



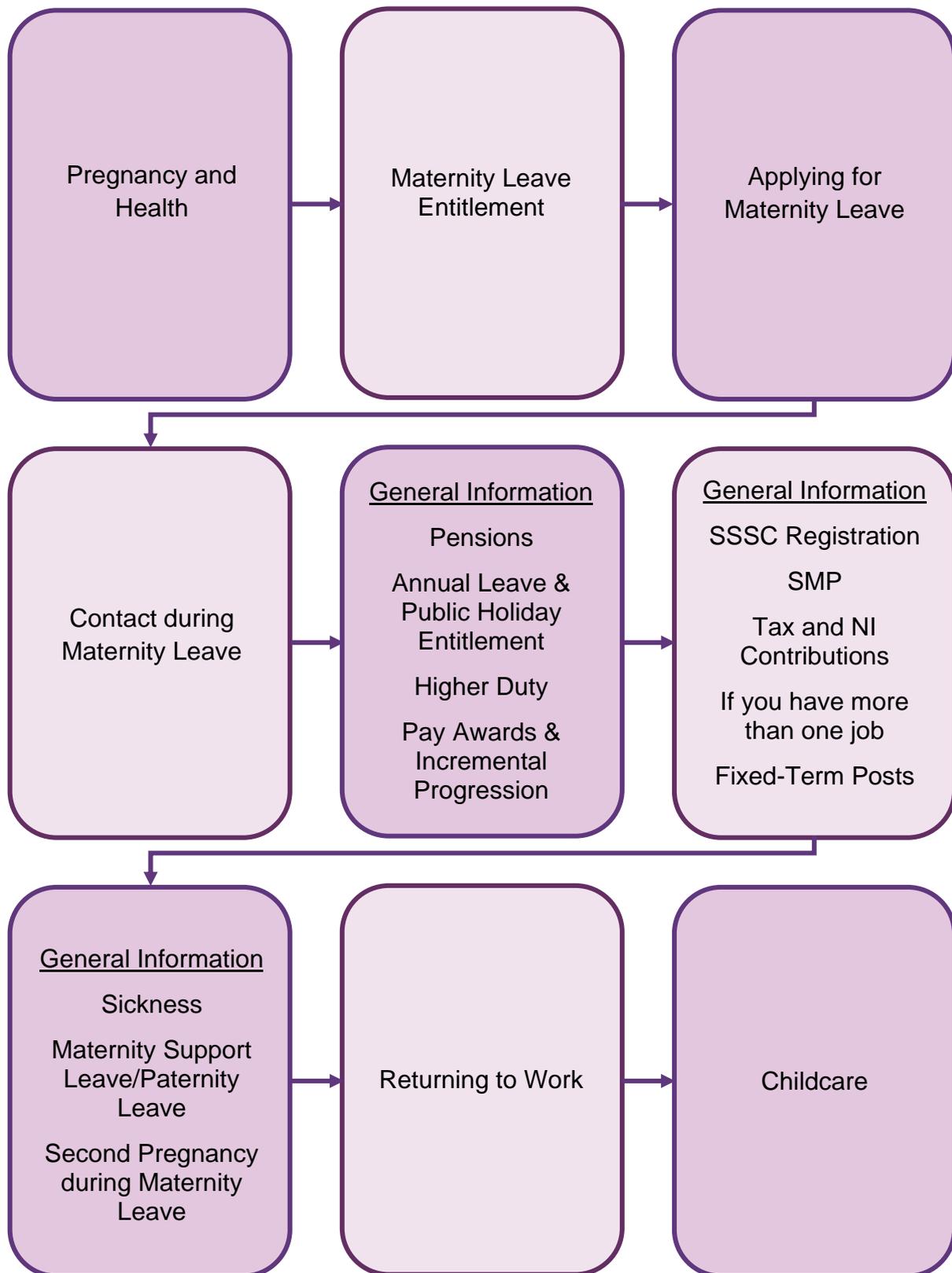
# **Maternity Leave Guidance for Local Government Employees**

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Review Date: 12<sup>th</sup> June 2024

## Summary

This procedure supports pregnant employees, new mothers and their managers and sets out the Maternity Leave and Pay entitlements and other rights of pregnant employees when on Maternity Leave.



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## Rationale

The aim of the procedure is to provide information on Maternity Leave including Maternity pay and notification procedures which apply to all employees of the Council with the exception of Teachers & Associated Professionals who should refer to the [Maternity Leave Guidance for Teachers & Associated Professionals](#).

## Introduction

Congratulations on the forthcoming birth of your baby. These guidelines will answer some of the questions you may have about your entitlement to maternity leave and pay, and the options open to you before and after the birth of your baby.

This occupational maternity scheme applies to all pregnant employees regardless of the number of hours you work per week.

It is recognised that some women may not wish to announce their pregnancy in the early stages, and you can be assured that the details of your pregnancy will be treated confidentially.

Throughout the pregnancy and after the birth you will be required to complete three forms, MAT1, MAT2, MAT3 as detailed in these guidelines.

- The MAT1 should be sent to your line manager.
- The MAT2 and MAT3 forms should be sent to the following email address, at the appropriate time [askhr@aberdeenshire.gov.uk](mailto:askhr@aberdeenshire.gov.uk)

If you have any questions regarding your maternity leave and pay entitlement, please contact [askHR](#).

## Pregnancy and Health

### Ante-natal Care

You have a legal right to time off work, with pay, for ante-natal care. This applies to all pregnant women regardless of length of service or hours worked. At your first appointment you should ask for confirmation that you are pregnant and an appointment card to show your line manager when you need time off.

You are entitled to take reasonable time off with pay during normal working hours to receive ante-natal care, although whenever it is possible appointments should be arranged at the start or end of the working day. Ante-natal care includes GP and dental appointments, hospital clinics, and relaxation classes. There will be no deduction from your salary for attendance at authorised ante-natal appointments, including any time spent travelling to, waiting, and travelling from the appointment.

You should complete a Paid Special Leave Form on Employee Self Service (ESS) detailing health care appointments as the reason for absence.

### Ante-natal Appointments (Time off to Accompany)

From 1 October 2014 the husband, civil partner or partner of the pregnant woman has the right to unpaid time off to attend up to 2 ante-natal appointments. The right is to unpaid time off up to six and a half hours on no more than 2 occasions. Further guidance on evidence required is contained in the [Special Leave Procedure](#).

### Risk Assessments

The Management of Health and Safety at Work Regulations 1999 require employers to assess any risks to pregnant or breast-feeding employees and to do what is reasonably practicable to control these risks. Some types of hazards, which may be required to be reviewed, include the use of hazardous substances, manual handling and dealing with violence and aggression.

Your line manager will complete a risk assessment when you have notified them of your pregnancy. The assessment will ask them to identify the tasks that you currently undertake. Should there be any duties where there may be concerns over the possible risk to you or your unborn baby advice will be sought from the Health and Safety Section and/or the Occupational Health Service. This is a legal obligation that the Council must undertake to ensure your safety. Please rest assured at no time is your job at risk.

Regulations governing the health and safety of pregnant women at work provide you with the right to be transferred from night work to daytime work on health and safety grounds.

If your GP considers that it is necessary for you to transfer to daytime work he will give you a medical certificate which you should give to your line manager. If you are transferred from night work or any other post which is deemed unsuitable following the risk assessment this will be on your existing salary grade and conditions of service, including any night working or other premium payments.

### **Display Screen Equipment**

Whilst the most recent research shows that there is no evidence of a link between problems with pregnancies and display screen equipment operation (which includes VDU's), the Council recognises that some pregnant women may still have concerns about operating such equipment.

If you are pregnant and you are concerned about operating display screen equipment you should inform your line manager who will arrange for you to talk to our Occupational Health Advisers, or a Safety Adviser. If you should have concerns, where possible, alternative work will be found for you within your own Section or Service. However, where this is not possible HR will co-ordinate a Council-wide search for suitable alternative work for you.

Any transfer from display screen equipment work will be on your existing salary grade and conditions of service. However, any pay supplement which applied as a result of working with display screen equipment will not apply during any period of temporary transfer whilst you are pregnant.

## Maternity Leave Entitlement

### Entitlements for employees with more than 26 weeks continuous service

#### Maternity Leave

If you will have at least 26 weeks continuous service with the Council by the beginning of the 15th week before your Expected Week of Childbirth (EWC), you will be entitled to 52 weeks' leave. Your maternity leave can start anytime from the 11th week before the EWC right up to the week your baby is due.

#### Maternity Pay

If your average weekly earnings are **more** than the lower earnings limit for National Insurance Contributions (please check with payroll as this amount is subject to annual change) you will be entitled to 39 weeks' pay comprising:

6 weeks at 90% pay, which includes Statutory Maternity Pay (SMP).

12 weeks at 50% pay plus (SMP). You will be paid 50% of a week's pay without deduction except by the extent to which the combined pay and (SMP) exceeds full pay.

21 weeks (SMP).

The remaining 13 weeks maternity leave will be unpaid.

On the receipt of your MAT2 Form, if your average weekly earnings are **less** than the lower earnings limit for National Insurance Contributions (please check with payroll as this amount is subject to annual change) you will be sent a completed SMP1 form by the HR Transactional Team, stating that you are not entitled to SMP. You may then be able to claim National Insurance Maternity Allowance. Details of the current weekly rate and how to claim this allowance can be obtained from your local Jobcentre Plus office. You will be entitled to 39 weeks' pay comprising:

6 weeks at 90% pay, which includes Maternity Allowance (where eligible).

12 weeks at 50% pay, plus Maternity Allowance (where eligible). You will be paid 50% of a week's pay without deduction except by the extent to which the combined pay and Maternity Allowance and any dependant's allowances exceeds full pay.

21 weeks Maternity Allowance (where eligible)

The remaining 13 weeks maternity leave will be unpaid.

If you elect to receive your 12 weeks maternity pay at 50% of your pay and you fail to return to work for at least three months, which may be varied by the Council on good cause being shown, you will be required to refund this pay, or part of, to the Council.

If you return on a relief contract when you were previously on a fixed hour contract you must work at least once a week for three months to fulfil the return-to-work requirement.

This will only apply to employees changing to a relief contract following maternity leave and not to those already employed on a relief basis.

## **Entitlements for employees with less than 26 weeks continuous service**

### **Maternity Leave**

If you will have less than 26 weeks continuous service with the Council by the beginning of the 15th week before your Expected Week of Childbirth (EWC), you will be entitled to take up to 52 weeks maternity leave. Your maternity leave can start anytime from the 11th week before the EWC right up to the week your baby is due.

### **Maternity Pay**

Unfortunately, you are not entitled to Statutory Maternity Pay (SMP). On receipt the MAT2 Form, you will therefore be sent a completed SMP1 form by the HR Transactional Team, together with your Mat B1 certificate, stating that you are not entitled to SMP.

You may then be able to claim National Insurance Maternity Allowance. Details of the current weekly rate and how to claim this allowance can be obtained from your local Jobcentre Plus office.

## Continuous Service

If you have returned to local government service following a break for maternity reasons then you will be entitled to have continuous previous service considered for the purposes of sick pay and holiday entitlement, provided that the break in service does not exceed eight years and that you did not work during this eight-year period.

Reckonable service means service with this council, or any local authority or appropriate employer listed in the Redundancy Payments (Local Government) (Modification) Order 1983 (as amended). This service need not be continuous. Advice on whether you have the 26 weeks reckonable service is obtainable from askHR.

### For employees appointed before 1 July 1999

Reckonable service for the purposes of qualifying for maternity leave and pay includes current service with Aberdeenshire Council plus:

All previous service with any local authority listed in the Redundancy Payments (Local Government) (Modification) Order 1983 and subsequent amendments thereto.

Any other public authority to which the Superannuation Inter-change rules apply.

Any previous service with an employer which the Council deems to be appropriate.

### For employees appointed from 1 July 1999

The implementation of the Single Status Agreement on 1st July 1999 has determined that employees who commenced with the Council on or after 1st July 1999 will only have previous reckonable service considered where the employee returned to local government service following a break for maternity reasons only. The break in service should not exceed eight years and no paid employment should have intervened.

Continuous service will include continuous previous service with any public authority to which the Redundancy Payments Modification Order (Local Government) 1983 (as amended) applies.

## Applying for Maternity Leave

You should complete the [Notification of Pregnancy MAT1 Form](#) as early into your pregnancy as possible and submit it to your line manager.

Your line manager will arrange for a risk assessment to be carried out, taking your pregnancy into account. Your line manager will treat your news in strict confidence. The Mat B1 shows your EWC and will be given to you by your GP or Midwife.

You must also inform the Council in writing by the beginning of the 15th week before your expected week of childbirth of the date that you intend to start your maternity leave (or as soon as reasonably possible).

Please complete the [Application for Maternity Leave MAT2 Form](#) and scan and upload to askHR along with your Mat B1 Certificate.

You may change your mind regarding your start date, providing you give at least 28 days' notice, where reasonably practicable.

HR Transactional will email you and your employing service confirming your maternity leave and pay entitlements. The email will also indicate the latest date you may return to work following your maternity leave.

### Notification of Birth

An employee should notify the council, as soon as is reasonably practicable, of the date of the birth of their child.

### Stillbirth

In the event of a stillbirth after 24 weeks of pregnancy an employee is entitled to maternity leave and pay provisions.

## Contact

Prior to the commencement of maternity leave a meeting should be arranged to discuss how contact can be maintained with you and your line manager. Both the employer and employee should have a clear understanding of the nature and frequency of contact.

Communication may be facilitated where employees on leave can exchange e-mails with colleagues at work and access council's intranets. If you have no home access to e-mails, then communication by telephone or letter should be agreed.

Employers have a responsibility to ensure employees on maternity leave have information on vacancies and promotion, including acting appointments. The employee should also be advised of changes to the workplace or work organisation which may impact on her.

## Keeping in Touch Days

You may with agreement from your line manager undertake up to ten days keeping in touch days under your contract of employment during your maternity leave period. The type of work undertaken for example may be to undertake your normal duties, attend a training course, meeting or team briefing. If you are required to attend a training course out with your normal place of work on any of these days, you will be eligible to claim for travel expenses as normal.

You will receive normal pay for the 'Keeping in Touch' days. Normal pay will be an amount inclusive of SMP or Maternity Allowance as appropriate. If you are in receipt of these when you undertake a Keeping in Touch Day, the additional payment is only the difference between the hours claimed and your SMP or allowance amount. For more information please refer to the [Keeping in Touch Days Factsheet](#). Working for part of a day will count as a day towards the ten days maximum that can be taken.

You have no obligation to undertake these 'Keeping in Touch' days or to undertake a maximum (within the limit of ten) or minimum number. Your line manager will be responsible for providing you with a timesheet for detailing any days worked which should be forwarded to Payroll monthly or as appropriate.

Please contact your line manager either before or during your maternity leave to discuss if you want to undertake these days and to arrange mutually appropriate dates for these days. Please note that they do not have to be taken consecutively.

## General Information

### Pensions

If you are a Local Government Pension Scheme member, you will accrue pension benefits during Ordinary Maternity Leave and any period of paid Additional Maternity Leave. You will make contributions during any period of paid maternity leave.

You will not pay contributions or accrue pension benefits during any periods of unpaid Additional Maternity Leave. However, you can 'buy back' pension accrual by taking an Additional Pension Contract (APC). The cost of buying back the "lost" pension is shared between you and the Council provided your PEN11 application form is received by Payroll before the expiry of a period of 30 days beginning with the day on which you return to work. In such cases the Council will meet 2/3rds of the cost.

The PEN11 form together with guidance on completing it, including how to obtain the cost of the APC, is available from the Pension Fund website at: [Publications & Forms | NESPF](#) or may be requested;

**By phone:** 01224 264264

**By e-mail:** [pensions@nespf.org.uk](mailto:pensions@nespf.org.uk)

**By post:** North East Scotland Pension Fund, Corporate Governance, Business Hub 16, 3rd Floor – West, Marischal College, Broad Street, Aberdeen, AB10 1AB.

The form may be sent to Payroll via [askHR](#) or by post to Payroll Section, Aberdeenshire Council, Woodhill House, Westburn Road, Aberdeen, AB16 5GB.

The Pension Fund will make arrangements with Payroll for deduction of the cost of the APC from your pay.

Please note that:

- Your return to work date is the day after your Maternity Leave ends, not the day you physically return to work (if this is later, for instance due to taking Annual Leave).
- If you do not return to work after your Maternity Leave you will not be eligible to take an Additional Pension Contract – you must be an active member of LGPS.
- The Pension Fund will determine whether payment can be made as a regular amount over a period of time one or whether it must be made as a one-off lump sum.

- The Pension Fund may require you to provide a report from a registered medical practitioner prior to agreeing the APC – this would be at your own expense.

You should contact North East Scotland Pension Fund (NESPF) for further information.

If you contribute to a personal pension, you should discuss this matter with the provider of your personal pension.

## **Annual Leave and Public Holiday Entitlement**

As is normal practice you must agree how best the leave should be taken, both prior to and following your maternity leave, with your line manager.

We would ask, where possible, that you use your proportion of annual leave entitlement for the period leading up to you commencing maternity leave.

You will accrue entitlement to annual leave and public holidays throughout the whole period of your maternity leave (irrespective of whether your leave covers two leave years).

Any annual leave/public holiday entitlement that you have accrued during your maternity leave period should be taken in a block following your maternity leave but immediately before your first day back at work. This should be discussed and confirmed with your line manager either before you commence maternity leave or prior to your return date.

A request to take this accrued leave at any other time will only be considered in exceptional circumstances in accordance with the operational requirements of your Service.

If you worked full time prior to your maternity leave and are returning to work on reduced hours, then your annual leave would be at the full-time rate up until the date you resume work at which time it would be pro rata. If work 52.18 weeks per year and you are unsure of your annual leave entitlement, please seek confirmation from your line manager. If you are a term time employee HR Transactional will calculate your annual leave entitlement on receipt of your MAT3 Form.

The whole period of your maternity leave shall be considered when calculating your period of reckonable service for annual leave, sickness allowance, period of notice or further maternity leave.

## Higher Duty Payments

If you are currently in receipt of Higher Duty Payments, these are only payable when you are carrying out the higher graded duties. Therefore, the payments will automatically cease from the date your maternity leave starts or earlier if your Service has notified the HR Transactional Team to do so.

## Pay Awards and Incremental Progression

Maternity leave will not affect any entitlement you may have to progress within your grade or to any of the pay awards.

## SSSC Registration

As you may be aware, each year you pay a registration fee to the SSSC.

It is essential that you pay your registration fee during your maternity leave as this is a requirement of your employment with Aberdeenshire Council. If you have allowed your registration to lapse you will be unable to return to work and may face disciplinary proceedings.

Each year, around the time of your registration date, the SSSC ask you to complete an annual declaration, however it is the employee's responsibility to ensure that their registration is up to date. Should you wish to contact the SSSC the contact number is 0345 603 0891.

## Changes to Statutory Maternity Rates

The lower rate is reviewed each April. If payment of your SMP starts before and continues after the lower rate is changed, you will receive the new rate from the start of the week in which the change occurs.

## Income Tax and National Insurance Contributions

Income tax and national insurance contributions will be deducted from your maternity pay as appropriate.

## Telephone Allowance

If you are currently in receipt of telephone allowance, you will accrue your full entitlement during the first 52 weeks of your maternity leave regardless of whether you will be returning to work or not.

## More than One Job

If you have more than one job with the Council and if each job has a different payroll (employee) reference number, then each job is calculated separately with regard to your average earnings. If they are on the same pay/employee reference number, then your pay for both jobs will be totalled. For all other entitlements and notification requirements each job will be treated separately.

## Fixed Term Appointments

Employees on fixed term contracts will be treated the same as permanent employees with regards to their entitlement to maternity leave and pay.

Fixed term contracts should not be ended due to maternity leave. If a fixed term contract is due to be extended, this should be offered regardless of the maternity leave.

If, however, the contract end date falls within the period of maternity leave and it is not due to be extended, employees will not be required to return to work. If you are unable to return to work for the full three months following your maternity leave you will be required to pay back your occupational maternity pay. You will have the option to withhold this payment at the start of your maternity leave if you are unsure if you will be able to fulfil the three-month requirement.

If an employee on a fixed term contract is still receiving maternity pay when their contract ends, they will remain on payroll until they have exhausted their maternity pay. This is for administrative purposes only and the employee will not accrue annual leave or continuous service past the date their contract ended.

## Sickness

If you are absent on sick leave immediately prior to starting your maternity leave, you are eligible to receive sick pay up to the date you previously notified the Council that you intended to commence maternity leave, which may be after the 4th week before your EWC.

However, sick pay will only be paid after the 4th week before your EWC if the illness is not due to pregnancy. If the illness is due to pregnancy and occurs after the 4th week before the EWC, your maternity leave will automatically start the full day following the illness.

## **Maternity Support Leave/Paternity Leave**

Following the birth of a baby, if eligible, the nominated supporter will be able to take paid maternity support leave and if eligible, paternity leave.

For more information on maternity support leave and/or paternity leave please refer to the [Paternity Leave Procedure](#).

## **A Second Pregnancy During Maternity Leave**

If you become pregnant again whilst on maternity leave, please notify your line manager and askHR. You will be entitled to receive occupational maternity pay and leave but you may not be entitled to SMP depending on your specific circumstances.

If you are unable to return to work you will need to give consideration to the fact that if you have received occupational maternity pay, you will still need to return to work for three months for each and every period of maternity leave, i.e. the two periods of maternity leave which individually require you to return to work for three months will be added together to mean you will need to return to work for six months following your second period of maternity leave. If you fail to return to work for the relevant period of time, then the occupational maternity pay will be reclaimed.

## Returning to Work

The Council will automatically assume that you will be returning to work on the latest date possible.

Should you wish to return at an earlier time you must inform the Council in writing at least eight weeks in advance of the date you propose to return to work by completing the [Notification of Intended Return to Work MAT3 Form](#).

Please scan and upload to [AskHR@aberdeenshire.gov.uk](mailto:AskHR@aberdeenshire.gov.uk)

There is a compulsory period of two weeks that you must remain off work (including the Keeping in Touch Days) following your baby's birth, but you may resume work at any time after this period. If you have given the appropriate eight weeks' notice based on the due date of the baby and this changes you must give 28 days' notice of this change. HR Transactional will contact you to confirm your start date following maternity leave. A copy of this letter will be sent to your employing Service, and Payroll will be notified in order to authorise the re-commencement of your pay.

Should you decide that you do not wish to return to work following your maternity leave then we would ask that you indicate your wish by completing the [Notification of Date of Intended Return to Work MAT3 Form](#). Please scan and upload to [askhr@aberdeenshire.gov.uk](mailto:askhr@aberdeenshire.gov.uk) at the earliest opportunity.

If you elect to receive your 12 weeks maternity pay at 50% of your pay and you fail to return to work for at least three months, which may be varied by the Council on good cause being shown, you will be required to refund this pay, or part of, to the Council.

## Health and Safety

Please advise your line manager at least four weeks before your return to work if you intend to continue breast feeding in order that any necessary arrangements and facilities can be put in place if possible. You will be allowed time off to breast feed your baby depending on the location or to express breast milk during working hours.

Under the Management of Health and Safety at Work Regulations 1999 the Council has a responsibility to ensure that employees who have returned to work within 6 months of giving birth or breast-feeding mothers are not exposed to any risks that could damage their health and safety. Please advise your Line Manager if you have any concerns on your return to work in order that they can arrange for a risk assessment to be carried out.

Further support is also available from the Occupational Health Nurse Advisor on 01467 533223.

## Options for Returning to Work

If you are unable to or do not wish to return to work on a full-time basis, the Council has adopted a number of policy initiatives, which will hopefully assist you. Please refer to the [Flexible Working Procedure](#). All requests for flexible working or reducing hours must go through the Flexible Working Procedure.

## Part Time Working

If you previously worked full time but do not wish to return to full time working after maternity leave you could request that you return to work in your existing job on a part time basis. Whilst there is no guarantee that the Council can agree to part-time working in every case, it may at least be possible to return to work on a part time basis initially which will help you make the transition from maternity leave to working again. If you are considering returning to work on a part time basis, please discuss this with your line manager as far in advance as possible.

This will allow the Council time to give your request full consideration and make to make any necessary arrangements before you return to duty.

## Scheme of Flexible Working Hours

The flexible working arrangements adopted by the Council have been designed to introduce flexibility in the pattern of working hours. It is worth considering therefore how this scheme can assist you to organise your childcare/domestic arrangements when you return to work.

If you opted to take your OMP and you return to work on a relief contract, you must ensure you work at least once a week for the first three months. Failure to do so will mean that you will be required to pay back your OMP.

This does not apply to employees who were on a relief contract prior to starting their maternity leave.

## Extension To Leave

Options are available for parents that may be considering an extension to the leave they have taken to care for their children, which can commence directly after the date maternity leave is due to end.

## Parental Leave

Unpaid parental leave may be available for a maximum period of 18 weeks. Further information and details of how to apply for this leave can be found within the [Parental Leave Factsheet](#).

## Career Break

A Career Break is an opportunity for employees to request a period of extended unpaid leave from a minimum of 6 months to a maximum period of 5 years. Further information and details of how to apply for this leave can be found within the [Career Break Procedure](#).

## Childcare

One of the key factors in returning to work following maternity leave is arranging childcare to meet your requirements. Aberdeenshire Family Information Service provides free advice and information on childcare options.

Details of registered child minders and day care facilities in your area of Aberdeenshire, as well as impartial guidance on choosing childcare, can be obtained from:

Aberdeenshire Family Information Service

Craigearn Business Park

Morrison Way

Kintore

AB51 0TH

Telephone: 0800 298 3330

If you live in the Aberdeen area, information can be obtained from:

Aberdeen City Council

Family Information Services

[Childcare \(Family Information Services\) | Aberdeen City Council](#)

For information on help with childcare costs please find information contained with the Government's [Childcare Choices website](#).

## Document Revision History

Document Revision History					
Rev No.	Rev Date	Summary of Changes	Reviewing Team	Reviewers	Next Review Year
001	25 Nov 2011	Creation of Documents	HR Operational		2013
002	18 Sep 2013	Addition of paragraphs relating to extending time off	HR Operational		
003	1 Oct 2014	New Category of Unpaid Leave as part of the new SPL Guidelines	HR Operational		
004	11 Nov 2014	Amendment to Pension Contact number	HR Operational		
005	9 Jan 2015	Removal of paragraph re 'Statutory Rights' to request Flexible Working as per legislation	HR Operational		
006	2 Jun 2015	Update to reflect changes in Pension information	HR Operational		
007	2 Jun 2016	Update to reflect changes in Pension information	HR Operational		
008	13 May 2016	Change to MAT1 Form	HR Operational		
009	12 Oct 2016	Amendment	HR Operational		
010	22 Mar 2017	Amendment	HR Operational		
011	11 Jan 2019	Removal of Aberdeenshire Childcare Voucher Scheme	HR Operational		
012	13 Dec 2019	Update	HR Operational		
013	22 Apr 2020	Amendment with regards to HR Transactional Processing	HR Operational		
014	12 Jun 2024	Format update	HR Operational	D Rentoul, L McLean	2025

## Appendix One – The Resource Pack

### Resource Pack

#### Forms

[MAT1](#)

[MAT2](#)

[MAT3](#)

[Risk Assessment Form](#)

#### Factsheets

[Family Friendly Initiatives](#)

[Keeping in Touch Days](#)

[Breastfeeding at Work](#)

[Parental Leave](#)

#### Related Procedures

[Special Leave Procedure](#)

[Paternity Leave Procedure](#)

[Flexible Working Procedure](#)

[Career Break Procedure](#)

#### Useful Links

[askHR](#)

[Childcare Costs](#)

[SSSC](#)

[SMP Rate](#)

[NESPF](#)