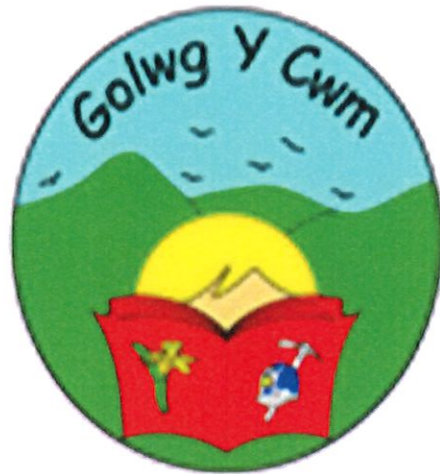


YSGOL GOLWG Y CWM



Supporting working parents Policy

Date	January 2024
Review Date	January 2025

CYNGOR SIR POWYS COUNTY COUNCIL

Supporting Working Parents Policy

(For All Staff Working in Schools)

Guiding you through Maternity, Paternity, Parental and Adoption Leave

This Policy/Procedure has been agreed by the following professional associations and Trade Unions representing Teachers, Headteachers and Support Staff:

GMB, Unison, NASUWT, NUT, NAHT, Voice, UCAC

This policy has been adopted by the governing body of _Ysgol Golwg Y Cwm on February 2024

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Cyngor Sir Powys County Council

Supporting Working Parents (Maternity, Paternity, Parental & Adoption Leave) Policy & Procedure (For All School based staff)

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Cyngor Sir Powys County Council

Supporting Working Parents (Maternity, Paternity, and Parental Leave) Policy & Procedure for School based staff

1.0 Introduction

- 1.1 This policy explains the entitlements to maternity, paternity, and parental leave. Employees are advised to ensure that they have read this policy prior to commencing such leave, and as necessary, to contact their Headteacher or Human Resources (HR) Business Partner, for any further advice and clarification required. ***Further details about how to access external information resources and advice are also provided at the end of this document.***

2.0 Definitions of Terms

- 2.1 The leave and pay arrangements described within this policy refer to a number of abbreviations and terms. These terms are those used within the statutory framework concerning parental rights which all employers follow and therefore this terminology is required. The most common ones are described below:

EWC	This is the Expected Week of Confinement. It is the date during the week (commencing on Sunday) given by a Registered Medical Practitioner/Registered Midwife which indicates when the baby is expected, or when an adoption agency indicates when the child is to be placed in cases of adoption.
15th Week/Qualifying Week (QW)	This is the 15 th week <i>before</i> the EWC and influences eligibility to pay and leave under this policy.
OML	Ordinary Maternity Leave – the core period which covers the first 39 weeks of maternity/adoption leave, during which full terms and conditions of employment apply except those relating to remuneration. The right to remuneration is replaced by the right to receive the appropriate level of Maternity Pay.
AML	Additional Maternity Leave – an extended period of unpaid leave of up to 13 weeks that starts immediately upon expiry of OML.
MATB1	The name of the Maternity Certificate given by a Registered Medical Practitioner/Registered Midwife during pregnancy, indicating the EWC.
OMP	Occupational Maternity Pay. The element of pay that the Council makes provision for. It is subject to at least 1 year's continuous service in local government at the 11 th week before the EWC.
SMP/SAP	Statutory Maternity/Adoption Pay.
Maternity Allowance	Maternity Allowance may be available to help you take time off to have your baby. You must not be entitled to Statutory Maternity Pay from any employer. You must also have been a registered self-employed person or have been employed in at least 26 weeks out of the 66 week period running into the week before the week your baby is due. You should claim as soon as you can after you have been pregnant for 26 weeks. If you delay, you may lose benefit. There are a number of conditions that you need to meet in order to claim maternity benefit.
Weekly Salary	For the purpose of this scheme, a week's pay shall be treated as the amount payable to the employee under the current contract of employment. If there are significant variations in a teacher's salary, the average salary over the 12 weeks preceding the date of absence shall be treated as a week's salary. For support

	staff , where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.
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3.0 Eligibility for Maternity Leave

3.1 Employees who have more than 1 year's continuous Local Government service at the 11th week before the EWC are eligible for SMP and OMP (Occupational Maternity Pay).

3.2 In addition, by the time the employee has reached the Qualifying Week (approximately 25 weeks into pregnancy), she must inform her Headteacher and the Employment Services Section within HR:

- that she is pregnant;
- the date of the Week Baby is Due (EWC), and provide the Maternity Certificate (form MATB1) from a registered medical practitioner or registered midwife stating the EWC date;
- the date she intends to commence maternity leave (which must be no earlier than the 11th week before the EWC);

It should be noted that there is a statutory provision which requires that all mothers must take at least 2 weeks maternity leave.

3.3 An employee may change the date they wish to start their leave, by notifying the Headteacher and the Local Authority at least 21 days beforehand, unless this is not reasonably practicable. The employee should not contact Employment Services regarding their return to work. All notifications to Employment Services shall be made via Headteachers.

3.4 The right to maternity **leave** has no continuous service requirements and employees are entitled to take 39 weeks of Ordinary Maternity Leave (OML) and up to 13 weeks of Additional Maternity Leave (AML). They will not be entitled to occupational or statutory maternity pay.

4.0 Maternity Leave and Pay Entitlement

4.1 Maternity Pay for teaching staff is normally paid as follows:

Teaching staff with Continuous service with Powys County Council by the end of the 15 th week before EWC	Teaching staff with Continuous local government service (including maintained schools*) at the start of the 11 th week before EWC	Teaching staff with Maternity Pay Entitlement	Teaching staff with Maternity Leave Entitlement
Less than 1 year but at least 26 weeks before the Qualifying Week (QW)	At least 1 year	SMP Statutory Maternity Pay OMP – Ordinary Maternity Pay MA Maternity Allowance	
		39 weeks occupational and statutory pay as follows: 4 weeks @ full pay inclusive of SMP 2 weeks @ 90% of week's salary inclusive of SMP 12 weeks @ half pay plus SMP 21 weeks @ SMP	26 weeks Ordinary Maternity Leave <i>plus</i> 26 weeks Additional Maternity Leave

Less than 26 weeks before the QW	At least 1 year	39 weeks occupational and statutory pay as follows: 4 weeks @ full pay inclusive of MA if eligible 2 weeks @ 90% of week's salary inclusive of MA if eligible 12 weeks @ half pay plus MA if eligible 21 weeks @ MA if eligible No entitlement to SMP	26 weeks Ordinary Maternity Leave <i>plus</i> 26 weeks Additional Maternity Leave
At least 26 weeks	Less than 1 year	39 weeks statutory pay as follows: 6 weeks @ SMP equal to 90% of weekly salary 33 weeks @ SMP No entitlement to occupational pay	26 weeks Ordinary Maternity Leave <i>plus</i> 26 weeks Additional Maternity Leave
Less than 26 weeks	Less than 1 year	No occupational pay No SMP MA if eligible	26 weeks Ordinary Maternity Leave <i>plus</i> 26 weeks Additional Maternity Leave

* Maintained schools are those where the funding and oversight is through the local authority. This does not include Academies (which currently only exist in England) where funding and oversight is from the Department for Education

4.2 Maternity Pay for non-teaching staff is normally paid as follows:

Non-teaching staff with Continuous service with Powys County Council by the end of the 15th week before EWC	Non-teaching staff with Continuous local government service (including maintained schools*) at the start of the 11th week before EWC	Non-teaching staff with Maternity Pay Entitlement	Non-teaching staff with Maternity Leave Entitlement
Less than 1 year but at least 26 weeks before the Qualifying Week (QW)	At least 1 year	SMP Statutory Maternity Pay OMP – Ordinary Maternity Pay MA Maternity Allowance	
Less than 1 year but at least 26 weeks before the Qualifying Week (QW)	At least 1 year	39 weeks occupational and statutory pay as follows: 6 weeks @ 90% of week's salary inclusive of SMP 12 weeks @ half pay plus SMP 21 weeks @ SMP	26 weeks Ordinary Maternity Leave <i>plus</i> 26 weeks Additional Maternity Leave
Less than 26 weeks before the QW	At least 1 year	39 weeks occupational and statutory pay as follows: 6 weeks @ 90% of week's salary inclusive of MA if eligible 12 weeks @ half pay plus MA if eligible 21 weeks @ MA if eligible No entitlement to SMP	26 weeks Ordinary Maternity Leave <i>plus</i> 26 weeks Additional Maternity Leave
At least 26 weeks	Less than 1 year	39 weeks statutory pay as follows: 6 weeks @ SMP equal to 90% of weekly salary 33 weeks @ SMP No entitlement to occupational pay	26 weeks Ordinary Maternity Leave <i>plus</i> 26 weeks Additional Maternity Leave

Less than 26 weeks	Less than 1 year	No occupational pay No SMP MA if eligible	26 weeks Ordinary Maternity Leave <i>plus</i> 26 weeks Additional Maternity Leave
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* *Maintained schools are those where the funding and oversight is through the local authority. This does not include Academies (which currently only exist in England) where funding and oversight is from the Department for Education.*

4.3 Maternity Pay will be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay entitlements, subject to the following qualifications:

- (i) In the event of a pay award or annual increment being implemented before the paid maternity leave period begins, the maternity pay should be calculated as though the pay award or annual increment had effect throughout the entire Statutory Maternity Pay calculation period. If such a pay award was agreed retrospectively, the maternity pay should be re-calculated on the same basis;
- (ii) In the event of a pay award or annual increment being implemented during the paid maternity leave period, the maternity pay due from the date of the pay award or annual increment should be increased accordingly. If such a pay award was agreed retrospectively, the maternity pay should be re-calculated on the same basis;
- (iii) in the case of an employee on unpaid sickness absence or on sickness absence attracting half pay during the whole or part of the period used for calculating average weekly earnings in accordance with the earnings rules for Statutory Maternity Pay purposes, average weekly earnings for that period shall be calculated on the basis of sick pay.

4.4 Employees may begin maternity leave at any time between eleven weeks before the Week Baby is Due and the actual Week Baby is Due. Unless exceptional circumstances prevail, the required notice should be given (see Eligibility, Section 4 above).

4.5 Employees who qualify for OMP may opt to have these payments spread over a longer time period, or have the OMP amount paid to them in full on return to work. Any such payments must be agreed between the employee, the Headteacher and the Local Authority.

4.6 An employee who states their intention to return to work and then does not do so, or returns for a period of less than 13 weeks after their maternity leave shall, in normal circumstances, refund the 12 weeks of half occupational maternity pay.

4.7 Employees who do not satisfy the conditions for SMP (e.g., continuous employment with the Local Authority for at least 26 weeks by the time they reach the 15th week before the Week Baby is Due), are advised to seek advice from Job Centre Plus regarding Maternity Allowance.

5.0 Confirming Maternity Leave and Pay

5.1 Employment Services will write to the employee to confirm the following:

- The level of paid and unpaid leave entitlements;
- Unless an earlier return date has been given, confirmation of the expected return date based on 52 weeks paid and unpaid leave entitlement;
- The length of any period of accrued annual leave which it has been agreed may be taken either side of the maternity leave period; and

- The requirement for the employee to give at least 21 days notice if they wish to return to work before the expected return date.

6.0 Keeping in Touch

6.1 Before going on leave, the Headteacher and the employee should also discuss and agree any arrangements for keeping in touch during maternity leave including:

- any arrangements (in person or by correspondence) that may be helpful to help keep in touch with developments at work and, nearer the time of return, to help facilitate a return to work;
- keeping the headteacher in touch with any developments that may affect the employee's intended date of return.
- This can be changed at a subsequent date by either party but must be agreed.

6.2 This may be achieved by taking up to 10 'Keeping in Touch' (KIT) days which may be taken by mutual agreement. These days are optional and may be taken to attend particular events such as training days or team meetings, or to assist with a phased return to work at the end of maternity leave, and shall be paid at the normal pay rate.

6.3 Any work that is done by an employee as a Keeping in Touch (KIT) day, even if it is as little as half an hour, counts as a whole KIT day. KIT days may be taken as single days, in blocks, or all at once.

7.0 Returning To Work

7.1 If the employee intends to return to work at the end of their full maternity leave they will not be required to give any further notification to their Headteacher, Teachers wishing to return earlier than at the end of their full maternity leave must give at least 21 days' notice (Section 5 paragraph 7.1, Burgundy Book). Non-teaching staff returning earlier than at the end of their full maternity leave must give 8 weeks' notice. The employee should contact the Headteacher on all occasions relating to their return to work. The employee has the right to return to their job under the original contract and on no less favourable terms and conditions. The Local Authority will ensure that due consultation takes place in instances of organisational change where redundancies or restructuring occurs.

7.2 There are certain obligations placed on the Headteachers and the Local Authority concerning care for new mothers returning to work. These obligations include the provision of a safe working environment taking into consideration the needs of the new mother, and the provision of suitable rest facilities for workers who are breastfeeding for expressing milk. Staff will not be allowed to breastfeed whilst at work. Headteachers are referred to the Health and Safety information in Section 11.

7.3 An employee who has stated that they intend to return to work after their leave period but then does not return to work, or returns for less than a period of 13 weeks after their maternity/adoption leave shall, in normal circumstances, refund the 12 weeks of half occupational maternity pay. However, consideration will be given to individual circumstances such as where this will cause considerable hardship and should be referred to Human Resources. Returning to work with the Local Authority is not a pre-requisite to receiving SMP.

8.0 Returning on Flexible Working Arrangements

8.1 If, at the end of maternity leave, an employee wishes to return to work with a different working pattern, the Governing Body, in consultation with the school's HR Business Partner, will consider this as far as is reasonably practicable. If this is not possible the school and/or Local Authority must provide written, objectively justifiable reasons for this and the employee will return to the same job and working pattern as was held prior to taking maternity leave.

8.2 The School's **Flexible Working Policy** sets out the flexible working options that are available to employees, describes the legal rights for working parents, the Local Authority's obligations towards

employees, and explains the procedure for making a formal request for flexible working. Employees should refer to this policy before considering making a request for flexible working.

9.0 Sickness following the end of Maternity Leave

- 9.1 In the event of illness following the date the employee was due to return to work, normal sick leave provisions will apply.
- 9.2 The school and the Local Authority will, however, be sensitive to the needs of new parents and provide reasonable support including access to the Occupational Health Service for those experiencing post-natal conditions and symptoms such as post-natal depression.

10.0 Further Information for Pregnant Employees

10.1 Sickness Prior to Childbirth

If an employee takes sick leave due to a pregnancy related illness during the last four weeks before the Week Baby is Due (EWC), maternity leave will commence on the day after the first full day of sickness absence. Absence prior to the last four weeks before the EWC, supported by a Doctor's Note, or a self-certificate, shall be treated as sick leave in accordance with normal sick leave provisions.

10.2 Premature Birth

If the baby is born alive before expected but nevertheless after the maternity leave has started, leave and pay continues as agreed.

If the baby is born before maternity leave has commenced but after the 15th Week before EWC, maternity leave and pay commences the day after the birth.

Where the baby is born before the 15th week before the EWC, maternity leave and pay commences as above. Maternity Pay is based on the average earnings over the 8 weeks ending on the Saturday before the birth.

10.3 Still Birth

Where the baby is still-born after the 24th week of pregnancy the employee will be entitled to the same amount of maternity leave and pay as if the baby had been born alive.

10.4 Miscarriage

In cases of miscarriage before the 24th week of pregnancy, the usual sick leave provisions will apply, and support will be offered to the employee by way of access to the Occupational Health Service.

11.0 Health and Safety for Employees Pre and Post Birth

- 11.1 Where an employee is pregnant, has recently given birth or is breast feeding, the Headteacher should carry out a risk assessment of the employee's working conditions using the form on p6580 of the Powys Intranet. Health & Safety legislation requires employers to carry out a specific risk assessment where women of child-bearing age or new or expectant mothers may be at risk from a work process, working condition or physical, biological or chemical agent.
- 11.2 In the best interests of the expectant employee, action will be taken in instances of Rubella (German Measles), which could include transferring the employee to another work location. Where risks are identified, employees will not be obliged to continue that work. Every effort will be made to alter the

working conditions for that person wherever possible. Consideration should be given to appropriate action in the occurrence of other notifiable diseases.

- 11.3 If it is found, or a medical practitioner considers, that the employee or their child would be at risk if the employee were to continue with their normal duties, the Headteacher should provide suitable alternative work for which they will receive their normal rate of pay. Where it is not reasonable to offer suitable alternative work the employee should be offered paid leave for as long as the risk exists to safeguard their well-being. Where such leave continues to the start of the 4th week before the Week Baby is Due, maternity leave will automatically begin.
- 11.4 In all cases, guidance and advice is available from Occupational Health & Safety and Human Resources.

12.0 Additional Provisions

Where any changes in roles, management of change issues, consultation events, promotion opportunities occur within a school, all employees, including those on maternity/adoption/parental leave must be notified of those changes and invited to attend any organised event relating to those changes.

12.1 Contractual rights

During maternity leave employees retain all of their contractual rights except remuneration. This is replaced by maternity pay (subject to eligibility).

12.2 Increments

Maternity leave, whether paid or unpaid, shall count as service for annual increments and for the purposes of any service qualification period for additional annual leave.

12.3 Pensions

Pension rights and contributions shall be dealt with in accordance with the provisions of the Teachers' and Local Government Pension Schemes as appropriate. Employees are advised to seek advice from the Local Authority's Pensions Service regarding pension contributions during maternity leave.

12.4 Antenatal Care

Pregnant employees have the right to paid time off for antenatal care. Antenatal care may include relaxation and parent-craft classes as well as appointments for antenatal care.

12.5 Post-natal Care and Breastfeeding Mothers

Women who have recently given birth should have paid time off for post-natal care e.g. attendance at health clinics.

The Health and Safety Executive encourages employers to provide a healthy and safe environment for women who are breast-feeding with suitable access to a private room to express and store milk. The headteacher and the employee should discuss individual needs and arrange for adequate facilities to be made available. Advice and guidance is available from the Occupational Health & Safety Service and Human Resources.

13.0 Adoption

- 13.1 Employees are entitled to the same provisions as laid out in the maternity provisions which are detailed in this policy. Entitlements to adoption leave are applicable for a newly-matched child (up to the age of 18 years) placed with adoptive parents. A parent who is not the main carer of the adopted child may qualify to take up to two weeks paid Paternity (Partner) Leave (See Section 14). Where the term maternity is used in this document, adoption also relates.
- 13.2 Adoption Leave applies on the same basis to surrogate parents who have been granted a parental order. Individuals must be genetically related to a child to apply for a parental order, i.e. the egg or sperm donor, and in a relationship where they and their partner are either:
- married
 - civil partners
 - living as partners

The child must be living with the couple who must reside permanently in either the UK, Channel Islands or Isle of Man.

Where surrogate parents are not in possession of a parental order, Adoption leave only applies where the child has been legally adopted through a registered adoption agency.

- 13.3 Paid Leave should be granted to allow new adopters to fulfill the requirements of the formal adoption procedure e.g. counseling, screening, interviews, meeting the child, etc and also at the time when the child comes under the full-time care of the adoptive parent. Adopting parents are required to complete the form at Appendix 1 and attach supporting documentation from the adoption agency that confirms the placement of the child.
- 13.4 An adopter is a person who has been matched with a child for adoption. In the case where two people have been matched jointly, the adopter is whichever has opted to be the child's adopter for the purpose of taking statutory adoption leave. The other partner may qualify to take Paternity (Partner) Leave (See Section 15)
- 13.5 Adoption leave is not available in cases where a child is not newly matched for adoption, such as where a step-parent is adopting a partner's child/ren.
- 13.6 Where pregnant employees have the right to paid time off for antenatal care, time off for prospective adoptive parents is available for meetings with authorities prior to the adoption.

14.0 Paternity (Partner) Leave and Pay/Maternity Support Leave (includes Adoption)

- 14.1 This will apply to employees who are biological and adoptive fathers and same sex partners who are fully involved in the upbringing of the child and are taking this time off to support their partner taking maternity or adoption leave and the new child. They must have been in employment with the school/ Local Authority for at least 26 weeks before the 15th week before the EWC and have informed the school/ Local Authority of their intention to take the leave by this date as far as is reasonably practicable.
- 14.2 The entitlement is to two weeks' paternity leave with the first week paid at full pay and the second week at Statutory Paternity Pay. Only one period of Paternity Leave is available when there is a multiple birth.
- 14.3 Leave may be taken in a continuous block of either one or two weeks, as agreed between the employee and their Headteacher. The leave must be taken within 56 days of the birth.

- 14.4 Employees should apply for Paternity (Partner) Leave by using the application form provided in Appendix 1, at least 28 days before they want the leave to start, unless there are exceptional circumstances.
- 14.5 Reasonable paid time off for attending ante natal classes with the partner taking maternity leave should also be granted.
- 14.6 For employees who do not meet the eligibility criteria for Paternity (Partner) Leave (described in paragraph 14.1 above), but are in a position of providing sole support to a new parent at or around the time of birth, Maternity Support Leave may be available. This leave may only be granted when there is **no other Powys County Council** employee taking Paternity (Partner) leave in relation to the same child. Maternity support leave may be granted for a period of 1 week with pay. Leave must be taken in one block within 56 days of the birth.
- 14.7 It is a prerequisite of Maternity Support Leave being considered that the employee nominates the person who will be taking the leave, and declares that no other Council employee will be taking Paternity/ (Partner) Leave in connection with that birth/adoption. The nominated employee requesting to take Maternity Support Leave will be required to provide a copy of the MATB1 form.

15.0 Parental Leave (Unpaid)

- 15.1 Working parents – mothers and fathers and adoptive parents – have a statutory right to take up to 13 weeks of unpaid leave during their child's first eighteen years. Leave must be taken in blocks of 1 week at a time up to a maximum of 4 weeks per year per child. Parental leave gives another option for working parents needing time off to spend with their child/ren and further guidance on other flexible working arrangements that may be considered are contained in the Access to Flexible Working Policy.
- 15.2 Requests for unpaid parental leave cannot be unreasonably postponed – the school must write to the employee giving reasons for postponement, for example that it would cause significant disruption to the school. The school cannot postpone requested leave if it means an employee would no longer qualify for parental leave, e.g. postponing it until after the child's 18th birthday

16. Shared Parental Leave

- 16.1 Shared parental leave is a type of leave that is available to parents with babies due on or after 5 April 2015. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.
- 16.2 Shared parental leave should not be confused with ordinary or unpaid parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks unpaid leave as outlined in paragraph 15 above.
- 16.3 As the shared parental leave provisions are complex, the detail is set out separately, as an appendix to this policy, at Appendix 4. If an employee wishes to take shared parental leave, he/she should clarify the relevant procedures with a member of the Employment Services Team to ensure that they are followed correctly. They may also wish to take advice from their trade union or professional association.

17.0 Leave for Foster Parents

- 14.1 As a provider of Social Services, Powys County Council recognises the need to encourage and support employees whose assessment for suitability to become foster parents is being undertaken by a Local Authority.

- 17.2 Employees should be aware, however, that although there is currently no statutory provision to support potential foster parents with paid time off, in cases where employees decide to become foster parents and are undergoing the approval process, reasonable time off should be granted to attend meetings and training in the same way that expectant parents have access to ante natal appointments.
- 17.3 Employees who are potential foster parents should also be encouraged to consult the Access to Flexible Working Policy for guidance on the range of flexible working options available that will support the achievement of a more satisfactory work-life balance if required.

18. Other Sources of Information for Working Parents

- Information about **maternity and parental rights** is contained in the following Department of Trade and Industry (DTI) booklet:-

Pregnancy and Work: What you need to know as an employee.

Copies of this booklet can be obtained by telephoning 0870 1502 500. It is also available from the DTI website at:

<http://www.dti.gov.uk/employment/workandfamilies>

- The DTI website will also provides a link to TIGER, an on-line interactive service which provides assistance to both employees and employers with **calculating maternity and paternity leave entitlements**.
- Information on **Statutory Maternity Pay and Maternity Allowance** entitlements is contained in the following Department for Work and Pensions (DWP) booklet:

A Guide to Maternity Benefits (NI17A)

Copies of this booklet can be obtained from:

<http://www.dwp.gov.uk/advisers/ni17a>

- Information and guidance on **Maternity Allowance** is available from JobCentre Plus on 0800 0556688.
- Further information for **new and expectant mothers at work** is available on the health and Safety Executive website at:

www.hse.gov.uk/mothers/index.htm

- For a comprehensive resource on everything to do with **work-life balance**, visit:

<http://www.workingfamilies.org.uk> .

- ACAS (Advisory, Conciliation and Arbitration Service) provides advice to individuals and employers on a range of **employment matters** via its helpline on 08457 474747 or visit:

www.acas.gov.uk

- The Local Government Employers (LGE) – for information relating to employee's terms and conditions on **Phone:** 020 7187 7373

How Williams D. H. Williams
CHAIR OF GOVERNORS 29/02/24.