



Abbot's Lea School

Maternity Leave Policy – Teachers

Applies to: Teachers employed by Abbot's Lea School

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1. Introduction

1.1

This policy sets out the entitlements and procedures for maternity leave and pay for teachers 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

The 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.

2. Scope

2.1

This policy applies to teachers who are employed by Abbot's Lea School.

2.2

For non-teaching staff, please refer to the Maternity Leave Policy – Support Staff.

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.

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 review this policy where necessary to reflect changes in legislation, statutory requirements or the applicable terms and conditions for teachers.

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 that appropriate support is in place.

Governing Body

The Governing Body is responsible for:

- Ensuring the school has a compliant and up-to-date maternity policy in line with current legislation.
- Monitoring the implementation and effectiveness of the policy.
- Ensuring appropriate resources and arrangements are in place to support staff on 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 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 risk assessments and following relevant health and safety advice.
- Providing reasonable notice of their intended return to work.

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) during maternity leave.

To determine entitlement, the employee will need to know the following:

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 Abbot's Lea 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 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.

6. Notifying the School

6.1

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

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 so that relevant support and risk assessments may be put in place at the earliest opportunity.

7. Applying for Maternity Leave

7.1

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

The school will provide the relevant maternity leave application form. The form must be completed by both the employee and the school before being sent to the school's payroll provider.

If the school's payroll provider requires a specific form, the school will provide the appropriate documentation.

MATB1

The MATB1 will be given to the employee by their midwife. It should be securely attached to the maternity leave application when submitted to Payroll.

7.2

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

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 usual sickness procedures 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 both 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 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	18 weeks	Nil	Maternity Allowance may be due / 34 weeks unpaid
One year or more at 11 weeks before EWC, with sufficient NI contributions	18 weeks	21 weeks	13 weeks

10. Maternity Pay

Maternity Allowance

10.1

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.

10.2

If the employee is entitled to Maternity Allowance, Payroll will provide the appropriate documentation. The employee should then contact Jobcentre Plus or use the relevant GOV.UK guidance to make a claim.

10.3

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

Statutory Maternity Pay (SMP)

10.4

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

10.5

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.

10.6

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; and
- give at least 28 days' notice of their intention to stop working.

10.7

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.

10.8

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 their maternity pay period, subject to the relevant statutory rules.

Teachers' Occupational Maternity Pay (OMP)

10.9

Teachers' Occupational Maternity Pay is the scheme set out for teachers in the Conditions of Service for School Teachers in England and Wales.

10.10

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 of average pay, whichever is lower, to the maximum of average pay.

10.11

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

10.12

To qualify, the teacher must:

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

10.13

OMP is worked out daily 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 the right 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 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.

11.2

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 OMP or SMP also paid on any KIT day will be taken into account.

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

11.3

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

11.4

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

12. Returning to Work

12.1

If the employee decides to return to work before the notified end date of their maternity leave, they are required to give 21 days' notice.

12.2

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.

12.3

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 six weeks of their maternity leave.

Where the school 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.

12.4

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

Option 1

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

Option 2

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.

13. Shared Parental Leave

13.1

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

Please refer to the school's Shared Parental Leave Policy.

14. Maternity Leave Application Form

Request for Maternity Leave Application Form

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

Employee Details

Surname: _____

First Name: _____

Job Title: _____

Grade: _____

Email Address: _____

Contact Telephone Number: _____

Details of Leave

Date your baby is due: _____

Maternity Leave Start Date: _____

Maternity Pay

Select the payment method you require by ticking the relevant box below.

Please note that if you receive your full pay entitlement and do not return to work for at least three full calendar months, or the appropriate part-time equivalent, you will be required to repay any monies to which you are not entitled under the applicable maternity pay arrangements.

☐ I wish to receive my full pay entitlement.

☐ I wish to receive only 6 weeks' Occupational Maternity Pay entitlement plus 39 weeks' Statutory Maternity Pay, if applicable.

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

MATB1 Form

MATB1 Form Attached: ☐ Yes

Payment cannot be processed until the required maternity documentation, including the MATB1 form, has been received by the school's Payroll provider.

Employee Declaration

I confirm that the information provided in this application is correct and that I have read and understood the Abbot's Lea School Maternity Leave Policy – Teachers.

Name: _____

Signature: _____

Date: _____

HR Manager Authorisation

Manager's Name: _____

Email Address: _____

Date: _____

School / Payroll Use

Date application received: _____

Maternity Leave start date confirmed: _____

Maternity Leave end date confirmed: _____

Payroll provider notified: ☐

Date submitted to Payroll: _____

OMP/SMP entitlement confirmed: ☐

Payroll confirmation received: ☐