

ADVISORY NOTE

MATERNITY LEAVE

Employee Support must be fully conversant with all aspects of Perth & Kinross Council's policy and procedures before providing advice and guidance to managers or employees and adhere to the following guidelines:

1. Employee to inform their Line Manager/Employee Support that they are pregnant/will require maternity leave.
2. Maternity Guidelines (including Pregnant Workers' enclosure found in [Appendix A](#)) and Application Form issued to employee by Employee Support.
3. Following receipt of the application for maternity leave and MATB1, Employee Support will issue a Standard Letter based on the employee's circumstances.
4. If the employee gives notice of their intention to return to work before the end of their full leave entitlement, they should notify Employee Support/Line Manager immediately.
5. Employee Support should ensure that all correspondence relating to maternity leave is kept in the employee's personal file.

Maternity Briefings

Employee Support or Line Manager should use the maternity briefing checklist enclosed in [Appendix B](#) Appendix B to assist them in the administration of maternity leave for employees.

When they meet with their employee, line managers should stress the importance of keeping them informed about when they intend to commence maternity leave, when they intend to return (if they intend to return before the end of their full leave entitlement), and to liaise with their line manager in relation to taking accrued leave.

The employee may request that the 20 weeks at half pay be held in a suspense account pending their return from maternity leave. If they fail to return to work for at least three months, this sum or a proportion thereof will be retained by the Council or repaid to the Council.

If the employee returns to work before the end of the 39 weeks when SMP is being paid, entitlement to SMP ends immediately. If the employee returns at any point prior to the expiry of the full SMP period, there will be no entitlement to SMP for that entire week. It is particularly important that employees returning on a part-time basis are made aware of this as the reduced salary payable for the week(s) or part-week during which SMP would otherwise be paid may be less than SMP.

Health and Safety

It is essential that a risk assessment is arranged and carried out as soon as practical during the employee's pregnancy and again if they have returned to work within six months of the birth of their baby, or are still breastfeeding. The line manager should ensure a risk assessment is carried out. Reference should be made to the Pregnant Worker [Arrangement](#) and [Guidance](#) documents.

Fixed Term Contracts

Care must be taken when providing advice to employees who are on a fixed term contract. If the employee meets the criteria under the Guide to Maternity Provisions, they are eligible for maternity leave. Entitlement to paid leave will be dependent upon service and when their contract is due to end.

KIT days

KIT days have been designed to help ease an employee's eventual return to work from maternity or adoption leave and to make it easier for them to keep in touch with their employer during this period. They provide the employee with the option to work up to 10 days during their maternity or adoption leave without bringing their leave to an end or affecting their maternity or adoption pay.

Should an employee work beyond the 10 days, they will lose their Statutory Maternity Pay/Statutory Adoption Pay (SMP/SAP) for any week in which they undertake any further work.

KIT days can only be arranged by mutual agreement between the line manager and the employee. KIT days may be worked before or after the birth however, they cannot take place during the compulsory 2 week leave period immediately following childbirth. An employee's maternity or adoption leave will not be extended due to the fact that the employee has carried out some work during this period. There is nothing preventing an employee and line manager agreeing that the employee may work from home on any of their KIT days however, they may find it useful to attend team and service briefings.

KIT days do not need to be consecutive. Whether an employee only works a few hours or a whole day, it will still be counted as one day for "KIT" purposes. For example, it cannot be agreed that the employee will work 20 half days. Employees will only be paid for the hours actually worked. The stage the employee has reached during the maternity or adoption leave while taking a KIT day will determine what they are entitled to:

Full Pay

If an employee attends for work on a KIT day during the full pay period, the employee would receive Time off in Lieu for any hours worked on their return to work following maternity/adoption leave.

Half Pay Period

If an employee attends for work on a KIT day during the half pay period, the employee is paid full pay, less any Occupational Maternity Pay (OMP) and SMP due for the same period. As an alternative, the employee also has the option to take Time off in Lieu for hours worked on their return to work following maternity/adoption leave.

Statutory Maternity Pay Period (13 Weeks' Additional)

If an employee attends work for a KIT day during the SMP period, the employee will be paid full pay, less any SMP due for the same period. As an alternative, the employee also has the option to take Time off in Lieu for hours worked on their return to work following maternity/adoption leave.

> No Pay Period

If an employee attends work on a KIT day during the unpaid period, they are paid the equivalent of their normal rate of pay for the hours worked, to a maximum of a day's pay. As an alternative, the employee also has the option to take Time off in Lieu on their return to work following maternity/adoption leave.

> Effect on Pension

KIT days are pensionable.

> Expenses

The Council will not reimburse the costs of any expenses, eg. childcare, during KIT days.

Monitoring of KIT Days

Line managers are responsible for recording KIT days. Line managers should complete the form attached as [Appendix C](#) on every occasion KIT days are agreed. The form should be forwarded to Employee Support to be kept in the employee's personal file.

Where employees are being paid for KIT days, line managers should also complete the form attached as [Appendix D](#) and forward to Employee Support for payment.

Monitoring of KIT days should be undertaken by line managers and Employee Support to ensure that the appropriate payment/TOIL is given to employees for KIT days and that no employee undertakes more than 10 KIT days.

Employees undertaking KIT days may accrue Time off in Lieu, as per the Corporate Time of in Lieu Scheme. However, Time off in Lieu must be taken within 3 months upon return and the maximum level for KIT purposes is 72 hours.

Reasonable Contact

The Council has the right to make reasonable contact with the employee during maternity leave. You are therefore encouraged to maintain reasonable contact with the employee. Such contact could involve talking about return to work plans or updating staff about what has been happening in the workplace.

In addition, line managers should forward copies of any newsletters etc and notify the employee of any significant changes that may impact on their return. Examples of significant changes would include organisational changes within the Service, changes in the team/section and changes to working practices.

Returning to Work

Returning to work after a long period of absence can be a daunting experience and maintaining contact with the employee can ease this process. Services should prepare some form of induction process to reintroduce the employee back into the workplace on their return from maternity leave, highlighting key changes during their absence. Meetings should be arranged as soon as practical to update the employee and discuss any training needs or necessary support to get them up to speed with their job.

Salary Payments

Employees who qualify for pay during Additional Maternity Leave and who intend to return to work may elect to receive payment of 50% salary during maternity leave for up to 20 weeks or suspend payment until their return.

Should the employee elect to receive payment of 50% salary during their maternity leave and subsequently decide not to return or they return for less than 3 months, they will be required to refund to the Council a proportion of the amount of half pay paid to them for the 20-week period. The proportion will be determined with reference to the percentage of the period worked in the three-month period.

Payments for employees on a fixed term contract will be determined by their qualifying service and when their fixed term contract is due to end, i.e. Occupational Maternity Pay of up to 20 weeks @ 50% salary, will only be paid to employees whose fixed term contract is not due to end until after the 20 week period.

Any fixed term employee who does not return to work and remain at work for three months will have to repay the Occupational Maternity Pay in the same way as a permanent employee, irrespective of whether they chose not to return/remain at work or had their fixed term contract terminated.

Parental Leave

Parental Leave may be linked onto the end of maternity leave following the end of the employee's unpaid Additional Maternity Leave. If the employee has received payment of 50% salary during their maternity leave, they are not required to pay this amount back prior to the commencement of their Parental Leave. The three-month period is however tagged onto the end of their Parental Leave.

Career Breaks

Career breaks may be linked onto the end of a period of maternity leave. However, employees who choose to take a career break following the end of their unpaid Additional Maternity Leave and have received payment of 50% of their salary during this period will be required to return to work for the 3 month period prior to the commencement of the career break or refund the Council, as detailed above under 'salary payments'.

Pension

You will continue to pay pension contributions during your paid period of maternity leave. Please note that Local Government Pension Scheme payments will not be made if you are on a period of authorised unpaid leave. If you are in the 50/50 section of the LGPS and you go onto authorised unpaid leave, you will be placed in the main section of the LGPS from the beginning of the next pay period.

If your authorised unpaid leave lasts less than 31 days, your member contributions will be deducted as normal from your salary in that calendar month and the relevant employer's contributions will be paid. There is no need for you to complete any paperwork.

If your authorised unpaid leave lasts more than 30 days, you have the option to buy back any lost pension when you return to work. You must complete an [Additional Pension Contribution Form](#) which is available on our [Retirement and Pensions page](#) on the Council's website and submit it to payrollandreward@pkc.gov.uk in order to obtain a written statement showing the total amount of lost pensionable pay during your period of absence. If you complete this process within 30 calendar days of your 'return to work' date, Perth & Kinross Council will contribute to the cost of missed pension contributions, with the split being 1/3rd employee, 2/3rds employer. Your 'return to work' date for this purpose is the first working day after the period of unpaid leave so it is important that you act early to benefit from the cost sharing provision. To start this process, please read the [Guidance Notes](#) and send the completed Application to the Payroll & Reward Team.

It is possible to complete this process out with the 30-calendar day period, however no contribution will be made by Perth & Kinross Council, resulting in you being liable for the full amount.

PREGNANT

WORKERS *Maternity*

Provision

Health & Safety Implications

Both the employee and the Council have a responsibility to ensure no risks are taken during pregnancy and upon the employee's return to work if they are breast-feeding. This is one of the main reasons why the employee should inform their Service early into their pregnancy.

The following guidance outlines conditions that could present risks to pregnant workers or new mothers. Further details are given to delegates attending the Council's Risk Assessor Training Course.

European Union "Pregnant Workers Directive"

The European Union "Pregnant Workers Directive" has been implemented in the UK by amending existing employment law. Health & Safety requirements of the Directive have resulted in changes to the Management of Health & Safety at Work Regulations.

The Directive, and subsequent changes in UK law, applies to three categories of women at work:-

- > Those who are pregnant.
- > Those who have recently given birth.
- > Those who are breast-feeding.

Risk Assessment

Risk assessment is already a requirement of existing Health & Safety Law. In particular, the Management of Health & Safety at Work Regulations require suitable and sufficient assessment of risks to the health and safety of:-

- > Employees.
- > Others who may be affected by employers' undertakings.

These Regulations require the significant findings of assessments and any group of employees identified as being especially at risk to be recorded and brought to the attention of those who may be affected by them.

The Directive has modified these Regulations to require that:-

- > the employees include women of child bearing age;
- > the work is of a kind which could involve risk, by reason of their condition, to the health and safety of a new or expectant mother, or to that of the baby, from any substances, processes or working conditions;

The assessment required shall include an assessment of such risk.

Employers are required to ensure that workers are not exposed to risks identified by the risk assessment which would present a danger to their health and safety. Employers are also required to take whatever preventative action is reasonable if a risk remains, by changing the employee's hours or conditions of work, offering alternative work or if neither is possible, by giving them paid leave from work for as long as is necessary to protect their health and safety.

Where a new or expectant mother performs night work and a medical certificate shows that it is necessary for their health or safety that they should not do so, the employer shall, subject to Section 46 of the Employment Protection (Consolidation) Act 1978, suspend the employee from work.

With the exception of risk assessment, nothing in the above paragraphs shall require the employer to take any action in relation to an employee until the employee has notified the employer in writing that they are pregnant, has recently given birth or miscarried, or is breast-feeding.

Nothing in the provisions referred to above shall require an employer to suspend an employee from work while they are absent from work during their maternity leave.

NON EXHAUSTIVE LIST OF AGENTS, PROCESSES AND WORKING CONDITIONS LIKELY TO PRESENT RISKS TO PREGNANT WORKERS

Agents

Physical Agents causing foetal lesions and/or likely to disrupt placental attachment and in particular:-

- > Shocks, vibration or movement.
- > Handling of loads entailing risks, particularly of a dorsolumbar nature.
- > Noise.
- > Ionising radiation.
- > Non-ionising radiation.
- > Extremes of cold or heat.
- > Movements and postures, travelling – either inside or outside the establishment – mental and physical fatigue and other physical burdens connected with the activity of the worker within the meaning of Article 2 of the Directive i.e. work in hyperbaric atmosphere, eg pressurised enclosures and underwater diving.

Biological Agents, in so far as it is known that these Agents or the therapeutic measures necessitated by such Agents, endanger the health of pregnant women and the unborn child and in particular the following Biological Agents:- toxoplasma and rubella virus, unless the pregnant workers are proved to be adequately protected against such Agents by immunisation.

The following Chemical Agents in so far as it is known that they endanger the health of pregnant women and unborn child:-

- > Substances labelled R40, R45, R46 and R47.
- > Chemical Agents listed in Annex 1 to Directive 90/394/EEC.
- > Mercury and mercury derivatives.
- > Antimitotic drugs.
- > Carbon monoxide.
- > Chemical Agents of known and dangerous percutaneous absorption.
- > Lead and lead derivatives in so far as these Agents are capable of being absorbed by the human organism.

Processes

Industrial processes listed in Annex 1 to Directive 90/394/EEC.

OCCUPATIONAL FACTORS THAT MAY AFFECT PREGNANCY

Problems of Pregnancy	Factors in Work	Typical Jobs
Morning Sickness	Early Shift Work. Exposure to nauseating smells.	Office cleaning. Food processing. Nursing/hospital work. Farm work.
Back Ache	Standing, lifting, posture.	Work at conveyor belts. Supermarket shelf-filler, checkout. Work in cafes, restaurants, bars. Secretarial/clerical work. Teaching. Nursing/hospital work. Hairdressing. Farm work.
Varicose Veins	Standing/sitting.	Work at conveyor belts.
Haemorrhoids	Working in hot conditions.	Work in cafes, restaurants, bars. Hairdressing. Food manufacturing. Secretarial work.
Frequency of Micturition	Difficulty in leaving job/site of work.	Work at conveyor belt. Telephonist. Nursing/hospital work. Driving.
Expanding Girth	Use of protective clothing. Work in confined areas.	Food processing. Cleaning. Nursing/hospital work. Supermarket cashiers.
Tiredness	Overtime evening work.	Work in restaurants, bars.
Possible Miscarriage	Exposure to infection – human or animal.	Lab assistant. Nursing/hospital work. Agricultural/farm work.
Other Considerations	Work from home.	Outworkers may well experience similar problems to women who go out to work – may use machinery or may handle chemicals.

MATERNITY BRIEFING NOTES - CHECKLIST

Name		
Designation		
Division/Section		
Hours of Work		
Length of Service		
MATB1 Form received and issued to Employee Support	Yes/No	
Application for Maternity Leave/Pay Form received	Yes/No	
Advised Line Manager Expected week of childbirth Earliest Date Maternity Leave can begin (11 weeks before EWC) Preferred date of commencement of Maternity Leave SMP will be triggered on Last Working Day Maternity Pay is based on contract type: Permanent Contract 6 weeks @ 100% of salary + 20 weeks @ 50% of salary plus contract SMP (£148.68 per week as at April 2019) + 13 weeks @ SMP only	Due	Contract date – Paid up to:
Paid up to: Payment cannot exceed the end date	Fixed Term	
20 weeks of 5/10 th pay held in a suspense account until return to work.	Yes/No	
Earliest Return Date		
Return date after additional 13 weeks' SMP		
Latest Return Date (maximum 52 wks total, cannot exceed end of FTC)		
Advised on Local Government Pension Scheme Payments	Yes/No	
Pension Contribution Form issued	Yes/No	
Salary Sacrifice Arrangements		
Annual Leave Entitlement Accrued Leave for paid period (can be taken prior to commencement of maternity leave) Accrued Leave for additional leave period (unused annual leave may be paid in lieu up to fixed term contract end date)		

<p>Authorised Public Holiday Entitlement (In paid period of MAT leave) Can only be taken upon return to work or payment in lieu for days which fall up to fixed term contract end date</p>	
<p>Maternity-related illness 4 weeks prior to due date (maternity pay will be triggered)</p>	
<p>Reasonable Contact: Advise on organisational changes and any Newsletters to be issued by Manager</p>	<p>Yes/No</p>
<p>Keeping in Touch Days: Advise on options for KIT days Advise on what is paid during KIT days</p>	
<p>Health & Safety Risk Assessment carried out Pregnant Worker Guidance issued</p>	<p>Yes/No Yes/No</p>
<p>Return to Work Risk Assessment Required Flexible Working options discussed</p>	<p>Yes/No Yes/No</p>

<p>STANDARD LETTER ISSUED (On receipt of application for MAT Leave/Pay) Copy to Line Manager</p>	<p>Which letter issued? (1 of 6 standard letters)</p>
<p>Any other comments</p>	

PERTH & KINROSS COUNCIL

RECORD OF KEEPING IN TOUCH (KIT) DAYS FORM

The form should be completed by the line manager of the employee on maternity or adoption leave and forwarded to Employee Support (HR@pkc.gov.uk) to retain in the employee’s personal file. The form should be completed on every occasion a KIT day is requested.

Employee Name Payroll Number

Service Employee Base.....

KIT Days

Please detail each KIT day taken. A single KIT day is any day where work-related activity is undertaken for a period up to the employee’s normal hours of work. A maximum of 10 KIT days can be taken during the maternity/adoption leave period.

	Date of KIT day	Status of Maternity Pay	Hours Worked	TOIL Taken	Paid	Date Employee Support Notified Hours to be worked
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
	TOTAL					

I confirm that

- The above KIT days have been mutually agreed by the line manager and employee;
- The KIT days do not occur within the 2 weeks following childbirth; and
- The total number of KIT days taken by this employee does not exceed 10 days.

Line manager’s name

Signature

Date

PERTH & KINROSS COUNCIL

PAYMENT OF KEEPING IN TOUCH (KIT) DAYS

This form should be completed for payment and forwarded to Payroll and Reward Team, Human Resources (Payrollandreward@pkc.gov.uk).

Employee Name: Payroll Number:

Service Employee Base

Claim for Month Ended

Date of KIT Day	Status of Maternity/Adoption Pay * Delete as necessary	Hours Worked
	Full / Half / SMP/SAP/No Pay	
TOTAL for month		

I confirm that:

- The above KIT days have been mutually agreed by the employee and their line manager;
- The KIT days do not occur within the 2 weeks following childbirth; and
- The total number of KIT days taken by this member of staff does not exceed 10 days.

Line manager's name:

Signature:

DesignationDate:

Authorised Signatory:

Print name:Date

ADDITIONAL PENSION CONTRIBUTION FORM

You should complete this form if you are returning/have returned from a period of authorised unpaid leave and wish to buy back any lost pension contributions.

Name	
Job Title	
Service	
Employee Number	
Start Date	
Type of Leave	

Please supply me with a written statement showing the value of lost pensionable pay during my period of absence.

If your authorised unpaid leave lasts less than 31 days, your member contributions will be deducted as normal from your salary in that calendar month and the relevant employer's contributions will be paid. There is no need for you to complete any paperwork.

If your authorised unpaid leave lasts more than 30 days, you have the option to buy back any lost pension when you return to work.

I understand that I must complete an [Application for a Lost Pension APC](#) which is available on www.scotlgpsmember.org and then submit this to payrollandreward@pkc.gov.uk within 30 days of my return to work in order for the Council to pay $\frac{2}{3}$ of the cost. If I submit an [Application](#) after 30 days of my return to work, I understand that I will be liable for the full amount.

Signature

Date

Please email this form to payrollandreward@pkc.gov.uk.

PROCESS FOR BUYING BACK LOST PENSION

I am returning/have returned from a period of authorised unpaid leave and wish to buy back my lost pension. What do I do?

If your authorised unpaid leave lasts less than 31 days, your member contributions will be deducted as normal from your salary in that calendar month and the relevant employer's contributions will be paid. There is no need for you to complete any paperwork.

If your authorised unpaid leave lasts more than 30 days, you have the option to buy back any lost pension when you return to work.

Complete an [Additional Pension Contribution Form](#) which is available on our [Retirement and Pensions page](#) on the Council's website and submit it to payrollandreward@pkc.gov.uk in order to obtain a written statement showing the total amount of lost pensionable pay during your period of absence.

You will receive a letter from the Payroll & Reward Team which will detail your lost pensionable pay and explain the next steps on how to obtain an [Application](#) by accessing www.scotlgpsmember.org. Payroll & Reward will also confirm which section of the scheme you are in (main scheme or 50/50).

Complete your Application and submit it to Payroll & Reward Team who will then process your request.

If you choose to pay by regular additional contributions or by a one-off lump sum deduction from pay, PKC will deduct the additional pension contributions from your pay from the next available pay period. Employment & Payroll Services will also forward your Application to the Tayside Pension Fund.

Please note that, if you submit your Application to Payroll & Reward within 30 days after the date you return to work, PKC will contribute $\frac{2}{3}$ towards the cost of the lost pension. It is possible to complete this process outwith the 30-calendar day period, however no contribution will be made by Perth & Kinross Council, resulting in you being liable for the full amount.