

EMPLOYEE MATERNITY PACK - TEACHERS

What maternity leave and pay am I entitled to?

Provided you comply with the notification procedures, all female employees, regardless of service, are entitled to 52 weeks maternity leave.

Most women will receive Statutory Maternity Pay (SMP) when they take maternity leave. However you will receive generous additional pay where you have the required amount of continuous service with either local government (where national conditions of service apply) or the London Borough of Haringey (where local conditions of service apply).

Leave and pay entitlements according to your employment record are summarised in the table below:-

SUMMARY OF HARINGEY COUNCIL MATERNITY ENTITLEMENTS

A. For women who joined Haringey Council or an Haringey School before 1st April 1993

Maternity pay: Local conditions of service apply i.e. **either** 28 weeks full pay plus 11 weeks at the standard rate of SMP* (A1 on entitlement chart)

or 2. 16 weeks full pay plus 24 weeks at half pay (the standard rate of SMP* will be paid in addition to 23 weeks of the 24 week half pay period). (A2 on entitlement chart)

Maternity leave: can start from 11 weeks before the week in which the baby is due. The statutory entitlement can continue for up to 52 weeks from the start of the maternity leave and the maximum period of occupational maternity leave is 52 weeks from the beginning of the week in which the baby is born.

B. For women who joined Haringey Council or an Haringey school on or after 1st April 1993 and who have been employed continuously by Haringey or an Haringey school for one year at the beginning of the 11th week before the week in which the baby is due.

Maternity pay: Local conditions of service apply i.e. **either** 14 weeks full pay plus 25 weeks paid at the standard rate of SMP* (B1 on entitlements chart)

or 8 weeks full pay plus 12 weeks half pay and the standard rate of SMP* followed by 19 weeks at the standard rate of SMP* (B2 on entitlements chart)

Maternity leave: can start from 11 weeks before the week in which the baby is due. The statutory entitlement can continue for up to 52 weeks from the start of the maternity leave the maximum period of occupational maternity leave is 52 weeks from the beginning of the week in which the baby is born.

C. For women who do not have one year's continuous service with Haringey or an Haringey school but do have one year's continuous service in Local Government at the beginning of the 11th week before the week in which the baby is due.

Maternity pay: National Conditions of service apply – i.e. 4 weeks full pay followed by 2 weeks at 90% of the weekly salary followed by 12 weeks at half pay and the standard rate of SMP* then 21 weeks at the standard rate of SMP*

Maternity leave: can start from 11 weeks before the week in which the baby is due. The statutory entitlement can continue for up to 52 weeks from the start of the maternity leave and the maximum period of occupational maternity leave is 52 weeks from the beginning of the week in which the baby is born.

D. For women who have less than one year's continuous local government service but will have 26 weeks continuous service by the end of the 15th week before the week in which the baby is due.

Maternity pay: Statutory entitlements apply i.e. 6 weeks at 90% of the average weekly earnings plus 33 weeks at the standard rate of SMP.

Qualification for maternity entitlements – if women in this category do not return to work they do not have to repay their maternity pay. However if they want to reduce their hours then they must give three months notice of this reduction in hours.

Maternity leave: can start from 11 weeks before the week in which the baby is due. The leave can continue up to 52 weeks from the beginning of the week in which the baby is born.

E. For women who have less than 26 weeks continuous local government service by the end of the 15th week before the week in which the baby is due.

No entitlement to either occupational or Statutory Maternity Pay. May be eligible for Maternity Allowance or some other form of government assistance (claim from the Benefits Agency using form SMP1)

Women will be entitled to 52 weeks maternity leave. A minimum of two weeks' leave must be taken following the birth of the baby.

* **Statutory Maternity Pay Conditions**

To qualify for SMP the following criteria must be met:

- You must be employed by the employer into the qualifying week, which is the 15th week before the week the baby is due.
- You must be employed by the same employer without a break for at least 26 weeks into the 15th week before the week your baby is due. Part weeks count as full weeks.
- The Lower Earnings Limit must be earned.
- The last date that SMP can start is the day after the birth of the baby.
- If you are not eligible for SMP you will still be allowed to take up to 52 weeks maternity leave. You may also be entitled to Statutory Maternity Allowance or some form of government assistance.

Occupational Maternity Pay Conditions

- If you leave your school/Haringey employment after the start of the 15th week before the week the baby is due you will not be entitled to Occupational Maternity Pay and will qualify for SMP only. In this situation you may be entitled to statutory annual leave.
- You must return to work after maternity leave for the relevant qualifying period (i.e. 13 weeks). Absences from work of one week or more, excluding school closures, will not count towards the qualifying period.

Who do I need to notify about my maternity leave?

To claim maternity pay and leave you must notify your Headteacher or manager and the School's Personnel Team or alternative personnel provider by using the maternity leave notification form which is attached to this document.

You must also provide a certificate from a registered medical practitioner, midwife or health visitor confirming that you are pregnant. This document is usually referred to as a **MAT B1** and is issued after the 20th week of pregnancy.

How much notice do I have to give?

No later than the 15th week before the week your baby is due you must tell your Headteacher or manager that:

- you are pregnant
- when your baby is due
- when you want your maternity leave and pay to begin

You must confirm your plans in writing using the form at the end of this document. If there are any changes to your dates you must give at least 28 days notice unless there is a good reason why you couldn't give this much notice.

It will greatly assist plans to cover your work effectively if you start to plan for your maternity leave with your Headteacher or manager as soon as possible.

You need to complete the maternity leave notification form with your manager and then forward to the School's Personnel Team or alternative personnel provider.

Failure to provide the correct amount of notice could place your entitlement to maternity leave and pay at risk.

Please note that the payroll is run according to deadlines in advance of your payday so please ensure that you do not delay sending the maternity notification form to the School's Personnel Team or alternative personnel provider.

When can I start my maternity leave?

Provided you give the required amount of notice of the start date you may start your maternity leave at any time after the start of the 11th week before your baby is due.

Am I entitled to time off to attend Ante-Natal Appointments?

You have the right to paid time off for ante-natal care however, if requested, you must produce evidence of appointments to your manager at the time of making the application for time off.

What happens if I am not well during my pregnancy?

It is hoped that you will have a comfortable, happy and healthy pregnancy. If you happen to take time off on sick leave due to non pregnancy related illness then your manager will discuss this with you and take whatever action they feel is appropriate according to the circumstances in line with the sickness monitoring procedure.

If you have to take time off on sick leave due to a pregnancy related illness then your manager will discuss this with you to see what can be done to support you to attend work. Any such absence will be recorded and monitored as pregnancy related absence.

If your manager needs further advice about whether the absence is pregnancy related or not they can seek further advice from the Occupational Health Adviser.

If you take pregnancy related sick leave within the 4 week period prior to the date your baby is due then this will trigger the commencement of your maternity leave and pay from the day after the first day of your absence.

What about my Health and Safety during my pregnancy?

Work processes that involve using visual display screens, manual handling etc are all subject to the risk assessment process.

Risk assessment is the process where managers and staff consider work processes, review the existence of any potential risks, assess the likelihood/size/implication of any risks and then take measures to avoid them.

This applies to all employees at any time however when there are any substantial changes affecting employee's health or well being then risk assessments should be discussed and reviewed with managers.

There is a specific requirement for risk assessments to be reviewed for pregnant and breast feeding women and so you should talk this through with your manager and they can seek advice if necessary.

What happens if I am employed on a Temporary or Fixed Term Contract and I need to take maternity leave?

Entitlement to Maternity Leave/Pay and SMP will be depended on whether you meet the qualification criteria as detailed under Summary of Entitlements.

If you are employed on a temporary or fixed term contract, which comes to end during your maternity leave, your contract will be renewed if there is a still a requirement to carry out the work.

If there is no longer a requirement for the work to be done then your contract will not be renewed. We will make reasonable attempts to redeploy you if you have more than one year's continuous service with London Borough of Haringey.

If, following your maternity leave, you are unable to complete the qualifying 13 week period you will not be entitled to occupational maternity pay.

How will my notification of maternity leave be acknowledged?

Upon receipt of the completed maternity leave notification form, the School's Personnel Team or alternative personnel provider will write to you to confirm the arrangements for your maternity leave.

What happens about my pay during my maternity leave?

You will be paid in line with your entitlement according to your length of service and the option that you have indicated on the maternity leave notification form. Please ensure that you send this form to the School's Personnel Team (or alternative personnel provider) together with your MAT B1 as soon as possible, ensuring it has been signed by your Headteacher of manager. Please note that the payroll is run according to deadlines in advance of pay day so please send in this form as soon as possible.

Will my maternity leave affect other contractual payments and deductions?

You will continue to be paid all contractual payments and allowances for the paid (occupational and statutory) part of your maternity leave and all standard deductions will continue to apply. If you have automatic deductions taken out of your salary you will need to contact the relevant body to arrange for alternative pay methods during any period of unpaid leave i.e. Additional Voluntary Contributions (AVCs) for pension purpose or County Court Judgements

What happens to my occupational pension when I am on maternity leave?

If you are a member of Teachers' Pensions already, then you will continue to pay into the scheme during the paid part of your maternity leave (including any period when only Statutory Maternity Pay (SMP) is paid). Contributions will be deducted on the pensionable pay you receive. While you are receiving pay, your maternity leave will count as membership in the pension scheme. This applies even if your pay is reduced to half-pay or you are only in receipt of SMP.

If, before going on maternity leave, you were paying additional contributions to increase your membership, these remain payable and will be calculated on the rate of pay you would have been receiving if you were not on maternity leave. Alternative arrangements for the payment of these additional contributions will need to be agreed with Teachers Pensions.

The employer contributions will be paid for the whole time you are receiving any SMP or contractual maternity pay.

What happens if my team is reorganised whilst I am on maternity leave?

If you are on maternity leave during a restructure your Headteacher or manager will keep you informed on how the changes may affect your job. You will be subject to the provisions of the organisational change and

redeployment procedure in the same way as any other members of your team would be. If you are a temporary member of staff this will only apply if you have more than one year's continuous service with London Borough of Haringey. It is important to keep the school informed of your current contact details.

Can I work during my maternity leave? Keeping In Touch Days

Keeping in touch can help to make it easier when it is time for you to return to work. You are not obliged to do any work or attend any events during your maternity leave, but if you and your Headteacher or manager agree, you can do up to 10 days work during your maternity leave. **In the event of working a KIT day you will be paid for the number of hours you have worked.** Any number of hours worked on a KIT day will mean that 1 whole day has been used.

These are known as 'Keeping in Touch (KIT) Days'. They aren't limited to your usual job – they could be used for training or other events. It may be helpful to use some KIT days to ease your return to work. You are not allowed to work during the first two weeks after the birth of your baby. For each week, or part of a week, that you work over and above the 10 days you will lose one week of SMP.

You and your Headteacher or manager must both agree that you will work these days and agree the relevant arrangements including what you will be doing and how you will be paid. You cannot be required to take up KIT days and the school are not obliged to offer them.

How and when do I notify my return to work?

The date on which you will be expected to return will normally be the first working day 52 weeks after your maternity leave began as this is the entitlement for all employees.

If you want to return to work before the end of your full maternity leave period you must notify your manager in writing of your intended return to work/annual leave date, no later than 8 weeks before the day on which you propose to return to work.

If you had informed the school that you did not intend to take the full 52 week entitlement you could change your mind as long as you provide the school with at least 8 weeks notice of the change of date.

If you are proposing to reduce your hours upon your return to work then you should give 3 months notice of this request which must be fully considered by the school. There is no automatic right for an employee to be granted flexible working arrangements and if the school do agree to such a request, the changes will become a permanent change to your terms and conditions of employment.

If your period of leave is in excess of 52 weeks from the date your maternity leave started, your Headteacher or manager can ask you to return to work at the beginning of a new term rather than part way through a term. It is therefore very important to discuss and agree return to work arrangements.

What are my rights about returning to work?

If you are returning during or at the end of the first 26 weeks (Ordinary Maternity Leave) you have the right to return to the same job on terms and conditions as if you hadn't been away. If you take more than 26 weeks (additional maternity leave) leave you are entitled to return to the same job on the same terms and conditions, subject to any organisational change that may have occurred during your maternity leave. If that isn't reasonably practicable you are entitled to return to a suitable job on terms and conditions at least as good as your previous job.

If you want to return to work on a Job Share, part time or other flexible working basis you should apply in writing giving as much notice as possible (ideally 3 months) to your Headteacher or manager. You will need to put in writing your proposed working hours and arrangements together with information about how the proposal will work out in practice setting out the benefits to yourself and the school as well as how any drawbacks can be minimised. Although the school are not obliged to agree to a flexible working request, they must seriously consider any application you make and notify you of the decision in writing. You are entitled to submit a formal flexible working application each year if your request is initially refused.

What happens if I am not well when I am due to return to work?

If you are not well enough to return to work on the due date then you must report your sickness absence to your Headteacher or manager and provide any necessary certificates in the usual way. Appropriate action will be taken in accordance with the School's sickness absence procedure in order to support you back to work as soon as possible.

What if I do not return to Work?

If you are entitled to Occupational Maternity Pay, you must return to work for at least 13 weeks in order to qualify for this entitlement. Absences from work of one week or more, excluding school closures, will not count towards the qualifying period. If you do not comply with this requirement you will have to repay the occupational element of your maternity pay.

You will not have to repay your maternity pay if you resign from your school and take up continuous employment with another Haringey school during the course of, or at the end of your maternity leave.

What if things don't go as planned with my pregnancy?

In the very sad event where things do not go to plan regarding your pregnancy the situation will vary according to the circumstances.

Premature Birth

Where a baby is born prematurely the amount of maternity leave may be affected. Each case will be considered according to the circumstances.

Death of a Baby/Still Birth

In the unfortunate event that your child is stillborn or dies at any time after 24 weeks pregnancy, the full maternity entitlements as detailed above will apply. Where this occurs before 24 weeks, sympathetic consideration will be given to the circumstance and special leave or sick leave (which will be recorded as pregnancy related sickness) may be granted as appropriate. Such a decision will be advised by the needs of the employee and medical opinion.

Useful Contacts

www.tiger.gov.uk	TIGER provides tailored information on maternity and paternity rights
www.childcarelink.gov.uk/	National and local childcare
Acas	acas.org.uk 0845 747 47 47
Equality & Human Rights Commission	0845 601 5901
Parentline	0808 800 2222
Gingerbread	0800 0184318. Supports single parents and their children by providing advice on financial, social and legal problems.
Miscarriage Association	01924 200799
National Childbirth Trust	0870 444 8707. A charity concerned with education for pregnancy, birth and parenthood groups.
Stillbirth and Neonatal Death Society	uk-sands.org 020 7436 5881
TAMBA (Multiple Births Association)	0800 138 0509
Working Families	www.workingfamilies.org.uk 0800 0113 0313
Teachers Support Network	08000 562561 www.teachersupport.info
Schools Personnel Department	020 8489 0000

NUT	Julie Davies 020 8489 5869 or 07790 176231
	Tony Brockman 020 8489 5870 / 0798 6506032
NAHT	Sharon Easton 020 8888 6541
ASCL	Tony Hartney 020 8800 0884
NASUWT	Stuart Darke 020 7490 6130
ATL	Michael Parnham 020 8800 4450
PAT	Nadia Foster 020 8350 1978

Glossary

Employer	for staff in community schools the employer is Haringey Council and for staff in foundation or voluntary aided schools the employer is the Governing Body
Special Leave	This is unpaid leave taken in excess of either SMP or OMP, whichever is the latest
SMP	Statutory Maternity Pay
OMP	Occupational Maternity Pay
EDC	Expected Date of Confinement
SAP	Statutory Adoption Leave
SPP	Statutory Paternity Pay
OAP	Occupational Adoption Pay
LEL	Lower Earnings Limit (for the payment of SMP and SAP)
OML	Ordinary Maternity Leave (the first 26 weeks of leave)
AML	Additional Maternity Leave (maternity leave between 26 and 52 weeks)
MA	Maternity Allowance
KIT	Keeping In Touch

**HARINGEY COUNCIL
APPLICATION FOR MATERNITY LEAVE – TEACHING STAFF**

This form should be completed and sent to your Payroll provider via your Line Manager / Headteacher at least 28 days before the start of the maternity leave.

NAME:

SCHOOL:

ADDRESS:

.....

Payroll Number:

Haringey/School Start Date:

Date of continuous LG service:

Expected date of confinement/...../.....
day month year

Date commencing maternity leave/...../.....
day month year

I intend to return to work after my maternity leave Yes/No

I expect to return on (if not returning 52 weeks after/...../.....
the start of my maternity leave): day month year

If there is any change to this date I must give at least 8 weeks written notice before the return to work date or the date above, whichever is the sooner)

Please tick as appropriate

I attach a Mat B1 Certificate

OR

Mat B1 Certificate to be forwarded prior to start of leave

Pre 1.4.1993 – Full Pay Option

28 weeks at full pay

11 weeks SMP

Pre 1.4.1993 – Full & Half Pay Option

16 weeks at full pay

23 weeks half pay plus SMP

1 week at half pay

Post 1.4.1993 – Full Pay Option

14 weeks full pay

25 weeks SMP

Post 1.4.1993 – Full & Half Pay Option

8 weeks full pay

12 weeks half pay plus SMP

19 weeks SMP

Signed by employee: Date:

Signed by manager: Date:
(Name and Designation):

