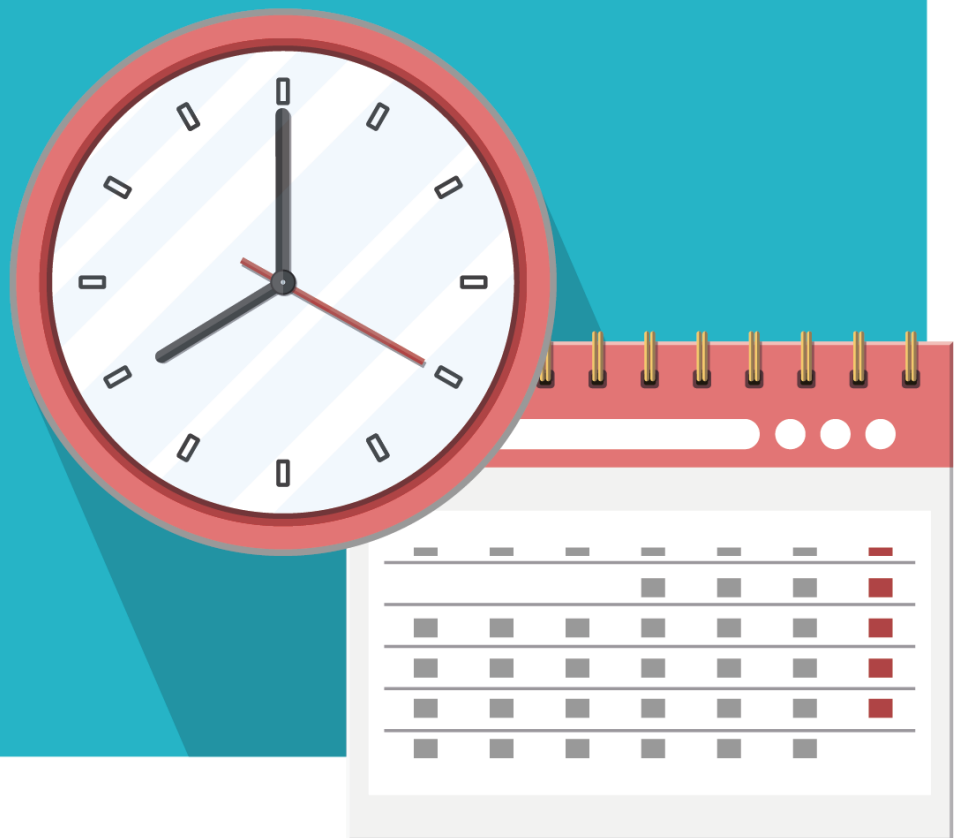
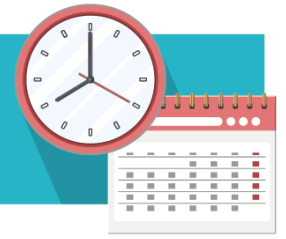

Maternity Leave Policy

South Oxfordshire and Vale of White Horse District Councils





Change Record

Change Record	
Policy Title	Maternity Leave Policy
Version Number	1
Owner(s)	People and Culture
Author(s)	People and Culture
Change Detail	Included the equalities email for those who require a different format. Separated out different types of child related leave into individual policies to make it easier to read and find info.
Approved by	People and Culture Team, UNISON & SMT
Effective date	23 September 2026
Renewal date	22 September 2029

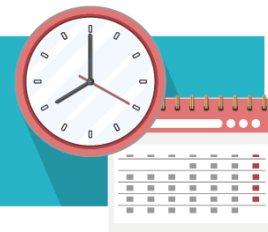


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1 Vision and Values

Our Vision

We are customer focused and approachable. We are honest and open and are committed to providing high quality cost-effective public services.

Our Values



Working Together

We are a committed professional team, who embrace change and help one another improve



People and Planet

We care about each other and the environment we share



Respect

We act with integrity, and champion diversity and inclusivity



Accountability

We take ownership, do what we say, strive for clarity and welcome feedback



Approachability

We are open, honest and accessible



2 Introduction

2.1 Purpose

Our Maternity Policy outlines the statutory rights and responsibilities of employees who are pregnant or new parents and details arrangements relating to maternity leave. It has been updated to reflect the employment requirements in accordance with the Employment Rights Act (2026).

2.2 Scope

This policy applies to all permanent and temporary employees of the councils, excluding Contractors/Agency Workers who are the employees of third parties.

The councils reserve the right to revise, withdraw or replace policies at any time and to introduce new policies from time to time to reflect the changing needs of the organisations.

This policy document supersedes any previously existing or alternative policies, agreements or arrangements relating to Maternity Policy at the councils.

2.3 Contractual Status

This policy is non-contractual, and the councils are entitled to introduce minor and non-fundamental changes to this policy by notifying you of these changes in writing.

2.4 Relevant legislation

- [Employment Rights Act 2025](#)
- [Employment Rights Act 1996](#)
- [Civil Partnership Act 2004](#)
- [Work and Families Act 2006](#)
- [Maternity and Parental Leave etc Regulations 1999 and all subsequent amendments](#)
- [Equality Act 2010](#)
- [Additional Paternity Leave Regulations 2010](#)
- [Human Embryology and Fertilisation Act 2008](#)
- [The Protection from Redundancy \(Pregnancy and Family Leave\) Act 2023](#)
- [Maternity Leave, Adoption Leave and Shared Parental Leave \(Amendment\) Regulations 2024](#)



2.5 Alternative formats

Please do not hesitate to contact a member of the Equalities Team if you would like this policy in an alternative format, via: equalities@southandvale.gov.uk.



3 Maternity

3.1 Definitions

- 'expected week of childbirth' (EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects the mother to give birth
- 'qualifying week' means the 15th week before the expected week of childbirth
- 'new or expectant mother' is someone who is pregnant, has given birth within the last 6 months or is breastfeeding
- 'partners' includes same sex couples

In the following sections, additional definitions may apply.

3.2 Notification of pregnancy

On becoming pregnant, you should inform your manager and [HR Business Partner](#) as soon as possible, but no later than 15 weeks (the qualifying week) before the baby is due. This is important as there are health and safety considerations, and your manager will work with you to assess and manage any health and safety risks during your pregnancy. Your manager will keep your notification of pregnancy confidential and will discuss with you your wishes in terms of when you would like to announce your pregnancy to your team / more widely.

You will need to notify your manager, in writing, of the following:

- that you are pregnant
- your expected week of childbirth
- when you intend to start your maternity leave.

To receive maternity pay you will need to email the following to your manager and HR Business Partner:

- your MATB1 certificate from your doctor or midwife to confirm your expected week of childbirth (this is usually issued after you have been pregnant for 21 weeks)
- your completed [occupational maternity / adoption pay declaration form and maternity calculation request form](#) on OurSpace.

On receiving the above your HR Business Partner will provide you with your maternity pay calculations and arrange to meet with you and your line manager to discuss your maternity leave, pay, annual leave and any questions you may have. HR will then write to you within 28 days detailing arrangements for your maternity leave and your maternity pay.



You are entitled to bring forward or delay your maternity leave start date, but you need to notify your manager and HR in writing at least 28 days prior to the new start date (if bringing forward) or 28 days before the original proposed start date (if delaying). If 28 days' notice is not possible (for example the baby arrives early in which case your maternity leave automatically starts), please notify your manager as soon as reasonably practicable. See section 2.6 for further information.

If you are not eligible for maternity pay you may be eligible for [maternity allowance](#). See sections 2.7 for further information.

3.3 Time off for antenatal appointments

All pregnant employees are entitled to paid time off to attend antenatal appointments as advised by a registered doctor, midwife, or health visitor. Antenatal appointments are not just medical appointments; they can include antenatal classes if a doctor or midwife has recommended them. The time off includes necessary travelling time.

You should inform your manager in advance of your antenatal appointments, giving as much notice as possible and wherever possible try to arrange them as near to the start or end of a working day as possible. Your manager may ask you to produce your appointment card. Your appointment should be logged on your timesheet.

If you are the spouse or partner of a pregnant woman, you have the right to take unpaid time off to attend up to two antenatal appointments. You may choose to use annualised hours or your wellbeing hour for this.

3.4 Health and Safety

The councils have a duty of care to ensure the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to new or expectant mothers. You will need to contact the H&S team to arrange for an assessment to take place, by emailing healthandsafety@southandvale.gov.uk.

The Health and Safety team will conduct the [Pregnant Workers Risk Assessment](#) (Form HSC-18-F01) with you, with your line manager present. It is intended that this risk assessment is undertaken during the first, second and third trimesters, as far as is practicable. A copy of the completed risk assessment will be shared with the HR team and saved on your personnel file.

If the risk assessment identifies risks to you and those risks cannot be avoided your manager will amend your working conditions and/or work hours if it is reasonable to do so and it avoids



the risks. If this cannot be achieved, they will offer suitable alternative work and if this is not feasible suspend you from work (on full pay).

3.5 Sickness Absence

If you are sick with a pregnancy related illness during the last four weeks before your baby is due your maternity leave will start automatically, and you will need to notify your HR Business Partner as soon as reasonably practicable.

You are not entitled to sick pay whilst on maternity leave. If you are unable to attend work due to sickness at the end of your maternity leave the [Sickness Absence Policy](#) applies.

3.6 Maternity Leave

All pregnant employees are entitled to take 26 weeks ordinary maternity leave (OML) and up to 26 weeks additional maternity leave (AML), providing an entitlement of up to 52 weeks maternity leave in total. This is regardless of the number of hours you work or your length of service.

You are required by law to take a minimum of two weeks maternity leave immediately after the birth of your child.

OML can start any time after the beginning of the 11th week before the expected week of childbirth, and you can work until the day of birth if you choose.

If you give birth before your chosen maternity leave start date, your maternity leave will start earlier. Please notify HR of the date of birth in writing as soon as reasonably practicable, as your maternity leave dates and pay will need to be recalculated.

Your maternity leave will therefore start on whichever date is the earlier of:

- your chosen start date
- the day after you give birth; or
- the day after any day on which you are absent for a pregnancy related reason in the four weeks before the expected week of childbirth.

3.7 Statutory Maternity Pay (SMP)

To qualify for SMP you must:

- earn over the [National Insurance Lower Earnings Limit](#) in the relevant earnings period (average for 8 weeks before your qualifying week)
- give the correct notice and proof you are pregnant



- have worked for your employer continuously for at least 26 weeks continuing into the 'qualifying week' - the 15th week before the expected week of childbirth.

If you qualify for SMP, you will be entitled to be paid 39 weeks SMP, as follows:

- the first 6 weeks at higher rate SMP, which is 90% of your average weekly earnings (before tax). This is calculated based on what you are paid in the relevant earnings period. The relevant earnings period is the eight-week period before the qualifying week
- the following 33 weeks at the lower rate [SMP](#) or 90% of your average weekly earnings (whichever is lower)
- SMP starts on the same day as your maternity leave.

3.8 Occupational Maternity Pay (OMP)

To qualify for OMP you will need to meet the following criteria:

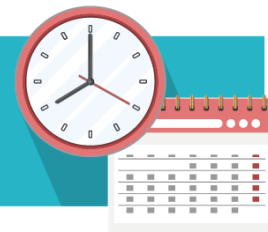
- qualify for SMP, as above
- have more than one year's local government continuous service by the beginning of the 11th week before your baby is due.

If you qualify for OMP, you will be entitled to be paid 12 weeks OMP, as follows:

- 12 weeks half pay, in addition to the 39 weeks SMP entitlements outlined above.
- OMP will be paid from week 7 of your maternity leave until week 18 of your maternity leave.

You will need to complete the [occupational maternity / adoption pay declaration form and maternity calculation request form](#), found on OurSpace, and return it to your HR Business Partner, to ensure you receive your OMP.

If your salary is subject to pay protection because your grade has decreased (normally 18 months' salary protection), the period of protection will be ongoing during your maternity leave i.e., the time you take off for maternity leave will form part of the 18 months duration. Your higher rate SMP and your OMP will be paid at your protected rate of pay.



The following table summarises maternity pay entitlements:

How much local government continuous service do you have?	What you will be paid
Less than 26 weeks continuous service on the 15th week before the EWC and/or earning less than the National Insurance Lower Earnings Limit	Maternity Allowance (MA) - You will not qualify for SMP but can claim Maternity Allowance. - Maternity Allowance will be paid at the current flat rate (or 90% of average weekly earnings if this is less) for 39 weeks. - Maternity Allowance is not processed by payroll but by your local Job Centre Plus. A copy of the Maternity Allowance claim form is available from www.dwp.gov.uk
More than 26 weeks continuous service at the 15th week before the EWC and earn over the National Insurance Lower Earnings Limit	SMP 90% of your average earnings for six weeks (higher rate SMP) - followed by current lower rate SMP for 33 weeks (or 90% of average weekly earnings if this is less)
More than one year's local government continuous service by the beginning of the 11th week before your baby is due.	OMP 90% of average earnings for six weeks (higher rate SMP) - followed by half pay* plus lower rate SMP for 12 weeks (or capped at your average basic salary if this is less) - followed by lower rate SMP for a further 21 weeks. * to receive 12 weeks half pay you must physically return to work for a minimum of three months, following any agreed annual leave period, or you will be liable to repay the half pay element of the OMP. You can elect to receive the 12 weeks half pay following on from your six weeks higher rate SMP or as a lump sum on your return.



3.9 Miscarriage, ectopic pregnancy or still birth

The councils aim to be as supportive as possible in the event of an employee suffering a miscarriage, ectopic pregnancy, or still birth. If your baby is stillborn after the 24th week of pregnancy you still qualify for all the entitlements described in this policy (subject to meeting eligibility criteria). If you have a miscarriage prior to the 24th week of pregnancy, then the [sickness absence](#) and the [bereavement and compassionate leave](#) policies apply.

3.10 Contact during maternity leave

Before your maternity leave starts, your manager will discuss arrangements for you to keep in touch during your leave, if you wish to do so. This may be to discuss your plans for returning to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence. The councils reserve the right to maintain reasonable contact with you from time to time during your maternity leave including advising you of any job vacancies or learning & development opportunities and to consult with you in the event of organisational change.

3.11 Keeping in touch days

If you wish, and your manager agrees, you can work on up to ten “keeping in touch” days (KIT days) during your maternity leave without bringing your maternity leave to an end or affecting your SMP (or OMP if applicable). You cannot use “keeping in touch” days during the first two weeks following the birth of your child.

Each “keeping in touch” day is paid at your normal daily rate of pay (pro-rata if you work less than a full day), less any maternity pay you receive for that week. If you are not due to receive maternity pay in the week you work your KIT Day(s) you will be paid at your standard hourly rate without a reduction for maternity pay. This will usually be the case from week 40 onwards of your maternity leave as you are likely to receive 39 weeks of SMP.

Working for part of the day will count as one full “keeping in touch” day, for example if you work half your normal working day, you will have nine KIT days remaining, not nine and a half. Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purpose of keeping in touch with the workplace. This does not include social contact such as lunch/coffee.

When you work a KIT Day you or your manager needs to email the HR team, confirming the date and hours that you worked on the KIT Day, and the HR team will arrange any payment you are due to receive as part of the normal payroll run.



3.12 Pay increases during maternity leave

The benefit of any general pay increase awarded between your relevant earnings period and the date you return to work will be reflected in a recalculation of your maternity pay and paid retrospectively (in the next pay period after the calculation is run). Recalculations are carried out annually, usually as part of the April pay review.

3.13 Benefits during maternity leave

Your contract of employment continues during your maternity leave, and you are therefore entitled to receive all benefits except pay (please see previous maternity pay section for details of any pay you are entitled to).

During your maternity leave you are entitled to the benefit of the councils' implied obligation of trust and confidence and any terms relating to notice of termination by the councils, redundancy and disciplinary or grievance procedures.

During your maternity leave you remain bound by your implied obligation of good faith and any terms as to notice of termination by you, disclosure of confidential information, acceptance of gifts or other benefits and participation in any other business.

Statutory and contractual payments other than those relating to maternity are not affected by the salary sacrifice schemes for bike loans and childcare vouchers.

3.14 Annual leave

Your annual leave entitlement will continue to accrue during both ordinary and additional maternity leave and there will be flexibility about carrying over annual leave from one year to the next. Where possible, only one contractual week's leave should be carried over. Where this is not possible, then more leave may be carried forward, as agreed with your manager. If agreement cannot be reached regarding leave carry forward contact HR for support.

You will need to consider when you will take the leave you are accruing. You may decide to take some of your accrued annual leave (or annual leave that will be accrued during maternity leave) before your baby is born or alternatively you may opt to take it at the end of your maternity leave (subject to the carry over arrangements). You should agree this with your manager before commencing your maternity leave.

You are unable to remain on maternity leave whilst taking a period of annual leave. If you would like to take a block of annual leave, either in the paid or unpaid period of your maternity leave, this would bring your maternity leave to an end. You would not be able to re-instate your maternity leave following a block of annual leave.



If you are full-time and agree to return to work on a part-time basis (in line with the flexible work policy), your leave will be pro-rated from the date you return.

If you decide not to come back to work and have taken more leave than was due, you will be required to repay this via a deduction in your final salary. In the case where your final salary does not cover the total owed, you will be required to pay directly to the council via bank transfer. If you have not taken your full entitlement and have leave remaining this will be paid to you in your final salary.

3.15 Annualised hours (where applicable)

Wherever possible you should ensure that when you start your maternity leave your annualised hours are at a zero balance. If, in exceptional circumstances, you have a deficit or credit when you go on maternity leave, then the starting point when you return from maternity leave will be the deficit or credit you had when you started your maternity leave. If you do not return from maternity leave the councils reserve the right to deduct payment for excessive negative hours from your final pay. You will not be paid for annualised hours you have in credit at the point of leaving.

3.16 Local government pension scheme membership

During the 26-week OML period the councils will continue to pay employer pension contributions based on the pay you would have received if you had been working normally. This will apply whether you receive any pay or not during this period. If you do receive some pay (SMP) during this period, you will pay contributions at the same pension percentage as you did before your maternity leave, but this percentage will be based on the amount of pay you actually receive in a given month.

If you receive SMP in any part of your AML, the councils will pay pension contributions based on the pay you would have received had you been at work normally and you will pay contributions based on the SMP you receive (known as Assumed Pensionable Pay).

No employee pension contributions will be deducted throughout the period in which you receive no pay. From 1 April 2026, any periods of unpaid relevant child related leave will have pension contributions paid by the employer using Assumed Pensionable Pay (assumes that an employee has been paid as if they were at work) so that employees are not disadvantaged by being on leave.

To discuss your pension in more detail you can contact the pension team at Oxfordshire County Council on 01865 797125 or 01865 797134.



3.17 Childcare vouchers

This scheme is no longer open to new members (following changes in legislation) but some staff who are already in the scheme can continue with the vouchers providing they have remained and paid into the scheme since it was closed. If you receive childcare vouchers through the councils' childcare salary sacrifice scheme your higher rate SMP (first 6 weeks) and 12 weeks half pay (where applicable) will be calculated based on what you are paid in the relevant earnings period, i.e., your adjusted salary. The relevant earnings period is the eight-week period before the qualifying week.

You may want to consider reducing your monthly childcare salary sacrifice amount just before your relevant earnings period so that your 12 weeks half pay is calculated on your full salary. However, if you choose to stay in the scheme you can continue to receive childcare vouchers during your maternity leave. During the maternity leave period your salary can only be sacrificed from the 12 weeks half pay (where applicable). The remainder of the cost of the childcare vouchers during maternity leave is met by the councils.

Please note that you can reduce your monthly childcare salary sacrifice amount to £0 for up to 11 months, however, if you don't have any salary deductions in the 12 months, you will be removed from the councils' scheme, and the only option would then be to join the government scheme.

3.18 Bike loans

If you have a bike loan through the councils' salary sacrifice scheme, your higher rate SMP (if applicable) will be affected by participation in the bike scheme (in the same way as outlined in the childcare vouchers section above). During maternity leave you will continue to have the bike and equipment on hire. During the maternity leave period your salary can only be sacrificed from the 12 weeks half pay (where applicable) and therefore you will accrue a debt which will be recovered as soon as you return to work. If you resign, you will need to pay the balance due on the bike loan.

3.19 Pregnancy during additional maternity leave

If you qualify for AML and you become pregnant again during your maternity leave, and your baby is due before you are due to return to work, you are entitled to another period of maternity leave without returning to work. When you return to work after your second period of maternity leave, you have the right to return to the same job with the same terms and conditions, unless it is not reasonably practical to do so. If this is the case, we will offer you suitable alternative work.



3.20 Fixed term contracts during maternity leave

If you are employed on a fixed-term contract which is due to expire during your maternity leave, your manager will contact you to discuss the options available to you. This may be an extension to your contract, redeployment, or redundancy. The councils will apply the organisational change policy when dealing with redeployment or redundancy. If your post is made redundant your maternity leave will cease, and your contract and benefits will end automatically. If you qualify for SMP the councils will pay your SMP as a lump sum payment.

3.21 Redundancy protection during pregnancy and maternity leave

Pregnant women and new mothers have enhanced protections against redundancy dismissals. The redundancy protected period during pregnancy and maternity

- starts when an employee tells their employer that they are pregnant
- ends 18 months from the exact date the baby is born

The protection gives those employees priority for being offered suitable and alternative roles, if any are available, and places them ahead of other employees who may also be at risk of redundancy (in line with the [Organisational Change](#) and [Redundancy policies](#)).

In the unfortunate event that the employee suffers a miscarriage, the protected period will start when the employee notifies the employer of pregnancy and will end two weeks after the end of the pregnancy, for pregnancies ending before 24 weeks. If after 24 weeks of pregnancy the employee suffers a stillbirth, then they are entitled to full statutory maternity leave and the extended protection period.

3.22 Return to work

During your maternity leave, it would be helpful if you could confirm that you will be returning to work as expected as soon as convenient. If you decide to return to work before the end of your additional maternity leave, or previously agreed end of maternity leave date, you should notify your manager in writing giving at least eight weeks' notice.

If you do not give full notice, the councils may postpone your return date, which will ensure that full notice is given, but cannot postpone your return date beyond the expiry of the maternity leave period itself.

If you return to work during or at the end of OML you have the right to return to the same job in which you were employed under your contract of employment and on terms and conditions no less favourable than those, which would have been applicable, if you had not been absent. If you return to work during or at the end of AML, you have the right to return to the same job,



unless this is not reasonably practicable, in which case you will be offered a suitable alternative position.

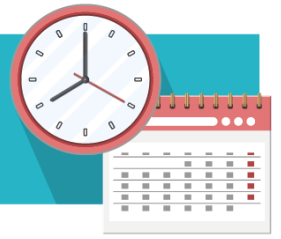
Wherever possible the councils support requests for employees to work part time or job share. If you wish to request this in advance of you returning from your maternity leave you should refer to the councils' [Flexible Working policy](#).

If you are breastfeeding when you return to work, the councils will provide a rest room for you to use if you are working in the office. If you need to adjust your working hours to accommodate breastfeeding, please discuss this with your line manager.

If you decide not to return to work you should write a letter of resignation to your manager in the normal way, giving contractual notice, as detailed in your contract of employment. If you are intending to work for another organisation, who did not employ you in your qualifying week, your SMP will stop from the date you begin working for this other employer. Your last day of employment will be the final day that you receive maternity allowance, SMP or OMP or, if you are not receiving any form of maternity pay, the date at the end of your notice period.

3.23 Sharing maternity leave

Sharing your maternity leave is covered under the [Shared Parental Leave Policy](#) (SHPL). This enables you to use some of your maternity leave in a more flexible way and share it with your partner.



4 Other child related leave policies

Policies relating to adoption and surrogacy, paternity, parental leave and shared parental leave entitlements can be found on the [policies section](#) on OurSpace.