



# St. Patrick's R.C. Primary School



<b>Guide to Maternity Provisions for Teachers</b>		
<b>Date</b>	<b>Review Date</b>	<b>Coordinator</b>
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## 1.0 INTRODUCTION

This Guide for Teachers is intended to assist you with advice on maternity provisions.

A further 'Guide to Paternity and Maternity Support Leave' is available through the schools extranet, your Headteacher or the Schools HR Advisory Team (see Contact details at the end of this policy).

### 1.1 Who does this scheme apply to?

The Statutory Maternity Scheme applies to all pregnant women regardless of the number of hours they work each week.

The scheme is made up of **Ordinary Maternity Leave (OML)**, and **Additional Maternity Leave (AML)**. All women are entitled to take 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave providing a right to one year's maternity leave in total regardless of length of service.

The Employment Rights Act 1996 also provides for **compulsory** maternity leave.

### 1.2 What is "Ordinary Maternity Leave" (OML)?

Provided that you comply with the notification procedure all women are entitled to OML of 26 weeks.

### 1.3 What is "Additional Maternity Leave" (AML)?

All women are entitled to a further 26 weeks AML. This will start at the end of the OML period; therefore you will be entitled to 52 weeks leave in total.

### 1.4 What is "Compulsory Maternity Leave"?

No employee may return to work within:

- Two weeks of the date of childbirth; or
- Until some later date if there are other statutory requirements which stop the employee from working due to the fact that she has just given birth.

### 1.5 What is Statutory Maternity Pay (SMP)?

SMP is payable for 39 weeks and is made up of:

- 6 weeks will be at 9/10ths of average earnings
- 33 weeks at a flat rate, £138.18 (as at 7<sup>th</sup> April 2014) or 9/10ths if this is less.

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You will be entitled to SMP from Stockton-on-Tees Borough Council if you:

- a) Earn enough to pay National Insurance contributions averaged over an 8 week period
- b) Are still pregnant at the 11<sup>th</sup> week before the expected week of childbirth or have already given birth
- c) Have been employed by Stockton-on-Tees Borough Council continuously for at least 26 weeks up to and into the 15<sup>th</sup> week before the week the baby is due
- d) Have stopped working

If you cannot get SMP from Stockton-on-Tees Borough Council you may be entitled to Maternity Allowance (MA) from the JobCentrePlus Department for Work and Pensions or SMP from your previous employer.

### **1.6 How long do I need to have worked for local government to be able to get the whole of the maternity leave scheme?**

To be able to get the whole of the maternity leave scheme, including the maximum pay element of the scheme, you have to have more than one year's continuous local government service at the beginning of the 11<sup>th</sup> week before the expected date of childbirth. The maximum pay element of the scheme is made on the proviso that you will return to local government employment for at least 13 weeks following your maternity leave.

### **1.7 What notice do I have to give that I will be going on maternity leave?**

You must notify your Headteacher in writing as soon as practicable but not later than 15 weeks before the expected week of childbirth (unless there is good cause) that you wish to be absent for maternity.

You must also notify your Headteacher in writing giving 28 days notice of the following:

- a) That you are pregnant
- b) The expected week of childbirth (EWC)
- c) The date of the beginning of your absence

You will also be asked to provide an original certificate from a doctor or a registered midwife stating the expected week of childbirth (MATB1 certificate) which needs to be forwarded to Human Resources along with the relevant application form which are enclosed at the end of the guide.

Once you have given your notice to take leave, confirmation of the date your maternity leave will end will be made in writing.

### **1.8 When will my maternity leave start?**

- **No earlier** than 11 weeks before the expected week of childbirth or the time of the birth of the child if this is earlier.
- **No later** than the date you have agreed with your Headteacher that you will commence leave or the birth of the child, which ever is the earlier.
- The 4<sup>th</sup> week before your expected week of childbirth if you are on **pregnancy related sickness absence**.
- The **day after the birth of your baby** if your baby is born earlier than your intended leave date.

You can work up to the birth.

## **2.0 TEACHERS WITH LESS THAN 1 YEAR'S SERVICE**

If you have less than one years' service at the 11<sup>th</sup> week before the expected week of childbirth then the following is applicable to you.

### **2.1 What is my maternity leave entitlement?**

Provided you comply with the notification procedures you will be entitled to OML for up to 26 weeks and AML for up to 26 weeks.

## 2.2 What maternity pay am I entitled to?

Payments for Teachers who have more than 26 weeks continuous service at the 15<sup>th</sup> week before the expected week of childbirth, but less than 1 years continuous service at the beginning of the 11<sup>th</sup> week before the expected week of childbirth shall be entitled to Statutory Maternity Pay (SMP) only. In such cases, entitlement to SMP is as follows:

- For the first 4 weeks at full pay (offset against payments of SMP or MA) then 2 weeks of SMP equal to 9/10ths of average weekly pay
- For 33 weeks the standard rate of SMP - £138.18 per week (as at 7<sup>th</sup> April 2014) or a rate equal to 9/10ths of your average weekly earnings. You will receive whichever rate is lower.

## 3.0 TEACHERS WITH MORE THAN ONE YEAR'S SERVICE

If you have more than one years' local government service at the 11<sup>th</sup> week before the expected week of childbirth then the following is applicable to you.

### 3.1 What is my maternity leave entitlement?

- You will be entitled to 26 weeks OML.
- You will be entitled to 26 weeks AML which will start at the end of the OML period; therefore you will be entitled to 52 weeks leave in total.

### 3.2 What maternity pay am I be entitled to?

You will be entitled to:-

Weeks 1 – 4 Full pay offset against payments made by way of SMP (or Maternity Allowance (MA) for employees not eligible for SMP)

Weeks 5 – 6 9/10ths of a weeks pay including SMP or MA payments if you are not eligible for SMP

Weeks 7 – 18 If you inform your Headteacher in writing that you intend to return to work you will also receive ½ pay in addition to your SMP, or MA if you are not eligible to SMP. The ½ pay and SMP added together cannot exceed your normal full pay.  
**If you do not intend to return to work you will be entitled to SMP only.**

Weeks 19 – 26 You will receive SMP for the remaining 8 weeks of OML.

Weeks 27 – 39 You will receive SMP for 13 weeks of AML

Weeks 40 – 52 13 weeks unpaid AML

The additional ½ pay element is made on the understanding that you will return to your job for at least 13 weeks (including periods of school closure) as a qualifying condition to Occupational Maternity Pay after the first six weeks of absence. If you do not return for at least 13 weeks, on either a full time or part time basis, you will need to repay the ½ pay part of the payment. You will need to sign a maternity application form prior to starting maternity leave in order to receive the ½ pay element. This form is available at appendix 1.

The Teachers subsequent obligation is to return to her job for at least 13 weeks (including periods of school closure)

The 13 week period 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.

It is also possible to have the ½ pay element paid over a mutually agreed period. Please contact the Schools HR Advisory Team to discuss this option further.

## 4.0 ISSUES AFFECTING ALL TEACHERS

### 4.1 What happens if my baby is born early?

If your baby is born before the intended start of your maternity leave then your maternity leave will automatically commence the **day after the birth of your baby**. You should notify the Schools HR Advisory Team as soon as possible so they can make the appropriate adjustments to your maternity leave entitlement and maternity pay.

If your baby is born before your expected date of childbirth but after the start of your maternity leave then this will not alter your maternity leave end date and the Schools HR Advisory Team does not need to be notified of the birth.

### 4.2 Can I return to work before the end of the maternity period?

If you have decided to return to work after your maternity leave, it will be assumed that you will be returning to work at the **end** of your OML (26 weeks) or AML (52 weeks). If you want to return before the end of either maternity period you must inform your Headteacher **and** the Xentrall Payroll Department ([payroll.department@xentrall.org.uk](mailto:payroll.department@xentrall.org.uk), Xentrall Payroll, Bayheath House, Prince Regent Street, Stockton-on-Tees, TS18 1DF) in writing at least 21 days before the day on which you intend to return.

If you give less than 21 days notice of your return the school may postpone your return to ensure that there is a 21 day period as long as this does not extend the period beyond the 26 or 52 week period. The employers notification shall be conveyed to the Teacher in writing before the date of return and shall give the reasons for postponing your return until the later date.

### 4.3 Can I have time off for Ante-natal care?

Yes. You have the right to paid time off to attend for ante-natal care which includes medical examinations, midwife appointments, relaxation classes and parent craft classes for the pregnant mother only. You must give evidence of appointments if your Headteacher asks you to. Applications for time off for ante-natal care should be made using a Leave of Absence request form. Please refer to the Special Leave Procedures for Schools available through the schools extranet, the Headteacher or if you have any further queries in regard to this matter please contact the Schools HR Advisory team.

### 4.4 What are the Health and Safety considerations?

A Workplace Risk Assessment **must** be undertaken for pregnant or breast-feeding employees to identify the health, safety and welfare implications. It is a legal requirement for your Headteacher to ensure a Workplace Risk Assessment is undertaken and kept under review throughout your pregnancy and following the birth if you are breast-feeding. However, they can only undertake the Assessment once you have made them aware that you are pregnant. Guidance on this is available from the Council's Health and Safety Unit.

#### **4.5 What about working with VDU's during pregnancy?**

In the light of the scientific evidence, pregnant women do not need to stop working with VDU's. However, if you are concerned about this please discuss the matter with your Headteacher. You can also receive further advice through the Council's Health and Safety Unit.

#### **4.6 Do I pay pension contributions whilst on maternity leave?**

Yes, if you are a member of the Teachers Pensions Scheme you must pay pension contributions on any maternity pay and SMP received during your maternity leave. In relation to unpaid maternity leave, you can choose, if you wish to pay pension on this period. Further guidance on this can be obtained from Teachers' Pensions, Mowden Hall, Darlington DL3 9EE or from the website [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk) (Factsheet August 2012).

#### **4.7 Is maternity leave counted as a break in service?**

No, your employment is continuous for all service related entitlements. If you have had unpaid maternity leave and choose not to pay pension contributions, this period will not count as reckonable service for pension purposes only.

#### **4.8 What if I have a still birth?**

If you have a still birth before the 24<sup>th</sup> week of pregnancy, the provisions of the maternity leave scheme do not apply. However, if your doctor certifies a period of sickness you would be covered by the sick pay provisions. If a still birth occurs after the 24<sup>th</sup> week you will be covered by the provisions of the maternity scheme as above.

#### **4.9 Will I be informed of vacancies within the authority whilst I am on maternity leave?**

You can view externally advertised posts on the SBC website at [www.stockton.gov.uk](http://www.stockton.gov.uk)

#### **4.10 Can I work during my maternity leave?**

Yes. The new maternity leave regulations that came into force on 1<sup>st</sup> April 2007 provide that you can work for up to 10 days during your maternity leave without bringing your maternity leave to an end. This cannot be used during the first two weeks following the birth of your child (during the compulsory maternity leave period). These days are known as "Keeping in touch days". Working for part of a day will count as one day. Any work undertaken will be paid at the employee's actual hourly rate for the number of hours worked and this will be offset against the SMP for the day. Once the Keeping in touch days have been used up, the employee will lose a week's SMP for any additional week in which they agree to work for the School.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

The School cannot insist that you carry out any work and you are protected from suffering a detriment or being dismissed for refusing to do so. Equally you cannot insist on being given any work to do during your maternity leave.

If you wish to request to work during your maternity leave, please contact your Headteacher or the Schools HR Advisory team for advice and assistance.

### **4.11 What are my rights to return to work?**

Subject to sub paragraph below a Teacher's right to return to work is a right to return to the job in which she was employed under her original contract of employment and on terms and conditions not less favourable than those which would have been applicable to you if you had not been absent. "Job" for this purpose means that the nature of the work which you are employed to do and the capacity and place in which you are employed.

Where it is not practicable by reason of redundancy for the employer to permit you to return to work in your job as defined in sub paragraph above the Teacher shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to her and appropriate to the circumstances and that the capacity and place in which she is to be employed and her terms and conditions are not substantially less favourable to her than if she had been able to return to the job in which she was originally employed.

### **4.12 What if I want to come back to work part time?**

If you wish to work part time when you return, a request should be made through the school's Flexible Working Procedure and further information on this is available on the schools extranet, or you can contact your Headteacher or the Schools HR Advisory Team for further information.

Your Headteacher will consider any changes to your working arrangements within the Flexible Working Procedure.

### **4.13 What if I am unable to return because of sickness?**

If you are unable to return to work on the expected day due to sickness your absence will be covered by the schools Attendance Management Policy.

### **4.14 What if there is some other reason for me not being able to return to work?**

If you are unable to return to work following your maternity leave because of an interruption of work, industrial action or some other reason, it would be unreasonable to expect you to return on the due date. You may instead return when the work resumes, or as soon as reasonably possible after this.

### **4.15 Does the Council operate a Childcare Voucher Scheme?**

The Authority offers a Childcare Voucher scheme with KiddiVouchers, which is an employee benefit available to all eligible working parents that benefits both basic and higher rate taxpayers to help reduce the cost of childcare. The voucher can be used to pay for most types of childcare and are nontaxable and exempt from National Insurance Contributions. If you require further information on KiddiVouchers please contact them directly on free phone number 0800 612 9015 or information is available on the following website [www.kiddivouchers.com](http://www.kiddivouchers.com). Please quote the scheme reference S411287Q

### **4.16 Does the Council have any discount schemes with local Nurseries?**

Yes. Employees can receive discounts with Nunthorpe Nurseries Group.

Nunthorpe Nurseries Group offers a 5% discount to Stockton-on-Tees Borough Council employees on production of a current payslip. For further details on Nunthorpe Nurseries Group, including a list of Nursery addresses, please visit their website [www.nunthorpenurseries-grp.co.uk/](http://www.nunthorpenurseries-grp.co.uk/) or call 01642 325312.

#### **4.17 Where can I find information on local childcare?**

The Family Information Service (FIS) is a free and impartial service, which provides up to date and accurate information on childcare and early years education in Stockton.

They provide information on all registered childcare and can help employees choose the childcare that best suits their needs and circumstances. You can contact the FIS on (01642) 527225 or email [fis@stockton.gov.uk](mailto:fis@stockton.gov.uk)

#### **4.18 What if I don't want to return to work?**

If you resign after the 11<sup>th</sup> week before the expected week of childbirth, you may still be entitled to SMP, if eligible, even though you are no longer an employee.

If you resign at some point during your maternity leave period, you will be required to repay the ½ pay element of your maternity pay you have received. Your last date of service will be the date of your resignation letter.

If you are unsure at the beginning of your maternity leave that you will return to work, you can choose not to receive the ½ pay element of your maternity pay until your return to work. You should consult the Schools HR Advisory Team about this option.

#### **4.19 My partner also works for the Council are they entitled to any leave?**

Yes, new legislation allows parents of children due on or after the 3 April 2011 to transfer up to six months of the mothers leave and payment to the father or partner. Please refer to the Paternity and Maternity Support Leave Policy which is available on extranet for further information.

If your partner wishes to attend any ante-natal or post-natal appointments with you they will have to take annual/authorised leave in such cases.

#### **4.20 Does the maternity scheme apply in cases of adoption?**

A separate policy to Adoption Leave is available on the schools extranet, from your Headteacher or from the Schools HR Advisory Team.

## **5.0 CONTACT DETAILS**

If you have any questions in relation to the maternity scheme, please contact the Schools HR Advisory Team for advice and assistance.

### **5.1 Maternity Leave main contacts:**

Amy Robins	HR Administrative Support Officer	Tel: 01642 526976
Clair Bell	HR Business Partner	Tel: 01642 526863

### **5.2 Schools HR Advisory Team:**

Anne Rix	HR Business Manager	Tel: 01642 526952
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Sue Watson	Principal HR Business Partner	Tel: 01642 526951
Joanne Mylan	Senior HR Business Partner	Tel: 01642 526954
Liz Devine	Senior HR Business Partner	Tel: 01642 528279
Shellena Hussain	HR Business Partner	Tel: 01642 528271

The Maternity Application Form must be completed prior to commencing your maternity leave and sent to Human Resources together with your original Maternity Certificate (MATB1) to the following address:

Human Resources  
Schools Advisory Team  
2<sup>nd</sup> Floor  
Bayheath House  
Prince Regent Street Stockton-on-Tees  
TS18 1DF

### 5.3 Health and Safety

If you have any questions in relation to Health and Safety during your pregnancy, please contact the Council's Health & Safety Unit for advice and guidance.

Health and Safety Unit  
1st Floor  
Bayheath House  
Prince Regent Street  
Stockton on Tees TS18  
1DF

Tel - 01642 528197

Email - [HealthandSafetyUnit@stockton.gov.uk](mailto:HealthandSafetyUnit@stockton.gov.uk)

## 6.0 GUIDANCE FOR HEADTEACHERS

### ***6.1 What do I need to do when an employee notifies me that she is pregnant?***

Provide your employee with the Guidance to Maternity Leave for Teachers and ask them to complete and return the Maternity Application Form together with their original Maternity Certificate (MATB1) to the Schools HR Advisory Team.

Undertake a Workplace Risk Assessment for pregnant or breast-feeding employees to identify the health, safety and welfare implications. It is a legal requirement for you as a Headteacher to complete a Workplace Risk Assessment and to ensure it is kept under review throughout the employee's pregnancy and following the birth if she is breast-feeding. This should be done as soon as the employee advises you that they are pregnant, have recently given birth or are breast feeding. Guidance on this is available from the Council's Health and Safety Unit.

An employee must notify you and the Schools HR Advisory Team of the start date of her maternity leave at least 28 days before she intends it to commence.

### ***6.2 Can I request for an employee on maternity leave to work during her leave or attend training courses or meetings?***

Yes, the maternity leave regulations state that an employee can work for up to 10 days during her maternity leave without bringing her maternity leave to an end. However an employee cannot carry out any work during the first two weeks following the birth of her child.

As an employer you cannot insist that an employee carries out any work during her maternity leave and she is entitled to refuse. Equally an employee cannot insist on being given any work to do during her maternity leave. If you wish to offer work or training during an employee’s maternity leave or if an employee requests to work during her maternity leave, please contact the Schools HR Advisory Team for advice and assistance.

**6.3 Can I contact an employee during her maternity leave?**

Yes. The new regulations make it clear that an employer and employee are allowed to make reasonable contact during maternity leave, to discuss such issues as the return to work. This would not constitute ‘work’ and would not therefore count towards the 10 “Keeping in Touch Days”. Apart from discussing the return to work, the authority’s contact scheme should also ensure that an employee is kept informed of other issues, such as job vacancies, significant workplace developments and training opportunities. For further information and guidance please contact your Human Resources Business Partner.



**Statutory Maternity Pay and the Occupational Maternity Scheme of the Conditions of Service for School Teachers’ in England and Wales – Application Form**

Name.....

Address.....

.....

Job Title.....

Location.....

Please complete section one or two

**Section 1**

I intend to exercise my right to return to work following the birth of my baby and provide the following information:

- a) The date that I intend to start maternity leave is.....
- b) I enclose my original MAT B1 certificate
- c) My expected date of childbirth is.....
- d) I wish the equivalent of my 12 weeks half pay to be paid over an alternative period of time:  
\*YES / NO

\*If yes, please state specified time period. From week.....to week.....

I, the undersigned employee hereby undertake that I agree to repay all gross Occupational Maternity Pay paid to me after the first six weeks paid absence, or such lesser amount as the school may decide, if I do not return to work for a period of 13 weeks either at the end of my maternity leave period or at the end of any period of leave beyond maternity leave, taken immediately after the end of maternity leave, as a result of an agreed postponement of return to work.

**Section 2**

I do not wish to exercise my right to return to work following the birth of my baby.

- a) the date on which I intend to start maternity leave is.....
- b) I enclose my letter of resignation
- c) I enclose my original MAT B1 certificate
- d) My expected date of childbirth is.....

Signed.....Date.....

*Please return this completed form with your original MATB1 certificate to Schools HR Advisory Team, 2<sup>nd</sup> Floor, Bayheath House, Prince Regent Street, Stockton-on-Tees, TS18 1DF*

<b>Headteacher:</b>	M. Ryan	<b>Date:</b>	September 2017
<b>Chair of Governing Body:</b>	G. Wilson	<b>Date:</b>	September 2017