Shared Parental Leave**

	<b>Process/Action</b>	<b>Responsibility</b>
1	If the employee considers ending their Maternity Leave early to take a period of Shared Parental Leave with their partner, they must refer to the Service's <a href="#">Shared Parental Leave Policy</a> [#1989] and follow the relevant process.	Employee + Partner
2	<b>Important:</b> The employee and their partner must check they <u>both</u> meet the eligibility criteria for Shared Parental Leave. This can be done via the <a href="#">Gov.website</a> .	Employee + Partner

Procedure 15  
**Grey Book Employee Leave Picks**

	<b>Process/Action</b>	<b>Responsibility</b>
1	The Watch Manager must contact the employee on Maternity Leave to include in the picking of annual leave.	Watch Manager/Employee
2	Leave dates agreed and recorded.	Watch Manager/Employee
3	The Watch Manager must send the employee confirmation of their leave picks once agreed and bear them in mind when making child care arrangements for their return to work at the end of maternity leave.	Watch Manager

**Returning to Work**

Procedure 16  
**Returning to Work After Maternity Leave**

	<b>Process/Action</b>	<b>Responsibility</b>
1	The employee must inform their Line Manager of the date they intend to return to work, (at least 8 weeks in advance of their return).	Employee
2	The Line Manager must communicate dates to the temporary employee covering Maternity Leave if applicable.	Line Manager
3	The Line Manager must conduct a return to work induction using the <a href="#">Corporate Induction Checklist - (PDF 183 KB)</a> and any local induction documentation, and agree an initial Development Plan (see Appendix 3, Operational). Reference should be made to the Service Training Forecast and Operational Training Cycle (incl. development material on LearnPro). The Equality and Inclusion Officer can be involved in this meeting as far as required.	Line Manager/Equality and Inclusion Officer
4	A DSE assessment must be completed, via LearnPro.	Line Manager/Employee
5	The Line Manager must ensure that ICT provisions have been organised and are ready for use upon the employee's return.	Line Manager/ICT
6	The Line Manager must ensure the correct and required equipment is available to the employee upon her return, including issue of new uniform as appropriate.	Line Manager/Stores/Equality and Inclusion Officer
7	If the employee intends to continue to breastfeed following her return to work the Line Manager and employee should refer to Procedure 11, Risk Assessment for Breast Feeding	Line Manager/Employee

	Mothers Upon Return to Work.	
8	Employees are welcome to contact the Equality and Inclusion Officer ahead of their return to discuss such matters as uniform and new developments within the Service. Contact details are as follows: Email <a href="mailto:Equalities@cheshirefire.gov.uk">Equalities@cheshirefire.gov.uk</a> or ring 01606 868700.	Employee/Equality and Inclusion Officer

### Procedure 17

#### **Grey Book Employees – Returning on Non Operational Duties**

	<b>Process/Action</b>	<b>Responsibility</b>
1	The Line Manager and employee complete steps 1 to 7 of procedure 16 above.	Line Manager/Employer
2	The Line Manager completes the OHU Management Referral through self-serve recommending a review be conducted upon the employee's return to work, and forwards to their HR Advisor.	Line Manager/HR Advisor
3	A retraining programme will be conducted in accordance with Occupational Health advice (see Appendix 3).	Line Manager/Operational Training Group
4	The Line Manager emails 'Leave Requests' advising of the date the employee is returning to work on non operational duties.	Line Manager
5	The Line Manager emails 'Leave Requests' advising of the date the employee will return to full operational duties.	Line Manager

### Procedure 18

#### **Resignation**

	<b>Process/Action</b>	<b>Responsibility</b>
1	The employee must give the required period of notice as set out in their contract of employment.	Employee
2	Notice must be in writing and sent to their Line Manager.	Employee/ Line Manager
3	The Line Manager forwards the notice to HR Advisor.	Line Manager
4	Any outstanding leave must be calculated by the Line Manager and the HR Advisor informed.	Line Manager
5	The employee will be required to refund any Occupational	Employee

	Maternity Pay received (if they do not return to work for at least 3 months).	
6	The Service will acknowledge the resignation in writing including details of how any outstanding payments by either the employee or the Service will be made.	HR Advisor
7	P45 will be sent direct to the employee's home address.	Payroll Team

Procedure 19a

**Changes to Contract of Employment – Requested by Employee**

	<b>Process/Action</b>	<b>Responsibility</b>
1	A change request should be submitted by the employee in writing on FR1 form – Appendix 1 in accordance with the <a href="#">Flexible Working Policy</a> and Flexible Working Application Procedure.	Employee
2	The Service will respond within 28 days in accordance with the Flexible Working Policy and Flexible Working Application Procedure.	Line Manager/HR Advisor
3	The employee will be notified of the outcome in writing.	Line Manager/HR Advisor
4	If a flexible working request is agreed it may take up to 3 months to complete the request process and implement the change.	Employee/Line Manager/HR Advisor
5	If the application is not accepted the employee will be given notification of the appeals process. Please refer to the <a href="#">Flexible Working Policy</a> and Flexible Working Application Procedure.	Employee/Line Manager/HR Advisor

Procedure 19b

**Changes to Contract of Employment – Organisational Change**

	<b>Process/Action</b>	<b>Responsibility</b>
1	The employee will be consulted in accordance with the <a href="#">1214 Reorganisation</a> , <a href="#">1215 Redeployment</a> and <a href="#">1229 Early Retirement and Severance</a> policies. This will be done at the same time as all other staff affected by the change are notified.	Line Manager/Head of Department/HR Team
2	The Line Manager will send copies of all documentation to the individual on Maternity Leave.	Line Manager
3	The employee will be invited to attend any team meetings/briefings in relation to the organisational change.	Line Manager

## PART 3 - GUIDANCE SECTION

Each employee's maternity experience is different and the following FAQ Section has been designed to provide additional guidance and support for employees and Line Managers if and when they require it. It is important that the Human Resources Team are kept up to date of any change in an employee's situation and that Line Managers refer specific cases to them to confirm entitlements and action to be taken in each situation.

Further support is also available on the Service's [Maternity at Work](#) intranet page, which contains lots of helpful information, including details of our Maternity Champions and Whatsapp Support Group.

### FREQUENTLY ASKED QUESTIONS

#### PAY

##### **Q: Who is entitled to Statutory Maternity Pay (SMP)?**

**A:** To qualify for SMP an employee must:

- give the correct notice
- provide proof of pregnancy
- have worked for CFRS continuously for at least 26 weeks continuing into the 'qualifying week', and
- have average weekly earnings above the lower earnings limit for National Insurance contribution purposes during the 8 week period up to the last payday before the end of the qualifying week.

##### **Q: Who is entitled to Occupational Maternity Pay (OMP)?**

**A:**

- Employees with over one years' continuous local government service by the qualifying week (15<sup>th</sup> week before the EWC),
- provided they remain at work until the 11<sup>th</sup> week before the EWC, and
- intend to return to work for 12 weeks following maternity leave will receive Occupational Maternity Pay.

##### **Q: If an employee does not qualify for SMP what should they do?**

**A:** Pregnant employees who are not entitled to receive SMP may qualify for Maternity Allowance (MA). This is based on an employee's recent employment and earnings record and is a state benefit which may be payable for 39 weeks.

An employee can apply to their local Job Centre Plus Office for more information about the criteria and to see whether they qualify for MA. The HR Team will supply the employee with form SMP1 for this purpose. The nearest office can be found on the Job Centre Plus website – [www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk)

**Q: If an employee is entitled to SMP what pay will they receive?**

**A:** SMP is payable for up to 39 weeks and consists of:

- first 6 weeks at 90% of the employees average weekly pay (or SMP, whichever is lower)
- up to 33 weeks at the lower statutory earnings level – (please check [Gov.website](#) for current amounts).

**Q: If an employee is entitled to SMP and OMP what pay will they receive?**

**A:** As from 1 April 2018, employees with over one years' continuous local government service will receive 45 weeks full pay (inclusive of SMP). Employees will also be entitled to be paid for up to 10 KIT days and for any outstanding annual leave they choose to take once their full pay and KIT days have been exhausted. This could give them up to a maximum of 53 weeks of fully paid leave, dependant on annual leave entitlement.

The Service recognises that employees cannot be obliged to take annual leave and/or KIT days whilst on maternity leave. As such, if an employee decides not to take annual leave and/or KIT days, they will still be entitled to 52 weeks maternity leave. However, they will not be paid after 45 weeks leave.

**Q: When will an employee start receiving Maternity pay?**

**A:** Maternity Pay commences from the first day of Maternity Leave and will be paid at the same monthly intervals as an employee currently receives.

**Q: What is defined as a week's pay?**

**A:** A week's pay is the amount paid to an individual for working the normal number of hours per week as set out in their current contract of employment.

For employees on the 'On Call' duty system a week's pay is defined as the average weekly remuneration for the previous twelve weeks prior to commencement of amended duties, (excluding any week in which an employee has been sick or received no pay) taking all payments into account.

A week's pay for On Call employees for annual leave purposes is defined as the average remuneration for the previous fifty-two weeks prior to commencement of annual leave.

**Q: What happens to National Insurance and Tax contributions during maternity leave?**

**A:** Both SMP and OMP are subject to normal deductions during Maternity Leave.

## **Q: What happens to pension contributions during Maternity Leave?**

**A:** Employees who pay contributions to the Local Government Pension Scheme (LGPS), New Firefighters' Pension Scheme 2006, or Firefighters' Pension Scheme (1992 & 2015) will continue to do so whilst receiving any occupational or statutory payments when on Maternity Leave.

The amount paid will be the usual percentage contribution based on the employee's normal salary. This will continue until the employee ceases to receive any Maternity Pay. This ensures that the employee retains full pensionable service during this period, even though they could be paying less than they would normally pay when receiving their normal salary.

If an employee continues onto unpaid Maternity Leave and returns to work, they will have the option to elect to repay pension contributions if they wish to count that period as pensionable service. Normal pension contributions will automatically resume upon their return to work.

For the Local Government Pension Scheme, the right to exercise the option to repay pension contributions must be made in writing to the HR Advisor within 30 days of returning to work, by completing an amended 'MA1 / 2' form provided by the HR Team.

For the New Firefighters' Pension Scheme 2006 and the Firefighters' Pension Scheme 1992/2015 employees have a period of six months to opt to repay any contributions and repayment must also be made within the six month period from the date of election to repay the contributions.

## **Q: Are employees entitled to paid time off to attend antenatal care?**

**A:** Pregnant employees are entitled to paid time off to attend antenatal care as advised by their doctor, registered midwife or registered health visitor. However, the Service would encourage employees to make appointments at the start or end of the working day and for those on part time contracts, outside of normal working hours, where possible.

## **Q: What will happen if an employee currently receives childcare vouchers?**

**A:** For employees who currently receive childcare vouchers there may be more flexibility to enable them to maximise tax and NI savings during pregnancy and Maternity Leave.

Employee's who receive only SMP, or SMP and OMP are entitled to withdraw and re-join the Childcare Voucher scheme during pregnancy. This allows them to receive tax and NI savings on childcare vouchers if they:

- Withdraw from the scheme by 17<sup>th</sup> week of pregnancy

- Re-join at 25<sup>th</sup> week of pregnancy

Employees will then receive full SMP of 90% of their weekly salary for the first six weeks.

For further information go to:

[http://www.hmrc.gov.uk/employers/employee\\_pregnant.htm](http://www.hmrc.gov.uk/employers/employee_pregnant.htm)

or contact the Childcare Voucher provider.

**Q: How will an employee keep up to date with CPD applications whilst on Maternity Leave?**

**A:** Employees on Maternity Leave during the application period will be contacted by their manager to ensure they are aware of the CPD application date.

**Q: What entitlements does a surrogate mother and their spouse or civil partner have to Maternity Scheme, Paternity Policy, and Parental Leave Policy provisions?**

**A:** The surrogate mother and their spouse or civil partner are the legal parents of the child, until such time as legal rights are given to someone else through a parental order or adoption. As such, the provisions of the Maternity Scheme, Paternity Policy and Parental Leave Policy apply to them in the usual way while they remain the legal parents of the child.

**Q: What entitlements will employees who become legal parents of a child under a surrogacy arrangement be entitled to?**

**A:** Intended parents who become the child's legal parents through a parental order can be eligible for Adoption Leave and Pay and Paternity Leave and Pay. The couple must decide which one of them will take Adoption Leave. The employee taking Adoption Leave will also be able to curtail their adoption leave and opt into taking Shared Parental Leave with the other parent, provided both parents meet the eligibility requirements. Further details regarding Adoption Leave, surrogacy and Shared Parental Leave can be found in the relevant Service policies detailed further below.

**Q: Am I entitled to any time off to accompany the surrogate mother to ante-natal appointments?**

**A:** The intended parents in a surrogacy arrangement who are eligible and intend to apply for a Parental Order are entitled to paid time off to accompany the surrogacy mother to up to two ante-natal appointments. An additional period of up to six and a half hours leave may also be granted by management on a case by case basis, this time could be used for, but not limited to, additional scan appointments or for emotional support purposes. Each appointment is capped at a maximum of 6.5 hours.

**Q: What entitlements will employees who are a surrogate mother be**

## **entitled to?**

**A:** Surrogate mothers who give birth to a baby are entitled to maternity leave and pay as set out in this policy.

## **Q: What if I have changed roles recently?**

**A:** If you have recently changed roles (or in the case of migration, moved from On-Call to Wholetime), and have 26 weeks continuous employment with a local government service, you will be entitled to receive SMP should your average weekly earnings in the 8 weeks up to and including the Qualifying Week be at or above the lower earnings limit for payment of national insurance contributions.

## **Q: What will happen to my Occupational Maternity Pay if my salary has been increased temporarily due to acting up or secondment?**

**A:** Your Occupation Maternity Pay will be as per your contractual entitlements. Where an employee is in a temporary acting up role or a secondment the Occupational Pay will be based on the higher salary as detailed in your maternity acknowledgement letter. If the acting up / secondment role ends during your maternity leave the Occupational Pay will alter to reflect this and the employee will receive the rate of pay for their substantive role. The employee will be notified in advance should this situation arise.

## **LEAVE**

### **Q: What is Statutory Maternity Leave?**

**A:** An employee has the right to 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML) making one year in total. The combined 52 weeks is known as Statutory Maternity Leave.

### **Q: What is Compulsory Maternity Leave (CML)?**

**A:** Compulsory Maternity Leave is the two weeks immediately after child birth when, by law, an employee is not permitted to work.

CML commences on the day after the childbirth occurs, and continues for two consecutive weeks after that date. These two weeks are part of OML, and are not additional to it.

### **Q: What is Ordinary Maternity Leave (OML)?**

**A:** Ordinary Maternity Leave can start at any time after the beginning of the 11<sup>th</sup> week

before the employee's expected week of childbirth (unless the child is born prematurely before that date in which case it will start earlier).

Ordinary Maternity Leave will start on whichever date is the earlier of:

- the employee's chosen start date;
- the day after the employee gives birth; or
- the day after any day on which the employee is absent for a pregnancy-related reason in the 4 weeks before the expected week of childbirth.

**Q: What is Shared Parental Leave?**

**A:** Shared Parental Leave is a new entitlement that allows eligible mothers the opportunity to end their Maternity Leave early and share any remaining leave with their partner. Both parents must meet eligibility criteria and provide relevant notifications in order to take Shared Parental Leave.

**Q: How much leave can be shared between parents?**

**A:** The amount of leave available is dependent upon how much Maternity Leave the mother has already taken. The maximum amount of leave that could possibly be shared is 50 weeks [the first two weeks remain compulsory Maternity Leave]. For example, a mother decides to end their maternity leave after 12 weeks, leaving a balance of 40 weeks leave remaining, which can then be shared.

**Q: When can Shared Parental Leave be taken?**

**A:** Provided both employees meet the eligibility requirements and the correct notification is given, Shared Parental Leave can be taken at any time following the birth (excluding the first two weeks which are compulsory Maternity Leave) up to the child's first birthday.

**Q: Is Shared Parental Leave paid?**

**A:** The amount of Statutory Shared Parental Pay available is 39 weeks, however this will be reduced by the amount of SMP or Maternity Allowance taken by the mother. The mother cannot curtail their Maternity Leave and pay until the end of the compulsory maternity leave period (two weeks) which means there is a maximum amount of 37 weeks available. The partner should take their paternity pay prior to any shared parental pay otherwise this will be lost.

**Q: What happens if an employee becomes pregnant whilst on Maternity Leave?**

**A:** An employee who becomes pregnant while on Maternity Leave will qualify for the right to take Maternity Leave or receive Statutory Maternity Pay (SMP) again. The

fact that they are not physically at work when they become pregnant or when notifying their employer of their intention to take a further period of Maternity Leave will not lead to a reduction in their rights.

**Q: Can an employee request to return to work on different or part time hours following Maternity Leave?**

**A:** If an employee decides that they would like to work different / part time hours on their return to work they should submit their request in writing. The request should provide a proposed start date and be submitted as early as possible to provide the organisation with time to consider the request. Requests may take up to 3 months, and each request will be dealt with as expediently as possible and in accordance with the Statutory Right to Request Flexible Working procedure. The employee will be notified of the outcome in writing. Should the application not be accepted the employee will be given notification of the appeals process. Please refer to procedure 19a.

**Q: What happens if an employee gives birth prematurely?**

**A:** If an employee gives birth before their Maternity Leave was due to start, they must notify their Line Manager of the date of birth as soon as is reasonably practical, in order that their Maternity Leave and/or pay is triggered. Special consideration will be given to individual circumstances and discretion exercised when deciding any appropriate action, which may include extending Maternity Leave.

**Q: What happens if an employee has a miscarriage or the baby is stillborn?**

**A:** If an employee's child is stillborn or dies 24 weeks or more in to the pregnancy, they will retain their entitlement to Maternity Leave and Statutory Maternity Pay (SMP). If a baby is lost before 24 weeks the provisions will not apply.

In the event of any problems the employee is advised to contact the Equality and Inclusion Officer or their Line Manager who will seek advice of any entitlements they may have regarding pay and/or leave. Special consideration will be given to individual circumstances and where necessary bereavement leave, special leave or a period of sickness may be granted.

**Q: What if an employee intends to return to work before the expiry of their Maternity Leave period?**

**A:** If an employee intends to return to work before the expiry of their Maternity Leave period, or to change any previous notification they have given, then 8 weeks notice must be provided. The return to work date may be postponed by the employer for up to 8 weeks if proper notice is not given, but the postponement will not extend beyond the date when the employee's Maternity Leave was due to end.

**Q: Will an operational employee be watch aligned when they return on non operational duties?**

**A:** This will be discussed in detail prior to return. However if an employee decides that they would like to work different or part time hours on their return to work they should submit their request in good time under the Statutory Right to Request Flexible Working procedure. All requests will be considered appropriately although no agreement to a requested change can be guaranteed.

## HEALTH AND SAFETY

**Q: What involvement does an employee have in the Risk Assessment Process?**

**A:** The Line Manager with the support of the Health, Safety and Wellbeing Officer will review the generic risk assessment with an employee and discuss any specific risks that are identified and take relevant action to remove/reduce them. It is important that any advice an employee receives from their doctor, midwife Fitness Advisor or Station Physical Fitness Advocate, that could impact on the assessment, is passed on to their Line Manager.

**Q: What sort of risks might an employee be exposed to?**

**A:** Employees may be at risk from different physical, biological, and chemical agents, working conditions and processes. These risks will vary depending on their health, and at different stages of their pregnancy.

Some of the more common risks might be:

- lifting/carrying of heavy loads;
- standing or sitting for long periods of time;
- exposure to infectious diseases;
- exposure to lead;
- work-related stress;
- workstations and posture,
- exposure to radioactive material;
- exposure to electromagnetic fields;
- other people's smoke in the workplace;
- threat of violence in the workplace;
- long working hours;
- excessively noisy workplaces.

Please refer to the Generic Risk Assessment [[#1286](#)].

The HSE's *New and expectant mothers at work: A guide for employers* provides more detail on these risks

**Q: Why is an employee referred to OHU and the Fitness Advisor following Maternity Leave?**

**A:** It gives the employee an opportunity to discuss their health and welfare, and any advice they have received, with OHU prior to returning to work.

The Fitness Advisor will also arrange for a treadmill test to be completed prior to returning to operational duties and a development plan drawn up as required.

## KEEPING IN TOUCH (KIT) DAYS

**Q: Under what circumstances would a KIT day be arranged?**

**A:** KIT days may be arranged, for example to undertake staff development, attend risk critical training, attend a meeting, to take part in the appraisal scheme, to discuss CPD or other activities to help employees keep in touch. Please refer to procedure 19a.

**Q: Are KIT days paid or unpaid?**

**A:** Employees who attend work will receive their normal hourly pay for any hours worked on a voluntary KIT day. If an employee is entitled to OMP, payment will be made once OMP has been exhausted. Employees may prefer to bank the equivalent time off in lieu which must be taken within the 52 week Maternity Leave period. Where the employee is not entitled to Service OMP a KIT day will be paid upon submission of the claim form in the normal monthly pay and will not break the employees SMP.

Mileage and subsistence will be paid in accordance with the Pay and Recognition Policy if KIT days take place away from the employee's usual workplace.

**Q: Who decides that a KIT day can take place?**

**A:** Although they are strongly encouraged, there is no obligation on the employee to undertake work, nor is there an obligation on the Service to provide work. The KIT days will only be arranged by mutual agreement and for very specific purposes. The Equality and Inclusion Officer will authorise KIT days and authorisation must be confirmed prior to the KIT day.

KIT days can be used for operational training. If KIT days are not taken up, essential refresher training will be incorporated into the Individual Development Plan on return from Maternity Leave.

**Q: Can KIT days be scheduled for any time during maternity leave?**

**A:** Except during the two weeks immediately after childbirth (i.e. the Compulsory Maternity Leave period) KIT days can be arranged for any time during Maternity Leave. Payment or time in lieu will be made as set out above. If an employee takes annual leave before returning to work and chooses to work during the annual leave period, this is not a Keeping In Touch day and additional payment will not be made.

**Q: Is there a minimum/maximum numbers of KIT days?**

**A:** An employee can return on a voluntary basis during their Maternity Leave for a maximum of 10 days. As it is not compulsory there is no minimum number set.

**Q: If an employee does not want to attend work on a KIT day can they add the maximum of 10 days to their Maternity Leave entitlement?**

**A:** No - KIT days do not extend the Maternity Leave period and must be taken before the employee ends their period of Maternity Leave.

## FERTILITY TREATMENT (IVF)

**Q: Is an employee entitled to time off work for IVF treatment?**

**A:** Yes. CFRS provide up to 5 days of special leave paid to attend appointments.

Appointments should be arranged, where possible, at times which will cause the Service the least amount of disruption and with sufficient notice.

Employees are covered by the statutory right to time off under the provisions of the pregnancy directive from the time that the egg is implanted. Any time off required from this date is classed as being related to pregnancy and paid time off is therefore appropriate.

Employees are reminded that all special leave requests must be approved by managers as designated in the policy.

**Q: Does an employee have to inform their employer that they are undergoing fertility treatment?**

**A:** No, but employees may need to advise their Line Manager should they require any adjustments to their work. This will enable the Line Manager to undertake a risk assessment to identify any local risks to the individual.

An employee can access the Occupational Health Unit during this time for additional support and advice.

## SICKNESS ABSENCE

### Q: What if an employee is sick due to a pregnancy-related reason?

**A:** All pregnancy related sickness will be excluded for the purposes of progression through the Attendance Management Policy.

Absence caused by an illness which cannot be treated because of the individual's pregnancy also counts as pregnancy related absence.

If a pregnant employee is absent from work either wholly or partly due to a pregnancy related reason in the 4 week period before their EWC, their Maternity Leave will automatically be triggered. In this case Maternity Leave will commence on the day following the first day of absence.

### Q: What if an employee is sick due to a non pregnancy-related reason?

**A:** If a pregnant employee is absent due to sickness but it is not related to the employee's pregnancy, they will be treated as any other employee who is sick in line with the Attendance Management Policy.

### Q: What if an employee is sick on their expected return to work date following a period of Maternity Leave?

**A:** The employee will still be regarded as having returned to work from Maternity Leave and the Attendance Management policy will apply.

## UNIFORM

### Q: How much can an employee spend on maternity clothing?

**A:** The Service will provide all employees wherever possible with maternity uniform. In addition, a clothing allowance of up to £150 will be made available to employees to purchase alternative maternity clothing. The uniform purchased should be suitable to the role the employee undertakes whilst pregnant. Please refer to the Procedures Section for further detail of what and how an employee can make a claim for reimbursement of their purchases.

## CONTRACT INFORMATION

**Q: If an employee is on a temporary contract or fixed term contract will they be entitled to Maternity Leave or Pay?**

**A:** Employees on a temporary contract will be entitled to Maternity Leave/pay if they fulfil the qualifying criteria as stated in CFRS Maternity Scheme.

If the end date of a contract falls in the Maternity Leave period, and it is not renewed, the contract will end on that date. The employee will continue to receive Statutory Maternity payments if they are entitled to receive them.

**Q: Will an employee's continuity of employment be affected if Maternity Leave is taken?**

**A:** Continuity of employment is maintained during Maternity Leave, which means there is no break in service during the employee's absence from work.

**Q: What will happen to an employee's annual leave before, during and after Maternity Leave?**

**A:** Employees continue to accrue full annual leave and public holidays whilst on Maternity Leave (both OML and AML). Line Managers will meet with individuals prior to commencement of Maternity Leave to discuss annual leave entitlement and the possibility of taking some or all of annual leave immediately prior to or immediately after the period of Maternity Leave. Normally, carry forward of annual leave will be limited if there is unused annual leave when the annual leave year ends.

**Q: What will happen to an operational employee's leave picks while on Maternity Leave?**

**A:** The employee's Watch Manager will contact them and include them in the leave picks for their watch to ensure consideration is given for when they return to work.

**Q: What will happen to an employee's essential car user arrangements during Maternity Leave?**

**A:** Employees will continue to receive payment of essential car user allowance or the provision of a lease car (if applicable) whilst on Maternity Leave.

**Q: Will an employee need to return their mobile phone during Maternity Leave?**

**A:** Yes, unless personal use is permitted in which case the use of a mobile phone will

continue and the phone will not need to be surrendered.

**Q: What if an employee wishes to resign before their Maternity Leave expires?**

**A:** If an employee chooses not to return to work on the expiry of their Maternity Leave and decides to resign, they must give the required period of notice as set out in their contract of employment. Please note, if Occupational Maternity Pay has been paid and the employee does not return to work for at least 3 months then they will have to refund the Occupational Maternity Pay. Please refer to the procedure section to establish what action is required.

**Q: How much notice should be given to return to work on different hours or part time following Maternity Leave?**

**A:** As much notice as possible. The process may take up to 3 months, although requests will be dealt with as expediently as possible and in accordance with the Statutory Right to Request Flexible Working procedure.

If an employee decides that they would like to work different / part time hours on their return to work they should submit their request in writing including a proposed start date for the arrangements to begin giving the organisation reasonable time to consider it and implement it should it be approved. The employee will be notified of the outcome in writing. Should the application not be accepted the employee will be given notification of the appeals process. Please refer to procedure 19a.

## RELATED ENTITLEMENTS

### Paternity Leave

A spouse, civil partner or partner (regardless of gender) who is an employee of CFRS may be entitled to two weeks Paternity Leave at full pay (offset by Statutory Paternity Pay), or one weeks paid Maternity Support Leave. Guidance is provided within the Paternity Policy.

### Parental Leave

In addition to Maternity Leave the employee may be entitled to up to 18 weeks unpaid Parental Leave to be taken separately up to the child's (eighteenth) 18<sup>th</sup> birthday. Guidance is provided within the Parental Leave Policy.

### Adoption Leave & Surrogacy

An employee (regardless of gender) who is the primary adopter of a child or the intended parent with main caring responsibilities in a surrogacy arrangement has the qualified right to apply to take Adoption Leave. Guidance is provided within the Adoption Leave Policy.

### Flexible Working

Employees who have parental responsibility for a child can apply to work flexibly. Guidance is provided within the Flexible Working Policy.

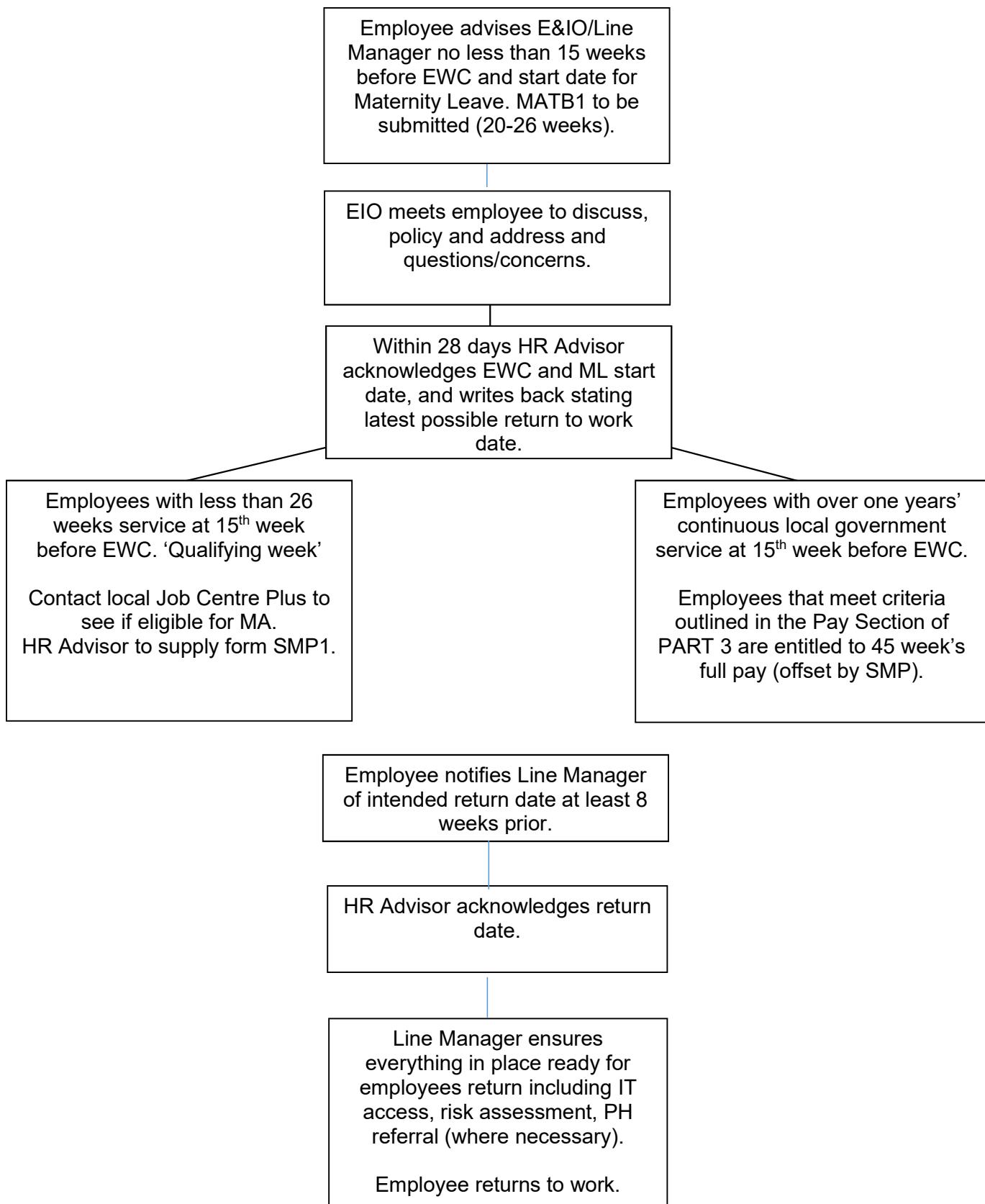
### Shared Parental Leave

Allows eligible employees with parental responsibility the option to end Maternity/Adoption Leave early and share any remaining leave with their partner during the child's first year. Guidance is provided within the Shared Parental Leave Policy.

### Agile Working

Employees may wish to apply to carry out the duties of their role either from an alternative CFRS location or from the employee's home. Guidance is provided in the Agile Working Policy.

## Maternity Scheme Flowchart



# KIT DAY CLAIM FORM

## Appendix 2

Authorised by Equality and Inclusion Officer: \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_ PLEASE PRINT

## Appendix 3

### Development Plan – Return from Maternity Leave - Operational

<b><u>Day One – Reintroduction to station</u></b>	
Introduction to watch	
Station re-familiarisation	
Service Training Forecast and Operational Training Cycle	
Fire Alarm procedures	
First Aid procedures	
Working routines and site specific Risk Information Process	
Health and Safety and Welfare briefing	
Service values	
Safety Flashes and Green Bulletins	
Uniform and PPE check and Service standards	

<b><u>Week One – Training requirement prior to undertaking operational duties</u></b>	
BA (introduction, description, recording, recording processes and procedures, high and low pressure tests, pre-entry checks)	
BA practical wearing exercise	
BA guideline introduction and simulated exercise to confirm skills and knowledge	
Treadmill fitness test	
Hot wear	
Height Safety Training	
Water awareness training / SWRT	
Ladders and pump operation	
Holmatro extrication equipment	
RTC refresher and BTACC (Basic Trauma and Critical Care Refresher Course)	
Hazardous materials	
Positive Pressure Ventilation (PPV) fan	
Harness – height safety training	
Special appliances	
Incident Command Pack (Standard operating procedures)	
EFAD refresher or Vehicle re-familiarisation (if required)	
Intranet knowledge and understanding (LearnPro)	