



# Maternity Scheme – Support Staff

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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

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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

By law employees are only required to formally tell their employer that they are pregnant and will be taking maternity leave by the qualifying week (ie. the Sunday at the start of the fifteenth week before your EWC).

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 days 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

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	26 weeks	Nil Maternity Allowance may be due	26 weeks
One year or more at 11 weeks before EWC, sufficient NI contributions	26 weeks	39 weeks	13 weeks

## Maternity Pay

### 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 9/10<sup>th</sup> of your average pay

plus

33 weeks SMP (at the SMP rate applicable at the time) or 9/10<sup>th</sup> 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 15<sup>th</sup> week before the week in which the baby is due;
- continue to work into the 15<sup>th</sup> 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 11<sup>th</sup> 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. Support Staff Occupational Maternity Pay (OMP)

This is Liverpool City Council's own scheme, which also applies to school support staff. To qualify the employee must:

- have at least 1 year continuous service at the 11<sup>th</sup> week before the baby is due;
- continue to work up to the 11<sup>th</sup> week prior to the week in which the baby is due;
- give the City Council at least 28 days' notice of the date on which they intend to stop working

OMP is made up of 9/10<sup>th</sup> of average pay (at the qualifying week) for 26 weeks.

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.

#### Support Staff with a designated holiday entitlement

During both Ordinary and Additional Maternity Leave the employee is entitled to their normal holiday entitlement. Bank Holidays that fall in the Maternity leave period will be added to the employees leave entitlement. It is not possible to take annual leave at the same time as Maternity leave. The employee should, whenever possible, take any outstanding leave before commencing Maternity leave.

Statutory Leave accrued during the Maternity Leave period can be carried forward to the next leave year in which the employee returns to work.

In addition, up to five days (pro rata for part time employees) contractual annual leave can be carried forward to the leave year in which the employee returns to work, by agreement.

#### Returning to Work

Please note that if the employee decides to return to work before their notified maternity leave end date, then they are required to give **8 weeks'** notice.

Should an employee decide not to return to work for the minimum of three calendar months they will not be entitled to OAP after the first six weeks. The employee must therefore choose one of the following options for pay arrangements:

- The employee can receive their Maternity pay monthly on the usual pay day. If they choose not to return to work, any OAP paid after the first six weeks of absence must be repaid
- or
- The employee can opt to receive OAP for the first six weeks only of Maternity leave. (Any SAP entitlement will continue to be paid). If the employee then returns to work for 13 weeks, any outstanding OAP will be paid in full.

<b>Link to Shared Parental Leave</b>
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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.

## 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 Mrs S Heath (Personnel Officer).



**2. To be authorised by your line manager:**

<b>Manager's Name</b>			
<b>Email Address</b>		<b>Date</b>	

**3. Now return this Request for Maternity Leave Application Form to**

**[s.heath@bluecoatschool.org.uk](mailto: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.**