

REQUEST

I'd like to submit a Freedom of Information Act please:

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

For questions 2 to 6, 7 and 13 to 15 we do not hold the information that you have requested in an easily retrievable format. Section 12 of the Freedom of Information Act 2000 (FoIA) relieves a public authority from the obligation to comply with a request for information where the estimated time required to locate, review and extract the information exceeds a certain threshold set out in Regulations. The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (SI 2004/3244) set out the rules in relation to the cost limit (otherwise called the "appropriate limit"). These Regulations are published by the Office of Public Sector Information (OPSI) and are viewable on their web site from this link: http://www.opsi.gov.uk/si/si2004/uksi_20043244_en.pdf. The Regulations set out the cost limit for Government departments and for other public authorities. For local government, Regulation 3 states that the cost limit is £450 and Regulation 4(4) states that the prescribed hourly rate is £25. Regulation 4(4) further provides that where the local authority estimates the time taken to gather the information would exceed this limit (which based on the prescribed hourly rate, equates to 18 officer hours), it may refuse the request under section 12 of FoIA. I am satisfied the cost limit applies to your request and explain why this is the case under each response below.

Q1 In total our records show that a total of 834 Council staff (excluding schools) went on maternity leave since 2012. As some took multiple periods of maternity leave, this amounts to 1172 maternity leave absences in total (excluding schools).

Q2 to Q6 Due to the way in which maternity leave is recorded, it would not be possible to respond to this question without manual intervention. The time taken to respond to this query exceeds the maximum limit as it is estimated at a minimum of 15 minutes per employee (15 minutes x 834 staff = 208.5 hours)

Q7 We do not record all management instructions centrally and therefore an excessive amount of time would be involved in collating this information.

In terms of disciplinary information, we would need to check individual records to enable us to respond to this question. The time taken to respond to this query exceeds the maximum limit as it is estimated at 20 minutes per employee (20 minutes x 834 staff = 278 hours)

Q8 Please see the details included in the attached 'different types of leave overview' document.

Q9 In line with our Time off for Dependants policy, reasonable time off without pay to deal with an emergency involving a dependant is provided. Unpaid leave is also available. A number of employees also work in line with the Council's flexi-time scheme which helps employees to achieve a better work-life balance so time off can be taken to attend personal appointments etc.

Time off for Dependants and unpaid leave are both unpaid. However, alternative options are also available including requesting flexi-time and annual leave. Depending on the circumstances special leave with normal pay may also be approved.

- Q10 Our Health and Safety policy/procedures dictate that risk assessments are completed for pregnancy - new and expectant mothers.
- Q11 Please find attached a copy of our maternity leave policy which includes details of the different pay schemes. See attached
- Q12 Line managers are responsible for arranging a meeting with their employee as soon as the employee has informed them of their pregnancy. Line managers are required to undertake a health and safety risk assessment and talk through the requirements included in the attached maternity leave policy.
- Q13 to Q15 The Council does not keep a central record of claims closed / settled. In order to identify any tribunal claims against the Council with maternity or pregnancy mentioned since 2012, the reason for the employment tribunal claim and any successful claims this would involve an examination of each employment case that has been opened during the last 11 years. Each individual case file would need to be checked and correspondence looked at to identify the subject matter of the claim and the conclusion of the file.

There have been approximately 10 files opened per year and it would take approximately 30 minutes per file to identify the necessary information and collate it. This would mean it would take approximately 55 hours of employee time to identify the requested information which would incur costs of over £600. This would mean that the cost in time and resources to identify this information would be excessive.

Maternity Leave Policy

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Introduction

Wigan Council recognises the importance of balancing work and family life and is committed to supporting employees who are pregnant at work, during their maternity leave and on their return to work.

All employees are entitled to 52 weeks maternity leave regardless of their length of service.

Expectant parents may also be eligible for Shared Parental Leave which gives them the option share the remainder of their leave with their partner. Employees should refer to the Shared Parental Leave Policy which sets out the criteria for eligibility, notice and pay.

Purpose

This policy aims to provide managers and employees with further information on maternity leave including the notification requirements and the statutory and contractual entitlements in respect of pay and leave.

Scope




This policy applies to all council and school employees including teachers. Where the policy refers to the manager for schools this may be the headteacher or the person who has delegated management responsibility for employees.

Managers should refer to the separate [factsheet for agency workers](#).

Notification

Employees should inform their manager of their pregnancy and expected due date as soon as possible. This will enable managers to take account of any workplace risks to the employee and plan for the employee's absence.

Employees must also ensure they follow the correct notification requirements:

-  Notify their manager of their pregnancy as soon as possible and no later than the 15th week before the expected week of child birth.
-  Submit their signed MatB1 to their manager. This will be given to the employee by the GP or midwife no sooner than 20 weeks before the expected week of child birth.
-  Submit the completed [application form](#), along with a copy of the MatB1, to HR Employment Service Centre at least 28 days before they wish to start their leave

Risk assessment

Employers must take account of health and safety risks to pregnant employees when assessing risks in work activity. If a risk is identified and cannot be avoided, managers will take steps to remove the risk or offer the employee suitable alternative work, with no less favourable terms and conditions. If no suitable work is available, the employee will be suspended on full pay for as long as necessary to protect their health and safety and their baby's.

Ante-natal care

Employees will receive time off with pay to attend ante-natal care made on the advice of a registered medical practitioner, registered midwife or registered health visitor.

Ante-natal care is not restricted to medical appointments and may include non-medical appointments such as relaxation classes and parenting classes. Non-medical appointments should be arranged outside of working hours however where this is not possible, paid time off will be given where the employee has provided proof of the appointment and that this has been made on the advice of a registered medical practitioner, midwife or health visitor.

Maternity leave

All employees are entitled to 52 weeks of maternity leave, regardless of their length of service or contracted hours. This is made of 26 weeks ordinary maternity leave and 26 weeks additional maternity leave.

Starting maternity leave

Employees can start maternity leave any time in the 11th week period before their expected date of child birth, providing they have followed the correct notification requirements.

It will, however, be triggered automatically if:

- an employee is absent wholly or partly because of pregnancy in the four weeks before their expected date of child birth; or
- if an employee has their baby before they planned to start their maternity leave.

Maternity pay

The type of maternity pay an employee will receive depends on their length of continuous service and whether or not they intend to return to work following maternity leave.

Continuous service is unbroken service with one or more specific employers as determined by an employee's terms and conditions of employment. Definitions are described under the following sections.

In addition, statutory maternity pay is dependent upon an employee's average earnings being above the lower earnings limit set by the government.

Scheme 1 – More than 12 months *continuous service	
Council/School NJC staff	Teachers
6 weeks at 90% of pay 12 weeks at half pay (optional) 21 weeks at SMP	4 weeks at full pay 2 weeks at 90% of pay 12 weeks at half pay (optional) 21 weeks at SMP
Scheme 2 – Less than 12 months *continuous service	
Council/School NJC staff	Teachers

6 weeks at 90% of pay 33 weeks at SMP	6 weeks at 90% of pay 33 weeks at SMP
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Statutory maternity pay (SMP)

Statutory maternity pay will be paid to employees who have at least 26 weeks service at the 15th week before the expected week of child birth and who have average earnings above the lower limit set by the government.

- * For teachers, service must be as a teacher with one or more local authority schools.
- * For council staff and school support staff, service must be with Wigan Council.

SMP is paid to employees whether they intend to return to work or not and is made up of the following elements:

- 6 weeks at 90% of full pay
- 33 weeks at flat rate SMP

Occupational maternity pay (OMP)

Occupational maternity pay will be paid to employees who have at least 12 months continuous service 11 weeks before the expected week of child birth.

- * For teachers, service must be as a teacher with one or more local authority schools.
- * For school support staff, service must be with local government.
- * For council staff, service must be with local government or a specified employer within the Greater Manchester (GM) continuity of service protocol.

Occupational maternity pay is paid in addition to statutory maternity pay without any deductions, unless the combined pay exceeds full pay.

OMP is made up of the following elements:

- 12 weeks at half pay

In addition to the above, teachers will receive the first 4 weeks of their maternity leave at full pay.

Employees may choose to be paid the 12 weeks half pay differently. This could be, for example, spread evenly over the first 20 weeks of flat rate SMP, or over the full 33 week flat rate SMP period or as a lump sum. A lump sum can only be paid on or after the 18th week of maternity pay which is the last week on which the 12 weeks half pay would have been paid.

School support staff must return to local government for at least 3 months. Council staff must return to local government or a specified employer within the GM protocol for at least 3 months. If they do not, arrangements will be made for the 12 weeks half pay to be recovered.

Teachers must return to their job for at least 13 weeks (including periods of school closure). This requirement may be reduced at the discretion of the manager. Where the manager agrees, a fulltime teacher may return to work on a part time basis for a period which equates to 13 weeks of full time service. Similarly, where the manager agrees, a part time teacher may return to work on a different part time basis for a period which equates to 13 weeks part time service relating to her previous contract. The 13 week period, or part time equivalent, starts from the date the teacher returns to work or the date during the school holiday on which the teacher is declared medically fit to be available for work.

Sickness absence during this 3 months will not count as a return to work. Annual leave will count.

Maternity allowance (MA)

Employees who are not entitled to Statutory Maternity Pay may be able to claim Maternity Allowance (MA) or other benefits from Job Centre Plus. Employees who receive MA must inform HR Employment Service Centre.

Keep in touch days

Managers and employees may agree for an employee to work or attend training on up to 10 days during the maternity leave period. These are known as keep in touch 'KIT' days and can be useful in helping employees stay up to date with any changes at work.

The manager and employee must both agree to working these days and also agree to arrangements including what work will be carried out and how payment will be arranged.

Ending maternity leave

Employees who wish to return before the end of their maternity leave must provide the council will at least 21 days' notice of their return date. Notification should be submitted to their manager who will forward to HRESC to make sure the employee is paid correctly on their return to work.

The council may delay an employee's return if they do not provide 21 days' notice.

Employees who are not able to return to work due to sickness must follow their usual sickness reporting procedure. Managers will follow the Supporting Attendance Policy.

Employees who do not wish to return to work at the end of their maternity leave must notify their manager of their resignation.

Surrogacy entitlements

Employees who choose to become a surrogate have the same legal rights as an employee who is pregnant, including paid time off for antenatal appointments and 52 weeks maternity leave, irrelevant of what the arrangement is following the birth of the baby. However, as surrogacy is a voluntary alternative to natural conception, the implantation part of the process is classed as elective surgery. Time off for appointments prior to the surrogate becoming pregnant and the actual implantation will not be given. In this circumstance, an employee should use annual leave or request unpaid leave to enable them to attend appropriate appointments.

It is important to note that surrogates cannot accept payment for their services, but they must not be left out of pocket. Surrogates are entitled to claim 'reasonable expenses' from the Intended Parents and an employee could attempt to recover any loss of earnings via this route, if unpaid leave was taken.

Shared parental leave

Employees who are eligible have the option to curtail their maternity leave and convert to shared parental leave. Shared parental leave means parents can share up to 50 weeks of leave and 37 weeks of pay if they meet the necessary eligibility criteria. Employees can find further information in the Shared Parental Leave Policy for which sets out the eligibility criteria and notification requirements.

Pension

Local Government Pension scheme

Employees who pay into the Local Government Pension Scheme will have to pay contributions on their actual pay.

Employees will not accrue pension benefits during any unpaid periods of maternity leave. Employees can however choose to pay additional pension contributions (APCs) to make up those benefits. Further information on APCs can be found on the Greater Manchester Pension Fund website www.gmpf.org.uk. Telephone 0161 301 7000.

Teachers Pension scheme

Teachers will continue to pay pension contributions during the paid part of their maternity leave.

Contributions will not be made during any unpaid period of maternity leave. Teachers may however apply to the teachers pension scheme to make additional pension contributions.

Sickness

Maternity leave is regarded as service for the purposes of sick pay.

Employees who become sick during their pregnancy should follow their usual sickness absence reporting arrangements.

Maternity leave will be triggered automatically for employees who are absent wholly or partly because of pregnancy in the four weeks before their expected date of child birth.

If, in early months of pregnancy, a school employee is advised by an approved Medical practitioner to absent herself from school because of the risk of rubella, she will be granted leave with full pay, provided that she does not unreasonably refuse to work in another school where there is no such risk.

Employees who are unable to return to work following their maternity leave should follow their usual sickness absence reporting arrangements. Managers will follow the Supporting Attendance Policy.

Annual leave

Full year employees (Council and school NJC staff)

All annual leave should be taken between 1st April and 31st March. It can be taken at the beginning or at the end of the maternity leave period but not at the same time. All leave must be booked following usual procedures.

Employees who take 12 months maternity leave will still accrue their full contractual leave entitlement plus bank holidays. Any leave not already used, must be taken within 12 months of the employee's return from maternity leave.

Term-time only employees

Employees will continue to accrue full contractual annual leave and bank holidays during their maternity leave, however salary for term-time only employees includes payment for annual leave and bank holidays. HR Employment Service Centre will calculate how much annual leave and bank holidays employees will receive in their salary whilst on the paid part of their maternity leave and any balance owing will be taken as leave at the end of their maternity leave period. Managers will be notified of any balance owing to employees at the start of their maternity leave.

Teachers

The annual leave year for teachers is 1 September to 31 August. Teachers must be allowed to take any outstanding leave during term time (within that leave year) if there are insufficient school closures to accommodate their leave in that leave year. In cases where a teacher returns from maternity leave so close to the end of the leave year that there is not enough time to take all annual leave, they will carry the balance to the following leave year (taken during school closures).

Untaken annual leave will not be paid.

Salary Sacrifice Schemes

If you have taken out a salary sacrifice agreement, under the terms and conditions of the scheme you will continue to make payments whilst you are receiving occupational maternity pay. When you are only receiving statutory maternity pay, or are on unpaid maternity leave, payments will be suspended and the missed months will be added to the end of your hire agreement.

Applying for other jobs

Employees can still apply for other jobs during their maternity leave.

They must however be aware of the following obligations in order to keep any contractual maternity pay received.

- Teachers must return to their job for a period of 13 weeks (school closures included).
- School support staff must return to local government.
- Council staff must return to local government or a specified employer within the GM protocol.

Returning to work

Employees must provide the council with at least 21 days' notice if they intend to return to work earlier than the end date of their maternity leave. Employees who do not provide 21 days' notice may have their return date delayed.

Employees are not obliged to notify the council if they are returning at the end of their full maternity leave but it is advisable to ensure they are paid correctly on their return to work.

Employees who wish to change their return to work date must provide at least 21 days' notice.

Employees who choose to return to work have the right to return to their original job. Where this is not possible, the employee will be offered an alternative position with no less favourable terms and conditions of employment.

Employees who are on maternity will be included in consultation on organisational change processes which affect their job.

If an employee wishes to return on a different working pattern, including reduced hours, they may submit a request under either the Council's [Flexible Working Policy for employees](#) or [Flexible Working Policy for Schools employees](#) .

Each request will be seriously considered. Subject to business reasons or service requirements, requests may be refused or an alternative arrangement proposed.

Employees who choose not to return to work must notify their manager in writing of their resignation.

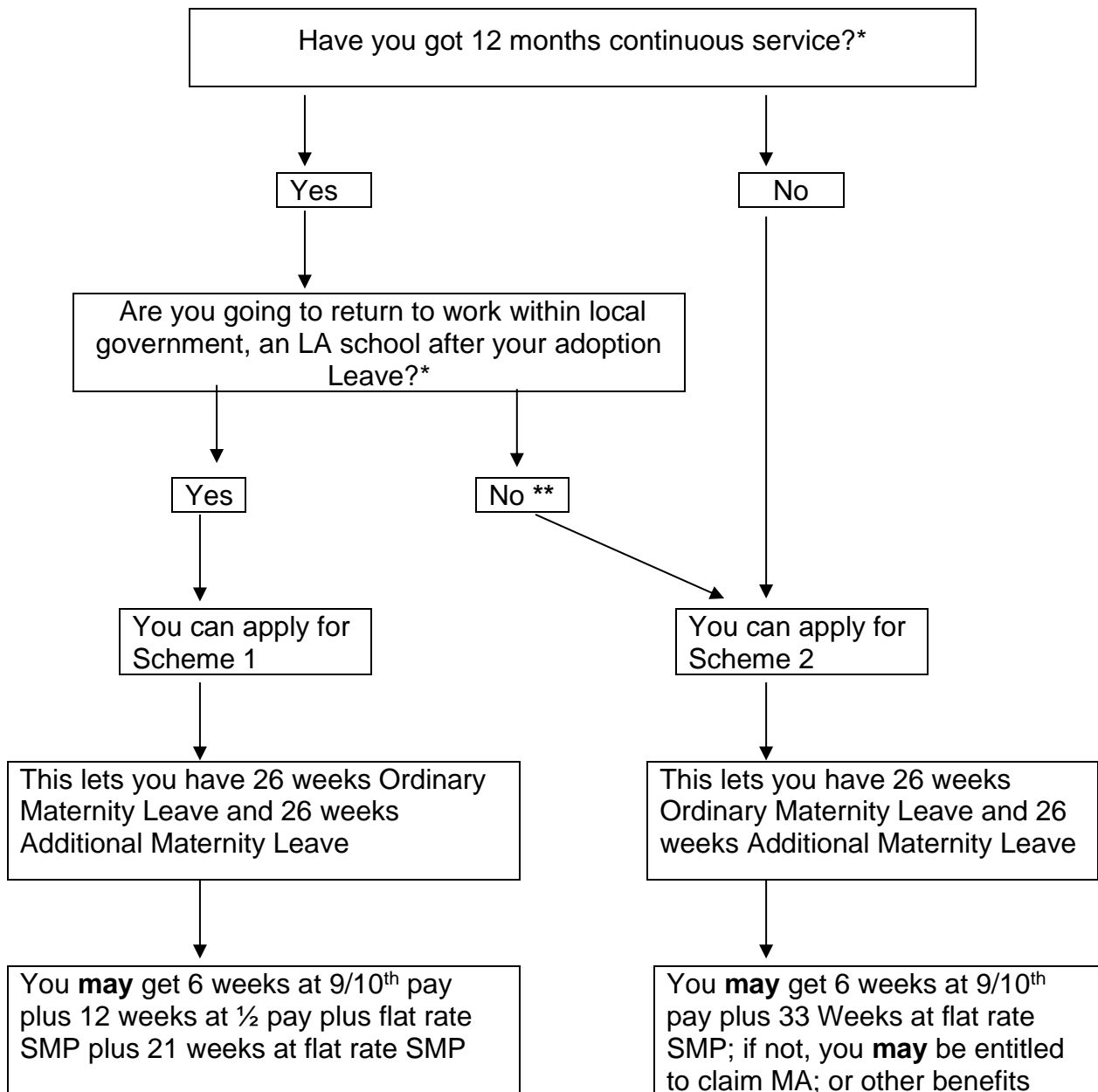
Data protection

The council holds staff personal information in accordance with the General Data Protection Regulation (GDPR).

We hold your personal data as set out in the Data Privacy Primary Notice and Recruitment and Employment Privacy Notice. Further guidance is available from GDPRQueries@wigan.gov.uk

Which maternity scheme?

Council and school support staff

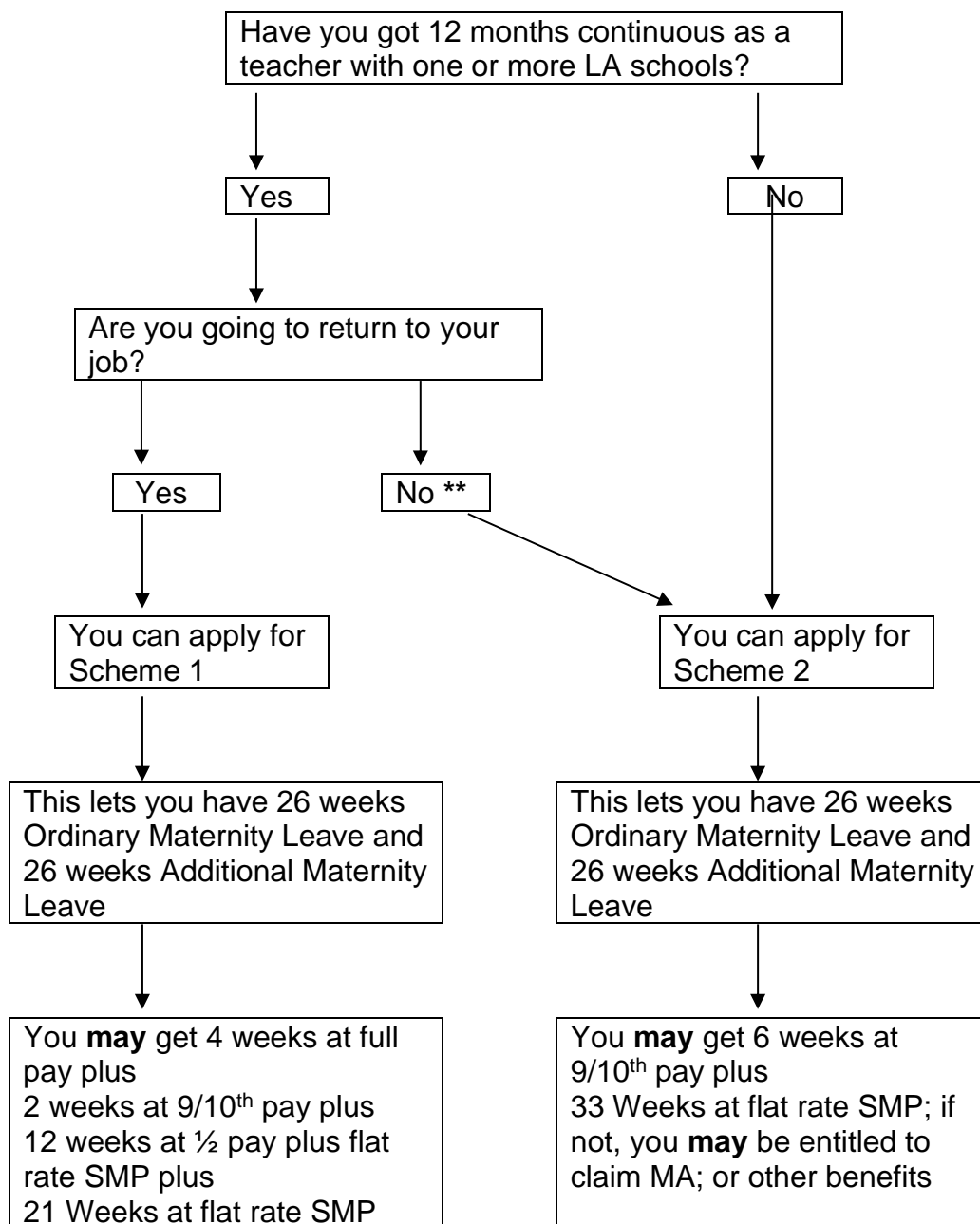


Please note that payment of Statutory Maternity Pay depends on your level of earnings, National Insurance contributions and a minimum of 26 weeks service with Wigan Council at the 15th week before the baby is due.

* 12 months service – the 12 months service is counted back from the 11th week before the week the baby is due.

** If you later choose to return to work, you can claim the 12 weeks ½ pay by writing to the HRESC. This means scheme 1 will apply.

Teachers



Please note that payment of Statutory Maternity Pay depends on your level of earnings, National Insurance contributions and a minimum of 26 weeks service as a teacher with a local authority school.

* 12 months service – the 12 months service is counted back from the 11th week before the week the baby is due.

** If you later choose to return to work, you can claim the 12 weeks ½ pay by writing to the HRESC. This means scheme 1 will apply.



Wigan Family Information Service

What is the Family Information Service?

The Family Information Service or FIS (previously called the Children's Information Service) provides parents and carers with a range of free, impartial advice and information.

This includes details of registered childcare and early years' provision in the Wigan borough area.

It also provides advice on how to select the most appropriate kind of care for your child and gives information to help you decide on a particular provider.

If you need financial help towards the cost of childcare, the FIS can provide information and advice about how to apply for tax credits.

You can ring the helpline on 01942 828644 or extension 3644– Monday to Friday the line is available from 8 am until 6 pm, and on Saturday from 8 am until 12.30 pm.

You can visit the website at www.wigan.gov.uk/familyinformationservice.

You can also email for information fis@wigan.gov.uk.

You will also find parenting advice for children aged 0-19 years, or up to 24 years if the person has a disability, in the Family Service Directory. This is available through the FIS or at www.wiganfis.org.uk.

TYPES OF LEAVE



What is it?	Who is it for?	What is the statutory entitlement?	What do we offer at Wigan?
<p><u>Maternity/</u> <u>Adoption leave</u></p>	<p>Employees who are having a baby, adopting a child or having a baby through surrogacy.</p>	<p>52 weeks leave: 6 weeks at 90% normal pay 33 weeks at statutory pay 13 weeks without pay</p>	<p>52 weeks leave: 6 weeks at 90% normal pay 12 weeks at 50% normal pay plus statutory pay* 21 weeks at statutory pay 13 weeks without pay *subject to 12 months local government (LG) service and if returning to work.</p>
<p><u>Paternity leave</u></p>	<p>Employees whose partners are having a baby, adopting a child or having a baby through surrogacy.</p>	<p>2 weeks leave at statutory pay if you have 26 weeks service at the 15th week of pregnancy or match for adoption.</p>	<p>2 weeks leave at normal pay *subject to 26 weeks service.</p>

<u>Maternity support leave</u>	Employees who have been nominated by the mother as the primary support/carer at the time of birth.	No statutory entitlement, would fall under time off for dependants - without pay.	1 week at normal pay N.B. employees eligible for both paternity and maternity support leave will receive 1 week at normal pay and 1 week at statutory pay.
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What is it?	Who is it for?	What is the statutory entitlement?	What do we offer at Wigan?
<u>Shared parental leave</u>	Both parents who are having a baby, adopting a child or having a baby through surrogacy.	The option to share up to 50 weeks of maternity/adoption leave and 37 weeks of pay subject to eligibility criteria.	The option to share up to 50 weeks of maternity/adoption leave and 37 weeks of pay subject to eligibility criteria.
<u>Parental leave</u>	Any parent of children up to age 18.	Time off without pay at a maximum of 18 weeks up to a child turning 18 (includes leave taken with previous employers). 4 weeks per year per child to be taken in whole weeks only.	Time off without pay for the care of children up to age 18. Leave may be requested in days and weeks, regardless of their child's circumstances. Requests will also be considered for leave in hours, such as a temporary reduction in working hours or a change in working pattern.

<u>Foster friendly leave</u>	Employees who are applying to become foster carers or approved foster carers.	No statutory entitlement.	Up to 4 days paid leave for employees applying to become foster carers. Up to 5 days paid leave for approved foster carers to attend review meetings or training.
<u>Special leave</u>	Employees who are experiencing times of crisis, for example the loss of a close family member or other serious event that is significantly impacting on their wellbeing.	No statutory entitlement for time off with pay.	Leave with normal pay at the discretion of the employee's manager. The amount of time will depend upon the individual circumstances and will be up to a maximum of 10 days. In exceptional circumstances the CEO may approve additional special leave
What is it?	Who is it for?	What is the statutory entitlement?	What do we offer at Wigan?
<u>Parental bereavement leave</u>	Bereavement leave for parents of children under age 18. Includes still birth from 24 weeks	2 weeks leave at statutory pay.	10 days at normal pay followed by statutory pay unless approved otherwise by Assistant Directors. N.B where appropriate, full maternity leave will apply following the 2 weeks leave for employees who are eligible.

<p><u>Time off for dependants</u></p>	<p>Employee's facing an emergency involving a dependant.</p>	<p>Reasonable time off without pay to deal with an emergency.</p>	<p>Reasonable time off without pay to deal with an emergency involving a dependant. Situations may include:</p> <ul style="list-style-type: none"> • dependant falling ill. • arrangements for provision of emergency care, for example where a child falls ill at school or arrangements for the care of a dependant are unexpectedly interrupted.
<p><u>Unpaid leave</u></p>	<p>Any employee can request unpaid leave</p>	<p>No statutory right other than time off for dependants.</p>	<p>Time off without pay subject to manager approval. Requests must be made in advance with adequate notice and decisions will be based on reasonableness for example length of absence and impact on the service.</p>

<p><u>Carers leave</u></p>	<p>Helps to support carers to provide care or to make arrangements for the person for whom they care for.</p>	<p>working days of unpaid leave per year</p>	<p>Carers regardless of length of service are entitled to 10 paid days of carers leave per leave year from 1st April to 31st March (pro-rata for part-time employees), as part of our pledge to support carers in the workplace. this may include one or more of the following:</p> <ul style="list-style-type: none"> -Providing personal support -Providing practical support -Helping with official or financial matters.
			<ul style="list-style-type: none"> -Providing personal and/or medical care. -Making arrangements