



## Human Resources

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## Roles, Responsibilities and Review

The **Head of HR and Administration** is responsible for ensuring this Order is implemented across the Brigade.

The **HR Officers** will be responsible for the day to day operation of the Order.

The **HR Officer** will review this Order three-yearly, when new legislation arises, or as and when organisational needs require.

# Brigade Order: Human Resources

## Maternity, Paternity and Adoption Leave

### Purpose

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This Order sets out the Service's policies on Maternity, Paternity and Adoption Leave

### Strategic Aims

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This Order supports:

**Strategic Aim 4** – To deliver a fire and rescue service, which provides value for money for our community now and into the future.

### Abbreviations

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<b>OML</b>	Ordinary Maternity Leave
<b>AML</b>	Additional Maternity Leave
<b>EWC</b>	Estimated Week of Childbirth
<b>MA</b>	Maternity Allowance
<b>SMP</b>	Statutory Maternity Pay
<b>QW</b>	Qualifying Week
<b>KIT</b>	Keep in Touch days

### Introduction

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Shropshire Fire and Rescue Service (SFRS) recognise that expecting a baby is a normal part of life that may temporarily affect an individual's ability to work in their usual way. The Service is committed to helping working parents manage the increasing demands that today's working life places upon employees and wishes to provide parents/carers with the opportunity to balance their work and childcare commitments.

SFRS also acknowledges that more and more women are coping with the responsibilities of work and home and therefore wishes to create and maintain a positive working environment in which all employees are given the opportunity to maximise their ability. Employees should expect to be treated in a way which is sensitive to their circumstances and which does not in any way single them out for inferior treatment or regard.

This policy is designed to give guidance and details on the provisions and conditions of service in relation to Maternity and Paternity leave and entitlements. Whilst this policy is fairly comprehensive it may not cover all eventualities. If further advice is required please contact the Human Resources Department.

## Maternity Scheme

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The occupational maternity scheme shall apply to all pregnant employees regardless of the number of hours worked per week or length of service.

All pregnant employees are entitled to take 52 weeks maternity leave consisting of 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML). AML must follow immediately after OML.

Shropshire Fire and Rescue Service's maternity pay entitlement applies to women who have completed 26 weeks local government service into the Qualifying Week (QW) which is the 15<sup>th</sup> week before the week in which the baby is due. If you have not completed 26 weeks with the authority you are still able to take up to 52 weeks maternity leave but there may be differences in the level of maternity payments you would receive for the first 39 weeks and any time after this would be without pay.

### Initial Obligations of the Employee

SFRS has an obligation as an employer to protect both the employee and her unborn child from the risk of injury. Employees should inform either their Line Manager or Human Resources as soon as they believe that they are pregnant. As an employer, it is important that we advise employees to inform us as soon as possible that they are pregnant in order to protect both the employee and her unborn child. Additionally, if an employee suffers from morning sickness or other pregnancy related conditions that requires time off work, it is advisable to inform HR so the absence can be logged as pregnancy related.

Upon notification of an employee's pregnancy the Line Manager will arrange for a risk assessment to be carried out.

An employee shall notify in writing her Line Manager or HR at least 15 weeks before the estimated week of childbirth (EWC) of when she intends to start her maternity leave (**see form FB225**). This allows for sufficient time for maternity entitlements to be calculated and any additional risk assessments to be carried out in order to maximise health protection (**see form FB378**). Whilst SFRS recognises the right to confidentiality, this policy and measures to protect the mother and unborn child, can only be applied once notification has been received of the EWC. Human Resources will confirm in writing once the MATB1 certificate is received, detailing their entitlements.

The MATB1 certificate is issued by a medical practitioner or registered midwife and states when the baby is due. The certificate must have either the doctors name and address on it or, if issued by the midwife, their name and registration number.

An employee is entitled to change the date they want to start their maternity leave provided they give notice of new date in writing. Notice must be given at least 21 days before the date they were originally going to start their maternity leave, or the new date, whichever is sooner.

### Responsibilities of the Pregnant Employee

In order to ensure the ongoing safety and well-being of both the employee and her unborn child, the employee must inform her Line Manager or HR of any advice or recommendations suggested by her own doctor which may have an effect on her daily working life.

In consultation with the employee, her Line Manager and HR appropriate action can then be taken. The employee must also be aware of her own capabilities and work within boundaries of what is safe for both herself and her unborn child. It is the responsibility of the employee to keep her Line Manager and HR informed of any changes they experience during pregnancy which would need to be considered in the ongoing risk assessments.

### **Responsibilities of the Service**

- To ensure confidentiality is maintained where requested
- To assess any additional risks arising as a result of an employee being an expectant or new mother
- To regularly review the risk assessment as an employee progresses through pregnancy

### **Work Arrangements during Pregnancy**

Whilst SFRS has methods to reduce and guard against risk through the provision of equipment, clothing, procedures and other such measures, specific risks may exist for an expectant mother and her unborn child which cannot be mitigated against through normal provisions. For reasons of health and safety, on receipt of notification of pregnancy and if appropriate, discussions concerning alternative work arrangements will take place in consultation with the employee, her Line Manager and Occupational Health. The proposed arrangements and the nature of the work will be subject to an individual risk assessment. Any changes to an employees' duties or hours of work will only be carried out after consultation with the employee.

### **Recruit Firefighters**

Recruit Firefighters who notify SFRS of their pregnancy before or during their initial training course, will be withdrawn from training until the end of their pregnancy and any period of breastfeeding until they have regained fitness and have been assessed by the Occupational Health Advisor as being fit to recommence training. Once all such factors have been confirmed, they will re-join the next available training course. Where possible, wholtime recruits will undertake non-operational duties in any intervening period, working to an appropriate duty system.

### **Probationary Period**

Where a probationary period is interrupted due to maternity leave, advice is to be obtained from HR and the probationary period will be extended to take into account of the maternity leave period.

### **Uniform / Clothing**

In the early stages of pregnancy it may be possible for an employee to wear her existing clothing for work. However, in the later stages of pregnancy this may not be satisfactory. Where appropriate, and in consultation with the employee, the Human Resources Officer will liaise with the Equipment Contracts Manager regarding the provision of suitable clothing to ensure comfort whilst working during pregnancy. A selection of maternity wear will be made available including trousers, skirts, polo shirts and sweatshirts, taking into account the different stages of pregnancy. Alternatively, an allowance will be made available for uniformed employees to purchase suitable clothing for the duration of their pregnancy. Information and guidance regarding resourcing of clothing will be provided by SFRS if specifically requested.

## **Childcare Vouchers**

Please be aware that employees who are using the childcare voucher scheme whilst on maternity leave will have tax implications. Please contact the Human Resources Department for further information.

## **Keep in Touch Days (KIT)**

During Maternity Leave it is important that the employee keeps in regular touch with their Line Manager and this will be discussed before the start of Maternity Leave.

The employee's Line Manager will ensure that the employee is kept informed of any significant workplace developments and training or vacancy opportunities.

Except for the first 2 weeks from childbirth, the employee may agree to attend work and/or training for the Service for up to a maximum of 10 days during either their OML or AML without affecting SMP. These are known as "keeping in touch days". They can help ease an eventual return to work.

Neither the Service nor the employee has the right to insist on KIT days. Any work undertaken is entirely a matter for agreement between the Line Manager and employee. An employee who does attend a KIT day will be paid for the hours of work at their normal rate of pay. This will not exceed their normal daily rate of pay.

For example, if KIT days are completed whilst on half pay, pay would be "topped up" to their normal rate of pay. KIT days do not extend maternity leave. They can be taken as single days or in blocks. Once the KIT days have been used and if the employee continues to work they will lose a week's SMP for the week in the Maternity Pay period in which they have worked. A part day worked is counted as a full day.

## **Return to Work**

When an employee returns to work after OML, they are entitled to return to the same job in which they were employed prior to their pregnancy, under the original contract of employment and on the same terms and conditions, with pension and similar rights protected.

On resuming work after AML, again they are entitled to return to the same job as they occupied before commencing maternity leave on the same terms and conditions as if they had not been absent. If, however, there is some reason why it is not reasonably practical for the Service to take them back in their original job, they will be offered suitable alternative work of equivalent status and responsibility and on terms and conditions that are no less favourable than would have been applied if they had not been absent.

SFRS will manage an employee's return to work in a sensitive and caring manner. Medical guidance from the Occupational Health Unit, and the individual's own doctor where available, will be taken into consideration when planning with the employee a suitable return to work programme. Before returning to work, employees will be assessed by Occupational Health to ensure their well-being and fitness to return to their job. The employee will return to her existing department or Watch unless at their own request they apply for alternative working arrangements. See section on Changing your Working Arrangements.

Employees returning to an operational post after maternity leave will undergo refresher training in consultation with their Line Manager. It will be designed to meet the individual's needs and may include briefings on new Brigade Orders, equipment and new methods of operation.

### **Exercise of Right to Return to Work**

There is a basic assumption on the employer's part that the employee will return to work on the expiry of her AML. Specific notification of the return date is only required when it is before the end of the AML period. The employee must then give 21 days' written notice of the date she intends to return to work (see Appendix A). An employee who has taken AML must give 21 days' written notice of the date she intends to return to work only if it is going to be earlier than her Line Manager expects (see Appendix B).

If an employee is unable to return to work on her intended date due to sickness, this will then be treated as a return to work and will be covered by the sickness scheme and the normal contractual arrangements will apply.

For an employee where, because of an interruption of work (e.g. industrial action) it is unreasonable to expect her to return on the notified date, she may instead return when work resumes, or as soon as reasonably practicable.

### **Relationships with Sickness / Annual Leave**

Maternity leave is not treated as sick leave and is not taken into account for absence monitoring procedures. Time off related to fertility treatment, pregnancy, termination or childbirth shall not count as absence under any absence monitoring procedures.

If an employee is absent for a pregnancy related reason in the 4 weeks prior to the EWC then the maternity leave may automatically begin on the first day of absence. However, SFRS will treat each case individually based on the employee's own GP advice and in conjunction with Occupational Health advice to ascertain if the employee is still fit to remain at work. It will therefore be discretionary of the Service to allow an individual to remain at work based on the risk to the employee's health and that of her unborn child. Maternity leave shall be regarded as continuous service for the purposes of the sickness scheme and annual leave entitlement.

Annual holidays are an entitlement and as such shall be accrued during ordinary and additional maternity leave. Employee should endeavour to take any outstanding leave/flexi leave that may be due to them before the commencement of their maternity leave. Employees are reminded that leave must be taken in the holiday year that it is earned and therefore if the holiday year is due to end during their maternity leave, they should take as much of their full year entitlement as possible before starting maternity leave. An employee can carry over a maximum of 2 weeks / 2 tours leave into the following leave year.

### **Premature Birth**

If an employee has her baby before she has notified SFRS or before the start of her OML, she should notify her Line Manager or Human Resources as soon as is reasonable practicable, informing them of the date her baby was born. SFRS will consider an extension of her maternity leave period taking into account of individual circumstances. It is essential that the employee keeps her Line Manager and HR fully informed in order for reasonable arrangements to extend her maternity leave be made.

## **Twins and Multiple Births**

Maternity leave and pay is an entitlement per pregnancy and not per baby. If an employee is expecting more than one baby the conditions of this policy will apply. The employee can, however, apply to HR for additional unpaid leave due to individual circumstances. All requests will be considered on an individual basis.

## **Post Natal Care and Breastfeeding**

Paid time off will be given to attend post-natal/health clinics and parenting classes. If requested, and employee should show her appointment card to her Line Manager, time off will also be given to new fathers, co-partners, nominated carers and adoptive or foster parents, if employed by SFRS, on production of appointment cards if so requested.

If an employee wishes to continue breastfeeding during her return to work then she must inform Human Resources and her Line Manager. A risk assessment will be carried out of her working environment. If this reveals a sufficiently significant risk to her or her child/children and working conditions cannot be altered to avoid this risk then suitable alternative work will be found.

If, however, suitable alternative employment cannot be found, then she will be able to claim suspension from work on full pay so that she may continue to breastfeed until suitable employment can be found or breastfeeding ceases, whichever occurs first.

If there is no significant risk and the employee is willing to return to work then facilities will be provided for rest breaks, breastfeeding and a suitable place to safely store milk. This area will be conveniently situated in relation to washroom and toilet facilities.

## **New and Expectant Mothers Risk Assessment**

Pregnancy should not be regarded as ill health. It is part of everyday life and its health and safety implications can be adequately addressed by normal health and safety management procedures.

Many women work while they are pregnant and may return to work while they are still breastfeeding. Some hazards in the workplace may affect the health and safety of new and expectant mothers and their unborn child. Therefore, working conditions normally considered acceptable may no longer be so during pregnancy or whilst breastfeeding.

In most cases, pregnancy usually goes undetected for the first 4 – 6 weeks. It is important for SFRS to identify hazards and risks for all female employees of childbearing age. The purpose of the following sections are to identify the hazards and risks generally relevant to pregnant employees and suggests appropriate control measures.

## **General Duties**

Management of Health and Safety at Work Regulations 1999.

There is an obligation of employers, where there are employees of childbearing age, to undertake a general risk assessment in order to ascertain any risk which might be posed to the Health and Safety of a new or expectant mother. This is in addition to those already being undertaken.

There is also an obligation of employees under the Health and Safety at Work Act 1974 that they must inform their employer, without delay, of any work situation which might present a serious and imminent danger to themselves and others.

## **Risk Assessment**

The phrase 'new or expectant mother' means a member of staff who is pregnant, which has given birth within the previous six months or who is breastfeeding.

On learning of the pregnancy of a member of staff their Line Manager should assess the risk to that particular employee during the course of her normal work activities. This risk assessment should be carried out by a competent member of staff in conjunction with the Occupational Health Advisor. In order to do this all managers must encourage staff to inform them as soon as they know they are pregnant so that protective measures can be taken for both themselves and their unborn child. The situation should be kept under review throughout the duration of the pregnancy and following the employee's return to work, six months after the birth or whilst still breastfeeding.

In assessing the risk at work to the health, safety and/or welfare of a new or expectant mother, which goes beyond the level of risk to be expected outside the workplace, then the following actions must be considered to remove her from the risk:

Action One: Temporarily adjust the employees working conditions and/or hours of work. If it is not reasonable to do so, or would avoid the risk;

Action Two: Offer the employee suitable alternative work, if available. If not:

Action Three: Suspension from work on paid leave for as long as necessary to protect the employee's health and safety and that of her unborn child.

These actions are only necessary where, as the result of a risk assessment, there is genuine concern. Risk assessments should be regularly reviewed for new and expectant mothers, although any hazards are likely to remain constant. The possibility of damage to the unborn child as a result of a hazard will vary at different stages of a pregnancy.

## **Breastfeeding at Work**

On receiving written or verbal notification of an employee who is breastfeeding, it is important to ensure that the employee is not exposed to risks that could damage their health and safety and that of their child for as long as they continue to breastfeed. It is the individual's choice to decide how long they wish to breastfeed. Where employees continue to breastfeed, risk assessments must be regularly reviewed.

## **Night Work**

Special consideration must be given to new and expectant mothers who work at night. If a new or expectant mother works at night and has a medical certificate stating that night work could affect her health and safety then the following actions must be taken.

A referral will be made for the employee to see Occupational Health who will, in conjunction with the employee and Line Manager, agree if available, that a suitable alternative day time working pattern should be offered. If this is not feasible then the employee should be suspended from work on paid leave for as long as is necessary to protect her health and safety and that of her unborn child.



## Specific Hazards to Pregnant Women and Nursing Mothers

There are four categories of risk applicable to pregnant women, women who have recently given birth, those who are breastfeeding and women who have miscarried within the previous six months:

### Physical

- Movements and Postures
- Manual Handling
- Shocks and Vibrations
- Noise
- Radiation (ionising and non-ionising)
- Compressed air and Diving
- Underground work

The effects of the above vary between pregnant women and nursing mothers. Exposure to ionising radiation may contaminate a breast-fed baby if the mother's skin becomes contaminated. Ionising radiation, noise and hyperbaric atmospheres are physical agents known to directly affect the unborn foetus. Significant noise can cause hearing problems in the foetus and can induce a miscarriage.

It is important to recognise the restricted capabilities of women who have undergone a caesarean birth. The employee will have limited mobility, a significantly reduced ability to perform manual handling activities and may find some working postures awkward and uncomfortable until full fitness is regained. In these circumstances an employee would not be expected to return to work fully before 12 weeks following delivery, unless specifically agreed by their own GP. The Line Manager would discuss a modified duties programme with the employee for a gradual return to work.

Primary control measures are to completely avoid exposure to the specific risk under consideration.

### Biological

- Infectious Diseases

Exposure to such bacteria and viruses is most likely to occur in places such as hospitals, schools, health care services, agriculture etc. A more specific risk may be exposure to body fluids at incidents, contaminated equipment or contact with personal protective equipment.

Of particular relevance are biological risks which cause adverse health effects. Infection may be transmitted through close contact or through breastfeeding. Examples include; chicken pox, rubella, HIV, TB, Hepatitis B and Toxoplasmosis.

Account should be taken of how the agent is spread and the likelihood of infection. Detailed control measures are laid down in the 'Control of Substances Hazardous to Health Regulations'.

## Chemical

- Mercury
- Drugs
- Pesticides
- Carbon Monoxide
- Lead

Many agents are known or suspected to have adverse effects on new or expectant mothers and their baby. Risk will be determined by the degree of exposure. Chemicals labelled with the following risk phases are examples of chemical agents capable of adversely affecting the mother or the foetus.

- Possible risk of irreversible defects
- May cause cancer
- May cause heritable genetic damage
- Possible risk or harm to unborn child
- May cause harm to breastfed babies
- May cause harm to unborn child

Substances covered by a COSHH will need to be reassessed and specific risks addressed. Exposure limits must be adhered to. For more information and guidance contact the Health and Safety Section.

## Working Conditions

- Facilities
- Mental and Physical Fatigue and working hours
- Stress (including post-natal depression)
- Passive smoking
- Temperature
- Working with VDUs
- Working alone
- Work at heights
- Travelling
- Violence
- Working and Personal Protective Equipment

A more direct control over working conditions must be taken as a control measure.

## **Summary**

There is a legal obligation placed upon the employer to address general risks identified above. Any workplace activity or range of duties must therefore be risk assessed by the Line Manager in consultation with the pregnant employee and the Health and Safety Officer. Having then identified the risks, appropriate action must be taken to minimise them. It is the responsibility of the Line Manager to remove the risk or prevent exposure. If this is not feasible the risk should be strictly controlled. If there remains a significant risk to the pregnant or breastfeeding employee and all control measures are exhausted then the offer of suitable alternative employment should be made. If this is not feasible the employee should be suspended on paid leave.

## Paternity Scheme

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Legislations (The Employment Act 2002) provides 2 weeks paid paternity leave for expectant fathers and adoptive fathers. Paid Paternity Leave of 10 working days (or 8 duty shifts for those employees working a shift system) will be given to the baby's father or the partner or nominated carer of the expectant mother. For On Call employees this will equate to 10 working days.

An employee may also be entitled to Parental Leave or Shared Parental Leave.

**Please refer to Brigade Orders: Human Resources – Parental Leave and Human Resources - Shared Parental Leave**

### What is Paternity Leave for?

An employee can only take paternity leave in order to care for their new baby or support the mother of the baby – it cannot be taken for any other purpose.

### Eligibility Criteria

Employees are eligible for paternity leave and pay if they:

- Are the biological father of the child or the mother's husband or partner (including same-sex partner)?
- Have a minimum of \*26 weeks continuous service by the 'notification week. (i.e. the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC) or, for adoption paternity leave, by the end of the week in which the child's adopter is notified of matching)
- Have or expect to have responsibility for the upbringing of the child if they are the father or expect to have the main responsibility for the upbringing of the child if they are the mother's husband or partner but not the child's father.
- Have given the correct notice

Paternity leave is also available to the partner of an adopter, whether male or female.

*\*if the baby is born earlier than the 14<sup>th</sup> week before it is due and, but for the birth occurring early, the employee would have been employed continuously for the twenty-six weeks, then they will be deemed to have the necessary length of service.*

## Miscarriage, Termination, Still-Birth and Death of a Baby

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### Under Maternity Scheme

If an employee miscarries before 24 weeks of pregnancy SFRS will give sympathetic consideration based on the individual's needs and the opinion of her own doctor and Occupational Health in granting leave. If a baby is still-born or dies after 24 weeks of pregnancy, maternity leave and pay provisions apply. On the basis of individual circumstances, sympathetic consideration will be given to granting unpaid leave to the partner.

## Under Paternity Scheme

A qualifying employee will be entitled to paid leave if their baby is still-born after twenty-four weeks of pregnancy. If the baby is born alive at any point in the pregnancy but dies later, the employee will be entitled to be paid paternity pay in the usual way.

## Time off Work

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### Ante-Natal Care

An employee is entitled to take time off work without the loss of pay to attend ante natal care. This includes parenting classes, parent craft, relaxation and birthing classes. An employee will be asked to provide appointment cards to confirm dates and times.

Fathers-to-be, co-partners, nominated carers and prospective adoptive or foster parents, if employed by SFRS, will also be allowed time off (without pay) to attend such classes and on production of appointment card if so requested. Subject to the exigencies of duty, sympathetic consideration of unpaid leave will be given for reasonable time off for partners to attend ante-natal classes.

### Fertility Treatment

Fertility treatment can be a long and complicated process. An employee may be required to attend un-programmed and short notice hospital appointments. Employers may make requests for unpaid time off, which will be granted to both men and women undergoing treatment where the resources of SFRS permit. All requests for confidentiality will be respected. Sickness as a result of receiving such treatment will not be included for absence monitoring purposes.

## Maternity and Paternity Leave

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### Compulsory Maternity Leave

An employee is not permitted to work for at least 2 weeks commencing the day after childbirth.

### Ordinary Maternity Leave (OML)

All pregnant employees are entitled to 26 weeks Ordinary Maternity Leave. An employee can commence maternity leave at any time from, the 11<sup>th</sup> week before the EWC. Maternity leave cannot commence earlier than 11 weeks before the EWC except in a situation where the employee gives birth earlier than expected, then OML starts the day after the birth.

If an employee is absent from work with a pregnancy related illness in the 4 weeks prior to the EWC then maternity leave may, depending on individual circumstances, automatically commence.

All employees are entitled to 18 weeks unpaid parental leave for the purpose of caring for a child. Please refer to **Brigade Order Human Resources, Parental Leave**, for eligibility criteria.

## Additional Maternity Leave

All employees are entitled to take AML which is a further 26 weeks immediately following OML. This gives a full entitlement of 52 weeks.

## Paternity Leave

Eligible employees are able to take either one weeks leave or two consecutive weeks' paternity leave. It cannot be taken as odd days or as two separate weeks. Employees can take only one period of leave even if more than one baby is born as a result of the same pregnancy.

Leave can start from:

- The date on which the child is born (whether this is earlier or later than expected)
- A chosen date as notified to their Line Manager, which falls after the first day of the EWC
- A specified number of days after the child is born

If an employee specifies the date of birth as the day they wish to start their leave and they are at work on that day, then leave will begin the next day.

Paternity leave can start on any day of the week, as long as the employee has given the required notice. It must be completed:

- Within fifty-six days of the actual date of birth

Or, if the baby is born earlier than expected;

- Between the actual birth date and fifty-six days after the first day of the week the baby was due

Paternity leave cannot start until the baby is born. Employees are able to request annual leave beforehand but authorisation of such leave will depend on the needs of the department in which the employee works.

If an employee wants to claim either Paternity Leave they must complete form **FB231** and provide the following information:

- The expected week of the baby's birth
- Whether they wish to take one or two weeks' leave
- When they want their leave to start

An employee can change the date on which they want their leave to start (but not the length of the leave they are taking) as long as they give 28 days' notice. If this isn't possible, they should inform their Line Manager as soon as is reasonably practicable. If an employee changes their mind, then they must complete a new FB231 form.

## **Paternity Leave Notice Period**

To qualify for paternity leave, an employee must inform their Line Manager and Human Resources in writing of when they intend to take paternity leave, by the end of the 15<sup>th</sup> week before the week their baby is due or, if this isn't possible, as soon as is reasonably practicable.

In order to take paternity leave in respect of the birth of a child, an employee will be required to give written notice of:

- The date the baby is due or the actual date if this has already occurred
- The length of the period of leave
- The date the employee wishes to commence paternity leave

## **Shared Parental Leave**

Shared Parental Leave (SPL) is a flexible statutory leave entitlement available to parents of children expected to be born, or who are placed for adoption, on or after 5 April 2015 who meet the eligibility requirements. Please refer to **Brigade Order Human Resources – Shared Parental Leave**

## **Maternity and Paternity Pay**

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An employee's entitlement to Maternity Pay is dependent upon their length of service. Information about the different entitlements are given below. Occupational Maternity Provision is based upon a combination of Occupational Maternity Pay and SMP.

### **Maternity Pay with less than 26 weeks service**

If an employee has less than 26 weeks service by the end of the 15<sup>th</sup> week before EWC they are not entitled to be paid by the Service, but are entitled to claim Maternity Allowance, which will be paid by the Benefit Agency.

### **Maternity Pay with more than 26 weeks service (less than 1 year)**

If an employee has more than 26 weeks service but less than 1 year and the end of the 15<sup>th</sup> week before the EWC, the first 6 weeks of maternity leave are earnings related and the employee will receive 90% of their normal pay. The remaining 33 weeks of OML are paid at the rate of SMP or 90% of weekly pay if this is less. These benefits include any entitlement to SMP.

### **Maternity Pay with more than 1 years' service**

If an employee has more than 1 years' service and on the condition that the employee declares in writing that they will return to service employment for at least 3 months directly following on from maternity leave, they will receive 26 weeks full pay followed by 6 weeks half pay and then 7 weeks paid at a rate of SMP or 90% of weekly pay if this is less. These benefits include any entitlement to SMP.

## Maternity Allowance

Average earnings are calculated by taking the average earnings over the 8 weeks before the 15<sup>th</sup> week before EWC. If the earnings are below the average earnings limit, this is the individual does not pay National Insurance contributions, they will not be entitled to SMP and must claim maternity allowance.

There are a number of qualifying conditions which entitle employees to receive SMP. These include length of service, average weekly earnings, complying with rules or notification and medical evidence. The majority of employees will meet the criteria, however Human Resources will notify an employee if they do not meet these conditions. Employees may be able to claim Maternity Allowance from the Benefits Agency and will be sent a form SMP1 from Payroll to enable them to claim.

## Refund of Maternity Pay

Additional (i.e. above statutory entitlement) payments made during maternity leave as above will be paid on the understanding that the employee will return to active employment (i.e. not sick leave or unpaid leave) for a period of at least 3 months. In the event of the employee not returning to work, she will refund 50% of the monies paid. If it is agreed between the employee and the Service that the employee will return on a reduced working week, then she will have to repay a pro rata amount of the additional maternity pay.

Any employee eligible for additional payments will be asked to sign an agreement prior to the start of the maternity leave period setting out that they will pay back any monies paid under this benefit in the event that they do not fulfil the contractual attendance requirement set out above.

Under this agreement written notification of intention to return is required for those employees with over one years' service. Payments made to an employee by way of SMP are not refundable. If an employee is unsure of her intention to return to work please contact Human Resources to discuss options of deferred payments.

## Paternity Pay

Paternity pay is calculated for the first week at a weeks' pay or one duty rota or average weekly earnings in respect of On Call employees. The second week is paid at the weekly rate of Statutory Paternity Pay (SPP).

If an employee wants to claim SPP they must complete form **FB231** and provide the following information:

- The expected week of the baby's birth
- Whether they wish to take one or two weeks' leave
- When they want their leave to start

**To receive SPP, the employee must sign this as a declaration that they:**

- Are taking leave to care for their child or to support the mother, or both
- Have or expect to have responsibility for the upbringing of the child

- Are the father of the child and/or the partner or husband of the mother

The form **FB231** must be returned to Human Resources at least 28 days before the employee wishes their SPP to begin.

If the baby is born before the due date, the employee may not be able to give the required notice. The FB231 form should be completed as soon as is reasonably practicable if the employee wishes to claim leave and/or pay.

## **Changing your Working Arrangements**

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The Service supports a positive commitment to work life balance and supports employees who may prefer to return to work either on reduced hours or on alternative working arrangements. Employees who wish to return on a more flexible system should request an opportunity to discuss such options with their Line Manager and Human Resources before their return to work. Please refer to **Brigade Order Human Resources – Flexible Working Requests.**

## **Pension Contributions**

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### **Employees in the 2015 Firefighter Pension Scheme**

During maternity leave an employee will pay contributions based on the rate of pensionable pay they receive (including statutory pay). If an employee is not entitled to receive any pensionable/statutory pay during a period of OML, they would be treated as if they had paid contributions.

If an employee is not entitled to receive any pensionable/statutory pay during a period of AML, they will have the option to pay contributions on “assumed pensionable pay” i.e. the pensionable pay they would have received but for the maternity leave.

An employee must decide whether or not she wishes to pay back pension contributions within 30 days of her return. Payment can be made by lump sum or by deduction from instalments of pensionable pay, as agreed with SFRS.

### **Employees in the Local Government Pension Scheme**

During maternity leave the pensionable pay figure used to work out an employee’s pension is their “assumed pensionable pay” i.e. the pensionable pay they would have received but for the maternity leave.

Any period of unpaid additional maternity leave will not count for pension purposes unless the employee elects to pay Additional Pension Contributions (APCs) to purchase the amount of pension lost during that period of unpaid absence.

If an employee wishes to purchase the amount of lost pension they must make the request within 30 days of their return date. The cost of the APC will then be split between the employee and SFRS. These additional contributions can be paid in a one-off lump sum or through regular payments from your wages.

SFRS is obliged to continue making full contributions to a pregnant employee’s pension during her ordinary period of maternity leave.



Further information and advice can be accessed by contacting the Pensions Department on 01743 281030 or by accessing their website, which has the full pension scheme guides, at [www.shropshirecountypensionfund.co.uk](http://www.shropshirecountypensionfund.co.uk)

## Career Breaks

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SFRS Career Break Scheme gives an employee the opportunity to take a break from paid employment for a period of up to 3 years with a guaranteed job on return. Further information can be obtained from Human Resources and **Brigade Order Human Resources – Career Breaks**

## Privacy Notice under the Data Protection Act 2018

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Privacy notice under the Data Protection Act 2018 (General Data Protection Regulations). Shropshire Fire and Rescue Service collects Personal Identifiable Information to enable it to process job application and employment issues to monitor against statutory requirements e.g. Equality Act 2010. Information is processed under GDPR Article 6(b) and GDPR 2018 Article 9(b)

For further details on our privacy arrangements please view the privacy page on the FS website page.

[Link to GDPR Portal Site](#)

**OML Early Return to Work Notification – Model Letter**

Dear HR,

**NOTIFICATION OF EARLY RETURN TO WORK (OML)**

I am entitled to 26 weeks ordinary maternity leave (OML), however I would like to return to work before the end of this period.

I understand that I have to give 21 days' notice of my intention to return to work early and therefore confirm that I would like to return to work on (dd/mm/yyyy)

I look forward to hearing from you.

Yours sincerely

**AML Early Return to Work Notification – Model Letter**

Dear HR

**NOTIFICATION OF EARLY RETURN TO WORK (AML)**

I am entitled to additional maternity leave which starts at the end of my ordinary maternity leave and runs for a further 26 weeks.

I am currently on additional maternity leave and would like to give you notice of my intention to return to work before the end of the 26 week period.

I understand that I must give 21 days' notice to return early and therefore confirm that I would like to return to work on (dd/mm/yyyy)

I look forward to hearing from you.

Yours sincerely,