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Maternity – Policy and Procedure

1. Policy Statement

Camden’s policy is to comply with the law on maternity and ensure that all female employees are informed of their statutory maternity rights and that those rights are understood. We also aim to ensure that all managers are aware of their obligations in terms of the legal requirements.

This guidance aims to assist managers and pregnant employees so that they know what the entitlements and obligations are on both parties and the procedures to follow. There are also template letters available for employees and managers on Camden Essentials.

The following definition is used in this policy:

‘Expected week of childbirth’ (EWC) means the week, starting on a Sunday, during which the employee’s doctor or midwife expects her to give birth.

2. Scope

These guidelines apply to all pregnant employees with an expected week of childbirth on or after 1st April 2007.

The guidelines apply to all permanent and fixed-term female employees of the council. For information on adoption and paternity rights, then please refer to our terms and conditions of employment.

Temporary employees have the same rights to maternity leave as permanent employees. However, an employee does not have the right to return if their contract of employment ceases during maternity leave, (see section 4 on rights to return to work and section 8 on temporary employees).

Camden operates three maternity schemes, which apply to pregnant employees depending on their length of service with Camden. Pregnant employees will need to know their length of service in order to find out which scheme they are entitled to.

3. Key Principles

- That all pregnant employees are informed of their statutory maternity rights.
- That all pregnant employees are informed as to what their obligations are and understand them.
- That all managers understand what their obligations are and ensure that they communicate with pregnant employees offering the appropriate support.
• That all pregnant employees have a risk assessment as soon as practicable after they inform their manager of their pregnancy. (see section 12 on Health & Safety).

4. Statutory rights for pregnant employees

There are four main rights in law:

• the right to time off to attend ante-natal appointments without loss of pay;

• the right to take 26 weeks ordinary maternity leave (OML) and 26 weeks additional maternity leave (AML) regardless of length of service or number of hours worked in each week;

• the right to statutory maternity pay for 39 weeks provided the employee qualifies (see section 4.3); and

• the right to return to work following maternity leave.

4.1 Time off for ante-natal care

4.1.1 All pregnant employees have a legal right to paid time off to go to antenatal appointments, including relaxation and parent-craft classes, where these have been recommended by a registered medical practitioner, midwife or health visitor.

4.1.2 The employee should produce confirmation of her pregnancy from her doctor, midwife or health visitor (usually the Mat (B)1 form) and an appointment card or other confirmation of the actual appointment.

4.1.3 With the exception of the first appointment, employees must provide us with a certificate as described in the above paragraph, before claiming time off.

4.1.4 We would ask employees to try and make appointments early or late in the day in order to ensure minimum disruption to the department.

4.1.5 Managers should not unreasonably refuse time off for pregnant employees. However, there may be times when the manager may need to ask the employee to rearrange appointments in the interests of the service.

4.2 Maternity leave

4.2.1 A woman may start her maternity leave not earlier than eleven weeks before the EWC, which is indicated on the MAT (B) 1. However whilst she is fit to do so, she may continue to work beyond this period up to the EWC.

4.2.2 If the baby is born early and before the mother intends to start her maternity leave she must notify her manager as soon as possible. The maternity leave will automatically start from the date of childbirth.
4.2.3 All employees will be entitled to 52 weeks maternity leave regardless of length of service or number of hours worked, namely:

- 26 weeks ordinary maternity leave (OML); and
- 26 weeks additional maternity leave (AML), which begins on the day after ordinary maternity leave ends.

4.2.4 The law requires employees to take a minimum of 2 weeks maternity leave immediately following the birth. This is known as compulsory maternity leave.

4.3 Maternity Pay

4.3.1 An employee is entitled to statutory maternity pay (SMP) if:

- she has been employed by Camden for 26 weeks and has 26 weeks continuous Camden service going into the 15th week before the EWC; and
- her average weekly earnings in the eight weeks up to and including the qualifying week are not less than the lower earnings limit for national insurance.

4.3.2 Camden’s maternity schemes are more generous than the statutory minimum, details of which can be found below.

4.3.3 Employees can choose their SMP to start on any day after the 11th week before the EWC.

4.3.4 If an employee is not entitled to SMP then she may be entitled to claim up to 39 weeks’ Maternity Allowance (MA). Employees will need to complete an SMP1 form. Payroll will notify employees if this is the case.

4.3.5 Camden’s Maternity Schemes

4.3.6 For the purposes of maternity pay, we recognise Camden service only.

4.3.7 Payments made under schemes A and B are inclusive of the entitlement to statutory maternity pay.

4.3.8 **Scheme A** - for employees who have been employed for one year or more at the beginning of the 11th week before the EWC.

These women are:

- entitled to take up to 26 weeks ordinary maternity leave (OML) and 26 weeks additional maternity leave (AML). This is a total of 52 weeks’ maternity leave;

- entitled to receive full pay for the first 16 weeks of maternity leave and then either:
  - 24 weeks at half pay and 12 weeks unpaid; or
  - 12 weeks at full pay, 11 weeks at the rate of Statutory Maternity Pay and up to 13 weeks unpaid;
• required to state that they are going to return to work for at least six months after their maternity leave.

4.3.9 **Scheme B** - for employees who have completed 26 weeks’ continuous Camden service at the beginning of the 15th week before the EWC.

These women are:

• entitled to take up to 26 weeks ordinary maternity leave (OML) and 26 weeks additional maternity leave (AML). This is a total of 52 weeks' maternity leave;

• entitled to receive six weeks at 9/10ths pay, 12 weeks at half pay, 21 weeks at the rate of Statutory Maternity Pay and up to 13 weeks unpaid;

• required to state that they are going to return to work for at least six months after their maternity leave.

4.3.10 **Scheme C** - for employees who have completed less than 26 weeks’ Camden service at the beginning of the 15th week before the EWC.

These women are:

• entitled to take up to 26 weeks ordinary maternity leave (OML) and 26 weeks additional maternity leave (AML). This is a total of 52 weeks' maternity leave; and

• entitled to receive six weeks at 9/10ths pay, 12 weeks at half pay, and up to 34 weeks unpaid;

• required to state that they are going to return to work for at least six months after their maternity leave.

4.3.11 Employees who do not intend to return to work following maternity are entitled to receive statutory maternity pay and leave only. (The current rate of SMP is available on Camden Essentials).

Their entitlement will be as follows:

• 6 weeks at 9/10ths of pay and 33 weeks at the rate of SMP.

Employees must still satisfy the criteria as detailed in section 3.4 in order to qualify for the minimum SMP.

4.3.12 In the event that an employee does not intend to return to work following maternity leave, they should think about when they would like their resignation to take effect. If an employee resigns before all of any entitlement to SMP has been paid the remainder of the entitlement will be paid in a lump sum. The date of termination will be recorded as the last date of their notice period. Any annual leave accrued will be paid to her upon leaving.
4.4 Right to return to work

4.4.1 The employee has the right to return to the job in which she was employed under her contract of employment, subject to any organisational change that may have occurred during her period of leave. In addition, the employee has the right to return on the same or substantially equivalent terms and conditions. Please refer to section 14 on Organisational Change.

4.4.2 Employees are required to give their manager at least 8 weeks notice of any change to the date she is due to return to work. We acknowledge that in extenuating circumstances that this may not be possible and the manager will take this into account when considering whether to delay the return.

4.4.3 If the employee wishes to return to the Council on a job share or part time basis she should discuss this with her manager and apply for flexible working under the Legal Right to Request Flexible Working Guidelines. See section 4.5.

4.4.4 If an employee decided to resign during maternity leave she should give notice to her manager in line with the terms and conditions of employment. Managers should forward the resignation letter to HR Direct and ensure that a leaver form is completed. Her last day of service will be the last day of her notice period.

4.4.5 If an employee is intending to return to work and has chosen scheme A or B or C they are expected to return to work for a period of at least 6 months. If the employee fails to meet this requirement she will be required to repay the salary paid to her above the rate of any Statutory Maternity Pay received. Failure to repay could result in legal proceedings being taken to recover the monies. In addition, any employee who has not repaid the money owing will not be subsequently re-employed by Camden unless she has repaid the full amount owing or has guaranteed to repay that amount plus interest at a rate to be determined.

4.4.6 The 6-month period is not extended if the employee reduces her hours of work when she returns from maternity leave.

4.4.7 If the employee takes an employment break immediately after her maternity leave, or within six months of her return to work, the obligations as set out above will continue to apply until she has completed the six-month period following the end of her employment break (unless the break is for one year or more and the Council is not able to offer her a suitable job at the end of the break).

4.4.8 If an employee falls pregnant again whilst she is on a career break then it is the employee’s home department who are responsible for the additional cost.

4.5 Flexible working arrangements

4.5.1 An employee who wishes to return on a job share, part time or other flexible working arrangement should discuss this with her manager as early as possible. Please note that parents of children under six (or 18 if
the child is disabled) have the right to request to work flexibly and employers have a duty to consider that request. These working arrangements are a matter for discussion between the maternity leave employee and the manager concerned, taking into account the requirements of the service.

4.5.2 Where possible an employee wishing to be considered for a flexible working arrangement should apply before the start of her maternity leave. Please see Legal Right to Request Flexible Working Guidelines for details on how to apply and the procedure to follow.

5. Initial obligations on the employee

Within employment law and Camden’s maternity schemes there are dates the employee must tell their manager about in order to qualify for maternity rights and benefits.

It is the employee’s responsibility to notify their manager of the following information in writing by the 15th week before the baby is due or as soon as is reasonably practicable before the start of maternity leave. The employee can do this using the template form provided:

- The fact that she is pregnant, as soon as they do so the laws that protect pregnant women at work will apply.
- The expected week of childbirth (EWC) which will be on the MAT(B)1 form which they can get from the midwife after the 21st week of the pregnancy.
- Inform their manager of when they want their maternity leave to start. This cannot be earlier than the 11th week before the EWC.
- Whether she plans to return to work for the six-month period set out within the maternity scheme.

If the employee has not given the required notice, for example, because of the premature childbirth or sickness absence, managers should consider the particular circumstances of the case. However if an employee is absent on sick-leave, we would expect that they contact their manager as soon as is reasonably practicable to notify them of their pregnancy.

We have a duty of care to protect the health and safety of all employees including new and expectant mothers. We would therefore ask any pregnant employees to notify their manager of pregnancy as soon as they feel comfortable to do so, to ensure that a risk assessment is carried out and any reasonable adjustments can be made where necessary.

5.1 Other obligations on the employee

5.1.1 Notice of the options (for those eligible for scheme A). The employee must also tell their manager their options for payment during their leave before as soon as possible or at least three weeks before the start of their maternity leave.

5.1.2 If the employee changes her mind on when she wishes to start her maternity leave she must give 28 days notice to her manager before the
new start date, or if this is not possible, as soon as is reasonably practicable.

5.1.3 As stated in section 4.1.5, upon completion of maternity leave, the employee is expected to return to work for a period of at least 6 months. If the employee fails to meet this requirement she will be required to repay the salary paid to her above the rate of Statutory Maternity Pay (SMP).

5.1.4 If the employee intends to return to work earlier than the date of return already notified to her by her manager, or than the date she is due to return when her maternity leave ends she must give at least 8 weeks notice of the new date she intends to return to work. If this is not given, her manager reserves the right to delay the return to work in order to benefit from the full 8 weeks notice. We accept that in extenuating circumstances that this may not be possible and the manager will take this into account when considering whether to delay the return.

5.1.5 If the employee decides not to return to work they must give their manager at least the amount of notice for leaving their job under the terms and conditions of employment. Please refer to Camden’s Terms and Conditions of Employment Handbook.

5.2 Obligations on the manager

5.2.1 As soon as reasonably practicable after the employee notifies her manager of her pregnancy then a risk assessment must be carried out and if any risks are identified, alternative arrangements or adjustments made.

5.2.2 The manager should discuss with the employee the maternity pay and leave scheme options available and make sure that she understands her responsibilities.

5.2.3 The manager may also wish to discuss keeping in touch days and the procedure to follow for requesting them.

5.2.4 The manager may want to seek advice from HR Direct regarding specific entitlements for the employee.

5.2.5 Employers are required within 28 days of receiving the employee’s notification of pregnancy to inform the employee in writing of their expected date of return, setting out her rights, and notifying her that it is her responsibility to report any changes in her situation to her employer.

5.2.6 Employment law provides protection against discrimination for reasons of pregnancy and childbirth. Section 14 deals with these issues, particularly in relation to redundancy.

5.2.7 Legally, we have to provide a safe environment for pregnant women and new and breastfeeding mothers (see section 12).

5.3 Stillbirth and miscarriage

5.3.1 In the unfortunate event that a pregnant employee has a stillbirth after 24 or more weeks of pregnancy, she is entitled to the same benefits which
would have applied if the child had lived. However, she may feel that it will be better for her to return to work when she has recovered or when her doctor advises that she is fit enough. In any case, the appropriate support and sensitivity should be taken when dealing with such cases.

5.3.2 If the employee has already started her maternity leave, she should tell her manager or HR as soon as possible so that arrangements can be made for when she returns to work. If the employee miscarry before the 24th week of pregnancy the conditions of the absence management policy will apply.

6. Contact during maternity leave

6.1 Reasonable contact

An employer and employee are encouraged to make reasonable contact during maternity leave. The purpose of this would be to discuss issues such as the return to work and whether any special arrangements need to be made to ease the return to work, for example, whether she wishes to apply for flexible working.

6.2 Keeping in touch days

In order to encourage communication and contact between employer and employee during maternity leave, a woman can do 10 days’ work during her maternity leave without bringing her maternity leave to an end.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace. The employer has no right to require the employee to carry out any work and the employee has no right to undertake any work during her maternity leave.

Note that such work can be carried out during the statutory leave period, except during the two-week compulsory leave period immediately following childbirth, during which employees may not legally work.

The SMP regulations previously governed that where an employee worked during the week in which she was entitled to SMP she would bring her maternity leave to an end. This will continue to apply if a woman works any days above and beyond the 10-day allowance.

6.3 Establishing keeping in touch days

At any other point during a period of maternity leave the employee and line manager may wish to reach an agreement that keeping in touch days will be worked. The ten-day allowance can both be broken up, and used as individual days or as a period of days depending on the activity to be completed and local arrangements. It should be noted that a woman’s maternity leave will not be extended due to the fact that she has carried out some work during this period.

The employee should put any requests for keeping in touch days in writing to her manager and give as much notice as possible. The manager should respond in writing as to whether or not this request can be
accepted. The same procedure applies where it is the manager who is requesting the employee to attend work for this purpose.

6.4 Payment for keeping in touch days

Working keeping in touch days will not affect an employee’s entitlement to SMP. Employees who work ‘keeping in touch days’ will be entitled to payment. You will receive payment for any hours worked as a keeping in touch day at the end of your maternity leave, at the rate you would have received at the time you worked. Keeping-in-touch days are also subject to pension contribution for employees in the Local Government Pension Scheme. The manager should ensure that HR Direct are notified of any keeping-in-touch-days worked to ensure payment is processed.

6.5 Definition of a ‘day’s pay’ for the purpose of KIT days

For the purpose of keeping-in-touch-days, a day’s pay is the equivalent of any hours worked in that day. If you have worked any hours as a keeping in touch day, you will be paid for the hours you worked but will lose the entitlement to one keeping in touch day.

7. Annual leave, statutory & privilege days and public holidays during maternity leave

7.1 Employees should try to plan when they intend to take their leave to avoid losing their entitlement. Employees should try and take the leave before starting maternity leave wherever possible. The carry-over of annual leave provisions continue to apply. Please see Terms & Conditions of Employment for details on carry-over of annual leave.

7.2 Any entitlement to public holidays (for employees with an EWC on or after 5 October 2008), annual leave and statutory and privilege days will continue to accrue during both ordinary and additional maternity leave.

7.3 If the employee is returning to work on a part-time, job-share basis or other flexible working arrangement, she should take her annual leave before the start of these arrangements.

7.4 If the employee’s period of maternity leave spans two leave years she should be treated in the same way as any other employee. This should not negatively affect the woman’s leave entitlement because she should be able to plan her leave so that she takes it beforehand instead of building up large amounts of leave.

8. Temporary employees

8.1 Temporary employees have the same rights to maternity leave as permanent employees. However, an employee does not have the right to return if their contract of employment ceases during her maternity leave.

8.2 If the employee’s service is terminated, their contractual pay should stop. However, we must pay all the statutory maternity pay that the employee is entitled to.
8.3 If a decision is taken to permanently recruit to a post that an employee on maternity leave held on a temporary basis, prior to the commencement of maternity leave, it is preferable that the recruitment process does not take place during her maternity leave. If this is necessary, managers must ensure that the employee is provided with an equal chance to compete. The further the distance in time from the birth the better, and no sooner than 4 weeks following the birth.

8.4 If the temporary arrangement is due to end either before or during a period of maternity leave and the need to carry out the work remains, the correct practice is to renew the temporary arrangement and employ another person on a temporary basis to cover the post during the maternity leave. The contractual payments should only stop if the requirement to carry out the work/additional duties comes to an end or, if the temporary arrangement was to cover an absence from the workplace and the permanent post-holder returns.

9. Maternity leave and increments for Senior Managers and Chief Officers

9.1 Incremental awards for Senior Managers are dependent on satisfactory performance. If the employee is on maternity leave it may not be possible to carry out an assessment at the time an increment is due. However, if we do not make a payment when it is due, this may give rise to a successful claim under sex discrimination legislation. Therefore managers should take the following action:

- If past performance has been satisfactory and this is expected to continue the increment should be awarded, and an assessment carried out on return from maternity leave by way of confirmation.

- If past performance has not been satisfactory and this is expected to continue, the increment should not be awarded until an assessment has been carried out following the return to work. If a decision is subsequently made to award the increment it should be backdated. Where an increment or national pay award is due to be or has been awarded after the qualifying week for calculating maternity pay, it may be necessary to recalculate statutory maternity pay.

9.2 For information on base pay increases or bonuses for Chief Officers, please refer to the Chief Officer Pay Scheme.

10. Pregnancy-related absence

10.1 The employee may stay at work up to the EWC. If she becomes unable or medically unfit to stay at work during the four weeks before the EWC, and the reason is caused by her pregnancy or childbirth, her maternity leave will start on the day after the first day of absence. So she will need to let her manager know if she is absent during this period because of ill health, which is connected to her pregnancy or childbirth.

10.2 The employee should notify her manager in line with Camden’s sickness absence reporting procedure.
10.3 The day after the first day of absence will trigger the start of the maternity leave period and will end statutory sick pay (SSP) (If the employee has been receiving SSP up to the fourth week before the EWC).

10.4 The law says that the maternity leave period is triggered if the sickness absence is because of pregnancy or childbirth. If part of the reason for the absence is pregnancy-related, that would be enough to trigger maternity leave.

10.5 When assessing the situation, the manager may want to consult the Occupational Health Unit as to what is pregnancy-related absence. The manager should also discuss the matter with the employee and take account of any information that may have been provided by the employees GP or midwife and then come to a view as to whether the maternity leave has been triggered.

10.6 If maternity leave is triggered, the employee will be notified in writing.

10.7 If it is clear that an absence after the 4th week before the EWC is not pregnancy-related and the employee wants to return to work because she says she is fit to, she may be required to provide a medical certificate to confirm this.

10.8 However, if the manager is concerned that the employee is not fully fit to return to work (especially if there are only a couple of weeks until the EWC) they could refer the employee to the Occupational Health Unit for confirmation that she is fit. This is important because of the duty of care to the employee and the health and safety of the woman and child. Managers should handle these issues sensitively and discuss them fully with the employee.

10.9 In terms of managing sickness absence, if an employee has a pregnancy related illness, the manager should consider how this could affect them doing their job. Medical information should still be obtained but these absences should be recorded as ‘pregnancy related’ and dealt with carefully in consultation with HR. These illnesses are of a temporary nature and the law gives extra rights and protection to these pregnant employees. Each absence will need to be considered separately and consideration should be made on how their illness may affect them doing their job. Pregnancy related illnesses still need to be managed under the Absence Management Policy and Procedure. Please refer to the Absence Management Policy and Procedure.

11. Local Government Pension Scheme

11.1 Employees in the local government pension scheme must pay contributions to the pension scheme on the actual pay they receive during their maternity leave. If a woman has chosen a period of unpaid maternity leave, she will have the option of paying contributions during this period.

11.2 If the employee has chosen to receive a period of unpaid maternity leave, she should fill in the pensions form in Appendix A of this guidance before the start of her maternity leave.
11.3 The completed form should be returned to the Pensions department.

11.4 For any period of unpaid additional maternity leave, upon returning to work, the employee has the option of paying contributions so that the period will count in full for pension purposes. If the employee chooses not to pay contributions for the unpaid absence, the relevant period will not count. Please refer to HR Direct for further advice.

12. Health and safety

12.1 Employers must protect the health and safety of all employees including new and expectant mothers. This includes not only women who are pregnant but also those who have given birth within the last six months or who are breastfeeding.

12.2 Once you know that an employee is pregnant, you must carry out a risk assessment to identify any special risks to the employee and her baby. You should not wait for formal notice from the employee about her pregnancy to carry out a risk assessment.

12.3 The manager will discuss the risk assessment with the employee so that they are aware of possible problems and can plan measures to prevent any problems from arising. Managers must also take account of the needs of the woman and the circumstances within which she works in the section. The risk assessment should be carried out in line with the Management of Health and Safety at Work Regulations.

12.4 In each case managers should identify the risk, evaluate it and take measures to reduce any possible problems. Additional advice will be available from the Occupational Health Unit.

12.5 It is important to remember that work requirements change and that the health and ability of a woman during pregnancy can change. Therefore managers must regularly review the risk assessment.

12.6 A typical example of a job that would not be suitable for a pregnant employee to carry out is that of a lifeguard at a leisure centre. Another situation which may need a change in working conditions is where the employee has to lift heavy loads during the course of her work, for example, someone working in a printing or reprographic unit lifting packs or boxes of stationery. This is because hormonal changes in a pregnant woman can affect ligaments, increasing the chances of injury. Problems with posture may also increase as the pregnancy progresses. You should also take particular care with women who handle loads within the three months they return to work after giving birth.

12.7 Guidance from the Health and Safety Executive advises that pregnant women do not need to stop working with Visual Display Units. However, if a woman is concerned about the effects of working with a Visual Display Unit, her manager may want to get advice from the Occupational Health Unit.

12.8 If the assessment shows that there is a risk, wherever possible, the manager should rearrange work processes, if this removes the risk.
12.9 The employee should be given a copy of the risk assessment.

12.10 If these changes do not avoid the risk, redeployment is the next step. In these circumstances the manager, in consultation with the employee, OHU and the employee’s GP or Midwife, will offer the employee any available suitable alternative employment.

12.11 If no suitable alternative work is available, the employee must be suspended for reasons related to maternity on full pay for as long as necessary to avoid the risk.

12.12 If the employee is offered suitable alternative work, the work must be suitable and appropriate for her to do in the circumstances and on the same or substantially equivalent terms and conditions, which applied to her original job.

12.13 If an employee is suspended for maternity reasons, she is entitled to be paid her normal pay during her suspension, unless she has unreasonably refused an offer of suitable alternative work. If this is the case, she should not be paid for the period in which the offer applies.

12.14 Suspension can cover any period from the time a woman becomes pregnant to any period after the birth if being at work would break health and safety rules.

12.15 If the employee’s maternity leave period begins while she is suspended because she reaches her leave date or because she is away from work for a reason related to her pregnancy in the four weeks before the EWC, she is no longer entitled to her normal pay. Instead she will start her maternity pay.

12.16 If any of the above arise, the manager should handle the matter sensitively, giving consideration to the employee’s interests and our duties and responsibilities to prevent the employee being put at risk. If possible the manager should find alternative employment to avoid a situation where the employee is at home on full pay. However if this is not practical, they should suspend the employee.

12.17 In employment law, the employee must tell her manager in writing that she is a new or expectant mother before her manager offers her alternative work or suspends her. However, her manager should act sensitively and reasonably and should take practical steps to protect the employee as soon as they are aware that the employee is a new or expectant mother.

12.18 If an employee is not satisfied with the way in which the above process has been applied then she should raise it with her manager in the first instance. Ultimately, she can refer to Camden’s Grievance Policy and Procedure.

13. Dismissal during maternity

13.1 In law, it is automatically unfair to dismiss a woman, regardless of her hours of work or length of service, if the only or main reason for the
dismissal is that she is pregnant or for any other reason connected with her pregnancy or childbirth.

13.2 It is also unfair to dismiss the employee because she used any contractual right or benefit during her maternity leave, or because of the need to suspend her from work for health and safety reasons.

13.3 The dismissal will also be unfair if the employee is made redundant during her maternity leave for valid reasons, but has not been offered suitable alternative employment, which was available.

13.4 This does not mean that the employee cannot be dismissed while she is pregnant or on maternity leave, but it must be for an 'admissible reason' under employment law. Usually this will be because she is made redundant or, if she is a temporary employee, because the temporary contract has come to an end.

13.5 Not renewing a fixed-term contract is seen in employment law as a dismissal. If the employee's pregnancy or maternity leave is a factor in not renewing the fixed-term contract, the same rules about unfair dismissal will apply. However, there is no entitlement under the law to extend a fixed-term or other temporary contract if the employee is on maternity leave at the time the contract ends. As long as ending her contract is for a reason, which is not related to the pregnancy or maternity leave, the dismissal should be fair. Managers should remember to follow the statutory dismissal procedures in these circumstances.

14. Organisational Change and Redundancy

14.1 The employee has the right to return to the same job she had before going on maternity leave, subject to any organisational change that might take place during this period.

14.2 Employees on maternity leave who are in a redundancy situation have a legal right to be offered any available suitable alternative employment. They must be informed as soon as a redundancy situation arises and should be consulted as if they were present in the workplace. The matter must not be left until the return to work at the end of the maternity leave.

14.3 The duty to employees on maternity leave requires them to be assessed for suitability for an alternative role before all other potentially redundant employees. A suitable alternative is one that is similar to the employee’s previous post in terms of pay, skills and responsibility. Please refer to the Organisational Change Policy.

14.4 We must take special care during any restructuring process to make sure that the employee receives the same information, vacancy list, letters and so on as everyone else. We must also give the employee the same chance for an interview, where appropriate, and be practical in the job matching process. You may also consider representations made on the employee's behalf by a trade union or other representative.

14.5 If it is not possible for an employee on maternity leave to come to an interview, managers should consider alternative ways of considering her
suitability, for example, asking her to send anything she thinks will help her application or holding a discussion by telephone.

14.6 A woman on maternity leave must be given the opportunity of redeployment like anyone else.

14.7 If an employee is made redundant, her last day of service will be recorded as the day on which she was made redundant and she will be paid any outstanding SMP and accrued annual leave owed to her in a lump sum.

14.8 This is a complicated and sensitive area. If there is an employee who is pregnant or on maternity leave when we are considering a restructure, first of all, contact HR Direct.

15. **Changes to the guidelines**

These are Camden’s Maternity Guidelines as at 1st April 2007. The guidelines will be reviewed on a regular basis in line with legislative changes and Camden’s policy on maternity. As a consequence we may need to change the guidelines in the future, but if we do, we will do so in consultation with our recognised trade unions and will let staff know. If we need to do something different, we will always be fair and reasonable.
Appendix A

Contributions to our pension scheme

If you are a member of our pension scheme, we will continue to take contributions from the pay you receive while you are on maternity leave. These contributions will be based on the actual pay you receive (in other words for any period during which you have chosen to receive half pay, we will take contributions at half the rate).

A period of paid maternity leave will count in full towards your service for pension purposes even if you pay reduced contributions.

For any period of unpaid maternity leave, you must decide whether or not you want to pay pension contributions.

You will pay contributions at the rate of pay you were receiving immediately before you started the period of unpaid leave. We will recover these contributions when you return to work.

If you choose not to pay contributions, the relevant period will not count for pension purposes.

If you will be going on unpaid maternity leave, you should confirm your decision about the above by filling in the attached form.
Employees who are currently in our pension scheme and who have chosen to receive a period of unpaid leave during their maternity absence must fill in this section.

Please return this form to: HR Direct, Room 301e, Third Floor, Town Hall Ext, London Borough of Camden, Town Hall Extension, Argyle Street, London, WC1H 8NP

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<tr>
<th>Name:</th>
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Date maternity leave due to start: 

Tick as appropriate

- I want to pay pension contributions for the period while I am on unpaid maternity leave and I understand that you take the contributions from my pay when I return to work.

- I do not want to pay pension contributions during the period I am on unpaid maternity leave and I understand that this period will not count in any way for pension purposes.

Your signature: _____________________ Date: ________________________

Correspondence Address:

To be completed by HR Direct (c.c. Pensions Section)

Paid maternity leave from _______ to _______

Unpaid maternity leave from_______ to _______

Optional pension contributions £ _______ to be recovered over ___ months from pay period _______

Completed by: _____________________ Date: ________________________