



POL 3042 – Joint Maternity Policy and Procedure

Scope.

This procedure is mandatory and applies to all NFRS staff.

Summary.

This Policy and Procedure sets out statutory and occupational provisions for employees before, during and after pregnancy and covers maternity leave and pay and return to work arrangements. It also covers issues such as surrogacy and fertility treatment.

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EIA Completed on the 04/04/2022 applicable to pregnancy and maternity.			
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1.4	19/06/2024	HR Officer	Moved time off for fertility treatments from the Discretionary Leave Policy to this policy to consolidate and improve ease of use.
1.3	21/12/2023	HR Officer	Added reference to Personal Development Plans and added an example PDP as an appendix.
1.2	10/11/2023	IG Officer	Document formatting
1.1	03/04/2023	HR Officer	Changes to maternity pay and additional provisions included.
1.0	01/04/2020	Head of People and OD	Document and version formatting.

Contents

1.	Key information	<ul style="list-style-type: none"> 1. Introduction 2. Application 3. Policy Statement
2.	Primary information	<ul style="list-style-type: none"> 4. Definitions 5. Giving Notice of Pregnancy 6. Health and Safety Risk Assessment During Pregnancy 7. Antenatal Care 8. Uniform and Corporate Work Wear 9. Maternity Leave 10. Timing of Maternity Leave 11. Maternity Pay 12. Maternity Pay – Two or More Jobs 13. Pension 14. Special Arrangements 15. Fertility Treatment 16. Conditions of Service 17. Contact During Maternity Leave 18. Work During Maternity Leave (KIT Days) 19. Period of Notice While on Maternity Leave 20. Returning to Work 21. Breastfeeding 22. Work-Life Balance
3.	Support information	<ul style="list-style-type: none"> 23. Related Documents 24. Review Period 25. Compliance Statement
4.	Appendices	<ul style="list-style-type: none"> 1. Personal Development Plan

Information Delivery System (IDS)

The IDS uses colour to identify sections within documents, namely:

Section	Colour	Purpose
Key		Is critical 'need to know' information and can consequently be found at the front of the document.
Primary		Is information that supports and elaborates on key information but is not immediately critical in nature.
Support		Is background information that further underpins the previous sections.
Appendices		Is relevant information such as process maps, tick lists, flowcharts, and templates etc.

1. Key information.

1. Introduction

1.1. This Policy and Procedure sets out statutory and occupational provisions for employees before, during and after pregnancy and covers maternity leave and pay and return to work arrangements. It also covers issues such as surrogacy and fertility treatment.

2. Application

2.1. This policy applies to all employees who become pregnant, whether in a heterosexual or same sex partnership or who are single.

3. Policy Statement

3.1. We are committed to maintaining a healthy, safe and supportive working environment for everyone, including pregnant employees and their unborn children. We know that maternity leave is an important period of time. While its primary purpose is to give you time to recover from the birth, more importantly it also allows you time to care for, and bond with, your baby. It is recognised that expectant, new and nursing mothers require practical and emotional support during pregnancy and maternity periods. We will treat you in a way that is sensitive and supportive to your circumstances and ensure that you are treated fairly.

3.2. The Service is supportive of those who wish to return to work after maternity leave and will support you, making every effort to accommodate flexible working where this meets both your needs and business requirements.

3.3. This policy is compliant with both green and grey book terms and conditions and applies to all pregnant employees, new mothers and those who have given birth or miscarried in the previous six months, and those women who choose to return to work whilst breast feeding.

3.4. This Policy and Procedure document has been developed in accordance with the Core Code of Ethics for Fire and Rescue Services in England to support a consistent approach to ethics, including behaviours, by fire and rescue services in England.

2. Primary information.

4. Definitions

- **Antenatal care:** is the care you get from health professionals during your pregnancy.
- **Maternity:** A period of absence from work granted to an individual before

and after the birth of their child.

- **Maternity pay:** An entitlement to either statutory or occupational maternity pay.
- **Statutory Maternity Leave (SML):** is the entitlement to take up to 52 weeks leave.
- **Ordinary Maternity Leave (OML):** is the first 26 weeks of the 52 week entitlement.
- **Additional Maternity Leave (AML):** is the second 26 weeks of the 52 week entitlement.
- **Statutory Maternity Pay (SMP):** Is an employee benefit that's part of the parental leave provision in the UK.
- **Occupational Maternity Pay (OMP):** is where an employer tops up an employee's pay to more than the statutory minimum rates.
- **Expected Week of Childbirth (EWC):** is the week beginning Sunday and ending Saturday in which it is expected that childbirth will take place.
- **Maternity Allowance (MA):** A payment you can get when you take time off to have a baby if are not entitled to SMP.
- **NFRS:** Nottinghamshire Fire and Rescue Service.

5. Giving Notice of Pregnancy

5.1. You are encouraged to inform your manager as soon as you know you are pregnant.

5.2. To be eligible for maternity leave, you must comply with the notification periods as outlined below.

5.3. You must give your manager the following information, in writing, no later than the end of the 15th week before your expected week of childbirth (EWC), unless this is not reasonably practicable (e.g. you didn't know you were pregnant):

- The expected date on which your baby is due
- Your intention to take maternity leave
- The date on which you intend your maternity leave to start (which cannot be earlier than the 11th week before the EWC)
- The EWC on a MAT B1 certificate. This certificate is normally issued during or shortly after the 21st week of your pregnancy

5.4. On receipt of your MAT B1, your manager/HR will discuss with you to confirm:

- The start date for your maternity leave
- Whether you intend to return to work at the end of your maternity leave (although this may not yet be known)
- The date you are expected to return to work
- Your maternity leave and pay entitlement

5.5. If you change your mind about the date you plan to start your maternity leave, you should aim to provide as much notice as possible of the change, but, at the

very least, you must provide 28 days' notice.

5.6. We understand that if you are operational, you may be required to disclose your pregnancy earlier than you may usually choose to. We will ensure confidentiality is maintained with the exception of HR and Occupational Health requiring to be notified.

6. Health and Safety Risk Assessments During Pregnancy

6.1. Once you have notified your manager of your pregnancy, an individual risk assessment (form accessed [here](#)) must be carried out to identify any changes that may be necessary to protect your health and the health of your unborn baby. This should be re-visited at regular points throughout the pregnancy to ensure that it is still current.

6.2. There should already be a generic risk assessment in place to identify hazards in the workplace that could present a risk to any new, expectant or breastfeeding mothers which should be reviewed periodically.

- A meeting will be convened with you, your manager and (and a Trade Union representative if desired). The meeting will cover the following areas:
- Provision of a copy of this Maternity policy (to clarify entitlements)
- Individual risk assessment
- Occupational Health referral if required
- Working arrangements and hours
- Time needed for appointments/ante-natal classes
- Uniform requirements and ordering
- Annual Leave arrangements
- Reasonable contact and “Keeping In Touch Day” arrangements
- Any other items/issues you may be concerned or have questions about.

6.3. Any risks identified during the individual risk assessment must be removed or alternative arrangements made. If you are operational, you will be placed on modified duties for health and safety reasons of both you and your unborn child (the Modified Duties Policy is on the Policy Centre on MyNet). Modified duties will be determined and agreed with you and your manager (with advice from occupational health where required).

6.4. You will remain principally established to your substantive work location or department while pregnant if meaningful work is available. If an individual risk assessment identifies a significant risk to either you or your unborn child which cannot be removed, you may be redeployed away from your normal workplace (this can also be considered upon your request). If this is the case, then you will be redeployed to suitable alternative work with no less favourable terms and conditions.

6.5. In some cases, temporary flexible working or reduced hours, without loss of pay, may be considered if this is deemed necessary on medical grounds. Any changes to your working arrangements will only be implemented following

consultation with Occupational Health, and with agreement with your manager and HR.

- 6.6. In exceptional circumstances, if it is not possible to alter working conditions to remove the risks to your health or the health of your unborn child and no suitable alternative work or modified duties are available, then you may have to refrain from work until the risk is eliminated. In some rare cases, this may be for the remainder of the pregnancy, up to the commencement of maternity leave.
- 6.7. You should not unreasonably refuse an offer of suitable alternative employment if it is available.
- 6.8. If you are required to refrain from work under these circumstances, your employment will continue during this period with no affect to your maternity rights. You will also remain entitled to your normal salary and contractual benefits during this period, unless you have unreasonably refused an offer of suitable alternative employment.

7. Antenatal Care

- 7.1. If you have, on medical advice, made an appointment to receive antenatal care (including antenatal and parent craft classes where it is not practical to attend outside your normal working hours), you will be given paid time off to keep the appointment. You will not be asked to provide evidence of the first appointment, but you may be asked to produce evidence of any subsequent appointments made.
- 7.2. If you are a partner of an expectant mother, you have a statutory right to attend up to 2 antenatal appointments. The time off is unpaid and is for a maximum of 6.5 hours for each appointment.

8. Uniform and Corporate Work Wear

- 8.1. Maternity wear will be discussed in the initial meeting and plans arranged to be fitted, sourced and supplied for both uniformed staff and those required to wear corporate work wear. Following the initial meeting, a request for maternity uniform should be made directly to [Stores](#).
- 8.2. In exceptional circumstances, if the maternity uniform is unsuitable or unavailable, alternative arrangements may be considered. Authorisation is required from your Line Manager and HR before any items are purchased and re-imburement/payment will only be given on pre- authorised purchases. Itemised VAT receipts must be provided.

9. Maternity Leave

- 9.1. You are entitled to 52 weeks' statutory maternity leave, regardless of your length of service. This is a single continuous period and is made up of:
- 26 weeks' ordinary maternity leave (OML), followed immediately by
 - 26 weeks' additional maternity leave (AML)

9.2. You must provide your MAT B1 form when received from your midwife which should be at the 21st week of pregnancy. This will detail your Expected Week of Childbirth (EWC).

9.3. You must take a minimum of 2 weeks’ maternity leave immediately after childbirth.

Summary of key dates and actions during pregnancy:

Pregnancy Week						
40- EWC						
39						
38						
37						
36						
35						
34						
33						
32						
31						
30						
29						
28						
27						
26						
25	Latest time to notify					
24						
23						
22						
21						
20						
19						
18						
17						
16						
15						
14						
13						
12						
11						
10						
9						
8						
7						
6						
5						
4						
3						
2						
1	Earliest/Ideal time to notify manager					
0						
	Recommend Inform manager and latest date to do so	Recommend Initial meeting and complete individual risk assessment	Receive MatB1 and provide to your manager/HR	Qualifying week	Earliest and latest start of Maternity Pay if eligible	Earliest and latest start of Ordinary Mat Leave (OML)

10. Timing of Maternity Leave

10.1. You may begin your maternity leave at any time from the beginning of the 11th week before the EWC and not later than the day following the actual date of the baby's birth. Sickness absence may also trigger the start of your maternity leave.

10.2. If you give birth before the expected date, or before you have had the opportunity to notify your line manager of a date, your maternity leave period will start automatically on the day after childbirth. You must notify your

WARNING: If you are reading a printed copy of this document, please refer to the Intranet to ensure you are reading the most current version.

manager as soon as reasonably practicable of the date of birth of your child, as well as the original expected date of birth.

10.3. You must inform your manager and HR by the 15th week before the baby is due, when you wish your maternity leave (both Ordinary Maternity Leave and/or Additional Maternity Leave) and pay to start.

10.4. You may change the start or end date of your maternity leave and pay by giving your manager and HR 28 days' notice.

11. Maternity pay

11.1. Any entitlement to either statutory or occupational maternity pay will depend on you meeting the relevant eligibility criteria.

Statutory Maternity Pay (SMP)

11.2. If you meet the relevant statutory qualifying conditions, you are entitled to a period of statutory maternity pay (SMP).

11.3. SMP is given to those who:

- Have at least 26 weeks continuous service at the 15th week before the EWC.
- Are still pregnant at the 11th week before the EWC or have given birth.
- Have average weekly earnings, for the 8-week period ending with the qualifying week, of not less than the Lower Earnings Limit for NI contributions (you can find out the current limit from Payroll Section).
- Have stopped working for NFRS to commence maternity leave
- Provide proper notification.

11.4. Statutory maternity pay is paid for 39 weeks. This is made up of 6 weeks at 9/10th (90%) of a normal or average weeks' pay followed by 33 weeks at the appropriate rate (usually lower) of SMP. SMP is calculated on a weekly basis and paid monthly. (Check your eligibility here <https://www.gov.uk/maternity-pay-leave>).

11.5. Your average weekly earnings will be based on all your actual gross earnings that are subject to National Insurance contributions in the 8-week period before the qualifying week (15th week before EWC). Therefore, your earnings can include holiday pay, overtime, bonuses, arrears of pay or other sums paid during the SMP calculation period on which National Insurance contributions are paid. Allowances (e.g. essential car users allowance or FDS), that are included in your gross earnings and are subject to tax and Class 1 National Insurance contributions also count as earnings.

11.6. If you become eligible for a pay rise between the start of the original calculation period and the end of your maternity leave (whether ordinary or additional maternity leave), the higher or standard rate of SMP will be recalculated/increased to take account of your pay rise, regardless of whether SMP has already been paid. You will be paid a lump sum to make up any

difference between SMP already paid and the amount payable as a result of the pay rise.

11.7. SMP will not be paid if you:

- are in legal custody during that period or
- work for another employer after the birth but still during your Maternity Pay Period.

Maternity Allowance (MA)

11.8. If you are not entitled to statutory maternity pay you may be eligible for maternity allowance for a period of up to 39 weeks, provided you have stopped working (to take maternity leave). To qualify you must have been employed in at least 26 of the 66-week period ending with the week before the expected week of childbirth. Your gross earnings must be at least £30 a week averaged over a 13-week period.

11.9. You will need to ask your local Jobcentre Plus for advice about claiming this.

Occupational Maternity Pay (OMP)

11.10. If you have more than one year's continuous service at the 11th week before the expected week of childbirth, meet the eligibility requirements for SMP and intend to return to work you will be entitled to OMP:

- 26 weeks full pay – this will include the statutory entitlement to 39 weeks of Statutory Maternity Pay which will be “topped up” to your normal contractual pay for 26 weeks.
- Plus 13 weeks Statutory Maternity Pay.

11.11. For on call employees, maternity pay will be based on your average pay, including regularly worked overtime, over the last 8 weeks prior to the qualifying week.

11.12. The sum of SMP (or Maternity allowance) and OMP will NOT exceed normal pay.

11.13. To benefit from this enhanced occupational maternity pay, you must return to work and carry out your full role and associated duties for a minimum of 3 months. Failure to return to undertake the full duties associated with the role for any reason may result in some or all of the enhanced payments being reclaimed. If it is repaid in a different tax year from when the pay was received, you should reclaim the tax and National Insurance paid from HMRC.

11.14. Please note that any subsequent pregnancy that prevents you returning to work for a minimum of 3 months, and complying with the above provision, maternity pay will only be paid at the SMP rate.

11.15. If you have less than one year's continuous service at the 11th week before the expected week of childbirth or you do not intend to return to work you will not

be entitled to OMP.

11.16. If you are uncertain whether you will return or not, you can delay receiving OMP until you are certain that you will return. You can choose to receive OMP during maternity leave or as a lump sum payment on your return.

11.17. All maternity payments will cease on the expiration of 39 weeks and the remaining maternity leave period (up to 52 weeks) is unpaid.

11.18. The Maternity Pay Period (MPP) starts on the date that maternity leave starts.

The following table explains the eligibility for SMP and OMP and how it is paid:

	Length of service	Statutory Pay (SMP or MA)	Contractual Pay (repayable if you do not return for 3 months).	Contractual pay not repayable
Pay more than lower earnings limit NI on pay	Less than 26 weeks service at 11 th week before EWC	N/A May be eligible to claim Maternity Allowance.	N/A	N/A
	Less than 1 year, but more than 26 weeks service at 11 th week before EWC	6 weeks at 90% followed by 33 weeks @ SMP	N/A	N/A
	More than 1 year service at 11 th week before EWC	6 weeks @ 90% followed by 33 weeks @ lower rate SMP	26 weeks full pay (SMP will be "topped up" to normal contractual pay for 26 weeks (Followed by 13 weeks SMP)	N/A
Pay less than lower earnings limit NI on pay (may apply to on call staff or part timers)	Less than 1 year service at 11 th week before EWC.	N/A May be eligible to claim Maternity Allowance.	N/A	N/A
	More than 1 year service at 11 th week before EWC	N/A May be eligible to claim Maternity Allowance.	The equivalent of further 6 weeks normal salary, paid between week 7 and week 39.	6 weeks at 90%

12. Maternity pay and leave if you have two or more jobs (inc on call)

12.1. If you have two or more employers (or have more than one job with the same employer such as being a wholtime and on call fire fighter) and meet the eligibility requirements, you will get maternity leave from each job and do not have to start each period of maternity leave at the same time, unless the baby arrives earlier than anticipated.

12.2. If you qualify for SMP from both jobs you could receive two lots of SMP. However, you cannot get Maternity Allowance (MA) for Job A if you are already getting SMP for Job B. If you do not qualify for SMP for either job, you cannot get two payments of MA (although the calculation of earnings for MA can be based on earnings from two or more jobs).

Summary of key dates for leave and pay following pregnancy:

Weeks after Childbirth				
52				
51				
50				
49				
48				
47				
46				
45				
44				
43				
42				
41				
40				
39				
38				
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14				
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12				
11				
10				
9				
8				
7				
6				
5				
4				
3				
2				
1				
0- Day after date baby born				
	Compulsory/ Ordinary/ Additional maternity leave	Statutory maternity pay at 90% and lower amount (if applicable)	Maternity Allowance (if applicable)	Occupational maternity pay

13. Pensions

- 13.1. Both you and the Service will continue to make contributions to your Pension Scheme during the Maternity Pay Period (MPP). Your contributions will be calculated and deducted according to your actual earnings during your paid maternity leave; employers' contributions are calculated and paid according to your full contractual salary.
- 13.2. You have the choice whether or not to continue paying contributions for any period of unpaid maternity leave. If you wish to pay contributions for the period, you can notify Payroll at any time during your unpaid maternity leave and no

later than 30 days after your return to work. Arrangements for paying these contributions will be made by Payroll in consultation with you and you will be guided by Payroll as to how you can achieve this and the expected cost.

13.3. If contributions are not paid, the period of unpaid maternity leave will count as a break in service for pensionable service calculations.

13.4. You may wish to seek advice on the impact on your pension before going on maternity leave and discuss your options with Payroll.

14. Special Arrangements

14.1. Premature births

14.1.1. If you give birth prematurely (more than 3 weeks prior to EWC), the period of full pay will be extended by the number of weeks the baby was premature and leave will start automatically on the day after childbirth. You must notify your manager of the actual date of childbirth as soon as is reasonably practicable after the birth.

14.2. Stillbirths, miscarriages and termination

14.2.1. If you have a miscarriage (or termination or still birth) before 24 weeks, you should notify your manager and HR as soon as possible. Sympathetic consideration will be given to the situation and a period of 2 weeks' paid leave under the special leave policy may be granted should this be required. This period of time may be varied based on your individual circumstances and medical advice.

14.2.2. If you have a stillbirth or termination (or the baby is born alive but later sadly dies) after 24 weeks of pregnancy, you are entitled to take maternity leave and your partner can take paternity leave. You may also be eligible for maternity or paternity pay.

14.2.3. We recognise that this will be a traumatic experience for those affected and we will provide relevant support or assistance where needed. Please contact HR and Occupational Health for more information.

14.2.4. Once you return to work, paid time off will be given for you to attend counselling if required.

14.3. Parental Bereavement Leave

14.3.1. Under the Parental Bereavement (Pay and Leave) Act, if you (as a parent or carer) suffer the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy, you will be entitled to at least two weeks' paid leave irrespective of service length. Under the Discretionary Leave Policy, there is discretion to increase bereavement leave to up to three weeks.

14.3.2. Parental Bereavement Leave can be taken in two ways, either by using the full entitlement in one block, or splitting the entitlement up into blocks of

one week each. Parental Bereavement Leave must be taken within 56 weeks from the child's death, to allow time for moments such as anniversaries. Notice requirements will be flexible so leave can be taken without prior notice.

14.4. Surrogacy

- 14.4.1. There are currently no statutory rights to leave or pay for employees who become parents through surrogacy until a parental or adoption order has been agreed.
- 14.4.2. Birth parents - Surrogates are the legal mother and father of any child, until they sign a parental or adoption order. The individual who gives birth (the birth mother) has the right to keep the child - even if they're not genetically related.
- 14.4.3. The maternity policy applies to all pregnant staff and what a birth mother does after the child is born has no impact on her right to Maternity leave or pay.
- 14.4.4. Intended Parents - Where a child is born to a surrogate mother, the intended parents can become the child's legal parents by applying for a parental order (if the intended parents are genetically related to the child) or adoption order (if the intended parents are not genetically related to the child). One of the intended parents must be genetically related to the child and the child must live with the intended parents.
- 14.4.5. When a couple has a parental or adoption order in relation to a child, or is applying for one, one of the parents can elect to be the primary adopter and be eligible for Adoption Leave and Pay. To qualify for child related leave and pay, you will be required to supply a copy of the parental order, adoption order or a statutory declaration that you are an intended parent.
- 14.4.6. The partner of the primary adopter can be eligible for Paternity/Adoption Support Leave and pay.
- 14.4.7. The primary adopter can elect to curtail their adoption leave and take Shared Parental Leave with the other parent, if they both meet the relevant eligibility requirements.
- 14.4.8. If you intend to apply for a parental or adoption order and expect to become the child's legal parents in a surrogacy situation, you have the right to unpaid time off work to accompany the birth mother to up to two antenatal appointments.

15. Fertility Treatment

- 15.1. We recognise the physical and emotional effects that fertility treatment can cause and we are committed to ensuring you are fully supported during this period. You should inform your manager or HR as early as possible so that appropriate support can be provided.

- 15.2. There is no statutory right for you to receive time off for fertility treatment. However, as part of our commitment to you, we will consider requests for leave for IVF or other fertility treatment as detailed below. All requests for leave are subject to management and HR approval. To qualify for paid leave for fertility treatment, you must meet the below criteria:
- A minimum of 12 months continuous service
 - Documentary evidence from a relevant GP or Specialist.
 - Management approval – which will be subject to operational need
 - Submission of Reinstatement of Leave Request form to HR.
 - [Reinstatement of Leave Request Form \(Shift Employees\)](#)
 - [Reinstatement of Leave Request Form \(Non-Shift Employees\)](#)
- 15.3. Consultation appointments must be undertaken in the employee's own time.
- 15.4. Any fertility leave must be taken as either whole or half days only. The reason for the leave will be kept confidential.
- 15.5. If you wish to take more than the allocations stated below, you will need to apply for annual or unpaid leave.
- 15.6. If you become ill or suffer side effects or complications from fertility treatment, the usual sickness absence procedure will apply. From the point of pregnancy, it will be treated the same as sickness during pregnancy. Please also note paragraph 7.10 below.
- 15.7. You may request to vary your working pattern or work modified duties due to the requirements or effects of IVF treatment prior to implantation. You must discuss this with your manager or HR. From the point of pregnancy, operational employees should undertake modified duties.

IVF Treatment

- 15.8. One day's leave may be reinstated where an employee is undergoing clinical procedures on the day that egg collection is undertaken under general anaesthetic and on the day that implantation takes place.
- 15.9. Up to five days additional leave may be reinstated where an employee, who has undergone implantation, is required to refrain from work to maximise the success of the implantation procedure. Such absence must be supported by a letter from the consultant involved in the procedure. Any sickness associated with pre-treatment should be dealt with under normal sickness notification procedures.
- 15.10. Absence during the advanced stages of IVF i.e. on removal and transplantation of an ova will not count toward sickness triggers.
- 15.11. The Service will require evidence of attendance from the clinic or hospital. As much notification as possible must be given of the leave requirement. A failure to provide adequate notice of the leave requirement may mean that the leave

cannot be authorised.

- 15.12. Employees undergoing IVF treatment are advised to notify the Occupational Health section in advance so that appropriate advice and support can be made available.
- 15.13. Please note that at the point at which a fertilised ova is transferred to a uterus, workers are covered by statutory maternity provisions as set out under the Pregnant Workers Directive.
- 15.14. When the fertilised embryo is implanted and for a further 14 days, you will be considered legally pregnant. A pregnancy test is usually carried out 2 weeks after implantation. If the treatment is successful and you remain pregnant, you will be covered by the maternity policy and a risk assessment will be required. If the treatment is unsuccessful the initial 2 week 'protected period' will end.

IUI (Intrauterine Insemination)

- 15.15. Paid leave will be granted to an employee for the date that they are undergoing the IUI procedure (to a maximum of 3 days per year) at an accredited clinic.
- 15.16. A further three days may be granted either prior to the procedure (for short term attendance for blood tests, scans etc.) or post-procedure to maximise the success of fertilisation and implantation. Such absence must be supported by a letter from the consultant involved in the procedure. Shift based employees and those covered by the flexi time scheme are reminded of the flexibility offered by these schemes when arranging appointments.
- 15.17. An employee who, having undergone a IUI procedure, is advised to refrain from certain activities whilst at work should make contact with the Occupational Health department for an assessment to be made. In approved cases, the employee may be temporarily placed on modified duties.
- 15.18. At the point at which pregnancy is confirmed, the employee will be covered by statutory maternity provisions.

16. Conditions of Service

16.1. Sickness absence

- 16.1.1. If, during pregnancy, you are unfit for work, the normal provisions for sickness absence will apply although any pregnancy-related absences will not count towards reduced sick pay calculations or sickness absence consideration trigger points.
- 16.1.2. If your pregnancy ends before the end of the 24th week, the first 2 weeks of any related sickness absence will not count towards consideration trigger points or pay action under the attendance management procedure (this is known as the "protected period"). If your sickness absence continues beyond the 2-week protected period, it will be treated as a non-

pregnancy-related absence.

16.1.3. Pregnancy-related sickness will automatically trigger Ordinary Maternity Leave if it occurs within 4 weeks of start of EWC.

16.1.4. Once your maternity leave ends, the normal provisions for paid sickness absence will apply and will count towards sickness absence consideration trigger points.

16.2. Terms and conditions during maternity leave

16.2.1. Provided you comply with the statutory maternity notification procedures, your normal contractual rights and benefits, excluding pay, are maintained during the 52 weeks of your maternity leave. There is no entitlement to retain non- contractual/pay benefits (during maternity leave) that are provided for work purposes only, for example, a fire car provided for responding to incidents.

16.2.2. Your contract of employment continues throughout both ordinary maternity leave, and additional maternity leave, unless either you or the service ends it or it expires. You will be required to adhere to the standard policies and procedures that apply to all employees, during your absence (including policies such as secondary employment, social media policy).

16.2.3. Both ordinary and additional maternity leave count towards your period of continuous employment for the purposes of entitlement to other statutory employment rights (such as sick leave, maternity pay, annual leave and redundancy).

16.3. Apprenticeships

16.3.1. An apprentice is an employee with the same employment rights as other employees when it comes to pregnancy and maternity leave.

16.3.2. If you meet the criteria for SMP, you may claim SMP. However, your average pay during the calculation period needs to be at least the lower earnings limit.

16.3.3. Apprenticeships usually last between 12 months and 4 years. If you take a period of leave (maternity/paternity/adoption/shared parental or parental leave) you have a right to return to the job that you left, on the same terms and conditions. If you are on a rolling apprenticeship programme, you should be able to pick up where you left off.

16.4. Contractual annual leave

16.4.1. You retain your contractual (pro-rated for part time staff where applicable) entitlement to annual leave throughout the 52 weeks of your maternity leave.

16.4.2. Annual leave cannot be taken during or between ordinary and additional

maternity leave; however, you should take any unused accrued annual leave entitlement before your maternity leave begins and/or immediately after (before returning to duty).

- 16.4.3. Leave entitlement up to the statutory requirement (20 days) must be taken as leave and cannot be substituted as payment in lieu under law. However, days may be carried over to the next year if it is not possible to take all accrued leave before the end of the annual leave year.

17. Contact during maternity leave

- 17.1. Reasonable contact can take place during the period of maternity leave. Principally, this will be to discuss plans for your return to work and provide you with information about developments in the workplace. The frequency and nature of the contact will depend on a range of factors. You are encouraged to discuss the arrangements for staying in touch with your manager before your maternity leave begins. This might include agreements on the way in which contact will happen, how often it will happen, and who will initiate it. You should also discuss whether there is a need to retain systems access or any IT equipment you may have during your maternity leave.
- 17.2. It is suggested that any regular, general news briefs are forwarded to you as a matter of course, to enable you to keep updated on development and promotional opportunities. You should make this arrangement prior to commencing maternity leave and provide either an email address or confirm that you wish this to be sent by post to your home address.

18. Work During the Maternity Leave Period (KIT Days)

- 18.1. You are able to work during the maternity leave period for up to 10 days – known as 'keeping in touch days' (KIT days) without bringing your maternity leave to an end and without losing entitlement to Maternity Pay. There is no obligation for you to work KIT days and the Service are not obliged to offer work.
- 18.2. These days are separate from the reasonable contact set out above and can be used, for example, to enable attendance on training or drill sessions, courses or seminars.
- 18.3. You may not work any KIT days during the 2-week period after your baby is born.
- 18.4. KIT days are paid at the normal contractual rate of pay if they fall outside the contractual maternity pay period. Where you have an entitlement to statutory maternity pay, we will make up the difference.
- 18.5. If you attend any KIT days away from the normal place of work, then normal mileage and subsistence rates may apply.

19. Period of Notice While on Maternity Leave

- 19.1. If you decide to resign while on maternity leave, whether paid or unpaid, you will be required to give the period of notice set out in your contract of employment.

20. Returning to work

- 20.1. If you have complied with the notice requirements, you have a statutory right to return to work following a period of maternity leave (although you are not allowed to return until at least 2 weeks after the birth of your child).
- 20.2. After ordinary maternity leave, you are entitled to return to the job in which you were employed before you started your maternity leave, with the same terms and conditions of service (on no less favourable terms).
- 20.3. After additional maternity leave, you should return to the same job (as above) unless it is not possible (e.g. because of redundancy or restructuring). In these circumstances, you will be offered an alternative post on no less favourable terms and conditions.
- 20.4. The date on which you return to work will normally be the first working day 52 weeks after your maternity leave began. You will not be protected against dismissal or detriment if you fail to return to work by this date.
- 20.5. You must give at least 8 weeks' notice if you are intending to return to work on a different date to that which was previously agreed (although this cannot be after the end of the 52-week maximum maternity leave period).
- 20.6. On your return to work (or prior to your return to work if you agree) arrangements should be in place for the following:
 - A review with Occupational Health if medically required.
 - A meeting with your manager to develop a return-to-work plan (PDP - Appendix 1) via a training needs analysis (TNA) and complete an individual risk assessment (An editable version of the PDP can be accessed on the 'HR Forms' section on MyNet - [HR Forms](#)).
- 20.7. If you are operational and have been absent from work for more than 6 months, you will be required to complete a functional assessment and fitness test prior to returning to work.
- 20.8. You will be required to return to your normal operational duties as soon as possible upon return and your manager will support you to help you return to being fit for duty. You should review the fitness requirements and develop a personal fitness plan to help you get there. Help and support can be provided by the Service Fitness Advisor. You can also utilise station gyms and service led fitness programmes whilst on maternity. KIT days may also be used for training and drill sessions.
- 20.9. Upon returning to work, new parents often face a number of challenges adapting to changes in circumstances:

- Hormonal and physical changes are taking place
- Broken sleep patterns
- Emotions around leaving your baby with child care
- Changes in relationships with partners and other children.
- Postnatal depression (PND) can also affect many new birth parents.

20.10. It is important therefore that managers give you time to talk about how you are feeling once you have returned to work. A check on wellbeing in this way can be valuable but there may be opportunities to consider how minor changes can be put in place to make things easier and if further external support is required, your manager can signpost you to Occupational Health, HR, the Employee Assistance Programme

20.11. If you have any questions remaining regarding Maternity, Adoption, Paternity, Parental or Shared Parental Leave or Pay, please contact your HR Business Partner.

21. Breastfeeding

21.1. If you wish to continue to breastfeed on your return to work you should inform your manager or HR when you give notice of your intention to return. If an individual risk assessment reveals a significant risk to your continuing to breastfeed, then modified duties/suitable alternative work will be agreed with you and your manager whilst you continue to breastfeed.

21.2. If you are an operational member of staff, you will not attend operational incidents whilst breastfeeding. This is because there is a risk that hazardous substances could enter breast milk and might pose a risk to your baby. Your manager can seek further help and advice from HR and Occupational Health.

21.3. The individual risk assessment must be reviewed for as long as you are breastfeeding. The length of time such modified/alternative duties will continue will depend on medical advice (and your full engagement in this respect), availability of alternative meaningful work, training and development needs, and any ongoing risks to health and safety.

21.4. Facilities will be provided for you to rest, express and store expressed milk in a private and secure location. A fridge for storage of expressed milk will be available.

22. Work-life balance

22.1. There are several other policies available on MyNet that can help you balance work with your responsibilities as a parent following a period of maternity leave.

22.2. Where a request for flexible working is made, managers must give thorough and fair consideration to it, taking advice from HR. If you have more than 26 weeks Service, you have a statutory right to request flexible working. You must give no less than 8-week notice of your intention to request flexible working.

3. Support information.

23. Related Documents

- POL 2104 – Paternity Leave Policy
- POL 1021 – Parental Leave Policy
- PROC 2118 – Modified Duties Procedure
- POL 2048 – Flexible working policy
- PROC 1054 – Flexi Toil Procedure
- POL 2051 – Job share policy
- POL 2067 – Career break policy
- POL 2103 – Shared Parental Leave Joint Policy and Procedure
- Risk assessment
- Employee Maternity Guidance
- Managers Maternity Guidance

24. Review Period

- 24.1. This document will be reviewed in line with the Policy Framework Guidance documentation and the determination of the document owner.
- 24.2. This document will be reviewed every year from the point of the last review date. The Human Resources Department will monitor maternity leave matters.
- 24.3. This document will be reviewed in line with any legislative changes.

25. Compliance Statement

- 25.1. This document has been drafted to comply with the Equality Act 2010 and the Public Sector Equality Duty; Data Protection Act; Freedom of Information Act; European Convention of Human Rights, the Employment Rights Act 1996 and the Maternity and Parental Leave Regulations 1999.

Appendices.

Appendix 1

Example Personal Development Plan

This document should be completed in all cases in which a development plan is required for an individual.

Employee Name:

Department/Section:

Reason for PDP:

Date PDP created:

Review dates:

NB Page 2 has been removed and sent to HR

Personal Development Plan – HR Information Form

Please complete and return just this page to HR as soon as it is completed

PDP plan for... (Name)

Department/Section

Name of Line Manager:

Reason for PDP:

Details of PDP

Date established:

Scheduled review dates:

Estimated completion date:

Please return this page to HR ASAP to enable us to monitor the current PDPs in progress

Commitment to Development

This section should be completed by the Point of Contact Manager in conjunction with the individual

Nominated coach/mentor		Group Manager	TBC
I agree to undertake the development activities contained within this plan. My nominated coach /mentor will support me in achieving the objectives set.			
Candidates Signature			Date :
Coach/Mentor Signature			Date :
Group Manager Signature			Date :
Once PDP is fully completed and signed off, this document must be sent to Human Resources for filing within the candidate's personal record file.			

This section should be used to detail development points and determine actions to address these.

Areas identified for future development	Reference to role
•	
•	
•	
•	
•	
•	
•	
•	

Actions to enable development against development points		
Action	Responsible person/s	Completion date
• e.g. Conduct a range of debriefs	Candidate and line manager	Within 3 months of start of plan
•		
•		
•		
•		
•		
•		
•		
•		

Review Date: April 2024



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Title: Special Leave Policy

Document: 1031

Scope:

This policy is mandatory.

Summary:

The purpose of this Policy is to set out the definition of, and conditions under which applications for special leave will be considered and agreed.

WARNING: If you are reading a printed copy of this document please refer to the Intranet to ensure you are reading the most current version.

Contents

1.	KEY INFORMATION	1 Definition 2 General Principles 3 4
2.	PRIMARY INFORMATION	1 Application 2 Roles and Responsibilities 3 Monitoring 4
3.	SUPPORT INFORMATION	1 Related Documents 2 3 4
4.	APPENDICES	1 2
5.	DOCUMENT HISTORY	1 2

Information Delivery System (IDS)

The IDS uses colour to identify sections within documents, namely:

Section	Colour	Purpose
Key		Is critical 'need to know' information and can consequently be found at the front of the document.
Primary		Is information that supports and elaborates on key information, but is not immediately critical in nature.
Support		Is background information that further underpins the previous sections.
Appendices		Is relevant information such as process maps, tick lists, flowcharts and templates etc.
Document History		Is a detailed history of the document and indicates which department 'owns' it.



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KEY INFORMATION

1.0 Definition

- 1.1 Special leave is defined as paid leave (outside of the normal Annual and Bank Holiday/Concessionary Leave, Discretionary and Dependant Care provisions, and Sports leave policy) which may be granted by managers in specified circumstances. This leave is granted at the discretion of management.

2.0 General Principles

- 2.1 When consideration is being given to requests for special leave the following general rules/practices must be applied: -
- 2.1.1 Employees seeking to take special leave must obtain prior permission. The Chief Fire Officer, Line Managers and Fire Authority considering such requests must have regard to the demands of the Service, any additional cost which may fall upon the Fire Authority and the validity of the request.
- 2.1.2 For short periods of special leave, employees must be asked to cooperate with management in terms of providing cover, etc. so that no additional cost will fall upon the Fire Authority.

PRIMARY INFORMATION

3. Application

- 3.1 Applications for Special Leave shall be made on the Special Leave application form which can be found on the intranet. Special Leave Request Form and will be considered under the Discretionary Leave Procedure.
- 3.2 The application should be made with as much notice as possible. Applications which are received less than one week before the requested date will be refused unless exceptional circumstances prevail.
- 3.3 Special Leave will be considered for the following purposes:
- To attend meetings of professional bodies
 - To attend as a delegate of a political party or Trade Union conference
 - To attend a function as a representative of the Service
 - Jury Service
 - Leave to attend court as a witness
 - To undertake lecturing
 - To assist in local or national elections
 - To undertake public duties
 - To sit as a magistrate

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Review Date: April 2024

- Service in Volunteer Reserve Forces
- To undertake religious observance on designated religious festival dates
- Redundancy situations
- Leave for other purposes not specifically covered in this Policy at the discretion of the Chief Fire Officer

- 3.4 Guidance on each type of special leave can be found in the Consolidated Leave Policy.
- 3.5 The Line Manager will consider the request and approve it in principle.
- 3.6 For employees working to a shift system, the final determination will be subject to the availability of crewing levels to maintain operational effectiveness. This will be managed through self-rostering arrangements. If crewing levels do not allow the leave to be granted, the employee will be notified with as much notice as possible.
- 3.7 The provisions of 3.6 will not apply to special leave granted for jury service, magisterial duties, or holders of other public office.
- 3.8 Where sufficient notice has been given, and approval given in principle, agreement to the leave will not normally be rescinded with less than 48 hours' notice before the start of the shift for which the leave has been requested.
- 3.9 The granting of Special Leave will be confirmed to the employee in writing by the Human Resources Department.
- 3.10 Appeals against decisions not to grant, or reduce leave granted, under the Policy may be made through the Service's Grievance Procedure.

4. Roles & Responsibilities

- 4.1 Line Managers are responsible for considering applications for Special Leave and ensuring that adequate staffing levels are maintained before agreeing the applications in principle
- 4.2 The Crewing Office (where appropriate) will notify the employee and line manager, with as much notice as possible, if the leave agreed in principle cannot be granted due to crewing levels.
- 4.3 The Human Resources Department will confirm the leave in writing.

5. Monitoring - Audit & Review

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Review Date: April 2024

- 5.1 The Human Resources department will audit Special Leave applications to ensure that they comply with the Policy and monitor the levels of Special Leave on an individual and corporate basis.

SUPPORT INFORMATION

6. Related Documents.

- 6.1 Guidance notes on Special Leave
- 6.2 Employment Equality (Religion and Belief) Regulations 2003
- 6.3 Employment Rights Act 1996, Section 50 (Right to time off for public duties)

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APPENDIX

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DOCUMENT HISTORY

Version No.	1.1 April 2013		
Replaces	1.0		
Summary of changes	Para 3.6 – reference to self-rostering arrangements		
Author	HR Manager		
Department	Human Resources		
Approved by	Head of People and OD		
Version	Date	Modified by	Changes
0.5	November 2007		Original
1.0	March 2008		Pre-consultation with JCG
1.0	September 2008		Final post consultation version (no changes)
Assessments completed	EIA –		

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Review Period	April 2024
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