

# Maternity Leave and Pay Policy for Support Staff

<b>The AURIGA Academy Trust Document Control System</b>	
Name of document	Maternity Leave and Pay Policy for Support Staff
Status	FINAL
Date Approved	April 20
Approver	MAT Finance & Resource Committee following sign-off by LGBs
Owner	MAT Finance & Resources
Author	Finance Director
Anticipated Review date	September 2020
Location	S:Staff/POLICIES/MAT/WEBSITE POLICIES / HR / AAT Maternity Leave and Pay Policy for Support Staff

Please note that all Trust policies are reviewed annually. Should you have any queries regards this policy, note an omission or wish to propose an amendment, please email [sconnor@strathmore.richmond.sch.uk](mailto:sconnor@strathmore.richmond.sch.uk).

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## 1. Scope

This policy applies to all female support staff employees employed at schools (academies) who are pregnant.

## 2. Policy

The purpose of the policy is to ensure fair and consistent treatment of all pregnant support staff and aid their return to work after the birth of a child in order to continue in their chosen career and allow the school to retain trained and competent staff. This policy sets out the rights that apply to babies born on or after [5<sup>th</sup> April 2019](#).

Within the policy reference is made to 'the school's HR consultant'. Currently Clarendon uses [Action>HR](#) and Strathmore and Capella use [Schools HR](#). Contact details can be obtained from the respective School Business Managers.

## 3. Maternity pay

### 3.1 Statutory Maternity Pay (SMP)

There are two rates of SMP:-

- Higher rate of SMP: 90% of your salary
- Lower rate of SMP: Currently [£148.68](#) or 90% of your salary whichever is the lower amount. This rate is reviewed each April.

SMP is paid by the employer in the same way, time and frequency as your normal salary and it is subject to tax and National Insurance deductions.

SMP cannot be paid earlier than the 11<sup>th</sup> week before the expected week of childbirth; except if your baby is born before the start of the 11<sup>th</sup> week in which case SMP will be paid from the day after the birth of your baby.

To qualify for SMP you have to meet conditions based on your length of service and level of earnings as below:-

- ❶ You must have at least 26 weeks' continuous service with the employer as at the 15<sup>th</sup> week before the expected week of childbirth
- ❷ Your earnings must be above the lower limit for National Insurance Contributions, currently [£118.00](#) per week before tax.

### 3.2 Maternity allowance (MA)

If you do not qualify for SMP you may be able to claim MA from your Job Centre Plus office/Social Security Office, provided that you satisfy the National Insurance Contribution conditions based on your previous employment or self employment. Payments are made weekly for a maximum period of 39 weeks and are paid out at the same rate as SMP.

If you have been assessed as not being entitled to SMP, you will be sent a SMP1 Form from your school's payroll giving reasons why SMP cannot be paid to you.

### 3.3 Occupational maternity pay (OMP)

*Entitlement to occupational maternity pay set out in this policy is in accordance with the NJC Conditions of Service (the Green Book).*

OMP is conditional to you having not less than 52 weeks' local government service as at the 11<sup>th</sup> week before your expected week of childbirth, and on you returning to work for 13 weeks, or an equivalent extended period if returning on reduced hours, at the end of your maternity leave. OMP is paid at equivalent to 50% of your salary for a period of 12 weeks. You can choose to receive this payment as follows:-

- ❶ over a period of 12 weeks following the first 6 weeks' at SMP or MA (and concurrent with the lower rate SMP),
- ❷ spread over the 33 weeks following the first 6 weeks' at SMP or MA (and concurrent with the lower rate SMP)
- ❸ when you return to work at the end of your maternity leave when it will be paid to you as one lump sum.

In the event you do not return to work for the specified equivalent period after the end of your maternity leave, and OMP has been paid to you during your maternity leave, you will be required to repay the OMP element of the maternity pay including the corresponding National Insurance Contributions.

### 3.4 Entitlement to maternity pay

Entitlement to maternity pay and the corresponding qualifying criteria is set out below and in the Maternity Pay & Leave Chart at Appendix A:-

**Employees with 52 weeks' continuous local government service at the 11<sup>th</sup> week before the expected week of childbirth, and who meet the qualifying criteria for SMP as stated above, will receive maternity pay as follows:-**

- 6 weeks at 90% of salary (offset against payments made by way of SMP)
- 12 weeks at 50% of salary (OMP) plus lower rate SMP
- 21 weeks at lower rate SMP or 90% of salary whichever is the lower amount

The remaining period of maternity leave i.e., 13 weeks will be on an unpaid basis.

**Employees with 52 weeks' continuous local government service at the 11<sup>th</sup> week before the expected week of childbirth, but who do not meet the qualifying criteria for SMP as stated above, will receive maternity pay as follows:-**

- 6 weeks at 90% of salary (offset against payments made by way of MA if eligible)
- 12 weeks at 50% of salary (OMP) plus MA if eligible
- There is no entitlement to SMP

- You may be entitled to MA (Eligibility for MA will be assessed and paid by your local Job Centre Plus/Social Security Office).

**Employees with less than 52 weeks' continuous local government service at the 11<sup>th</sup> week before the expected week of childbirth but who meet the qualifying criteria for SMP as stated above, will receive maternity pay as follows:-**

- 6 weeks at 90% of salary (offset against payments made by way of SMP)
- 33 weeks at lower rate SMP or 90% of salary whichever is the lower amount.
- There is no entitlement to OMP

The remaining period of maternity leave i.e., 13 weeks will be on an unpaid basis.

## 4. Maternity leave

All pregnant employees are entitled to take up to 52 weeks' maternity leave regardless of length of service and number of hours worked.

### 4.1 Ordinary maternity leave (OML)

You are entitled to 26 weeks' OML during which time your contract continues and you will continue to receive your contractual benefits except for pay. You are entitled to return to the job in which you were employed before your absence on terms and conditions not less favourable than those which would have been applied if you had not been absent (unless a restructuring or redundancy situation has arisen).

### 4.2 Additional maternity leave (AML)

You are entitled to 26 weeks' AML. This will start immediately after OML i.e., there cannot be a gap between OML and AML. You will continue to receive your contractual benefits except for pay. You have a right to return to the job in which you were employed prior to your maternity leave, or, if that is not reasonably practical, to another job which is both suitable to you and with the terms and conditions not less favourable than those held previously.

### 4.3 Compulsory maternity leave (CML)

You are not allowed to work for the two weeks after the birth of your baby.

### 4.4 Starting your maternity leave

You can choose to start your maternity leave any time from the 11<sup>th</sup> week before the expected week of childbirth.

Maternity leave will start automatically if you are off work for a pregnancy related illness in the 4 weeks before the baby is due irrespective of what has been previously notified or agreed. Maternity leave will start the day after the first day of sickness absence.

If your baby is born earlier than the 11<sup>th</sup> week before EWC or before the date notified as the intended start date of maternity leave, your maternity leave will start the day after the birth of your baby.

#### **4.5 Keeping in touch (KIT) days**

You may, by agreement with the school, work for up to 10 days during your maternity leave, except during the 2 weeks' of Compulsory Maternity Leave, without losing maternity benefits.

The KIT days do not have to be consecutive and may be used for an activity, which would normally be classed as work under your contract of employment, for which you would be paid and can include training events, attending meetings etc. Any work and the type of work undertaken during the maternity leave period must be by agreement with the school and yourself; there is no obligation on either party for work to be offered or accepted respectively. Part days worked will count as whole days and you will be paid your normal daily rate of pay for days worked offset by any SMP that may be due to you.

Forms at Appendix G and H can be used to record KIT days and to submit for payment respectively.

#### **4.6 Reasonable contact during maternity leave**

Your manager is allowed to make reasonable contact during maternity leave to discuss such issues as your return to work. This does not constitute 'work' and would not therefore count towards the 10 KIT days. This is also useful in order to keep you informed of other issues such as job vacancies, significant developments in the workplace and training opportunities.

### **5. Antenatal care**

Antenatal care includes routine doctor/midwife appointments and relaxation/parent craft classes. Time off for appointments, relaxation and parent craft classes will be paid when recommended by the doctor or midwife. A letter/appointment card will need to be shown to the line manager.

### **6. Stillbirths**

Employees still qualify for leave and pay if the baby is stillborn after the start of the 24<sup>th</sup> week of pregnancy.

Schools may wish to consider support for the employee through confidential counselling through their employee assistance programme.

### **7. Responsibilities: Employee, Headteacher/Manager, Schools HR**

Please see Appendix B for your specific responsibilities and those of your Headteacher/Manager and the school's HR consultant.

## **8. Notification of pregnancy**

If you fail to give the required notifications within the specified time limits you may lose your right to maternity pay and to start maternity leave on your intended start date.

It is in your best interest to notify the school of your pregnancy as soon as possible so that the school can carry out a risk assessment to identify any risk to you and/or your baby. Formal written notification of your intention to take maternity leave must be given by the 15<sup>th</sup> week before your expected week of childbirth using the Maternity Leave Request Form at Appendix D.

If you later wish to change the intended start date, you need to give at least 28 days' notice before the amended start date.

The school's HR Consultant will write to you within 28 days of your written notification to start maternity leave, setting out your maternity pay and leave entitlement and your expected date of return based on maternity leave start date notified by you.

The Step by Step Notification Process and procedure is given at Appendix C.

## **9. Early return to work**

If you wish to return to work from maternity leave earlier than the date originally agreed you must give 21 days' notice of the revised date of return to work. Failure to give the appropriate notice may result in the return being delayed. The Notification of Early Return to Work Form at Appendix I can be used.

## **10. Pension**

If you are a member of the Local Government Pensions Scheme, any paid part of your maternity leave will count as pensionable service. This means that deductions will be made from all maternity pay you receive from your employer. You can elect to pay contributions for the unpaid period of maternity leave when you return to work.

**Maternity pay and leave chart – Support Staff**

At least one year's continuous local government service at the start of the 11 <sup>th</sup> week before EWC	At least 26 weeks' continuous service with your employer into the 15 <sup>th</sup> week before EWC	Entitlement to Maternity Pay	Entitlement to Maternity Leave
Yes	Yes	<ul style="list-style-type: none"> <li>• 6 weeks' at 90% of salary</li> <li>• 12 weeks' at 50% of salary (OMP) plus SMP</li> <li>• 21 weeks' at lower rate of SMP</li> </ul>	26 weeks' OML 26 weeks' AML
Yes	No	<ul style="list-style-type: none"> <li>• 6 weeks' at 90% of salary</li> <li>• 12 weeks at 50% of salary (OMP) + MA if eligible</li> <li>• No entitlement to SMP</li> <li>• You may be entitled to MA</li> </ul>	26 weeks' OML 26 weeks' AML
No	Yes	<ul style="list-style-type: none"> <li>• 6 weeks at 90% of salary</li> <li>• 33 weeks at the lower rate of SMP</li> <li>• No entitlement to OMP</li> </ul>	26 weeks' OML 26 weeks' AML
No	No	<ul style="list-style-type: none"> <li>• No entitlement to SMP</li> <li>• No Entitlement to OMP</li> <li>• May be eligible for MA</li> </ul>	26 weeks' OML 26 weeks' AML
<p>SMP Rate: 6 weeks at the higher rate (90% of your salary) 33 weeks at the lower rate of <b>£148.68</b> or 90% of your salary whichever is the lower</p>			
<p>NB: Eligibility to MA will be assessed and paid by your local Job Centre Plus/Social Security Office</p>			

Key: SMP: Statutory Maternity Pay  
MA: Maternity Allowance  
OMP: Occupational Maternity Pay  
OML: Ordinary Maternity Leave  
AML: Additional Maternity Leave  
EWC: Expected Week of Childbirth



**Responsibilities of Employees, Headteacher / Head of School, Schools HR**

<b>Employees</b>	<b>Headteacher / Head of School</b>	<b>The school's HR consultant</b>
<p>Employees have specific responsibilities they need to fulfil in order to be entitled to the appropriate maternity benefits:-</p> <ul style="list-style-type: none"> <li>• To inform the Headteacher of her pregnancy in order that any work related risks can be fully assessed as early as possible.</li> <li>• To give formal notification to the school of her intention to take maternity leave by the 15<sup>th</sup> week before the expected week of childbirth</li> <li>• To provide 28 days' notice if she wishes to change her maternity leave start date from an earlier notified date.</li> <li>• To provide <b>the original</b> of the Maternity Certificate MAT B1 to the school. Both sides of the certificate must be completed. (This certificate is issued by the GP or midwife around the 20<sup>th</sup> week of pregnancy)</li> <li>• To inform the Headteacher of the child's birth date as soon as is practicable.</li> <li>• To provide 21 days' notice of her intention to return to work from maternity leave if this is earlier than the original notified date.</li> </ul>	<p>The Headteacher/Manager have a special duty of care towards employees who are pregnant, have recently given birth or are breast feeding:-</p> <ul style="list-style-type: none"> <li>• To undertake a risk assessment with the pregnant employee in order to identify any risks to the employee and/or her baby. A <b>New and Expectant Mothers Risk Assessment</b> is available to be completed on the SmartSafe H&amp;S support tool. Any necessary adjustments must be made as soon as possible following the assessment, and regular reviews must take place as necessary depending on the level of risk.</li> <li>• To provide any information related to the employee's pregnancy promptly to the school's HR consultant so that they can provide the necessary advice and written notices within set timescales.</li> <li>• Allow the employee to take paid time off to attend antenatal appointments/parent craft classes.</li> <li>• To ensure the employee does not return to work for the first 2 weeks following childbirth.</li> <li>• To keep in touch with the employee on a reasonably regular basis during the course of her leave so that she remains informed about developments at work.</li> <li>• To agree and arrange with the employee any necessary KIT days during the course of their leave. The school will also liaise with the school's HR consultant to ensure salary payments are made for KIT days.</li> <li>• To allow the employee to return to the same job on the same terms and conditions (unless a restructuring/redundancy situation has arisen, which the individual would have been fully consulted about).</li> </ul>	<p>The school's HR consultant has a duty to provide accurate information and advice to the school and employees on maternity related issues, and in particular:-</p> <ul style="list-style-type: none"> <li>• To confirm maternity leave and pay entitlement in writing to the employee within 4 weeks of receiving written notification of pregnancy.</li> <li>• To notify the School's Payroll Provider accordingly within the same timescales to ensure timely accurate payment.</li> <li>• To notify the employee in writing of her expected return date based on the start date notified by the employee or the birth date if this is earlier.</li> </ul>

## Step by step notification process & procedure

**Step 1** Employee advises manager of pregnancy

*As soon as possible once she is aware of her pregnancy*

Although this is left at your discretion it is in your best interest to do this as soon as possible so that a risk assessment can be undertaken to identify any risk to you and/or your baby.

**Step 2** Employee formally requests maternity leave

*By the 15<sup>th</sup> week before Expected Week of Childbirth*

- You can use the Maternity Leave Request Form at Appendix B and send it to the school
- Attach the original of the Maternity Certificate MAT B1 if available with both sides completed (if not available, this must be forwarded as soon as possible and by the 11<sup>th</sup> week before EWC at the latest as SMP cannot be paid without this).

Failure to comply with this step could prejudice your entitlement to maternity benefits.

**Step 3** Schools HR write to employee

*Within 4 weeks of receipt of written notification*

Schools HR will confirm to you in writing your entitlement to maternity pay and leave and your expected date of return.

**Step 4** If you wish to change the start date of your maternity leave from a date notified earlier

*Minimum 28 days' notice required before start date of revised date*

If you wish to change your maternity leave start date, from a date you have notified earlier, you must notify the school in writing. You can use the form at Appendix E.

**Step 5** Notification of actual birth date of your baby

*As soon as possible after birth*

You need to notify the school in writing of the actual birth date of your baby and send a copy of the birth certificate. See Appendix F.

**Step 6** Notification of Early return from Maternity Leave

*21 days' notice prior to the revised return date*

If you wish to return to work earlier than the agreed date, you must notify the school in writing 21 days before the revised return date. Failure to give appropriate notice may result in the return being delayed. See Appendix I.

**Step 7** Return to Work

*On return date*

Your manager is required to carry out a return to work interview and risk assessment with you.

**Maternity leave request form**

School: .....

**Employee Details**

Name: .....

Post Title: .....

Telephone Number: .....

**Pregnancy Details**

My baby is due on: ...../...../..... (dd/mm/yy)

I would like to start my maternity leave on: ...../...../..... (dd/mm/yy)

Maternity Certificate (MAT B1) attached: Yes / No\*  
\*(if No, please forward separately as soon as available)

**Occupational Maternity Pay**

Occupational Maternity Pay (OMP) represents payment equivalent to 12 weeks at 50% of salary. It is paid subject to your returning to work for a minimum of 13 weeks, or an equivalent extended period if returning on reduced hours, after your maternity leave.

If you qualify for Occupational Maternity Pay, please select one of the following options:-

- I intend to return to work after my maternity leave, and I would like OMP to be paid monthly, as half pay for 12 weeks following the 6 weeks at SMP/MA
- I intend to return to work after my maternity leave, and I would like OMP to be spread over the 33 weeks following the 6 weeks at SMP/MA
- I intend to return to work but cannot commit at this stage, and I would prefer for OMP to be paid to me as a lump sum on my return to work.
- I **DO NOT INTEND** to return to work following my maternity leave and am therefore not entitled to OMP.

Declaration: I understand that in the event that I do not return to work and have elected to have OMP paid to me during my maternity leave, I will be required to repay this element of the maternity pay and corresponding National Insurance Contributions.

Please return the request form to the school. Your written request for maternity leave must be received by the 15<sup>th</sup> Week of EWC or you may lose the right to maternity pay and to start maternity leave on the intended date.

Signed: .....

Dated: .....

**Notification of change in maternity leave start date**

School: .....

**Employee Details**

Name: .....

Pay Number: .....

Post Title: .....

Telephone Number: .....

**Start date of Maternity Leave**

I wish to change the start date of my Maternity Leave.

The revised start date of my Maternity Leave will be: .....

Notification of change to the start date of your maternity leave must be received at least 28 days' before the intended start date of your maternity leave. Failure to give the required notice period may result in loss of your right to maternity pay and to start maternity leave on the intended date. Please return this form to school.

Signed: .....

Date: .....

**Notification of birth date of baby**

School: .....

**Employee Details**

Name: .....

Pay Number: .....

Post Details: .....

Telephone Number: .....

**Birth Details**

My baby was born on: ..... (Date)

Please tick as appropriate:-

- This date was earlier than my due date. *Please confirm whether this affects my return to work date and let me know the revised date if appropriate*
- This date was on or after my due date. My return to work date is unchanged from the date previously notified to me.

Signed: .....

Date: .....

**Please return this form to the school.**

**Appendix G**

**Keep in touch (KIT) days record form**

School: .....

**Employee Details**

Name: .....

Pay Number: .....

Post Title: .....

Telephone Number: .....

**KIT Details**

This form should be used to record Keep in Touch Days worked by an employee on Maternity Leave. You may not exceed 10 KIT days during Maternity Leave

Start Date	End Date	Balance	Employee's Signature	Manager's Signature

**Appendix H**

**Keep in touch (KIT) days payment form**

School: .....

**Employee Details**

Name: .....

Pay Number: .....

Post Title: .....

Telephone Number: .....

**Details of KIT Days for Payment**

KIT Days Worked		
Start Date	End Date	Total
Total Days to be paid		

Please send this form to the school in the month in which any KIT Days are worked so that payment can be made to the employee. Payment will be made at the employee’s normal daily rate of pay prior to starting maternity leave.

Signature:..... Date: .....  
(Headteacher)

**Appendix I**

**Notification of early return to work**

School: .....

**Employee Details**

Name: .....

Pay Number: .....

Post Title: .....

Telephone Number: .....

**Return to Work**

This is to notify you that I will be returning to work from maternity leave earlier than the previously notified date of ..... (date).

The revised date of my return to work from maternity leave will be ..... (date).

You must give at least 21 days' notice if you are returning to work earlier than the previously agreed return date. Failure to give the required period of notice may result in your return to work being delayed. Please return this form to school.

Signed: .....

Date: .....