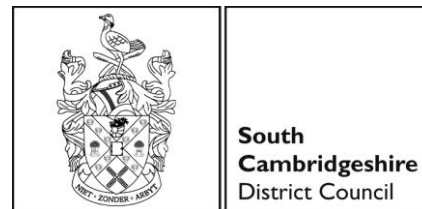


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17 July 2019

To: Chairman – Councillor Henry Batchelor
Vice-Chairman – Councillor Dawn Percival
Members of the Employment and Staffing Committee – Councillors
Sarah Cheung Johnson, Dr. Claire Daunton, Mark Howell, Peter Topping and
John Williams

Quorum: 3

Substitutes: Councillors Sue Ellington, Graham Cone, Nick Wright, Heather Williams,
Bunty Waters, Clare Delderfield and Peter McDonald

Dear Councillor

You are invited to attend the next meeting of **EMPLOYMENT AND STAFFING COMMITTEE**, which will be held in **SWANSLEY A - SOUTH CAMBRIDGESHIRE HALL** at South Cambridgeshire Hall on **THURSDAY, 25 JULY 2019** at **2.00 p.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution *in advance of* the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

Yours faithfully

Mike Hill

Interim Chief Executive

Requests for a large print agenda must be received at least 48 hours before the meeting.

AGENDA

	PAGES
1. APOLOGIES FOR ABSENCE To receive Apologies for Absence from Committee members.	
2. DECLARATIONS OF INTEREST	
3. MINUTES OF PREVIOUS MEETING To agree the minutes of the previous meeting held on 2 July 2019.	1 - 4
4. MATERNITY POLICY	5 - 22
5. FEEDBACK FROM THE DISABILITY CONFIDENT TASK AND FINISH GROUP	
6. FEEDBACK FROM THE RECRUITMENT AND RETENTION TASK AND FINISH GROUP	

7. **FEEDBACK FROM STAFF SURVEY**
8. **SICKNESS ABSENCE - QUARTERLY PERFORMANCE REPORT (REPORT TO FOLLOW)**
9. **STAFF RECRUITMENT AND RETENTION - QUARTERLY PERFORMANCE REPORT (REPORT TO FOLLOW)**

EXCLUSION OF PRESS AND PUBLIC

The report associated with the following agenda item contains exempt information as defined in paragraph 1 of Schedule 12A of Section 100(A)(4) of the Local Government Act 1972, as amended. The report is therefore unavailable for publication and the press and public are likely to be excluded from the meeting during consideration of the item.

10. **ORGANISATIONAL REVIEW - PROCESS FOR RESTRUCTURING TIERS 1 AND 2** **23 - 26**
11. **DATE OF THE NEXT MEETING**
Members are asked to bring their diaries.

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

Notes to help those people visiting the South Cambridgeshire District Council offices

While we try to make sure that you stay safe when visiting South Cambridgeshire Hall, you also have a responsibility for your own safety, and that of others.

Security

When attending meetings in non-public areas of the Council offices you must report to Reception, sign in, and at all times wear the Visitor badge issued. Before leaving the building, please sign out and return the Visitor badge to Reception.

Public seating in meeting rooms is limited. For further details contact Democratic Services on 03450 450 500 or e-mail democratic.services@scambs.gov.uk

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In the event of a fire, a continuous alarm will sound. Leave the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park opposite the staff entrance

- **Do not** use the lifts to leave the building. If you are unable to use stairs by yourself, the emergency staircase landings have fire refuge areas, which give protection for a minimum of 1.5 hours. Press the alarm button and wait for help from Council fire wardens or the fire brigade.
- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

First Aid

If you feel unwell or need first aid, please alert a member of staff.

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We are committed to improving, for all members of the community, access to our agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can get both neck loops and earphones from Reception.

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We are open and transparent about how we make decisions. We allow recording, filming and photography at Council, Cabinet and other meetings, which members of the public can attend, so long as proceedings at the meeting are not disrupted. We also allow the use of social media during meetings to bring Council issues to the attention of a wider audience. To minimise disturbance to others attending the meeting, please switch your phone or other mobile device to silent / vibrate mode.

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You are not allowed to bring into, or display at, any public meeting any banner, placard, poster or other similar item. Failure to do so, will result in the Chairman suspending the meeting until such items are removed.

Disturbance by Public

If a member of the public interrupts proceedings at a meeting, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared. The meeting will be suspended until order has been restored.

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Agenda Item 3

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Employment and Staffing Committee held on
Tuesday, 2 July 2019 at 10.00 a.m.

PRESENT: Councillor Henry Batchelor – Chairman
Councillor Dawn Percival – Vice-Chairman

Councillors: Dr. Claire Daunton Clare Delderfield
Mark Howell Peter McDonald
Heather Williams John Williams

Officers: Patrick Adams Senior Democratic Services Officer
Susan Gardner Craig Head of People and Organisational Development
Tom Horn Communications Officer
Rory McKenna Deputy Head of Legal Practice

Councillors Anna Bradnam, Dr. Douglas de Lacey and Neil Gough were in attendance, by invitation.

1. APOLOGIES FOR ABSENCE

Apologies for Absence were received from Councillors Sarah Cheung Johnson, Dawn Percival and Peter Topping. Councillors Clare Delderfield, Peter McDonald and Heather Williams were acting as substitutes.

2. DECLARATIONS OF INTEREST

None.

3. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 9 May 2019 were agreed as a correct record.

Councillor Claire Daunton reported that the Recruitment and Retention Task and Finish Group had held its first meeting and an update would be provided at the next meeting of the Committee.

4. APPOINTMENT OF CHIEF EXECUTIVE OFFICER - RECOMMENDATION TO COUNCIL

The Committee agreed that the press and public be excluded from the meeting during the consideration of the following agenda item in accordance with Section 100(A(4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

The Head of People and Organisational Development circulated the report.

The Deputy Head of Legal Practice explained that the Chief Executive would fulfil the duties as laid out in the Constitution. The Director of Environmental Services was currently named as the Special Responsibility Officer regarding the Regulation of Investigatory Powers Act (RIPA) and the Audit and Corporate Governance Committee would need to consider any change to this arrangement.

It was noted that Council meeting had been arranged for Thursday 4 July to allow the appointment to be agreed with the minimum of delay.

It was noted that Councillor Peter Topping had been unable to attend the appointment panel meetings. It was reported that his position had been offered to the Independent Group and Labour Group. Councillor Douglas de Lacey stated that he was unaware of this and it was agreed that this issue should be investigated. Councillor John Williams expressed disappointment that there had been no input from the Leader of the Opposition in the appointments process.

The Committee expressed its thanks to the Interim Chief Executive for the work he had done for the Council during the interregnum and to the Head of People and Organisational Development for organising a robust process in a short period of time.

The Employment and Staffing Committee unanimously

RECOMMENDED TO COUNCIL that

- A)** Liz Watts be appointed as the Chief Executive of South Cambridgeshire District Council this includes the following roles; Head of Paid Service, Electoral Registration Officer and Returning Officer and to all other roles, duties and delegations that are prescribed to the Chief Executive in the Council's Constitution for South Cambridgeshire District Council.
- B)** it be noted that a provisional offer of employment has been made, subject to exemplary references and eligibility checks in accordance with the Council's policies. The necessary references have been received.
- C)** the appointment commence on a date to be mutually agreed.
- D)** the salary to be offered is within the Council's salary range for this post as set out in the Pay Policy Statement (£113,690 - £129,930 per annum).
- E)** the appointment will be subject to a 6-month probation period.

5. ITEMS FOR FUTURE MEETINGS AND DATE OF NEXT MEETING

The Committee agreed to hold its next meeting on Thursday 25 July at 2pm in Swansley Room A.

The Committee expected to discuss the following issues at this meeting:

- Feedback from the Disability Confident Task and Finish Group
- Feedback from the Recruitment and Retention Task and Finish Group
- Feedback from the recent staff survey
- Quarterly Performance Reports
- Report from the Constitution Task and Finish Group on the role of the Employment and Staffing Committee as laid out in the Constitution

The Head of People and Organisational Development explained that there had been a 34% return rate of the staff survey and reminders and been sent out earlier this week. Paper copies of the survey had been sent to staff at the Depot in Waterbeach.

The Meeting ended at 10.30 a.m.

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Agenda Item 4

REPORT TO: Employment and Staffing Committee
LEAD OFFICER: Susan Gardner-Craig

July 2019

Updated Maternity Policy

Purpose

1. The purpose of this report is to inform the committee of the updates made to the Council's maternity policy.
2. This is not a key decision.

Recommendations

3. It is recommended that the committee note the changes to the maternity policy.

Background

4. The maternity policy was last reviewed in May 2015. Since then there have been no major changes to maternity legislation, however there have been some changes to the Council's parental leave policies and so the maternity policy has been updated to bring it into line with these changes. The updates include:
 - (a) Changing the language so that it is more gender inclusive, e.g. refers to pregnant employees instead of women.
 - (b) Introduced a notification form to improve HR and payroll processes
 - (c) Expanded on the maternity provisions for employees on fixed term contracts
 - (d) Changed the policy layout to bring it into line with the Council's accessibility guidance
 - (e) Included reference to the Council's Premature Birth and Neo-natal Policy (currently pending Cabinet approval)

Consultation responses

5. We have consulted with GMB and Unison on the reviewed maternity policy, and both unions have confirmed they approve the revised version.

Background Papers

Where [the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#) require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

Report Author: Chloe Smith – HR Advisor
Telephone: (01954) 712903



MATERNITY POLICY

Document Control	
Date of Last version	May 2015
Latest review	May 2019
Name of Reviewer	C Smith
Consultation	CMT, Trade Unions
Approved by	

Table of Contents

1. Terminology and Abbreviations	3
2. Introduction	3
3. Basic Maternity Provisions	3
Fixed term contracts.....	4
4. Procedure	4
5. Health and Safety Requirements.....	5
6. Timing and Duration of Maternity Leave	5
Live birth before the 25 th week of pregnancy onwards.....	6
Premature or sick/unwell newborn	6
Resignation.....	6
7. During Maternity Leave	7
Contact	7
8. Returning from Maternity Leave	7
Returning after maternity leave	7
Workplace changes during absence	8
Returning to work part-time or on a job-share basis	8
Continuous service.....	8
Annual Leave Entitlement	8
9. Payments.....	9
Deductions from SMP	9
Pay rises.....	9
More than one employer	9
More than one contract with SCDC	9
Deductions.....	11
Trade Union Subscriptions.....	11
Childcare Vouchers.....	11
10. Related Issues	11
11. Expectant Employees – Risk Checklist	12
Appendix A	13
Appendix B	15

1. Terminology and Abbreviations

OMP - Occupational Maternity Pay – the equivalent of 12 weeks half pay

EWC - Expected week of childbirth – the week from Sunday to Saturday that the date given on the MAT B1 form falls in

OML - Ordinary maternity leave – the first period of 26 weeks

AML - Additional maternity leave – an additional period of 26 weeks

SMP – Statutory maternity pay

MA - Maternity Allowance

MAT B1 – A certificate from a registered medical practitioner or midwife giving the EWC

PL – Paternity Leave – one period of leave of either one week or two consecutive weeks to help look after a new born/adopted child when SPP/SAP will be paid. Cannot claim MSL as well. Please refer to Paternity Leave Policy for more information.

MSL – Maternity Support Leave - a period of 5 days with pay for the nominated carer of an expectant individual at or around the time of the birth. The same person cannot claim PL as well. Please refer to the Maternity/Adoption Support Leave policy.

Week's Pay - The term a “week's pay” is the amount payable by the authority to you under the current contract of employment for working your normal hours in a week. Where there are no normal working hours, a weeks pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

2. Introduction

South Cambridgeshire District Council is committed to equality of opportunity in employment for all its staff and to developing work practices that support work-life balance. This document is a guide to the rights of pregnant employees in line with the Local Government occupational maternity scheme and Working Families Legislation. Further advice is available from the Human Resources Team.

SCDC reserves the right to make amendments to this policy to reflect the changes in the statutory provision of relevant legislation.

3. Basic Maternity Provisions

Qualifying for maternity leave

This policy applies to all pregnant employees regardless of the number of hours worked per week or length of service. Length of service may impact on eligibility for payments.

Fixed term contracts

If you are employed on a fixed-term contract you will be entitled to maternity rights in the same way as permanent staff, if you have accrued the necessary employment service. For more details see Section 8.

Where your contract terminates during maternity leave, this will end the maternity leave as well as your employment, however SMP payments may continue if you qualify for these.

4. Procedure

- Advise your manager that you are pregnant as early as possible for Health, Safety & Welfare reasons and complete a risk assessment with them. (See **Checklist of possible risk for pregnant employees**)
- Contact the HR team to arrange an appointment with a member of the team. This is an informal meeting to discuss your rights in relation to the policy and clarify anything you are unsure of. The meeting is to ensure you have all the relevant information and gives you the opportunity to ask any questions.
- Your line manager may then contact the HR team to request a meeting to discuss the policy with them and clarify anything they are unsure of. This meeting is to ensure they have all the relevant information to support you and gives them the opportunity to ask any questions.
- Your midwife or GP will give you a MATB1 certificate around the 20th-25th week of your pregnancy. This will state the expected date of birth of your baby (known as EWC date).
- You must submit the maternity notification form to your line manager (cc to the Head of Service) at least 28 days before the date you intend to commence your maternity leave. With this you must also submit a copy of your MATB1 certificate, which the Payroll team will need in order to process your statutory maternity pay (SMP). See appendix A.
- Your Line Manager will send a copy of this form with the original MAT B1 form to the HR team. They will then contact your line manager to advise on the dates of your maternity leave and scheduled return date.
- Your line manager will reply to you (cc head of service and HR/Payroll) within 28 days of receiving your letter, stating your expected date of return assuming that you will take your full entitlement of 52 weeks leave (if you do not intend to take the full 52 weeks leave, you can state the date you intend to return in your notice form to your line manager and the HR team if you choose to).
- If, once you are on maternity leave, you wish to return earlier or later than the stated date of return, you must give written notice at least 8 weeks before the new date or the expected return date (whichever is earliest). If the required notice is not given, you may be prevented from returning until the notice period has passed. You will be advised if this is the case. See appendix B
- When you return to work your line manager will need to complete the memo to payroll confirming your return date from maternity leave, and whether you are taking any annual leave immediately.

5. Health and Safety Requirements

As your employer, SCDC must assess all workplace risks to the health and safety of pregnant employees and in certain circumstances for employees of childbearing age. Upon your return to work following maternity leave it may also be necessary to complete a further risk assessment.

A [Risk assessment form](#) is available on Insite. You must contact your line manager to arrange to complete the risk assessment. The form should be amended to suit your specific job. Further advice can be sought from a member of the HR Team.

A copy of the completed form should be sent to the HR Team and will be placed on your personnel file. If there are any subsequent changes to the environment or in relation to the pregnant employee after the form has been completed, further risk assessments may be necessary.

If at any stage you have a particular worry or believe that there is a risk to your health and safety, or that of your baby, you should bring the risk to the attention of your line manager as soon as possible (for example: working conditions, manual handling, infection, chemicals etc. If in doubt, advice should be sought from the Health and Safety Manager.

The Council will take all necessary protective and preventative measures to eliminate any unacceptable risk identified through risk assessments.

If it is not possible to eliminate the risk and there is no suitable alternative work available then the line manager will contact the HR Team for advice. In such circumstances medical advice will be obtained and it may be necessary to medically suspend you (on full pay) until your maternity leave commences.

6. Timing and Duration of Maternity Leave

All pregnant employees will be entitled to 52 weeks Statutory Maternity Leave made up of 26 weeks of ordinary maternity leave (OML) and 26 weeks of additional maternity leave (AML). There is a minimum period of maternity leave required by law. This is two weeks from the date of childbirth and is already included within the 26 weeks OML.

Maternity leave cannot start earlier than the 11th week before your EWC date, but you can choose to work right up to the day before your baby is due and start maternity leave on the due date. You can choose to start your maternity leave on any day of the week and it will run for 52 weeks from that date regardless of when your baby is born after this date.

Your return to work date will be calculated from this date and will be on the same day of the week even if this is not a working day i.e. if the first day of your maternity leave is a Saturday then your return to work day will be as of the Saturday and this will be the day your pay resumes on the Payroll.

If the baby arrives before OML has started, including if you are on annual leave

If the baby arrives before your maternity leave has started, even if you are on annual leave, the following applies:

- The first day (i.e. when labour starts) is a notice day and is counted as sickness absence even if the baby is born on that day.
- The second day is counted as the first day of maternity leave.
- Maternity leave will be recalculated from this day.

You, or someone on your behalf, must notify a member of the HR Team as soon as possible after the birth so that SMP payments can be actioned. You must notify your line manager & the HR Team in writing, as soon as reasonably practicable, of the date the baby was born.

HR will write to you, (copying in your line manager and head of service), giving you the recalculated return date. This date will supersede any previous dates confirmed in writing to you.

Any untaken annual leave resulting from the premature birth will be credited back to your entitlement.

If you are absent with a pregnancy related illness

If you have a continuous absence with a pregnancy related illness before your maternity leave begins, then OML will begin automatically at the 4th week before the EWC date. The period of absence before this will be counted as sick leave.

If you take sick leave for a pregnancy related reason during the 4 weeks before the EWC then OML will be triggered and will start on the day after the first day of sick leave. You will receive notification of your newly calculated period of OML/AML based on this new commencement date.

If you are medically suspended:

You will be suspended with full pay. Medical suspension will continue until maternity leave starts. This will either be the beginning of the 4th week before the EWC, or the day after the birth.

Stillbirth or miscarriage

If you have a stillbirth on or after the 25th week of your pregnancy you will still be eligible for SMP in the usual way and Occupational Pay if you qualify for this. You will also still be entitled to the full maternity leave allowance.

If you miscarry earlier than the 25th week of your pregnancy you will not qualify for SMP and any time off will count as sickness absence. The Councils Attendance Management Policy will be followed and the Council will endeavour to support you as best it can.

Live birth before the 25th week of pregnancy onwards

If you give birth to a live child even if the child later dies, at any point in your pregnancy, you will be entitled to SMP in the usual way and Occupational Pay if you qualify for this.

Premature or sick/unwell newborn

If your baby is born prematurely (at any point before the 37th week), or is unwell when born, you may be entitled to additional maternity pay and leave. Please see the Premature and Neo-Natal Policy for more details.

Resignation

If you decide not to return to work after your maternity leave you must give the appropriate written notice of your resignation in accordance with your contract of employment. If you do not return to work and have received the 12 weeks half-pay, this must be repaid along with any outstanding payments such as training expenses, cycle scheme, relocation expenses, etc.

7. During Maternity Leave

Contact

Your manager should maintain contact with you during your maternity/adoption leave, keeping you updated about issues related to your service (such as significant workplace developments and organisational changes). You will also be added to the 'Circulation list', and the HR team will send you current job opportunities. If you do not think this is happening, let your manager or the HR team know as early as possible.

Working during maternity or adoption leave – keeping in touch days (KIT days)

You can work up to 10 days during your period of maternity leave (working for part of a day counts as one day) without breaking your maternity leave. The days do not need to be taken consecutively and are designed to be mutually beneficial to you and your service area.

Your manager cannot insist that you come into work for KIT days and any day/s to be worked should be by mutual agreement.

You will not lose any SMP payments for any days/weeks worked. Your maternity leave will not be extended because you have worked during your maternity leave.

A payment for the number of hours worked on each KIT day will be calculated using your current hourly rate. SCDC will offset the SMP for the day/s worked against any pay due. The cost will come from your service area budget.

Your line manager must complete the form: Payment of KIT days, and get authorisation for payment from an authorised signatory. The authorisation must be forwarded to Payroll by the 15th day of the month so the payment can be processed and paid at the end of that month.

Any payment due will be paid through the SCDC payroll on the last working day of each month in the same way as you receive your salary.

You cannot take a KIT day within the 2 week period immediately after your child is born as this is in law a compulsory period of maternity leave when you cannot work.

8. Returning from Maternity Leave

Returning after maternity leave

If you return to work on the date stated in your notification form you do not need to do anything else to notify us. However, you may wish to have a meeting with your manager and/or HR before returning to work to discuss your return. If you would like to arrange a meeting with HR please email HR@Scams.gov.uk.

When returning to work after Ordinary Maternity Leave (the first 26 weeks of your Statutory Maternity Leave), you have a right to the same job and the same terms and conditions as if you hadn't been away.

This also applies when you come back after Additional Maternity Leave (the last 26 weeks of your Statutory Maternity Leave). However, if the Council can show that it is not reasonably practical for you to return to your original job you do not have the same right. In that case, you must be offered suitable alternative work with terms and conditions as if you hadn't been away.

Workplace changes during absence

If it is not possible by reason of a restructure in your service area for you to return to your substantive post, you will be entitled to be offered a suitable alternative vacancy where one exists. The alternative employment should be suitable and appropriate to you. Your terms and conditions of employment must not be substantially less favourable to you than if you had been able to return to your substantive post.

You will be consulted and given the same opportunities as other work colleagues, in the same way as if you were at work, in line with the Council's Organisational Change policy.

If your post is made redundant during your maternity leave you will not be required to pay back OMP, if you would have otherwise received this, and you will retain entitlement to SMP for the full 39-week period, notwithstanding the termination of your employment. Similarly, if the redundancy occurs before you commence your maternity leave but after you have qualified for SMP, you will retain the right to SMP as well as OMP.

Sickness on return from maternity leave

If at the end of your maternity leave you are unable to return to work because of illness, you will be deemed to have returned to work on the scheduled date of return and be classed as absent because of sickness beyond that date. The Council's Attendance Management Policy will then be followed.

Health & Safety on return

A risk assessment should be completed on your return to work, particularly if you are breast feeding. The risk assessment is available on Insite and should be completed with your line manager and then copied to the HR Team.

If you are breast feeding and need to express milk, the First Aid room at Cambourne Hall can be used as a suitable area to do this. You should arrange to use the room by contacting the HR Team. There is also a dedicated room at Cambourne Hall which staff and members of the public can use; the room is located next to the interview rooms at the front of the building, and can be accessed at any time. There is no fridge in either room, but if a fridge is needed then the fridges in the canteen area should be used. Please contact the HR team for details of rooms available to staff based in other locations.

Returning to work part-time or on a job-share basis

If you worked full-time before maternity leave but wish to return on a job-share or a part-time basis, either temporarily or permanently, you should discuss this with your manager.

You have a statutory right to request flexible working to enable you to care for a child, resulting in a permanent change to your contract if granted. Details of how to request a change to your working arrangements are in the Flexible Working Policy. Contact the HR team for further advice on this.

Continuous service

Maternity leave, paid or unpaid, will count towards your continuous service.

Annual Leave Entitlement

Holiday entitlement will continue to accrue whilst you are on maternity leave, and you will also accrue any bank holidays, and the SCDC concessionary day (where this is given), that you miss during your maternity leave. Part time staff will have a pro-rated allocation of bank holiday leave. The HR or Payroll team will advise on days accrued.

Any arrangements for taking this leave must be agreed and authorised by your line manager in the usual way even if you intend to take the accrued annual leave immediately after your maternity leave finishes.

It is recommended that you consider taking any outstanding holiday for the current year, depending on your maternity leave start and return date, prior to commencing maternity leave. You can take your accrued leave as you return to work. Accrued annual leave should be taken within three months of your return date.

The HR team can discuss this option further with you in light of your individual circumstances.

On returning from maternity leave, full-time employees who have agreed to return on a part-time or job-share basis will be entitled to the full time holiday entitlement until their first day on reduced hours.

9. Payments

Statutory maternity pay (SMP)

SMP is Government funded. To qualify for SMP you must have at least 26 weeks continuous service at SCDC by the 15th week before the EWC date (i.e. you have worked for SCDC no less than 41 weeks before the EWC) and have average weekly earnings above the weekly national insurance (NI) lower earnings limit (for the most up to date limit amounts speak to the HR/Payroll team or look at the HMRC website. SMP is paid whether you intend to return to work or not. If you do not return to work you will not have to repay it.

An employee who qualifies for SMP will be entitled to 39 weeks of SMP at the standard SMP rate as follows:

- The first 6 weeks at the higher rate SMP which is 90% of your average weekly earnings.
- Followed by 33 weeks of flat rate SMP **or** 90% of your average weekly earnings, whichever is lower.
- There is no SMP after week 39.
- SMP entitlement will be lost if during your maternity pay period you are taken into legal custody.
- SMP will cease if you return to work before the end of the 39 week SMP period.

Deductions from SMP

SMP is treated as earnings, so the Council will make any deductions (such as income tax and NI contributions) that are due. The Council will also make other deductions from your SMP, for example pension contributions.

Pay rises

If SCDC awards a pay rise that is effective at any time from the start of the period used to calculate your SMP (the relevant period) and the end of your maternity leave, SMP will be recalculated to take into account the pay rise. SMP will also be re-calculated if you are awarded a pay rise with an effective date before the start of the set period but the earnings used in the SMP calculation did not reflect that pay rise. The HR Team will advise you if this arises.

More than one employer

If you have more than one employer, you may be entitled to more than one lot of SMP. Although you may want to stop work in each job at the same time, you can still go on working longer with one of them if you feel you can do so. Your maternity leave and payments with each employer would then start at different times.

More than one contract with SCDC

You may also be entitled to more than one SMP payment if you have separate contracts with the same employer. You can start your SMP at different times in relation to each contract.

If you leave SCDC and start work with another employer

If you leave your employment after your maternity leave has started but before the end of the 39-week SMP payment period and start work with another employer, you will cease to get SMP from SCDC. It is your responsibility to tell the Council about starting work. Please inform the HR/Payroll team. You must do this as soon as possible, and make sure you return any SMP payment you get that covers the week you started work and any part of the period after you resumed work.

If you do not qualify for SMP

Payroll will contact you if you do not qualify for SMP and send you form SMP1. You require form SMP1 to claim benefit from Jobcentre plus. Jobcentre plus will tell you if you are entitled to maternity allowance (MA). If you are, this will not be paid through the Payroll.

You might get Maternity Allowance if:

- you're employed, but not eligible for SMP
- you've been employed and/or self-employed for at least 26 weeks in your 'test period' (66 weeks up to and including the week before the week your baby is due). Part weeks count as full weeks; and
- you earned £30 a week averaged over any 13 weeks in your test period

Earnings from your employment and earnings you are treated as having if you are self-employed are used to work out your Maternity Allowance. More information about this can be found in the leaflet 'A Guide to Maternity Benefits - NI17A' available at www.direct.gov.uk.

Occupational maternity pay (OMP)

You qualify for OMP if you have completed one year's continuous local government service at the 11th week before the EWC date.

If you qualify, and intend to return to work after maternity leave for a minimum of 3 months, then you will receive OMP as follows:

- 12 weeks of half pay from week 7 onwards
- Or as a lump sum on return to work

If you do not return to work and complete 3 months service, any OMP you have received will have to be repaid, unless the reason you do not return to work is because you were on a fixed term contract which has ended. If you return to work and are on a fixed term contract which is due to terminate before you are able to complete 3 months service you will not be required to repay any OMP received.

Combined OMP and SMP should not exceed full pay. In some circumstances, OMP and SMP would exceed full pay. In this case, OMP can be paid as 24 weeks of quarter pay from week 7 onwards. Any requests for this arrangement must be made in writing to Payroll.

All SMP and OMP payments will be paid through the SCDC payroll on the last working day of each month in the same way as you received your salary. You will continue to receive pay slips in your usual manner during your maternity leave.

Payroll can give further advice on pay related issues.

Pension payments

If you contribute to the Local Government Pension Scheme, deductions will continue to be made during paid maternity leave on the payment you actually receive. SCDC as the employer will pay pension contributions on notional full pay.

In the unpaid period of maternity leave, your pension contributions will cease. However, you will be given the option of paying contributions based on the level of your earnings during the last week of your paid maternity leave, by arrangement with Payroll. Whilst you continue to contribute to the Pension Scheme the Council will also contribute proportionately.

If you do not pay contributions during unpaid leave, this period will not count as pensionable service. If you wish to discuss this further please contact the Pensions Section on 01604 366537.

Deductions

If you have any deductions made from your salary you will need to talk with Payroll staff to ensure you have in place arrangements to cover your payments during maternity leave, specifically when you enter the period of unpaid leave. Examples you need to consider are cycle schemes, training loans, pensions etc.

Trade Union Subscriptions

If you are a member of a Trade Union you will continue to pay your existing subscription rate until your pay drops for a full month when you are then treated as having a salary equal to half pay and you would then pay subscriptions on that band whilst you receive pay. Contact the Payroll Team for further advice. In the unpaid leave period you have free membership until you return. If you do not return and stay unemployed you would be eligible to become an unemployed member. Please contact your union branch for further advice on this.

Childcare Vouchers

If you are a member of the Childcare Voucher Scheme, deductions will continue to be taken from your salary payments during maternity leave. If you are not receiving enough payment to cover the deduction for childcare vouchers, the Council will make up the difference in cost.

You may opt to 'take a break' from being in the Childcare Voucher Scheme during your maternity leave, of up to 12 months. If you decide to do this then you will need to let the Payroll team know, and you need to update your account on the voucher providers' website.

10. Related Issues

Sharing your maternity leave with your husband/partner/wife

You and your partner can opt to share your maternity leave. For further details please see the Shared Parental Leave Policy.

Fertility treatment

Please talk to a member of the HR team and your line manager if treatment is to commence to ensure a risk assessment can be done and any reasonable adjustments discussed. Please refer to the Attendance Management policy for guidance.

Antenatal appointments

Pregnant employees are entitled to reasonable time off with pay for antenatal care made on the advice of a registered medical practitioner. This may include relaxation classes and parent-craft classes. Except for the first appointment, employees should show the employer (if requested), an appointment card or other documents showing that an appointment has been made. For a first baby employees can expect to have up to 10 antenatal appointments.

11. Expectant Employees – Risk Checklist

The following is not an exhaustive list of risks to be considered for pregnant employees, and newly returned employees but indicates some of the principal areas that may require attention in addition to the normal risk assessment process.

Infection risk

Workers involved in parks, ground maintenance, refuse, visits to people's homes and other workplaces may be exposed to a variety of infections. It is necessary that they are scrupulously hygienic and bring concerns of exposure to the attention of their line manager in order that risks can be assessed and safeguards put in place. Amongst those agents known or thought to be harmful are the German measles virus, toxoplasma (parasite in cats faeces), some pesticides and chemicals that may be absorbed through the skin.

Manual Handling

Postural problems may increase as pregnancy progresses. Pregnancy hormonal changes can affect the ligaments and this may increase susceptibility to back problems. For those having given birth by caesarean section there may be a limitation on lifting capabilities after the birth. Shocks, vibration and movement may increase the risk of miscarriage. Pregnant or nursing employees should not be required to undertake hazardous lifting or carrying tasks.

VDU Work

Employees using Display Screen Equipment are not at risk from radiation. No adverse health effects have been found to arise from the use of DSE. There is therefore no reason for a person who is pregnant, or is seeking to become pregnant to avoid working with such equipment. It should be recognised that such work may lead to postural problems for pregnant employees if they are spending long periods in a static position. Further guidance may need to be sought from the Health & Safety Officer or Occupational Health.

Workplace Conditions

The increasing physical size of pregnant employees will affect the amount of workspace needed to work comfortably. Speed of movement, reach and balance may be impaired and increase the risk of accident.

Pregnant employees must be provided with suitable rest facilities, which must be smoke free. All offices in South Cambridgeshire District Council are smoke free. Pregnant employees should make themselves aware of the current first aiders and first aid facilities.

The increasing size of a pregnant woman may also adversely affect her balance; so special consideration should be given to possible slippery or uneven floors, etc

Excessive physical and mental pressure may cause stress and give rise to anxiety and raised blood pressure.

Long periods standing or sitting, overtime or evening work may be inappropriate as the pregnancy progresses.

Extreme heat or cold may be harmful.

Prolonged exposure to excessive noise or that with a high tonal component may lead to increased blood pressure and tiredness. The Council has no areas deemed to require noise assessment under the Noise at Work Regulations.

Appendix A

Notification of Maternity Form

SECTION A

Name	Employee No.
Job Title	Manager
Section	Department
SCDC Start Date	Local Govt. Start Date
More than 1 contract with SCDC?	Yes/No
Part Time?	Yes/No (Hours if Part Time =)

I confirm that I am pregnant and notify the Council of the following:

My baby is due on	
I attach a MATB1 form confirming these dates	Yes/No(to follow)
I wish to start my maternity leave on:	
I am taking outstanding leave prior to maternity leave and my last working day will therefore be:	
Leave year dates	
Outstanding annual leave entitlement to end of leave year	Days/hours
Following my maternity leave I intend to:	Return to work/ Not return to work
Childcare Vouchers <i>Please note that you can only pause your childcare vouchers for a maximum of 12 months</i>	Yes/No
Payslip to be sent to home address	Yes/No

SECTION B - All employees

I understand that if I do not wish to return to work I must give weeks/months written notice of my resignation (the notice period applicable under my terms of employment).

If I cannot return to work on my expected return date I understand the normal rules relating to absence apply.

SECTION C – Maternity Leave - Please select one of the following options:

- I understand I am entitled to 26 weeks Additional Maternity Leave (AML) in addition to 26 weeks of Ordinary Maternity Leave (OML), totalling 52 weeks maternity leave. I therefore understand that I will be expected back at work on the first working day after AML
- I do not intend to take Ordinary Maternity Leave (OML) of 26 weeks. I intend to return to work earlier (but not within 2 weeks of the birth) on

Signed Date

SECTION D – Statutory Maternity Pay - Please select one of the following options:

- a) I confirm that I have/will have 26 weeks continuous service at SCDC by the 15th week before the EWC date and have average weekly earnings above the weekly national insurance (NI) lower earnings limit. I therefore qualify for SMP
- b) I do not qualify for SMP

Signed Date

SECTION E - Occupational Maternity Pay - Please select one of the following options:

You qualify for OMP if you have completed one year’s continuous local government service at the 11th week before the EWC date. If you do not return to work for three months following your maternity leave then you will be required to repay the OMP.

- a) I confirm that I qualify for OMP, and wish to receive the OMP as 12 weeks of half pay from week 7 onwards
- b) I confirm that I qualify for OMP, and wish to receive the OMP as a lump sum on my return to work
- c) I confirm that I qualify for OMP, but that my combined OMP and SMP would exceed my full pay. I request to receive OMP as 24 weeks of quarter pay from week 7 onwards
- d) *Those on fixed term contracts only:* I confirm that I qualify for OMP, and wish to receive the OMP as a lump sum when I start my maternity leave
- e) I do not qualify for OMP

I understand that if I do receive OMP and do not return to work for a minimum of 3 months I will be expected to refund the full amount of maternity pay in excess of that to which I am entitled under statutory regulations.

Signed Date

**SECTION F
Pension Members**

Pension options during unpaid maternity leave after OML (Please delete those which do not apply):

- a) I wish to opt for a break in my pension contributions which will constitute a break in pensionable service
- b) I wish to continue paying pension contributions for the duration of any unpaid maternity leave

Signed (employee)..... **Date**.....

Signed (manager) **Date**

Signed (HR Advisor) **Date**

Appendix B

Example letter - Notice of change of return date

Note: If you wish to return earlier or later from maternity leave (according to your full entitlement and return date given in the reply to your maternity leave notice letter) you need to send a letter to your line manager cc head of service & the HR/Payroll team requesting the change and giving the date you wish to return. You must give at least 8 weeks notice if returning from maternity leave.

Date

Dear (Name of Line manager)

Re: Notice of change to return to work date following maternity leave

I write to formally give 8 weeks notice that I wish to change my date of return from maternity leave from day/date/year (this should be the date you stated as the date you were expecting to return to work) to day/date/year.

Note: This date is the actual date of return to work and your maternity leave will come to an end on the preceding day.

Note2: If you intend taking annual leave after your maternity leave but before returning to the workplace this should be agreed with your line manager in the usual way and clearly stated in this letter.

Note 3: The date must be calculated in full weeks from your maternity leave start date i.e. the first day of maternity leave and the first day of return must be the same day of the week.

Yours sincerely

Your name

Your position

cc: Head of Service
HR- Payroll Team

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