



Maternity Scheme – Teaching Staff

Maternity Scheme – Teachers

Produced by Schools' HR

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This policy has been consulted centrally and fully agreed by teaching trade unions. To change any aspect of this policy at a school level, the relevant body must consult appropriately with school teaching staff and their recognised trade union representatives.

Note: In this document, any reference to the terms "Governor" or "Governing Body" shall be interpreted to also mean "Trustee" or "Board of Trustees," unless the context specifically indicates otherwise.

DOCUMENT STATUS

Introduced to The Blue Coat School on 14/10/2024

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Entitlement to Maternity Leave

Maternity Leave is a scheme that allows an employee time off work before and after giving birth to a child and allows them the right to return to work after maternity leave. An employee can take up to 52 weeks' Maternity Leave. The first 26 weeks is known as 'Ordinary Maternity Leave', the last 26 weeks as 'Additional Maternity Leave'.

Entitlement to pay may include Maternity Allowance (MA), Statutory Maternity Pay (SMP) and / or Occupational Maternity Pay (OMP) during maternity leave. To determine entitlement, the employee will need to know their:

- **Length of Service:** This is usually determined by their employment start date. However, if the employee has worked for another local authority directly before joining Liverpool and without a break, this may be classed as continuous service.
- **Gross monthly pay:** This is the total amount that the employee earns each month before any deductions are taken. This information can be found on the employee's payslip.
- **Expected week of confinement (EWC):** This is the week that the baby is due. It should be stated on the MATB1 form.
- **Qualifying week:** This is the Sunday at the start of the fifteenth week before the EWC.

Notifying the School

Teachers must notify the employer in writing no later than 14 weeks (unless there is good cause) before the expected week of childbirth (EWC) that she wishes to be absent for maternity.

However, it is helpful if employees are happy to confidentially share the news with their line manager as early as possible so that relevant support and risk assessments may be put in place as the earliest opportunity.

Applying for Maternity Leave

There are a number of documents that need to be sent to the school's payroll provider. These should be sent at least **28 days¹** before the employee expects to start their maternity leave. These include:

- **Application for Maternity Leave.** A copy of the relevant form for LCC Payroll is attached. There are sections that must be completed by both the employee and the school before sending it to Payroll. If the school uses a different payroll provider, they may require a different form.
- **MATB1.** This will be given to the employee by their midwife approximately 26 weeks into their pregnancy. It should be securely attached to the application form when submitted to payroll.

On receipt of the above, Payroll will confirm the details of the maternity leave, including the end date of the maternity leave.

When Can Maternity Leave Start?

Maternity leave can start from 11 weeks before the expected week of confinement. If the employee gives birth before that time, or before the scheduled start date for maternity leave, their maternity leave will start from the day after the date of the baby's birth.

If the employee is absent due to sickness after the beginning of the 4th week before their baby is due, maternity leave will automatically begin if the sickness is pregnancy related. If the absence is not pregnancy related, usual sickness procedures apply and maternity leave will not be affected.

If the baby is born before maternity leave commences, the day after the date of childbirth should be regarded as the first day of maternity leave.

Entitlement to Pay during Maternity Leave
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Maternity Leave can be made up of a combination of both paid and unpaid leave.

Entitlement to pay during Maternity Leave is dependent on the employee's length of continuous Local Government service, gross monthly pay and expected week of confinement. These will determine entitlement to payments of Occupational Maternity Pay (OMP) and/or Statutory Maternity Pay (SMP) as set out in the table below:

Continuous Service	Occupational Maternity Pay	Statutory Maternity Pay	Unpaid Maternity Leave
Less than 26 weeks at the qualifying week	Nil	Nil Maternity Allowance may be due	52 weeks
More than 26 weeks but less than 1 year at the qualifying week, insufficient NI contributions	Nil	Nil Maternity Allowance may be due	52 weeks
More than 26 weeks at the qualifying week but less than 1 year, sufficient NI contributions	Nil	39 weeks	13 weeks
One year or more at 11 weeks before EWC, insufficient NI contributions	18 weeks	Nil Maternity Allowance may be due	34 weeks
One year or more at 11 weeks before EWC, sufficient NI contributions	18 weeks	21 weeks	13 weeks

1. Maternity Allowance

Maternity Allowance is a benefit paid by the Department of Work and Pensions for a maximum of 39 weeks. The earliest date that payment can start is 11 weeks before the week the baby is due.

If the employee is entitled to Maternity Allowance payroll will send form SMP1 when they receive the employee's MATB1 form. The employee should then contact their local Jobcentre Plus or visit the website <https://www.gov.uk/maternity-allowance/how-to-claim>

The employee will need to complete the Maternity Allowance form (MA1) and send it to the address on the form or their local Jobcentre Plus office along with their MATB1 when they are 26 weeks pregnant.

2. Statutory Maternity Pay (SMP)

This is a government scheme under which employers are responsible for making payments to pregnant employees who are eligible.

SMP is made up of : -

- ❖ 6 weeks at 9/10th of your average pay
- ❖ 33 weeks SMP (at the SMP rate applicable at the time) or 9/10th of your average pay, whichever is the lower.

To qualify for SMP the employee must

- have worked for their current employer for at least 26 consecutive weeks up to and including the 15th week before the week in which the baby is due;
- continue to work into the 15th week (Qualifying Week) before the expected week of confinement, for at least one day;
- have average weekly earnings at the Qualifying Week (calculated over an 8 week period) that exceed the lower earnings limit for payment of National Insurance contributions. (If this applies, the employee will be advised by Payroll);
- give at least 28 days' notice of their intention to stop working

SMP will be paid from the Sunday following the week in which they stop working. It will be paid on the usual pay date for a maximum of 39 weeks. The earliest date SMP can be paid is the 11th week before the baby is due.

SMP will not be paid if the employee is held in legal custody during the maternity pay period or if they work for another employer after the birth but during your maternity pay period.

3. Teachers Occupational Maternity Pay (OMP)

This is the scheme set out for teachers in the 'Conditions of Service for School Teachers in England and Wales' document.

Teachers OMP is made up of: -

- ❖ 4 weeks at full pay
- ❖ 2 weeks at 9/10ths of average pay
- ❖ 12 weeks at half pay of average salary plus weekly Statutory Maternity Pay, or 9/10ths whichever is the lower, to the maximum of average pay.

Entitlement to SMP is **included** in these amounts and will not be paid as an additional amount of money during these 18 weeks.

To qualify, the Teacher must:

- have at least 1 year continuous service at the 11th week before your baby is due
- continue to be employed by the employer (whether or not at work) immediately before the start of her absence;
- notify the school in writing as soon as practicable but not later than 14 weeks before the expected week of childbirth, that you wish to be absent for maternity and whether you intend to return to work with your employer (if that is your intention and if you are able to return to work with your employer)
- notify the school of the date you wish to start maternity leave at least 28 days¹ before you start your absence

OMP is worked out daily therefore the amount paid each month may differ.

Keeping in Touch Days

If agreed, an employee may undertake up to 10 Keeping In Touch (KIT) days during the Maternity Leave period without losing the right to OMP/SMP/MA. The purpose of KIT days is to enable the employee to carry out work or training in order to keep in touch with the workplace (which may include attendance at a meeting or a training activity). Any activity, even if it occupies less than a working day, will be counted as using one KIT day.

The employee is entitled to be paid at their contractual rate for the duration of any activity on a KIT day. When calculating the contractual rate any OAP or SAP also paid on any KIT day will be taken in to account. Alternatively, the option of adding an additional days' paid leave to the end of the Maternity leave period may be agreed.

The appropriate pay adjustment or the offer of an additional leave day should be agreed prior to the KIT day.

There is no obligation on either party to offer or agree to any KIT days.

Returning to Work

Please note that if the employee decides to return to work before the notified end date then they are required to give 21 days' notice.

If the employee is not available, or able to return to their job following maternity leave for a minimum period of 13 weeks they will only be eligible for Statutory Maternity Pay.

If the employee is able and available to return to work, but decides not to return for the minimum period of 13 weeks, they will not be entitled to any OMP after the first 6 weeks of their maternity leave. Where the employer agrees, a full time employee may return to work on a part time basis for a period which equates to 13 weeks of full time service. The 13-week period (or part time equivalent) starts from the date the employee returns to work or the date during the school holiday on which the employee is declared medically fit to be available for work.

The employee must therefore choose one of the following options for their pay arrangements:

- receive maternity pay monthly on the usual pay day. If the employee chooses not to return to work, any OMP paid to after the first six weeks of absence must be repaid
- or

- opt to receive OMP for the first six weeks only of their maternity leave. (They will still receive any SMP to which they are entitled). After the employee has returned to work for 13 weeks, any outstanding OMP will be paid in full.

Link to Shared Parental Leave

An employee may decide to curtail a period of Maternity Leave and choose to take Shared Parental Leave instead. Please refer to the Shared Parental Leave Policy.

¹Please note: the Conditions of Service for School Teachers in England and Wales requires teachers to provide 21 days' notice before the start of absence to qualify for OMP. However, 28 days is required to qualify for SMP.

Request for Maternity Leave Application Form

1. To be completed by the employee at least 28 days prior to your maternity leave commencing:

Surname	
First Name	

Job Title	
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Contact Details:

E-Mail Address		
Contact Telephone No		

Details of Leave:

Date Your Baby is Due	
Maternity Leave Start	

Select the payment method you require by ticking the relevant box below. If you receive your full pay entitlement and you do not return to work for at least three full calendar months (or part-time equivalent) you will be required to repay all monies that you are not entitled to:

I wish to receive my full pay entitlement	<input type="checkbox"/>
I wish to receive only 6 weeks occupational pay entitlement plus 39 weeks statutory payment (if applicable)	<input type="checkbox"/>

If you opt not to receive your full pay entitlement but subsequently return to work for three full calendar months (or part-time equivalent) all previously withheld payments will be paid to you.

MATB1 Form Attached	<input type="checkbox"/>
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In accordance with statutory regulations, payment cannot be processed until your MATB1 form is received by the Payroll and Pensions Service.

Name		Date	
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2. To be authorised by your line manager:

Manager's Name			
Email Address		Date	

3. Now return this Request for Maternity Leave Application Form to s.heath@bluecoatschool.org.uk who will:

- **Send a confirmation email.**
- **Inform the Payroll and Pensions Service who will process your maternity leave request.**
- **Place an electronic copy on file, which will be retained in accordance with the Human Resource Service and Payroll and Pensions Service Data Retention Policy.**