



Further to your information request FOI/EIR 23/24-397, please find your question and our response below.

**Request:**

1. Total number of staff that went on maternity leave since 2012?
2. Average length of maternity leave mothers has taken since 2012? E.g. 9 months or 1 year
3. Total number of mothers that returned full time to work after maternity leave?
4. Total number of mothers that returned to work part time following maternity leave?
5. Total number of mothers that did not return to work at all following maternity leave?
6. Number of stress absences after turning to work post birth in the first 2 years?
7. How many management instructions or disciplinaries related to mothers returning to work post birth? E.g. off for too many periods of time
8. What is your policy for staff needing time off to take care of their children or take their children to doctors' appointments?
9. Do staff have to take unpaid leave to take care of their sick children, or do they get paid?
10. Do you carry out a health and safety risk assessment for pregnant women?
11. What is your maternity pay policy?
12. Are women explained their pregnancy rights when they tell their employer/manager they are pregnant?
13. Total number of employment tribunal claims since 2012 taken by mothers against the Council for any case with 'maternity' or 'pregnancy' mentioned since 2012?
14. Reason for employment tribunal claims if stated.
15. Total number of successful tribunals claims against the Council for any case with 'maternity' or 'pregnancy' mentioned since 2012?

**Response:**

1. 5 since 2018
2. 10 months
3. 2
4. 3
5. 0
6. 0
7. 0
8. Parental Leave (unpaid) – up to 18 weeks with a maximum of 4 weeks per year. Leave must be taken before the child's 18<sup>th</sup> birthday.  
Time off for dependants (unpaid) – reasonable time off to deal with emergencies, normally 1 to 2 days (longer can be agreed).
9. They either have the option of taking paid annual leave, flexi or TOIL, or the unpaid options in Q8.
10. Yes – New and Expectant Mother's Risk Assessment completed
11. See wording from Family Friendly Guidance below about Maternity pay:

3.3 Maternity Pay

*If eligible, there are two types of pay to which you may be entitled. Statutory Maternity Pay which comes from the Government, and Occupational Maternity Pay which is paid by the employer. Both are based on length of service as follows:*

### **3.3.1 Statutory Maternity Pay (SMP)**

**3.3.1.1** *You will be eligible to receive SMP for 39 weeks provided that:*

- *You have been employed for a minimum of 26 weeks as at the end of the 15th week before the week your baby is due (which is known as the qualifying week);*
- *You are still employed during that week, i.e. you have not resigned or been dismissed before the beginning of that week; and*
- *Your average weekly earnings during the period of eight weeks that immediately precede the 14<sup>th</sup> week before the expected week of childbirth, are equal to or greater than the lower earnings limit for National Insurance contributions (see 3.3.1.5).*

**3.3.1.2** *If the above conditions have not been met, SMP will not be payable. SMP is payable once you begin your maternity leave and it can begin on any day of the week. If you choose to return to work before your SMP is due to end (i.e. before the 39th week), you will forfeit any outstanding SMP that would otherwise have been due to you.*

**3.3.1.3** *SMP is payable whether or not you intend to return to work or actually return to work after maternity leave.*

**3.3.1.4** *SMP is payable as follows:*

- *6 weeks at 90% of average earnings;*
- *33 weeks at a rate set annually by the Government or 90% of normal wage, whichever is lower.*

*It should be noted that SMP is regarded as earnings and therefore tax and National Insurance contributions will be deducted.*

**3.3.1.5** *If earnings are below the earnings limit for National Insurance contributions, you may qualify for a Maternity Allowance. If this is the case, the payroll section will provide you with form SMP1 stating the reason why the Council cannot pay you SMP. The SMP1 form will be required to support your claim for a Maternity Allowance. The Council will also be required to give your original MATB1 form back to you. You can download a Maternity Allowance claim form (MA1) from the Department of Work and Pensions (DWP) website at: <http://www.dwp.gov.uk/advisers/claimforms/ma1.pdf>*

*If you qualify, you will receive 39 weeks' Maternity Allowance payable at the same flat rate as SMP or 90 percent of earnings, if less.*

**3.3.1.6** *If you become eligible for a pay rise between the start of the original calculation period and the end of your maternity leave (whether OML or AML), the higher or standard rate of SMP will be recalculated to take account of your pay rise, regardless of whether SMP has already been paid. This means that your SMP will be recalculated and increased retrospectively, or that you may qualify for SMP if you did not previously. 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.*

### **3.3.2 Occupational Maternity Pay (OMP)**

3.3.2.1 *If you have at least one year's continuous service at the 11th week before the EWC, you will be entitled to the following OMP:*

<i>Weeks 1-6</i>	<i>90% of a week's pay (offset against payments made by way of SMP or Maternity Allowance*).</i>
<i>Weeks 7-18</i>	<i>Where you have declared in writing that you intend to return to work, you will receive half pay plus SMP, provided that this does not exceed full pay. This is paid on the understanding that you will return to work for at least three months following maternity leave. If you are not intending to return, payment will be your entitlement to SMP only.</i>  <i>(If you are unsure whether or not you will return, there are two options; (1) to repay the half pay if you decide not to return, or (2) to ask the Council to withhold the half pay and receive this in a lump sum if you decide to return.)</i>
<i>Weeks 19-39</i>	<i>For the remaining 21 weeks, you will receive your SMP entitlement only.</i>

*\*This means that the statutory payments are made in addition to OMP, but the salary element will be adjusted so that the total does not exceed full pay.*

3.3.2.1 *If you have less than 1 year's service at the start of the 11th week before your EWC, you will be entitled to SMP only (subject to the qualification rules detailed above).*

- 12. Yes
- 13. 0
- 14. N/A
- 15. N/A

This concludes your request FOI/EIR 23/24-397.

If information has been refused, please treat this as a Refusal Notice for the purposes of the Act.

If you disagree with our decision or are otherwise unhappy with how we have dealt with your request in the first instance you may approach [foi@eastcamb.gov.uk](mailto:foi@eastcamb.gov.uk) and request a review. A request for review must be made in no more than 40 working days from the date of this email.

Should you remain dissatisfied with the outcome you have a right under s50 of the Freedom of Information Act to appeal against the decision by contacting the Information Commissioner, Wycliffe House, Water Lane, Wilmslow SK9 5AF.