

Maternity Leave

1. Introduction

This procedure explains:

- notification requirements for taking maternity leave;
- eligibility and arrangements for both contractual and statutory maternity pay;
- considerations and arrangements before the start of your maternity leave;
- arrangements for keeping in touch and the effect on your terms and conditions of employment; and
- arrangements for returning to work following maternity leave.

2. Notification of Pregnancy

When you become pregnant, you should notify your line manager as soon as possible. This is important as there are health and safety considerations for the Forestry Commission (FC) as your employer. For more information, please refer to Section 4.2.

Your qualifying week is 15 weeks before your expected week of childbirth (EWC). Your EWC starts on a Sunday and is the week which your doctor or midwife expects you to give birth.

By your qualifying week, or as soon as practical afterwards, you should notify both your line manager and the [Payroll Team, HR Services](#) in writing:

- that you are pregnant;
- your expected week of childbirth; and
- the date you intend to start your maternity leave.

You should provide this notification using the [Maternity Leave Form](#). Your doctor or midwife will issue you with a MATB1 form which should also be sent to the Payroll Team, HR Services as soon as possible.

Within 28 days of receiving your Maternity Leave Form HR will write to you confirming the date you are expected to return to work if you take your full 52 week maternity leave entitlement.

If you want to change the start date of your maternity leave you need to provide written notification 28 days before either the original or new start date, whichever is the sooner. If that is not possible, for example if your baby arrives early or there are health issues, you should provide written notification as soon as practical.

2.1 Starting your Maternity Leave

You can start your maternity leave any time from 11 weeks before your expected week of childbirth (EWC). If your child is born prematurely, your maternity leave will start earlier. Your maternity leave will begin automatically on either:

- your chosen start date;
- the day after you give birth; or
- the day after you are absent for pregnancy related reasons in the four weeks before the EWC.

If you give birth before your maternity leave was due to begin, you should notify your line manager in writing as soon as possible.

3. Maternity Pay

3.1 Contractual Maternity Pay

The FC offers contractual maternity pay, subject to certain qualifying conditions, which both fulfils and betters the statutory provisions. Contractual maternity pay is based on your normal contractual hours and is pro-rata for part-time employees.

If you are eligible for both the contractual and statutory schemes, you are entitled to choose the most beneficial.

3.1.1 Eligibility for the Contractual Maternity Scheme

You qualify for the FC's contractual maternity pay provided you:

- produce for inspection a MATB1 from a doctor or certified midwife giving the EWC;
- are in paid service when you start maternity leave and have completed at least one years' paid service with the FC or wider Civil Service. Length of service is calculated from your qualifying week which is 15 weeks before your EWC;
- state that you intend to return to work in the FC after maternity leave and sign an undertaking to repay any contractual maternity pay if you do not return; and
- are not fee paid.

Childbirth means the birth of a child, or a still birth, after a pregnancy lasting at least 24 weeks. Sick pay at pension rate does not count as paid service.

Employees on a fixed term appointment can receive contractual maternity pay up to the end of their contract of employment, provided they meet the qualifying criteria. After the end of the contract any statutory entitlements will take effect.

Employees on a part year permanent appointments who meet the qualifying criteria can receive contractual maternity pay for the period they would have undertaken work for the FC. For more information, please contact the [Payroll Team, HR Services](#).

3.2 Statutory Maternity Pay

If you do not qualify for the FC's contractual maternity leave, you may be eligible for Statutory Maternity Pay (SMP) which will be paid to you by the FC.

To qualify for SMP, you must:

- have had 26 weeks' continuous employment with the FC or wider Civil Service 15 weeks before your EWC;
- still be pregnant 11 weeks before the EWC or have already given birth;
- have average weekly earnings no less than the lower earnings limit for national insurance contributions; and
- give proper notification in accordance with the rules set out in this procedure.

SMP is payable whether or not you intend to return to work after your maternity leave and is calculated as follows:

- the first six weeks at 90% of your average weekly earnings over the calculation period (see 3.2.1); then
- the remain period of up to 33 weeks at the SMP rate, or 90% of your average weekly earnings over the calculation period if this is lower. Visit www.direct.gov.uk to find out details of current rates or contact HR Services.

3.2.1 Average weekly earnings

We review the amount you earn each week (including all allowances and overtime that make up gross pay) over a set period of time to calculate your average weekly earnings.

Gross pay is the amount you earn before your income tax and other deductions are subtracted from your pay.

The HMRC specify the set period of time that must be used and it is the 8 weeks up to and including your qualifying week.

Where you are employed but are not undertaking work for the FC in the 8 weeks up to and including your qualifying week, for example if you have a part year contract, you may not be eligible for SMP. For further information, please contact the [Payroll Team, HR Services](#).

3.3 Maternity Allowance

If you don't qualify for SMP, you are likely to qualify for Maternity Allowance (MA), providing your average earnings are above a certain limit. For more information on MA, please contact Job Centre Plus.

In circumstances where you are only eligible for MA, the FC will give you two weeks' special paid leave which will cover two weeks of the maternity leave period. Part-time employees will be eligible for two weeks' special paid leave, paid on a pro rata basis. Part-year employees will be eligible for two weeks' special paid leave, providing it is for a period that they would have undertaken work for the FC.

4. Before your Maternity Leave

4.1 Ante-natal Appointments

When you are pregnant you are entitled to paid time off to attend ante-natal classes or for ante-natal care appointments made on the advice of your doctor, registered midwife or registered health visitor.

Ante-natal care appointments may include relaxation or parent craft classes you are advised to attend by your doctor, midwife or health visitor, in addition to medical examinations.

4.2 Health and Safety

The FC is required to protect the health and safety of all its employees but there are additional provisions for women who are pregnant, have recently given birth or are breastfeeding.

Your line manager should discuss your health and safety with you and develop a risk assessment. This should take account of work that could involve a risk of harm or danger to the health and safety of you or your baby, focussing on risk arising from either processes, working conditions or physical, chemical or biological agents in the workplace.

For an example of a risk assessment, please refer to the [Safety, Health and Environment page on New and Expectant Mothers](#).

If you are exposed to health hazards in carrying out your normal job duties, the FC will take all reasonable steps necessary to avoid risks, such as altering your working conditions. In some cases, this may mean offering you suitable alternative work, where this is available. Where such options are not available, you may be asked not to attend work until there is no longer a risk to your health or you begin your maternity leave. During this time, you will retain your entitlement to your normal pay and contractual benefits, unless you have refused a reasonable offer of suitable alternative employment.

If you are concerned about your health or safety during your pregnancy, please raise this with your line manager or the [Safety, Health and Environment Team](#) as soon as possible.

4.3 Sickness Absence during Pregnancy

If you are absent from work during your pregnancy due to ill health, normal absence reporting procedures will apply. However, if your absence is due to a pregnancy related illness in the four weeks before your EWC your maternity leave will start automatically.

4.4 Performance Reporting

Depending on the dates of your maternity leave, you will find it useful to have an extra interim performance meeting with your reporting officer before your leave begins. This can also provide the opportunity to discuss hand-over arrangements for your work.

4.5 Annual Leave and Flexi Leave

You are encouraged to take any outstanding annual leave before you start maternity leave. Normal carry over rules will apply unless you have not had an opportunity to take the leave. You will continue to accrue annual leave whilst on maternity leave – for more information see Section 6.3.

If you work flexi-time, you should also ensure that you clear any credit or deficit before you start maternity leave.

5. Contact and Keep in Touch Days

Your line manager will maintain a reasonable level of contact with you during your maternity leave in order to keep you up-to-date with any changes or developments and to discuss your plans for returning to work. Before your maternity leave starts you should discuss arrangements for keeping in touch with your line manager. You should agree how you want to be kept up-to-date, for example if you want to be sent details of training and development opportunities, staff meetings, vacancies, social events, etc.

Before you go on maternity leave you should ensure that your line manager and HR have your current address and telephone number. If possible, you should give your line manager your home email address as this will make it easier for them to forward you information. You must let your line manager know immediately if your contact details change.

As well as keeping in touch with the FC you should try to keep up-to-date with developments in your particular area of expertise, for example continuing with any professional membership, reading relevant publications, etc. This will help you to keep abreast of developments during your maternity leave and ensure your return to work is as smooth as possible.

5.1 Keep in Touch Days

Apart from the first 2 weeks after childbirth, you can choose to work for up to 10 days during your maternity leave period. Keep in touch days can be used for normal work, work-related training or attending conferences or seminars. Keep in touch days are working days and will be paid at your normal rate of pay, however they will not extend or bring to an end the maternity leave period.

If more than 10 keep in touch days are worked then your maternity leave will come to an end.

If you work a keep in touch day while you are in receipt of SMP, MA or are on unpaid maternity leave, your line manager will notify the [Payroll Team, HR Services](#) so that you are paid for that day.

6. Effect of Terms and Conditions of Employment

During your maternity leave, your contract of employment continues and you are entitled to all the benefits which would have accrued had you not been absent, except pay.

6.1 Pay Progression

If pay progression or a pay award falls between the start of the SMP calculation period and the end of your period of maternity leave, any remaining contractual maternity pay you receive will be adjusted accordingly, as will your salary when you return to work. SMP will only be adjusted if pay progression or a pay award falls within the calculation period and you are in receipt of 90% of your average weekly earnings as these is lower than the SMP rate.

6.2 Pension

Paid periods of maternity leave, including SMP and keep in touch days, count as reckonable service for pension purposes. During paid periods of maternity leave your employer's pension contributions will continue to be based on your full pay. Your employee pension contributions, as deducted from your salary, will be calculated by reference to the level of pay you actually receive.

Unpaid periods of maternity leave count as qualifying, but not reckonable, service for pension purposes. During unpaid periods of maternity leave neither you nor the FC are required to pay contributions towards your pension.

6.3 Annual Leave and Public / Privilege Holidays

Your entitlement to annual leave is not affected by maternity leave and you will continue to accrue your contractual annual leave entitlement for the duration of your maternity leave. You are not permitted to take annual leave within the maternity leave period. When you return to work, normal carry over rules will apply unless you have not had an opportunity to take the leave. There is no entitlement to accrue public / privilege holidays that fall during periods of maternity leave.

6.4 Non-pay Benefits

Whilst on maternity leave, you will continue to receive all of your non-pay benefits. Where there is an associated employee contribution, for example a salary advance, financial contract or salary sacrifice arrangement, your contribution **may** be adjusted to take account of your actual pay during the period of maternity leave. You should refer to the terms and conditions or contact the [Payroll Team, HR Services](#) for more information.

6.5 Promotion and Career Development

You can apply for vacancies while you are on maternity leave and if you are successful, you would take up the new post when you return to work.

If you want to be notified of vacancies while you are on maternity leave you need to discuss this with your line manager (see Section 5.) You may be able to claim travel and subsistence costs when attending interviews, including childcare costs if appropriate. These costs will be covered by the cost centre you are attached to before going on maternity leave.

6.6 Sickness during or following Maternity Leave

If you are sick during maternity leave, you are not eligible sick leave or pay. However, if you cannot return to work because you are sick when your maternity leave comes to an

end, you are eligible for sick leave and pay and normal absence reporting procedures will apply.

6.7 Resignation

Where you have been in receipt of contractual maternity pay and you choose not to return to work following your maternity leave, you will be required to repay the contractual element of the maternity pay you have received. This requirement to return to work is for a minimum period of one calendar month and you can choose to cover this period with accrued untaken annual leave. If you decide not to return to work following maternity leave, you must provide the required period of notice for resignation as detailed in your contract of employment.

Where you resign because you do not intend to return to work but later wish to return because of a change in circumstances, you have no absolute right to return to work. However re-appointment will be considered if at all possible. If you return to work within 41 weeks of the week in which you give birth, your resignation will be cancelled. The period of absence will be counted as paid and/or unpaid leave in accordance with what you would have been entitled to if you had taken maternity leave.

6.8 Redundancy

You have a right not to be selected for redundancy, in preference to other employees, solely or mainly because you are pregnant, have given birth or for any reason connected with your pregnancy or childbirth. In circumstances where you are declared surplus you are entitled to priority in relation to suitable alternative employment.

7. Returning to Work

Your expected return date is 52 weeks from the start of your maternity leave. If you wish to return to work before this date you must give your line manager, and the [Payroll Team, HR Services](#), 8 weeks' written notice of the date you would like to return. If you are unable to provide the required notice your line manager may postpone your return to work in order to provide the FC with 8 weeks' notice, providing this is not later than your 52 week expected return date.

Please note, there is no automatic right to return to work at the FC where your fixed term appointment has come to an end during your maternity leave.

7.2 Right to Return to the same Job

If you return to work within 26 weeks you are entitled to return to the same job you held before starting maternity leave, on the same terms and conditions of employment as if you had not been absent. Where this is not possible, for example through

restructure or redundancy, this will be managed in line with the [Redundancy Policy and Procedure](#).

If you return to work after 26 weeks you are entitled to return to the same job you held before starting maternity leave, on the same terms and conditions of employment as if you had not been absent, **unless this is not reasonably practical**. If it is not reasonably practical, you will be offered suitable alternative work, on terms and conditions that are no less favourable.

7.3 Requests for Flexible Working

Requests for flexible working will be considered in line with [Staff Handbook Chapter 11 – Hours, Overtime and Travelling Time](#). You should allow adequate time for your application to be considered, which may require you to apply before the end of your maternity leave. You should note that there is no automatic right to work part-time or make any other changes to your working pattern and approval of a flexible working request will only be given following consideration of operational needs.

7.4 Request for Unpaid Parental Leave

If you wish to extend your period of leave, you may request up to 4 weeks' unpaid parental leave. For more information, please refer to [Staff Handbook Chapter 10 – Leave](#).

8. Flowchart: Arranging Maternity Leave

