



Abbot's Lea School

Maternity Leave Policy – Support Staff

Applies to: Non-teaching support staff employed by Abbot's Lea School on local government terms and conditions

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1. Introduction

1.1

This policy sets out the entitlements and procedures for maternity leave and pay for support staff employed by Abbot's Lea School. It aims to ensure that eligible staff are supported before, during and after maternity leave and that the school meets its statutory obligations while providing a fair, consistent and supportive approach.

1.2

Abbot's Lea School recognises the importance of balancing work and family life and is committed to promoting equality of opportunity and the health, safety and wellbeing of employees during pregnancy and maternity.

1.3

The school adopts the relevant Liverpool City Council maternity arrangements applicable to support staff employed on local government terms and conditions. Where the Liverpool City Council scheme provides the applicable entitlement to Occupational Maternity Pay, this will apply to eligible support staff employed by the school.

2. Scope

2.1

This policy applies to non-teaching support staff who are employed by Abbot's Lea School on local government terms and conditions.

2.2

For teaching staff, please refer to the Maternity Leave Policy – Teachers.

2.3

This policy should be read alongside other relevant family leave policies, including the Paternity Leave Policy, Neonatal Care Leave Policy and Leave of Absence Policy, where appropriate.

2.4

Where statutory requirements or the applicable Liverpool City Council terms and conditions are amended, the school will apply the updated requirements as appropriate.

3. Legal Framework

3.1

This policy is underpinned by the following key legislation and statutory provisions:

- Employment Rights Act 1996
- Maternity and Parental Leave Regulations 1999
- Social Security Contributions and Benefits Act 1992
- Equality Act 2010
- Health and Safety at Work etc. Act 1974

3.2

The school will ensure that this policy is reviewed and updated where necessary to reflect changes in legislation, statutory guidance or the applicable Liverpool City Council terms and conditions.

4. Roles and Responsibilities

4.1

Abbot's Lea School has a duty of care to support staff who are pregnant or about to start maternity leave. The school and employee have roles and responsibilities to ensure appropriate support is in place.

Governing Body

The Governing Body is responsible for:

- Ensuring that the school has a compliant and up-to-date maternity policy in line with current legislation and the applicable local government terms and conditions.
- Monitoring the implementation and effectiveness of the policy.
- Ensuring appropriate resources and arrangements are in place to support staff before, during and after maternity leave.
- Delegating the operational management of the policy to the Headteacher.

Headteacher

The Headteacher is responsible for:

- Ensuring the policy is implemented consistently and fairly across the school.
- Ensuring HR Managers are aware of their responsibilities and have appropriate guidance.
- Supporting employees throughout pregnancy and maternity leave, including ensuring that appropriate risk assessments have been carried out.
- Overseeing decisions relating to maternity leave, pay and return-to-work arrangements.

HR Manager

The HR Manager is responsible for:

- Acting as the first point of contact for employees regarding maternity leave.
- Ensuring employees are aware of their entitlements and responsibilities under this policy.
- Responding to notifications in a timely and supportive manner.
- Arranging and reviewing pregnancy risk assessments and implementing any necessary adjustments.
- Maintaining appropriate contact with the employee during maternity leave, as agreed with the employee.
- Managing Keeping in Touch (KIT) days where appropriate.
- Planning for appropriate cover arrangements and supporting a smooth return to work.

Employee

The employee is responsible for:

- Notifying the school of their pregnancy and intended maternity leave in line with the required timescales.
- Providing the necessary documentation, including their MATB1 form.
- Engaging with pregnancy risk assessments and following relevant health and safety advice.
- Providing reasonable notice if they intend to return to work before the notified end date of their maternity leave.
- Keeping the school informed of any changes that may affect their maternity leave arrangements.

5. Entitlement to Maternity Leave

5.1

Maternity Leave is a scheme that allows an employee time off work before and after giving birth to a child and provides 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, and the last 26 weeks as Additional Maternity Leave.

5.2

Entitlement to pay may include:

- Maternity Allowance (MA);
- Statutory Maternity Pay (SMP); and/or
- Occupational Maternity Pay (OMP).

To determine entitlement, the following information will be required:

Length of Service

This is usually determined by the employee's employment start date. However, if the employee has worked for another local authority directly before joining the school and without a break, this may be classed as continuous service.

Gross Monthly Pay

This is the total amount the employee earns each month before 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 and should be stated on the MATB1 form.

Qualifying Week

This is the Sunday at the start of the fifteenth week before the EWC.

6. Notifying the School

6.1

By law, employees are required to formally tell their employer that they are pregnant and intend to take maternity leave by the qualifying week, which is the Sunday at the start of the fifteenth week before the EWC.

6.2

However, employees are encouraged, where they are comfortable doing so, to confidentially share the news with their HR Manager as early as possible. This enables the school to provide appropriate support and ensure that relevant pregnancy risk assessments and any necessary adjustments can be put in place at the earliest opportunity.

7. Applying for Maternity Leave

7.1

The employee must provide the information and documentation required by the school's payroll provider. These should normally be submitted at least 28 days before the employee expects to start maternity leave.

This will include:

- Application for Maternity Leave – the school will provide the relevant maternity leave application form.
- MATB1 form – this is provided to the employee by their midwife or doctor, normally at approximately 20–24 weeks of pregnancy and should be submitted with the maternity leave application.

7.2

The employee should provide their MATB1 form to the school as soon as it is available so that maternity leave and pay can be processed correctly.

7.3

The school will complete the relevant sections of the maternity leave application and submit the required documentation to the school's payroll provider.

7.4

On receipt of the relevant documentation, Payroll will confirm the details of the maternity leave, including the expected end date and applicable maternity pay arrangements.

8. When Can Maternity Leave Start?

8.1

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.

8.2

If the employee is absent due to sickness after the beginning of the fourth week before their baby is due, maternity leave will automatically begin if the sickness is pregnancy-related.

If the absence is not pregnancy-related, the school's usual sickness procedures will apply and maternity leave will not be affected.

8.3

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.

9. Entitlement to Pay During Maternity Leave

9.1

Maternity Leave can be made up of a combination of paid and unpaid leave.

9.2

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 factors will determine entitlement to Occupational Maternity Pay (OMP) and/or Statutory Maternity Pay (SMP), as set out below.

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

9.3

The above entitlement is subject to the relevant statutory requirements and the applicable Liverpool City Council Occupational Maternity Pay scheme.

10. Maternity Pay

10.1

Maternity Allowance

Maternity Allowance is a benefit paid by the Department for 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 provide form SMP1 where applicable.

The employee should then contact Jobcentre Plus or use the relevant GOV.UK guidance to make a claim.

The employee will need to complete the Maternity Allowance form (MA1) and submit it with their MATB1 as required.

10.2

Statutory Maternity Pay (SMP)

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

SMP is made up of:

- 6 weeks at 9/10ths of average pay; followed by
- 33 weeks at the SMP rate applicable at the time or 9/10ths of average pay, whichever is lower.

10.3

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 the relevant 8-week period, that exceed the lower earnings limit for payment of National Insurance contributions; and
- give at least 28 days' notice of their intention to stop working.

10.4

SMP will be paid from the Sunday following the week in which the employee stops 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.

10.5

SMP will not be paid in circumstances where the employee is held in legal custody during the maternity pay period or works for another employer after the birth but during the maternity pay period, subject to the relevant statutory rules.

10.6

Support Staff Occupational Maternity Pay (OMP)

Occupational Maternity Pay is Liverpool City Council's own scheme, which also applies to eligible school support staff employed on local government terms and conditions.

To qualify, the employee must:

- have at least one year's continuous service at the 11th week before the baby is due;
- continue to work up to the 11th week prior to the week in which the baby is due; and
- give the required notice of the date on which they intend to stop working.

10.7

OMP is made up of 9/10ths of average pay, calculated in accordance with the applicable scheme, for 26 weeks.

10.8

OMP is worked out on a daily basis and therefore the amount paid each month may differ.

11. Keeping in Touch Days

11.1

If agreed, an employee may undertake up to 10 Keeping in Touch (KIT) days during the Maternity Leave period without losing their entitlement to OMP, SMP or Maternity Allowance. 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. This may include attending a meeting, training activity or other work-related activity.

Any activity, even if it occupies less than a full working day, will count as one KIT day.

11.2

The employee is entitled to be paid at their contractual rate for the duration of any activity undertaken on a KIT day. Any OMP or SMP paid on a KIT day will be taken into account when calculating the payment due.

Alternatively, an additional day's paid leave may be agreed at the end of the Maternity Leave period.

11.3

The appropriate pay adjustment or the offer of an additional leave day should be agreed between the employee and the school before the KIT day takes place.

11.4

There is no obligation on either the employee or the school to offer or agree to KIT days.

12. Support Staff with Designated Holiday Entitlement

12.1

During both Ordinary and Additional Maternity Leave, the employee continues to accrue their normal holiday entitlement.

Bank Holidays that fall during the Maternity Leave period will be added to the employee's 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 annual leave before commencing Maternity Leave.

12.2

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

12.3

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

13. Returning to Work

13.1

An employee who wishes to return to work before their notified Maternity Leave end date is required to give 8 weeks' notice.

13.2

An employee who returns to work before the end of their full Maternity Leave entitlement should discuss their proposed return date with their HR Manager and the Headteacher so that appropriate arrangements can be made.

13.3

Where an employee is entitled to Occupational Maternity Pay and decides not to return to work for the minimum period specified under the applicable scheme, they may be required to repay Occupational Maternity Pay received beyond the first six weeks.

The employee will therefore be given the relevant options for their maternity pay arrangements before maternity leave begins.

These options may include:

- receiving maternity pay monthly on the usual pay date, with any Occupational Maternity Pay paid beyond the first six weeks being repayable if the employee does not return for the required period; or
- opting to receive Occupational Maternity Pay for the first six weeks only, with any applicable Statutory Maternity Pay continuing to be paid. If the employee subsequently returns to work for the required period, any outstanding Occupational Maternity Pay will be paid in accordance with the applicable scheme.

13.4

The employee's individual maternity pay arrangements will be confirmed by Payroll and the school before maternity leave begins.

14. Shared Parental Leave

14.1

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

14.2

Further information is available in the school's Shared Parental Leave Policy.