

DERBYSHIRE FIRE & RESCUE SERVICE



EMPLOYMENT POLICY

MATERNITY LEAVE

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This Employment Policy is uncontrolled when printed. Please ensure you have the most up-to-date version.

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1. INTRODUCTION

- 1.1 Derbyshire Fire & Rescue Service (DFRS) is committed to equality of opportunity and aims to encourage and support employees who wish to integrate their career development with family responsibilities.
- 1.2 This document refers to Maternity Leave and Pay. The provisions apply to all employees regardless of the number of hours worked per week.
- 1.3 The Maternity Leave and Pay provisions comply with all relevant legislation.
- 1.4 Employees who share primary responsibility for the care of a child, may be eligible for Shared Parental Leave. Further information on Shared Parental Leave can be found on FireView.
- 1.5 Employees may be eligible for Maternity Leave and Pay if they are a pregnant person and have a surrogacy arrangement.
- 1.6 Employees who require any further information in relation to Maternity Leave and Pay should contact an HR Partner.

2. ANTENATAL APPOINTMENTS

- 2.1 A pregnant employee is entitled to reasonable paid time off work to attend antenatal appointments which have been prescribed by a registered practitioner, midwife or health visitor. Fitness, relaxation and parent education classes are included in this provision, provided that attendance is recommended by a registered practitioner, midwife, health visitor or DFRS Occupational Health. Wherever possible, appointments should be made at the start or end of a working day.
- 2.2 Where an employee has a qualifying relationship with the pregnant person or the expected child, they can request time off to attend antenatal appointments, if they are:
 - the baby's second parent/father
 - the pregnant person's spouse or civil partner
 - in a long term relationship with the pregnant person
 - the intended parent (if they're having a baby through a surrogacy arrangement)
- 2.3 Applications for time off to attend antenatal appointments must be made using form E60, available on FireView. Evidence of appointments must be provided to the Line Manager and the leave taken should be recorded locally or on flexi timesheets, where applicable. The completed E60 form and evidence of appointments must be sent to HR Services.

- 2.4 Leave taken to attend antenatal appointments will be added to any other Approved Leave taken during that financial year and will be subject to the maximum allowances for paid and unpaid Approved Leave, set out in the Approved Leave procedure, available on FireView.
- 2.5 In the unlikely circumstances where both paid and unpaid Approved Leave has been exhausted in that financial year (see 2.4 above) six and a half hours unpaid leave, on no more than two occasions, will be granted to attend antenatal appointments.
- 2.6 Applications in the cases of 2.4 and 2.5 will be subject to the exigencies of DFRS, but will not be unreasonably refused.

3. NOTIFICATION OF PREGNANCY

- 3.1 It is important that employees inform their Line Manager they are pregnant as soon as possible. This should be done using form ML1 - Notification of Pregnancy, available on FireView. The Line Manager must meet with the employee on notification of pregnancy to complete the 'Maternity Checklist for Line Managers' form, available on FireView.
- 3.2 The Line Manager must carry out a workplace risk assessment for all pregnant employees using Form Maternity Risk Assessment & Action Plan at Work. For further advice and guidance, please contact Occupational Health.
- 3.3 The risk assessment must identify whether any hazards exist in the workplace, which could affect the employee or their baby. Where unacceptable risks are identified measures will be taken to prevent exposure to the risks.
- 3.4 To ensure continuity of communication a HR Partner will be assigned to the pregnant employee. As soon as the ML1 – Notification of Pregnancy is received by HR Services, the assigned HR Partner will contact the pregnant employee to discuss their maternity leave and pay. During the employee's maternity leave period, the Line Manager should maintain contact as agreed with the individual.
- 3.5 **Modified Duties**
Operational Wholetime employees who become pregnant will be put on modified duties as soon as they notify DFRS that they are pregnant, and will follow their watch/shift pattern for three sets. Any changes made to the duty system (including shift pattern), workplace and/or watch worked by the individual should only be done following consultation with the employee, and using the Maternity Checklist for Line Managers and Maternity Skills Audit form, available on FireView. The Line Manager should discuss current vacancies with the Area/Group Manager Response who will make an informed decision, in liaison with Group Managers / Heads of Department, of where the pregnant employee will undertake modified duties. After three sets, the pregnant employee will then continue to work

alongside their watch for day shifts and make up the additional hours in the department agreed for modified duties.

- 3.6 The mutually agreed work pattern will result in the employee working 42 hours per week and will accommodate meaningful work. Alternatively, the work pattern may be the day duty system working the 9 day fortnight and will also accommodate meaningful work. A pregnant employee will not be moved away from their normal place of work unless they specifically request this or an individual risk assessment highlights a significant risk which cannot be removed or on the advice of Occupational Health. A meeting will take place with their Line Manager to establish the modified duties to be undertaken and the work pattern they will undertake. Please see form Maternity Checklist for Line Managers for further details, available on FireView. Consideration may also be given to a pregnant employee working from a DFRS site closer to their home.
- 3.7 Operational On-Call employees who become pregnant will be put on modified duties as soon as they notify DFRS that they are pregnant. Pregnant operational On-Call employees should maintain attendance at training night and suitable alternative duties will be assigned where possible. The pregnant employee shall receive their average weekly pay (based on their previous 12 weeks earnings) plus their retaining fee and any training nights attended until their maternity leave commences. Where the Line Manager requires them to work over their agreed hours (as calculated for Maternity Pay) payment will be authorised.
- 3.8 Modified duties for any pregnant operational employee must **not** include:
- attending any operational incident
 - duties that include manual handling
 - fitness/physical training except on the advice of a registered practitioner, midwife, health visitor or DFRS Occupational Health
 - any other duties that may be considered a risk
- 3.9 **Pregnancy-related Sickness**
DFRS will record pregnancy-related sickness separately from other sick leave. The Line Manager, as appropriate, should make a management referral to Occupational Health in order to identify whether support is required for the pregnant employee.
- 3.10 **Uniform**
A pregnant employee who is required to wear uniform for work, can apply for an allowance to purchase appropriate maternity clothing, as soon as the uniform becomes uncomfortable or impractical to wear. The pregnant employee should contact Procurement who will provide options to maintain corporate identity. Reference should be made to the Service Procedure for Standards of Dress and Appearance, which is available on FireView.

3.11 Rest Facilities and Breastfeeding

Where it is reasonable, DFRS will provide suitable rest facilities for employees who are pregnant or breastfeeding. Operational employees will not be permitted to attend operational incidents whilst breastfeeding and on their return to work will undertake modified duties during the period they are breastfeeding. DFRS will support this arrangement for a maximum of 6 months after the end of the maternity leave or until the child is 15 months of age, whichever is the later. If the operational employee wishes to continue breastfeeding beyond this date, then unpaid leave may be requested. Where possible, facilities will be provided for the employee to rest, express and store expressed milk in a private and secure location. Employees will not be permitted to nurse a child at any DFRS premises or be afforded paid time off to facilitate breastfeeding other than in exceptional circumstances and after full consultation with Occupational Health and agreement from an Area Manager.

- 3.12 Further information regarding general health and wellbeing during and after pregnancy can be obtained from Occupational Health and the Fitness & Wellbeing Officer.

4. MATERNITY LEAVE

4.1 Notification of Commencement of Maternity Leave

It is the employee's responsibility to give the proper notification.

- 4.2 The pregnant employee will receive a maternity certificate, MAT B1, from their registered practitioner or midwife (on or around the 20th week of pregnancy). The employee should retain a photocopy of the MAT B1 for their own records.

- 4.3 As soon as is reasonably practicable, and no later than the end of the 15th week (26th week of pregnancy) before the expected week of confinement (EWC) the employee must complete form ML2 - Application for Maternity Leave, and give the completed ML2 form and original MAT B1 to their Line Manager. The ML2 form confirms the following:

- that the employee is pregnant
- the expected week of confinement (EWC). This starts on the Sunday before the expected date of birth
- the intended date of commencement of Maternity Leave
- whether the employee intends to return to work

- 4.4 The Line Manager will then forward the completed form and MAT B1 to HR Services to process. An employee can contact an HR Partner to discuss their Maternity Leave and Pay at any time.

- 4.5 If the employee wishes to change the date of commencement for their Maternity Leave they must give at least 21 days' notice, either from the revised date of commencement or from the old date of commencement, whichever is the sooner.

- 4.6 Within 28 days of receipt of the ML2 form HR Services will send a letter to the employee to confirm the Maternity Leave dates and their expected date of return from Maternity Leave.
- 4.7 Line Managers are responsible for making the necessary arrangements for the provision of maternity cover, in liaison with HR Services.
- 4.8 **Commencement of Maternity Leave**
Maternity Leave can commence at any time after the start of the 11th week before the EWC. Leave will also start:
- the day after the birth if the baby is early
 - automatically if the employee is off work for a pregnancy-related illness in the 4 weeks before the week (Sunday to Saturday) that the baby is due
- 4.9 **Maternity Leave Entitlement**
Compulsory Maternity Leave
A period of 2 weeks compulsory Maternity Leave commences from the date of childbirth. This forms part of the ordinary Maternity Leave period and the employee must not work during this period.
- 4.10 Ordinary Maternity Leave
All employees are entitled to ordinary Maternity Leave of 26 weeks, regardless of their length of service.
- 4.11 Additional Maternity Leave
All employees are entitled to a further 26 weeks of additional Maternity Leave, making a total of 52 weeks' Maternity Leave, regardless of their length of service.

5. MATERNITY PAY

There are two elements to Maternity Pay; Statutory Maternity Pay (SMP) or Maternity Allowance (MA) and Occupational Maternity Pay (OMP) depending on a number of qualifying factors.

5.1 Statutory Maternity Pay

To qualify for Statutory Maternity Pay (SMP) employees must have:

- at least 26 weeks' DFRS service by the end of the 'qualifying week'. The qualifying week occurs 15 weeks before the EWC
- average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date are not less than the lower earnings limit in force for national insurance contributions. For the current lower earnings limit please contact Payroll
- completed ML2 form and given this to their Line Manager along with their MAT B1
- given the proper notification of their intentions (see section 4)

- 5.2 SMP is payable for 39 weeks (even if the employee decides not to return to work after giving birth) as follows:
- 6 weeks - at the higher rate of 9/10 (90%) of the average weekly earnings, followed by
 - 33 weeks - at the standard rate of SMP, or 90% of the average earnings, whichever is lower. (For current rates of SMP please contact Payroll or visit www.gov.uk)
- 5.3 **Maternity Allowance**
Employees who do not qualify for SMP may be able to claim Maternity Allowance (MA). This is claimed through the Jobcentre Plus / Department of Work & Pensions. Upon receipt of the employees MAT B1, Payroll will complete form SMP1 and provide this to the employee for their Maternity Allowance application. The employee will need to complete form MA1 Maternity Allowance, available from Jobcentre Plus or online at www.gov.uk. Payments are made weekly for a maximum period of 39 weeks.
- 5.4 Employees must forward a copy of their reply from the Jobcentre Plus / Department of Work & Pensions regarding their entitlement to benefits as soon as possible to Payroll, in order that any necessary adjustment can be made to their pay.
- 5.5 Prior to any notification to the contrary, it will be assumed that the employee is in receipt of the maximum amount of Maternity Allowance (this is equivalent to the standard rate of SMP).
- 5.6 **Occupational Maternity Pay**
To qualify for Occupational Maternity Pay employees must:
- have at least 1 year's continuous local government service at the 11th week before the EWC
 - declare in writing that they intend to return to work after Maternity Leave using form ML2
- 5.7 If the employee qualifies for OMP, payment will be as follows:
- 39 weeks at full pay (to include SMP or MA)
 - 13 weeks at half pay
- Employees must return to the workplace for a period of at least 3 months (or equivalent where the employee works flexibly e.g. reduced hours of work, annualised hours, term time only contract etc.) to retain the enhanced payment arrangements of Occupational Maternity Pay. Annual leave taken within the initial return to work period above will not count towards the 3 months.
- 5.8 Employees who do not return to work for a minimum of 3 months will be required to repay the Occupational Maternity Pay. Only in exceptional circumstances will

this be waived, after referral to the Strategic HR Partner and authorised by the Chief Fire Officer and the Fire & Rescue Authority.

- 5.9 Employees who do not intend to return to work will receive the same payments as employees who qualify only for SMP or MA.
- 5.10 Employees who are unsure whether they are going to return to work or not, may opt not to receive Occupational Maternity Pay until they return to work. This should be indicated on form ML2.
- 5.11 **Definition of a Week's Pay**
For an employee whose normal working hours do not vary, a week's pay is the amount payable under the current contract of employment. Where there are no normal working hours, a week's pay is the employees average weekly remuneration in the previous twelve weeks (excluding any week in which they have been on sick leave or have received no pay), taking all payments into account.

6. CONTRACTUAL BENEFITS DURING MATERNITY LEAVE

- 6.1 The contract of employment continues throughout the Maternity Leave period and the following benefits are maintained:
- 6.2 **Annual Leave**
Annual leave will continue to accrue during both the ordinary and additional Maternity Leave periods.
- 6.3 Bank holidays will also continue to accrue during both the ordinary and additional Maternity Leave period. Bank holiday entitlement will be calculated at the end of the Maternity Leave period and any accrual will be added to the annual leave entitlement on the employee's return to work.
- 6.4 Employees who wish to take annual leave at the end of their Maternity Leave period, must inform their Line Manager and apply for annual leave in the normal way.
- 6.5 In some instances, the Line Manager may specify when leave is to be taken in order to facilitate the employee's return to work and/or for organisational needs.
- 6.6 Support staff are entitled to carry up to 5 days (or the equivalent of a working week for part time employees) over to the next leave year in the usual way. Dependent on when the Maternity Leave period ends the Line Manager may authorise additional carry forward days and these must be taken within 3 months after the employee returns to work.

- 6.7 Operational staff may be able to carry forward additional days to the next leave year, subject to authorisation from the Line Manager. These days must be taken within 3 months after the employee returns to work.
- 6.8 **Promotion and Development Opportunities**
An employee will be given the same access to promotion and development opportunities during pregnancy and Maternity Leave.
- 6.9 **Increments**
Maternity Leave does not affect the employee's entitlement to incremental progression within the salary grade. For employees on paid Maternity Leave, the increment will automatically be reflected in any occupational pay. For employees on unpaid Maternity Leave, the incremental progression will be reflected when they return to work.
- 6.10 **Continuous Professional Development (CPD) Payments**
Employees will be entitled to receive CPD payments during their Maternity Leave period, subject to meeting the eligibility criteria.
- 6.11 **Officer Car Scheme**
Members of the Officer Car Scheme are entitled to retain their vehicle during the ordinary Maternity Leave period if the employee has chosen to use the vehicle for both Private Use and Business Use. Should the employee wish to retain their vehicle during the additional Maternity Leave period they will need to contact HR Services. If the employee has chosen Business Use only, the vehicle will be withdrawn from use from the last working day before Maternity Leave commences. The employee should notify HMRC of the changes to their pay so they can assess any impact the changes in pay may have on taxation. For further information please refer to the Officer Car Scheme Service Procedure, available on FireView.
- 6.12 **Telephone Allowance**
Employees who qualify for telephone allowance will continue to receive this throughout the whole of the Maternity Leave period.
- 6.13 **Rent Allowance**
Employees who are eligible to receive rent allowance will continue to do so throughout the whole of the Maternity Leave period.
- 6.14 **Mobile Phones/Pagers**
Mobile phones may be retained during the Maternity Leave period, but the cost of private calls must be met by the employee. Pagers may also be retained during the Maternity Leave period by the employee.
- 6.15 All of the above are subject to the employee returning to work for at least 3 months after the Maternity Leave period ends. Employees may be required to repay any of the above benefits and only in exceptional circumstances will this be waived.

7. CONTINUOUS SERVICE

- 7.1 An employee returning to local government employment straight after Maternity Leave will be regarded as having continuous service.
- 7.2 An employee who leaves local government employment for maternity reasons and returns within eight years will be entitled to have previous service taken into account in respect of the sickness and maternity schemes, provided that no permanent paid full time work has intervened. The eight year time limit does not apply when calculating annual leave entitlements.
- 7.3 For the purpose of this procedure, full time in paragraph 7.2 above is defined as an average of 35 hours or above per week.
- 7.4 The agreement in paragraph 7.2 above applies to all employees who have returned to local government service since 1 April 1997. However, the calculation of the resulting benefits, such as additional leave, will only take effect as from 1 April 2002.

8. PENSION SCHEMES

- 8.1 If the employee is a member of the Local Government Pension Scheme or the Firefighters' Pension Scheme Maternity Leave will have an impact on their pension. The extent of this will depend on which pension scheme the employee pays in to and if they are on Ordinary or Additional Maternity Leave.
- 8.2 To fully understand the impact and to make informed decisions the employee is strongly encouraged to contact the Pension Administrator for their scheme.
- 8.3 If the Pension Administrator advises the employee that any Maternity Leave period results in a break in pensionable service, the election to pay any outstanding contributions must be undertaken in normal circumstances within 30 days of returning to work. An agreement should be reached with the Pensions Administrator on the collection of the additional contributions.
- 8.4 Again, to fully understand the impact and to make informed decisions the employee is strongly encouraged to contact the Pension Administrator before they return to work.
- 8.5 The contact details for the Local Government Pension Schemes and the Firefighters' Pension Schemes are below.

For Local Government Pension Scheme please contact:

Derbyshire County Council
Pensions Section
County Hall
Matlock
Derbyshire
DE4 3AG
derbyshirepensionfund.org.uk
Email: pensions@derbyshire.gov.uk
Phone: 01629 538900

For Firefighters' Pension Scheme please contact:

Leicestershire County Council
Pensions Section
County Hall
Glenfield
Leicester
LE3 8RB
www.leics.gov.uk.uk/pensions
Email: firepensions@leics.gov.uk
Phone: 0116 305 3841

9. RETURNING TO WORK

9.1 Right to Return to Work

Subject to Section 9.3, the employee will return to the job in which they were employed under their substantive contract of employment on terms and conditions which are no less favourable than before. On returning to work after Maternity Leave, the employee is entitled to return to the same job if the employee's total Statutory Maternity Leave amounts to 26 weeks or less. The same job is the one they occupied immediately before commencing Maternity Leave, on the same terms and conditions of employment as if they had not been absent.

- 9.2 If their Maternity Leave amounts to 26 weeks or more, the employee is entitled to return to the same job they held before commencing the Maternity Leave or, if this is not reasonably practicable, to a similar job which is both suitable and appropriate and on terms and conditions no less favourable.

- 9.3 Where it is not practicable, by reason of redundancy or organisational change, to return to the job as outlined in Section 9.1 and 9.2 above, the employee will be offered suitable alternative employment, where one exists, provided that the terms and conditions are not substantially less favourable than for their substantive position. Any employee who is at risk will be managed in accordance with the policies and procedures of the Fire & Rescue Authority and will not be disadvantaged in any way due to the fact that they have taken Maternity Leave.

- 9.4 Where an employee is on a temporary variation to contract at the time of commencing their Maternity Leave, the job to which they are entitled to return will depend on the end date of the variation, as follows:
- if the end date is during the Maternity Leave period, the employee will return to their substantive position
 - if the end date is after the end of the Maternity Leave period, the employee will return to their temporary position
- 9.5 Where a fixed term contract is due to come to an end during the Maternity Leave period, the employee will continue to receive SMP from DFRS until the end of the SMP entitlement.
- 9.6 **Notification of Return to Work**
It will be assumed that the employee will return to work at the end of their notified Maternity Leave period.
- 9.7 Employees who wish to return to work earlier must give written notice as soon as is reasonably practicable, but giving at least 21 days' notice in writing to their Line Manager. The Line Manager should inform HR Services.
- 9.8 Where an employee returns to work before the end of a Maternity Leave period giving less than 21 days' notice, DFRS may postpone the return to work until 21 days from the notice being given, provided that this is not later than the end of their Maternity Leave.
- 9.9 Employees who wish to return to work later than their original notified return to work date must give as much notice as reasonably practicable, but at least 21 days' notice in writing to their Line Manager. Please note: this must not extend beyond the Statutory Maternity Leave period of 52 weeks. The Line Manager should inform HR Services.
- 9.10 When it is practicably possible employees should update the details of their baby's name and date of birth online through MyView. This information is required in order to monitor any Parental Leave the employee may wish to take in the future.
- 9.11 Where an employee is unable to return to work on their expected return date due to sickness, the absence will be managed through the Attendance Management Policy in the normal way, i.e. the first seven days can be self-certified, and a fit note / doctor's certificate will be required from the eighth day onwards.
- 9.12 The Line Manager should undertake a workplace risk assessment using Form 'Maternity Risk Assessment & Action Plan for at Work', available on FireView. If an employee is still breastfeeding when they return to work, they should inform their Line Manager. For further advice and guidance, please contact Occupational Health. If modified duties are required this should be discussed with HR Services.

- 9.13 Operational staff will be required to attend a return to work medical with Occupational Health as soon as possible following their return to work. This will include a fitness assessment with the Fitness and Wellbeing Officer.
- 9.14 Wellbeing and fitness advice is available to Support/Control staff on returning to work, from Occupational Health and the Fitness and Wellbeing Officer. If advice is required, the employee can make an appointment by contacting Occupational Health.
- 9.15 Line Managers are responsible for ensuring that a retraining programme is agreed in consultation with the employee upon their return to work.
- 9.16 **Resignation whilst on Maternity Leave**
Employees who decide that they do not want to return to work after taking Maternity Leave must give notice in accordance with their contract of employment. Entitlements to Occupational Maternity Pay and benefits during the Maternity Leave period are based on the employee returning to work for a minimum of 3 months. If an employee fails to return for at least 3 months they will be required to repay the Occupational Maternity Pay, minus SMP, and may also be required to repay any additional benefits accrued. The method and timescale for recovery will be discussed and agreed with the employee. Only in exceptional circumstances will this be waived.
- 9.17 **Flexible Working Arrangements**
Employees who wish to return to work on different hours or to a different pattern of work have a right for a request to be considered to work flexibly. Employees should speak to their Line Manager and follow the Flexible Working Policy and Application Procedure, available on FireView. Please note, however, due to business needs, it may not always be possible to accept a request to work flexibly.
- 9.18 Where an employee returns to work on reduced hours as a result of a Flexible Working Application, they may be required to use their accrued annual leave before their reduced hours commence.
- 9.19 **Tax Free Childcare**
For further information regarding Tax Free Childcare please visit www.gov.uk/help-with-childcare-costs/tax-free-childcare.

10. SPECIAL CIRCUMSTANCES

- 10.1 In certain situations an employee's rights and requirements regarding Maternity Leave and Pay may change. In these circumstances DFRS will abide by any statutory obligations and an employee should refer to the regulations listed in Section 15 below and/or clarify any issues or queries with HR Services.

10.2 **Multiple births, premature birth or medical problems**

Where there is a multiple birth, premature birth or where the baby has medical problems, DFRS will consider each case and reach agreement with the individual employee on the action/support required.

10.3 **Miscarriage, Termination, Stillbirth or Death of a Child**

If the baby dies or is stillborn after 24 weeks' pregnancy, the provisions of the maternity scheme will apply.

If a miscarriage or still birth occurs before 24 weeks, the employee should arrange for their Line Manager to be notified as soon as possible. Consideration will be given to the individual circumstances and where this results in absence from work, the normal attendance management / sick pay provisions will apply. When a miscarriage occurs, employees should contact their Line Manager and / or a HR Partner who should liaise with Occupational Health regarding a return to work, if applicable, and physical and emotional health.

10.4 **Fertility Treatment**

Employees who are undergoing fertility treatment may request Approved Leave for time off to undergo such treatment in line with the Approved Leave Policy. Applications must be submitted using form E60, available on FireView.

11. **KEEPING IN CONTACT DURING MATERNITY LEAVE**

11.1 Line Managers and employees should maintain contact over the Maternity Leave period. Employees can access information on vacancies, workplace developments, and training opportunities via FireView, which can be accessed from home by using the following link <http://fireview.derbys-fire.gov.uk>. If the employee is unable to access FireView, ICT should be contacted.

11.2 At least one month before the employee is due to return to work the Line Manager will make contact with the employee to make the necessary arrangements for a return to work.

11.3 **Keeping In Touch (KIT) Days**

An employee can agree to work for DFRS (or attend training) for up to 10 days during Maternity Leave without bringing their period of Maternity Leave to an end or impacting on their right to claim pay for that week. These are known as "Keeping In Touch" (KIT) days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes, and normal pay will be made for this attendance.

11.4 DFRS and the employee are allowed to make reasonable contact during Maternity Leave to discuss such issues as the return to work. This does not constitute 'work' and does not count towards the 10 KIT days and will not bring the Maternity Leave to an end.

- 11.5 Payment for KIT days will be paid at the employee's normal hourly rate, in respect of the actual hours worked, unless otherwise agreed. However it should be noted, where applicable, SMP for the day will be offset against any pay due.
- 11.6 DFRS is not obliged to offer and employees are not obliged to accept KIT days. However it is a useful way for employees to maintain their competence and keep in touch with the workplace.
- 11.7 Maternity Leave will not be extended due to the fact that an employee has carried out work via KIT days.
- 11.8 KIT days cannot be taken in the two weeks following childbirth.
- 11.9 If the employee returns to work for any day or part of a day which is not a KIT day, they will lose the SMP they were entitled to for the week in which they have worked. This may also bring the Maternity Leave period to an end.
- 11.10 An employee with the agreement of DFRS, may use KIT days to work part of a week during Maternity Leave. DFRS and the employee may use KIT days to effect a gradual return to work by the employee towards the end of the Maternity Leave period.

12. PROTECTION AGAINST DETRIMENT OR DISMISSAL

- 12.1 It is unlawful for an employee to suffer detrimental treatment at work due to pregnancy, i.e. from notification of pregnancy to the end of the Maternity Leave period. This includes training, and opportunities for career development etc.
- 12.2 Any dismissal or selection for redundancy for reasons connected with pregnancy, childbirth or maternity is automatically unfair.
- 12.3 Any employee dismissed during pregnancy or whilst on Maternity Leave has the right to receive written reasons for dismissal.
- 12.4 The above rights apply regardless of length of service.

13. RELEVANT FORMS

ML1 – Notification of Pregnancy
ML2 – Application for Maternity Leave
Maternity Risk Assessment & Action Plan at Work
Maternity Checklist for Line Managers
Maternity Skills Audit Form

14. RELEVANT DOCUMENTS

Adoption Leave Policy
Approved Leave Policy
Flexible Employment Policy and Procedure
NJC Green and Grey Books
Parental Leave Policy
Paternity Leave & Maternity Support Leave Policy
Shared Parental Leave Policy

15. RELEVANT LEGISLATION

Children & Families Act 2014
Employment Act 2002
Maternity Allowance Regulations 2014
Maternity and Adoption Leave Regulations 2014
Paternity and Adoption Leave Regulations 2014
Shared Parental Leave Regulations 2014
Statutory Maternity and Statutory Adoption Pay Regulations 2014
Statutory Shared Parental Pay Regulations 2014

DOCUMENT HISTORY	
Version	3.1
Replaces	Maternity Leave Policy version 3.0 issued September 2018 which has been removed from the Intranet. All hard copies should be destroyed.
Summary of changes	This Employment Policy has been reviewed and minor changes have been made as follows: <ul style="list-style-type: none">• General update of language and terminology
Author	Ruth Holden, HR Partner in liaison with Lukasz Gazda, Inclusion Officer
Department	HR Services
Approved by	Area Manager Judi Beresford

Revision history

Version	Date	Author	Changes
3.0	Sept 2018	Annette Barrett, HR Partner	<ul style="list-style-type: none">• Occupational Maternity Pay• Tax-Free Childcare update and removal of Childcare Vouchers• Update of website address for the Local Government Pension Scheme and telephone number for the Firefighters Pension Scheme
2.0	August 2018	Emma Stevenson and Annette Barrett	<ul style="list-style-type: none">• General update of language and terminology• Associated forms reviewed and updated• Modified duties for operational staff• Breastfeeding provisions• Antenatal provisions• Promotion and development opportunities• CPD payments• Miscarriage and still birth provisions• Officer Car Scheme
1.1	Nov 2015	Emma Neely and Annette Barrett	<ul style="list-style-type: none">• To make reference to Shared Parental Leave in line with changes to legislation• To reflect changes in statute regarding antenatal appointments• General update of language and terminology• Associated forms reviewed and updated
1.0	Sept 2014	Louise Brown	<ul style="list-style-type: none">• Transferred to new template• Section 11.1 updated to state that employees should access FireView and the Weekly Information Sheet remotely.
Unversioned	April 2007	HR	New Policy

Review Period

This Employment Policy will be reviewed September 2024

Distribution

Employment Policies are published on the intranet in the month of issue. No hard copies are distributed.

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