



Maternity policy

ORR's maternity policy is intended to support you while you are pregnant both at work and during your period of absence due to maternity. It ensures terms and conditions relating to you are fair, equitable and comply with current legislation.

This policy applies to all permanent and fixed term female employees. It does not apply to agency staff, consultants or contractors who provide work under a contract for service. This policy is incorporated into your contract of employment.

Definitions

1. Certain terms used throughout this policy require clarification. These are defined as follows:

- **Compulsory Maternity Leave:** in accordance with Health & Safety legislation you must take a minimum of two weeks leave from the day of childbirth. These two weeks normally fall within the Ordinary Maternity Leave.
- **Ordinary Maternity Leave:** this is the initial period of leave due to pregnancy and childbirth. At the earliest, it may begin during the 11th week before the expected week of childbirth and will last for 26 weeks.
- **Additional Maternity Leave:** this is any absence additional, to Ordinary Maternity Leave. It will begin after the 26 weeks' Ordinary Maternity Leave and may extend the absence period for a further 26 weeks from the end of the Ordinary Maternity Leave, to a maximum total of 52 weeks.
- **EWC: The Expected Week of Childbirth:** this means the week beginning with midnight between Saturday and Sunday in which it is expected the baby will be born.
- **Childbirth:** this means the birth of a living child or still birth after a pregnancy lasting at least 24 weeks.
- **Week of Childbirth:** this means the week beginning with midnight between Saturday and Sunday during which the child is actually born.

- **DMP: Departmental Maternity Pay:** for staff with the eligible continuous service these are the normal salary payments made by ORR whilst absent as detailed within this policy.
- **SMP: Statutory Maternity Pay:** this is the minimum amount payable during the first 39 weeks of maternity leave. In order to qualify for [Statutory Maternity Pay](#) your average earnings must be more than the lower earnings limit for paying [National Insurance contributions](#).
- **Maternity Allowance:** this is an allowance paid by the [Job Centre](#) to provide you with some money to help you take time off work for the birth of your baby.
- **Relevant period:** this is defined as the 8 weeks period ending in the 15th week before the expected date of birth.
- **Calculation of relevant period:** when calculating average earnings during the relevant period, any payment received during the relevant period which is treated as earnings for National Insurance contribution purposes is included (even if the payment relates to a period outside of the relevant period e.g. bonus payments, temporary promotion payments). This will be recalculated to include salary increases due to take effect from the start of the relevant period up to the end of your paid maternity leave. Increases in pay taking effect during any period of unpaid maternity leave will only be applied upon return to work and will not be backdated.

Before your baby arrives

What maternity leave am I entitled to?

Ordinary Maternity Leave

2. You must take at least two weeks, and up to 26 weeks Ordinary Maternity Leave. This leave can commence during the 11th week before the expected week of childbirth when either:
 - you provide at least 28 days' notice of your intention to take maternity leave and the date you'd like your leave to begin. This notice should be in writing, using the maternity leave notification form.
 - childbirth occurs earlier. Maternity leave begins automatically 1 day after childbirth occurs if the baby is born earlier, but you must inform ORR that the birth has occurred, in writing, at the earliest opportunity or Statutory Maternity Pay will be reduced; or
 - you are absent during the four weeks before the expected week of childbirth, due wholly or partially to your pregnancy. You must inform ORR, in writing, as quickly as possible of the reason for your absence. Your Maternity Leave will then automatically begin.

Additional Maternity Leave

3. You may take Additional Maternity Leave. This will begin after the 26 weeks of Ordinary Maternity Leave and may extend your absence by a further 26 weeks from the end of the Ordinary Maternity Leave. This may extend your maternity leave up to a maximum of 52 weeks.
4. ORR will assume that you will be taking the Additional Maternity Leave unless you inform HR or your line manager to the contrary.

Medical appointments

5. You are entitled to time off with pay to attend ante-natal clinics or visits to your midwife/doctor. Any appointments should be agreed in advance with your line manager or as soon as possible for emergency appointments. You will be required to provide an appointment card for your visits.
6. Attendance by partners at antenatal or scan appointments is encouraged, but proof of the appointment (except for the first hospital appointment where this is difficult to obtain) is required when applying to take paid time off work. Managers have discretion to agree up to two hours paid special leave for such appointments, within reasonable limits. This includes parents in a surrogacy arrangement to attend ante-natal appointments.

What maternity pay am I entitled to?

7. Details about maternity pay and qualifying periods are detailed below.

Employees with less than 26 weeks' service

8. If you have less than 26 weeks service with the civil service by the 15th week before your expected week of childbirth you may only be able to claim "Maternity Allowance", which can be claimed from the [Job Centre](#). This must be claimed before the birth of your baby in order to obtain the full benefit.
9. **Example:** if your baby is due on the 1 April 2008 you would need to have been employed continuously by the civil service from the week commencing 22 May 2007. This is 26 weeks before 18 December 2007 which is the 15th week before the expected week of childbirth.

Employees with 26 weeks' service or more but less than 52 weeks' service

10. Provided you have been continuously employed by the civil service for at least 26 weeks but less than 52 weeks up to and including the 15th week before the expected week in which the baby is due, you will receive:
 - for six weeks, 90% of your previous average earnings; and
 - for the next 33 weeks, Statutory Maternity Pay (SMP).
11. Average earnings are calculated over a "relevant period" defined as the 8 week period ending in the 15th week before the expected date of birth.

Employees with 52 weeks service

12. Provided you have been continuously employed by the civil service for at least 52 weeks up to and including the 15th week before your expected week of childbirth you will receive Departmental Maternity Pay (full pay) for 26 weeks, then Statutory Maternity pay (SMP) for 13 weeks and 13 weeks at no pay.
13. Departmental Maternity Pay is only payable during Ordinary Maternity Leave. It may be reduced if you fail to comply with the notification provisions in this policy. It is illegal to receive normal pay from any employment and Statutory Maternity Pay at the same time. All SMP, therefore, ceases upon return to work (except when on 'keeping in touch days' section).

What do I need to do if I become pregnant?

14. It would be helpful if, as you know you are pregnant you let your line manager and HR know. You can then agree who else should know about your news and when. It is up to you when you decide to do this but at the very latest you must inform HR by the 15th week before your EWC that you are pregnant, as this is the minimum notice required to take maternity leave. HR will then arrange a meeting with you to discuss your pregnancy and maternity leave. Before this meeting you should complete the maternity leave planner. It does not matter if some of the information it requests is not yet available the planner can be amended later provided that you give at least 28 days' notice in writing of the date you intend to start your maternity leave.
15. It is important you discuss your pregnancy with your line manager so that any reasonable adjustments can be made in your work. Also HR will make arrangements for you to receive a workstation assessment and an appointment with our occupational health advisers, if required. More details can be found in the health and safety section on the staff intranet.
16. A certificate stating the expected week of childbirth (Form MAT B1) will be issued to you by your registered medical practitioner or registered midwife. This will normally be around the end of the 13th week before the expected week of childbirth. This should be sent to HR as soon as it has been issued.
17. HR will then write to you within 28 days of receiving the notification of the date you intend your maternity leave to commence stating your expected date of return from maternity leave and any other leave agreed.

What do I do if a member of my staff tells me she is pregnant?

18. As a line manager you are responsible for ensuring that your employee follows the guidance detailed in this policy. Your specific responsibilities are detailed below:
 - Make sure that your employee informs HR of her pregnancy if she has not already done so before her 15th week before her expected week of childbirth.
 - Meet with your employee to discuss whether reasonable adjustments need to be made to her work and any health and safety concerns she may have.

- Complete a performance appraisal (break report) for before she goes onto maternity leave.
- You will be responsible for authorising her attendance at any ante-natal classes or medical appointments related to pregnancy that she requires.

19. Any queries on the application or interpretation of this policy must be discussed with your HR officer prior to any action being taken.

Additional cover

20. The responsibilities of your employee during the maternity absence may be covered by a temporary employee. The temporary employee will be advised that they are replacing an employee currently on maternity leave.

Health and safety

21. In order to protect the health and safety of you and your unborn child it is in your best interests that we are informed as soon as is practicable that you are pregnant. Your job will then be assessed at the earliest opportunity and specific health and safety guidance and instruction will be provided as appropriate. This guidance usually applies prior to your absence, upon your return and whilst you are breast-feeding.

22. Whilst pregnant you must not lift, push or pull any package that might weigh 5kgs or more.

23. If during your pregnancy you have any concern regarding health and safety at work, you must seek advice from your manager, before undertaking any task that concerns you. You should also contact your HR officer if you have any health and safety related concerns that you feel have not been adequately addressed.

24. We reserve the right to request that you attend a medical consultation with our Occupational Health Adviser, and, if necessary, allocate work in accordance with the medical opinion. Acting on advice from a doctor regarding the health of you and your child, we may transfer you into a suitable alternative job, rather than put you or your colleagues' safety or health at risk. This action would only be contemplated in extreme circumstances and would be carried out with full and proper consultation with you, it is your responsibility to co-operate fully with this process. In the unlikely event that a suitable alternative job is not available medical suspension from work on average earnings will be considered.

During your maternity leave

Keeping in touch days

25. During your maternity leave you will be entitled to take 10 'keeping in touch' days. These are days where you can return to work without losing departmental or statutory maternity pay and without being deemed as returning to work. You will be paid for attendance on these days at your normal salary rate (not at **Statutory Maternity Pay** (SMP)).

26. These days are designed to allow you to keep in touch with us by attending work, training sessions or to just keep in touch with your colleagues.
27. There is no obligation for you to take up these days but we would encourage you where practical to do so. If you would like to have a 'Keeping in touch' day then please speak to your line manager and HR at any time during your maternity leave.

How will I be paid?

28. Departmental maternity pay (full salary) will continue to be paid on a monthly basis in accordance with the normal payroll timetable.
29. **Statutory Maternity Pay (SMP)** will be paid as complete weeks, and you will continue to be paid on a monthly basis in accordance with the normal payroll timetable and payment method. SMP is subject to tax and national insurance deductions.
30. If you advise ORR that you will not be returning to work you will need to give your contractual notice period your P45 will then be made available as soon as possible. The date the contract of employment ends is the date upon which your notice period ends.
31. You will continue to receive a payslip during any unpaid additional maternity leave.

Does going on maternity leave affect my employment?

32. Your contract of employment will continue to apply throughout both your Ordinary and Additional Maternity Leave unless you or we provide notice of termination in accordance with your required contractual notice period as shown in your Statement of Terms and Conditions of Employment.
33. In the case of a fixed term appointment the contract will expire in accordance with the terms of that agreement. This will be dealt with separately from your maternity leave.
34. Whilst on Ordinary Maternity Leave, you will benefit from all of the terms and conditions which would have applied to you as if you had been at work instead of on maternity leave, except the terms and conditions regarding “remuneration” (where remuneration is defined as monetary wages or salary payable).
35. Whilst on Additional Maternity Leave the only terms of the contract that must apply in accordance with statute are ORR’s obligations of trust and confidence to you and your obligation of good faith to ORR. However, ORR will enhance these requirements by providing additional protection against dismissal.
36. The dismissal of an employee will automatically be unfair, regardless of your length of service or hours of work, if:
- it is on maternity-related grounds and takes place during your pregnancy or Ordinary/Additional Maternity Leave;
 - it occurs after the end of your maternity leave of absence and is on the grounds that you have taken the benefits of that leave;
 - it is on the grounds of a health and safety provision which could give rise to medical suspension;

- it is on the grounds of redundancy and ORR has not first complied with the requirement to offer you **any** suitable alternative vacancy which is available; or
- you are unfairly selected for redundancy for one of the above reasons.

37. If you were to be dismissed at any time and for any reason while you are pregnant or during your Ordinary/Additional Maternity Leave you will be entitled to receive a written statement of the reasons for your dismissal. This will be without having to request it, and will be regardless of your length of service or hours of work.

What happens to my annual pay rise?

38. Absence due to maternity will not affect the nature or timing of performance appraisals and pay increases. These reviews will continue to take place and you will participate within these procedures in the same manner as if you were attending work on a daily basis.

39. A performance appraisal (break report) must be completed by you and your manager just before the start of your maternity leave. Pay awards may affect the level of SMP. On no account will you suffer any detriment through not being at work on a daily basis at the time when these appraisal procedures are implemented.

Pay awards and performance bonuses

40. Any pay increases will be paid to you, if you are eligible while you are on maternity leave, in accordance with the terms of the relevant Pay Agreement. Any bonus payment due will be pro-rata'd to reflect your time at work plus any period of time on paid maternity leave during the relevant reporting period.

What happens to my pension?

41. If applicable, you will remain a member of the civil service pension scheme whilst on maternity leave.

42. There will be no change to the terms under which you and we pay contributions into your pension scheme during your maternity leave.

43. The same percentages of income will apply and pensionable service will continue to be accrued. However, contributions made by yourself and us will reduce in line with your salary. Your pension contributions will cease altogether during any period of unpaid leave although pensionable service would continue to be accrued.

What happens if I am sick during my maternity leave?

44. If you are sick during your maternity leave you do not need to take any action. However, if you are sick when you are due to return to work, you will need to inform your manager and HR. Your sickness absence will date from the end of your maternity leave. You will need to provide a doctor's fit note for absences over 7 calendar days, as usual, refer to the Sickness Absence policy.

45. Rules on Statutory Sick Pay are complex while on maternity leave and HR will advise you whether or not you may be entitled to it.

What happens to my annual leave?

- 46. Your normal annual leave allowance will continue to accrue during your ordinary and additional maternity leave in accordance with the Working Time Regulations 1998. You are also entitled to a day in lieu for any public or privilege holiday days occurring during your ordinary and additional maternity leave. These will be added to your annual leave entitlement and should be taken before returning to work.
- 47. You cannot take annual leave whilst on ordinary and additional maternity leave, but you are able to take annual leave before and/or after your maternity leave. You are advised to take any accrued leave before your maternity leave commences.
- 48. You should refer to the Leave policy to see the amount of carry forward you are allowed to have before you go on maternity leave.
- 49. Carry-over of excess annual leave entitlement from one leave year to the next, or payment in lieu of annual leave will only be allowed in exceptional circumstances, and so it is recommended that you consider taking excess annual leave either before or at the end of your maternity leave – your HR officer can help you with planning this.
- 50. If you wish to take your accrued annual leave at the end of your Ordinary Maternity Leave you must return to work immediately after the annual leave. Under these circumstances, your maternity leave will be considered ended, and you will not be able to take any untaken additional maternity leave.

What happens about my other benefits?

- 51. You may continue to access the Occupational Health Service throughout your maternity leave. You can also continue to receive gym membership subsidy, if applicable, even when you are on unpaid maternity leave.

After your baby is born

What do I do if I want to return to work?

- 52. You will be given support and positive encouragement to return to work so that we do not lose your skills and experience.
- 53. You must be employed up to and including at least one day into the 11th week before the expected week of childbirth in order to qualify for statutory provisions regarding the right to return to work. It is important to note that if you leave employment prior to the 11th week before childbirth you will lose your right to return to work.
- 51 You must not work for another employer whilst on Ordinary or Additional Maternity Leave. It is your responsibility to inform us if you do as entitlement to Maternity Pay will cease and your employment may also be terminated.
- 52. You may not return to work having taken less than two weeks maternity leave immediately after the birth of the baby (compulsory maternity leave).

53. If you wish to return before the end of the 26 week Ordinary Maternity Leave period or before the end of the Additional Maternity Leave period you must inform us in writing at least **8 weeks** before your intended date of return otherwise we may delay your return to a date that gives 8 weeks' notice of your return. You would not be paid during the time of the postponed return.
54. If you decide to return to work during or after your Ordinary Maternity Leave you are entitled to return to the same job on the same terms and conditions as if you had not been absent, unless a redundancy situation has arisen
55. If you decide to return to work during or after your Additional Maternity Leave, you normally would be entitled to return to the same job on the same terms and conditions as if you had not been absent, unless a redundancy situation has arisen. However, if there is a reason, other than redundancy, which means that it is not reasonably practicable for to return to the same job, you are entitled to be offered suitable alternative work.
56. 'Suitable' in this context means suitable to you and appropriate in the circumstances, although your decision must still be reasonable if the alternative employment is refused.
57. You have no right to delay your return beyond your ordinary and additional maternity leave entitlement. If you are sick you must provide a doctor's certificate to this effect. If you do provide a doctor's certificate then we will treat you as having returned, but as being absent due to sickness. If you do not return to work on the agreed date and we are not told of the reason why you have not returned then we will treat this as unauthorised absence and you may be subject to disciplinary action. We strongly advise you to speak to HR if you are concerned about your return to work day.

Will I be able to change my hours when I return to work?

58. If you wish to return to work and need to regularly work fewer or more flexible days, hours or locations than prior to the birth then your request will be considered sympathetically, having taken account of our business requirements.
59. Details of the various options available for part time and/or flexible working arrangements can be found on the staff intranet, and you can discuss your options with HR.
60. It must be stressed that we have the right to refuse such requests where operational requirements would make it impossible or uneconomical to adopt such a reduction or flexibility in hours of work and if this is the case the reasons will be explained in full to you and other options explored.

What do I do if I decide not to return to work?

61. If you decide not to return to work for any reason within 52 weeks from the start of your maternity leave period or take an agreed career break, you must work for a calendar month immediately after your maternity leave; otherwise you will have to refund your maternity pay less any Statutory Maternity Pay (SMP) that you may have received.

62. If you resign you must give the required contractual notice in writing. If you qualify for Maternity Pay you will stay on payroll until your entitlement ceases at which time you will receive your P45.
63. However, for all other purposes your employment ceases at the end of the contractual notice period - upon which date all outstanding monies will be calculated and paid (such as payments for untaken annual leave or reimbursement of season ticket loans).

General Data Protection Regulations and Data Protection Act 2018

64. Personal data collected as part of this policy will be processed in accordance with the ORR's Data Protection Policy, [Privacy Notice](#) and Records Retention schedule. The Privacy Notice explains what personal data ORR holds about you, how we collect it, and how we will use and may share information about you. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the ORR's security incident process immediately. It may also constitute a disciplinary offence, which will be dealt with under the ORR's disciplinary procedure.