



# **Medway Council**

## **Maternity and Paternity Policy**

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## **1.0 Introduction**

- 1.1 At Medway Council, we recognise the importance of supporting our employees during significant life events, such as the arrival of a new child. Our Maternity and Paternity Leave Policy is designed to provide expectant mothers with the necessary time and resources to care for their newborns, recover from childbirth, and transition back to work smoothly. We are committed to fostering a family-friendly workplace that values the wellbeing of our employees and their families.
- 1.2 The guiding principle of this policy is that an employee who becomes pregnant should suffer no discrimination or detriment in terms and conditions of employment (apart from remuneration) because of pregnancy. This principle is best implemented by treating the employee on maternity absence in the same way as if she would have been treated if she were still at work.

## **2.0 Scope**

- 2.1 This policy applies to all employees of the council, apart from school-based staff who are covered under separate terms and conditions.

## **3.0 Equality Statement**

- 3.1 The council is committed to ensuring that no service user, employee, job applicant, those with care experience, partner, contractor, supplier or member of the public will be unlawfully discriminated, harassed or victimised on the grounds of race; ethnicity; nationality; ethnic or national origin; colour; disability; gender identity or presentation; marital or civil partnership status; maternity or pregnancy; family and caring responsibilities; sex; sexual orientation; age; HIV status; religion or belief; political beliefs; social class; trades union activity; or irrelevant spent convictions.

## **4.0 Core Values and Council Objectives**

- 4.1 This policy supports the Council's core values. The Council believes that a consistent approach to employee management and wellbeing is fundamental to the delivery of quality services, one of the aims of the policy is to support this belief.

## **5.0 Wellbeing**

- 5.1 Managers should consider and discuss the employee's wellbeing throughout their pregnancy, as they go on maternity leave, during keeping in touch days and on their return to work.

- 5.2 Having a baby can impact the wellbeing of both parents, and as well as being a time of joy and excitement can bring times of stress and upset. Issues such as postnatal depression can be common, as well as feelings of loneliness during maternity leave.
- 5.3 Discussing local services and options for support prior to going on maternity leave can better equip parents to consider the support they may need and how to access it should the need arise. Managers may want to refer the employee to Care First for support.

## **6.0 Pregnancy at Work Assessment**

- 6.1 On being notified that an employee is pregnant a [Pregnancy Risk Assessment](#) (see also [Risk Assessment Policy](#)) will be undertaken to ensure any risks to the health and safety and any adverse effects on [pregnant](#) or [breastfeeding](#) employees and their children, including the unborn, have been identified.
- 6.2 Where a risk is identified, appropriate action will be undertaken to eliminate or reduce the risk to an acceptable level.
- 6.3 If the risk remains the employee will be offered a temporary variation to working hours, duties or working conditions (on terms and conditions not substantially different from those on which she is normally employed).
- 6.4 If no suitable alternative work is available, the employee will be suspended on full pay so long as the risk remains.

## **7.0 Neonatal Leave**

- 7.1 Eligible parents will have a day one right to take up to 12 weeks of [neonatal leave](#), fully paid, on top of any other leave they may be entitled to including maternity and paternity leave.
- 7.2 Neonatal Care Leave will apply to parents of babies who are admitted into neonatal care up to 28 days old and who have a continuous stay in hospital of 7 full days or longer.
- 7.3 The leave is available to both mothers, fathers, partners as well as adoptive parents and those who have had help to have a baby through surrogacy.
- 7.4 Notice is to be provided to the manager as soon as reasonably practicable; this should include where confirmation from the hospital of the baby's admission to neonatal care (this can be provided at a later date).

## **8.0 Antenatal Care**

- 8.1 Time-off with pay will be granted. After the initial appointment, the line manager may request sight of the MAT B1 and/or evidence of the appointment.
- 8.2 For information on antenatal care please visit [Bump,Birth and Beyond](#).
- 8.3 For more information on free dental treatment and free prescriptions visit the [NHS website](#) for details or speak to any medical professional supporting you.

## **9.0 In Vitro Fertilisation (IVF) Treatment**

- 9.1 IVF is one of several techniques available to help people with fertility problems have a baby.
- 9.2 Medical appointments related to IVF will be treated the same as any other medical appointment as per the Sickness Absence policy.
- 9.2 If individuals need half a day or more to attend an appointment, this would be recorded as an absence. Absence for this reason would not be accounted for in relation to any absence triggers.
- 9.3 Sometimes employees may not be able to work because of IVF treatment and this would be managed under the Sickness Absence Policy, however as stated in 9.2 any absence due to this reason will not be counted towards any sickness absence, capability, or performance related procedures.
- 9.4 In the last part of the IVF process, fertilised eggs are placed inside the woman's body. This step is called embryo transfer. If one of the eggs attaches itself inside her body, this is called implantation, and she is regarded as pregnant. The individual will then need to wait two weeks to take a pregnancy test to confirm whether implantation was successful.
- 9.5 Once an employee reaches the implantation stage of the process, they should inform their line manager as from this point on, until they take a pregnancy test, they are considered pregnant and will be covered by the Maternity Policy. If the pregnancy is confirmed the individual would follow the maternity process. It is important to note, that the individual will continue to be treated as pregnant for two weeks after they are informed that implantation was unsuccessful.
- 9.6 If individuals have any appointments related to their pregnancy, during the protected period detailed above, then this time off should be given to them as paid as per the Maternity Policy. Managers should also consider any health and safety risks and conduct a pregnancy risk assessment.

- 9.7 Undergoing IVF can be an emotionally challenging journey. The process often involves a rollercoaster of emotions, including hope, anxiety, and disappointment. Each cycle brings the anticipation of a positive outcome, but the reality of potential setbacks can be difficult to manage. The emotional toll can lead to feelings of isolation and strain relationships, as the journey can be both physically and mentally exhausting. Support from managers is key to help employees through this journey and adjustments should be made as required. Please contact [HR support](#) for guidance and advice.

## **10.0 Notification of Pregnancy**

- 10.1 In order to assist the council in its health and safety responsibilities, it is advisable that notification is made at an early stage in the pregnancy.
- 10.2 A written notification of pregnancy (using form [PMC003](#)) together with a copy of the MAT B1 should be given to the employee's line manager on or by the start of 15<sup>th</sup> week before the Expected Week of Childbirth\* (EWC);
- 10.3 The minimum notice period is 28 days before the absence commences. That notification must include the fact that the employee is pregnant, the EWC and the intended start date of maternity leave (28 days' notice of any subsequent change to this date must be given by the employee).
- 10.4 The line manager should pass this notification to HR Services who will, within 28 days of this notification, reply in writing informing the employee of their entitlements.

## **11.0 Stillbirth**

- 11.1 While the legal name for the time off is 'statutory maternity' and 'statutory paternity' leave, some employees might not want to call the time off 'maternity' or 'paternity' leave if their baby has died. Managers should be sensitive to the employee's preference and be led by them when having conversations about leave. For this section the legal name will be referred to for clarity. Maternity leave and pay will be as per the entitlements stated in section 14.0.
- 11.2 If a child is stillborn after 24 weeks of pregnancy:
- The birth mother can get up to 52 weeks of maternity leave or pay.
  - The birth father can get up to 2 weeks of paternity leave or pay.
  - The partner of the birth mother or adopter can get up to 2 weeks of paternity leave or pay.

- 11.3 The mother/father/partner/adopter will be entitled to 2 weeks of [parental bereavement leave](#) after and up to 10 days of paid [compassionate leave](#).

## **12.0 Miscarriage**

- 12.1 It is recognised that many people consider miscarriage a bereavement which can be an extremely challenging time, both physically and emotionally.
- 12.2 If a miscarriage happens in the first 24 weeks of pregnancy the birth mother, father/partner will be entitled to 2 weeks of paid [parental bereavement leave](#). They will also be entitled to up to 10 days of paid [compassionate leave](#). No medical evidence will be required to be submitted.
- 12.3 Discussing a miscarriage can be very upsetting. Managers should treat anyone affected by miscarriage with care and in a way that acknowledges their loss. [Care first](#) can provide counselling for employees and guidance to managers and [HR](#) can also provide support.
- 12.4 Any sickness absence following a miscarriage would likely be considered as pregnancy related. As a result, any sickness absence will not be considered in relation to any absence review or trigger points.

## **13.0 Ectopic Pregnancy**

- 13.1 An ectopic pregnancy can be physically and emotionally challenging. To support our employees during this difficult time, we offer the following leave provisions:
- 13.2 Employees who have experienced an ectopic pregnancy are entitled to the same paid leave as per section 12.0.
- 13.3 Any sickness absence following a miscarriage would likely be considered as pregnancy related. As a result, any sickness absence will not be considered in relation to any absence review or trigger points.

## **14.0 Commencement of Maternity Leave**

- 14.1 The employee can choose to start their maternity leave at any time from the 11<sup>th</sup> week before the EWC up to the day of the birth (when maternity leave will automatically commence on the following day). If, however, the employee is absent for a pregnancy-related reason after the beginning of the 4<sup>th</sup> week before the EWC then maternity leave period will begin on the following day.

## 15.0 Maternity Leave and Pay Entitlement

15.1 All employees are entitled to take 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave. A legal minimum of two weeks leave must be taken.

15.2 During maternity leave employees will be entitled to the following pay as per the table below:

Service	Maternity Allowance	90% of your Pay for the first 6 weeks of Maternity Leave	50% of your Pay from week 7 to 18 of Maternity Leave *	SMP from week 7 – 39 of Maternity Leave *
Less than 26 weeks service by the start of the 15 <sup>th</sup> week before EWC (or all employees whose earnings are below the Lower Earnings Limit)	Employee to check with <a href="#">Department for Work and Pensions</a>	No	No	No
More than 26 weeks service by the end of the 15 <sup>th</sup> week before EWC but less than 1 years' service at the 11 <sup>th</sup> week before the EWC	N/A	No	No	Yes (and SMP from week 1-6)
More than 26 weeks service but less than 1 years' service at the 11 <sup>th</sup> week before the EWC	N/A	Yes	No	Yes
At least 1 years' service at the 11 <sup>th</sup> week before the EWC and not intending to return to work	N/A	Yes	No	Yes
At least 1 years' service at	N/A	Yes	Yes	Yes



the 11 <sup>th</sup> week before the EWC and intending to return to work for at least 3 months				
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\* or 9/10ths of contractual pay if this is less than SMP and not to exceed full pay

**SMP – Statutory Maternity Pay**

**EWC/EDC - Expected week of confinement/estimated date of confinement (EWC/EDC)**

15.3 If an employee declares their intention to return to work and receives the additional 50% pay for twelve weeks and then fails to return to work for a period of 3 months, they will be liable to repay the 12 weeks 50% pay. This requirement may be waived in exceptional circumstances at the discretion of the Director.

15.4 Relevant employees can request that the additional 50% pay for 12 weeks is distributed in another mutually agreed way. An employee may also choose to defer the additional 50% pay for 12 weeks' and receive this pay after having completed the necessary 3 months service after returning to work.

## **16.0 Employment Conditions**

### **Annual Leave**

16.1 During maternity leave annual leave will accrue, Public Holidays will be granted, and sick leave entitlement will be earned. However, when choosing a date to commence maternity leave, employees should consider the rules governing the [carry over of annual leave](#) from one leave year to the next. Alterations to this rule will only be made in exceptional circumstances and at the discretion of the Director.

16.2 Employees should try and ensure that annual leave is used up prior to commencing maternity leave so that no entitlement to leave is lost. Annual leave requested at the end of the maternity leave period will be with the approval of the line manager as with all annual leave requests.

### **Pensions**

16.2 Individual employees are advised to check to see how their pension contributions will be affected. When commencing maternity leave and in the receipt of maternity pay, pension contributions will be based on the pay entitlement of the employee.

- 16.3 On returning from leave the employee has the option of paying pension contributions for the period of unpaid maternity leave. This will be based on the amount of pay in receipt at the end of the paid element of maternity leave. For pension purposes, if contributions are paid, the period of maternity leave will be treated as if the employee had remained at work and the absence had not occurred.

### **Car status**

- 16.4 Employees who have Essential Car User status are entitled to receive the appropriate lump sum allowance during their period of maternity leave. Payment in full will be made for the full period of maternity leave.
- 16.5 Employees with lease cars shall retain the use of the car during the maternity leave period and continue to make contributions through the payroll system.

### **17.0 Keeping in Touch and KIT days**

- 17.1 Line managers should keep in touch with employees who are on maternity leave, the frequency and method of contact can be variable and agreed with the employee.
- 17.2 The employee must be advised of relevant permanent vacancies within the council (for example within their professional field/team/service) or temporary opportunities that become available. There will be no pressure or expectation for the individual to return and the decision to apply for any opportunity will be solely down to the employee.
- 17.3 The employee must be advised of any significant workplace developments and learning and development opportunities whilst they are on maternity leave.
- 17.4 Employees on maternity leave can work up to ten KIT days during their period of maternity leave. Working for part of the day will count as one whole KIT Day.
- 17.5 The employee will be paid for the hours worked on the KIT Day, less any Statutory Maternity Pay/Occupational Maternity Pay already paid for that day.
- 17.6 Further guidance on keeping in touch is available in the [Maternity Guidance](#) document on Medspace.

## 18.0 Returning to Work

18.1 Returning to work after maternity leave can be an emotionally complex experience. Here are some common emotional impacts:

- **Separation Anxiety:** Many mothers experience anxiety about being away from their baby for extended periods. This can be particularly intense if it's their first child.
- **Guilt:** There can be feelings of guilt about leaving the child in nursery or with a caregiver. Some mothers feel guilty if they enjoy being back at work, as if it means they are less dedicated to their role as a mother
- **Self-Doubt:** New mothers often question their ability to balance work and home responsibilities. They may worry about their performance at work and whether they can manage both roles effectively
- **Fear of Judgment:** Societal expectations can lead to a fear of being judged by colleagues or other mothers for returning to work. This can add to the stress and emotional burden
- **Work-Life Balance Struggles:** Balancing the demands of a job and childcare can be overwhelming. The physical and emotional exhaustion from managing both roles can take a toll.
- **Breastfeeding Challenges:** Continuing to breastfeed while working can be difficult. Please see the council's [breastfeeding policy](#) for further guidance.

18.2 Open communication throughout the transition back to work about the support available (such as flexible working arrangements) may help ease the stress and anxiety that may be experienced.

18.3 Prior to returning to work the manager and employee should discuss and agree any adjustments or arrangements that need to be in place. Ideally this would have been part of an ongoing conversation through KIT days and general catch ups as the return to work becomes closer.

18.4 It will be assumed the employee will return to work at the end of appropriate maternity leave period.

18.5 If they wish to return to work before this date they must notify their line manager in writing before their new intended return date, or if that is not reasonably practical, as soon as reasonably practicable (seven days' notice is required if they are on ordinary maternity leave or 21 days' notice if they are on additional maternity leave).

- 18.6 Where the required notice is not given, line managers may postpone the early return to meet the notice periods set out above, but not beyond the end of the maternity leave period. No return to work can be made within two weeks of childbirth.
- 18.7 Where an employee is unable to return on the expected day due to sickness the absence will be managed in line with the Sickness Absence Policy.
- 18.8 Coming back to work can have a significant emotional impact following maternity leave along with the potential stress and anxiety of starting work again.
- 18.9 An employee will be able to return to the job they were employed in before the commencement of maternity leave and on terms and conditions no less favourable than those that would have applied had they not been absent.
- 18.10 If a restructure or re-organisation occurs whilst the employee is on maternity leave, they will be treated as if they were not absent. For example, if the employee's post becomes redundant due to a reduction in staffing levels, they are entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done is suitable and appropriate to the circumstances, and the capacity and place in which they are employed and terms and conditions are not substantially less favourable than those of the original post.
- 18.11 It is unlawful for an employee to be selected for redundancy because they are on maternity leave or for any reason associated with pregnancy.

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

- 19.1 Paid paternity/maternity support leave is a statutory right to an employee following the birth or adoption of a child.
- 19.2 Paternity/Maternity Support Leave applies to:
- the father,
  - the husband or partner of the mother (or adopter) - this includes same-sex partners,
  - the child's adopter, or
  - the intended parent (if you are having a baby through a surrogacy arrangement).
- 19.3 The person taking leave must:

- be an employee,
- give the correct notice, and
- have been continuously employed by Medway Council for at least 26 weeks, up to any day in the 15th week before the Expected Week of Childbirth or placement date in terms of adoption.

19.4 Where the above criteria are met, the employee can choose to take either two non-consecutive weeks' paternity leave, or a single period of either one or two weeks.

19.5 The period in which paternity/maternity support leave must be taken is within 52 weeks after the birth or adoption placement.

19.6 Employees must let their managers know of their intention to take paternity/maternity support leave by completing and submitting a 'Self-certification and Request for Maternity Support Leave' form. A copy of the expectant mother's MAT B1 form should also be provided, or a Matching Certificate for an Adoption, by the 15<sup>th</sup> week before the Expected Week of Childbirth or Adoption Placement. Managers should then submit these documents to HR via [Servicedesk](#).

19.7 For each period of leave, at least 28 days' notice must be given.

19.8 When an employee takes paternity/maternity support leave, they shall receive their normal amount of pay. Their paternity/maternity support pay will be made up of the [Statutory Paternity Pay](#) amount plus an enhanced amount given by Medway Council as one of the family friendly employee benefits.

## **20.0 Right to apply to work flexibly**

20.1 Flexible working is understood to concern where, when, and how people work. There are diverse ways of working which may suit individual circumstances (keeping in mind the requirement of the role), such as:

- Voluntary hybrid working
- Permanent home working
- Remote/Agile working
- Compressed hours
- A nine-day fortnight
- Annualised hours
- Flexi Time

- Term Time Working

20.2 All employees have a right to request flexible working up to two times a year. For full guidance please visit the dedicated [Our Ways of Working](#) Medspace Page.

## **21.0 Legal Framework**

- The Maternity and Parental Leave etc. Regulations 1999
- Employment Rights Act 1996
- The Paternity and Adoption Leave Regulations 2002
- Children and Families Act 2014
- Parental Bereavement (Leave and Pay) Act 2018
- Protection from Redundancy (Pregnancy and Family Leave) Act 2023
- Equality Act 2010

## **22.0 Related Policies and Guidance**

- Breastfeeding Policy
- Maternity Guidance
- Flexible Working (Our Ways of Working)
- Health and Safety and Risk Assessments
- Parental Bereavement Leave
- Special Leave (Compassionate Leave)
- Reasonable Adjustments Policy

## **23.0 Related Documents**

- [Pregnancy Risk Assessment](#)
- [Maternity and Paternity Support Leave Application](#)
- [PMC003](#)

## **24.0 Support**

- Care first
- Wellbeing Champions
- [Getting ready for pregnancy](#) (NHS)
- [Breastfeeding support](#) Kent and Medway

- NHS information on [Free Dental Care and Prescriptions](#)
- Support for [Ectopic Pregnancy](#)
- Support for [Miscarriage](#)
- [SANDS](#) supports anyone affected by the death of a baby.

## 25.0 Version History

Maternity and Paternity Policy	
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