

Maternity Leave Guide Support Staff

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For additional information on this document you should contact Cambridge Education @
Islington HR Department

This document is being maintained by Human Resources.

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Foreword

This guide seeks to provide you with information about the maternity provisions and the entitlements introduced as a result of European and UK legislation, it should provide you with the relevant information that you need.

Whilst on maternity leave your earnings will be reduced and therefore you need to plan in advance how you will manage your expenditure. Having read this guide, you should notify your manager/headteacher of your pregnancy.

Eligibility

The maternity scheme for Support Staff applies to all permanent Support Staff both full time and part time. The scheme does not apply to:

- Agency Staff
- Sessional/Casual Staff
- Consultants/Self Employed

There is a separate guide for teachers.

Temporary staff are entitled to these provisions dependent on length of service. However, in the case of an employee on a fixed term contract which is due to expire (which is not renewed) while pregnant or on maternity leave, there may be a reduced entitlement to maternity pay/leave.

If you require any further advice or guidance when you have read this, please contact your Human Resources Adviser.

1. INTRODUCTION

These guidelines will explain your entitlements to the statutory and contractual provisions during your maternity period. It also outlines the support which is available to you.

2. HEALTH & SAFETY: INFORMING YOUR MANAGER

Not all women will want to make their pregnancy public in the early stages. However, it is important to raise the matter with your manager at the earliest possible time. This is so that your manager can make any necessary arrangements to ensure your health and safety during your pregnancy, as the laws which protect you at work only apply once your employer knows you are pregnant.

2.1 Risk assessment

You should discuss with your manager whether a risk assessment needs to be done in order to identify any potential difficulties early so that appropriate action can be taken.

Your manager/headteacher, having taken advice from Occupational Health and the Health and Safety department, will assess risks to the health and safety of new, expectant and breastfeeding mothers and their babies. Every reasonable and practical step will be taken to avoid exposure to such risks and, if this is not possible, will offer suitable alternative work where this is available.

2.2 Medical suspension

If, after a risk assessment is completed, it is recommended that you are temporarily redeployed, a redeployment search will be undertaken.

If there is no suitable alternative work available, you may be suspended on full pay for as long as the risk exists (unless an offer of suitable alternative employment has been made and unreasonably refused, in which case you may be suspended on no pay, this would be done as a last resort).

3. ANTE NATAL CARE

All pregnant employees are entitled to time off without loss of pay for antenatal care including medical examinations. Relaxation classes and parent craft classes such as yoga should be taken as annual or flexi leave unless instructed to attend by your doctor on health grounds.

You must let your line manager know in advance of your appointments.

You must show your appointment card and doctor's/midwife's/registered health visitor's certificate of pregnancy in all cases after the first appointment. A photocopy may be taken to record your time off. Time off must take account of any necessary travelling arrangements.

4. AUTOMATIC COMMENCEMENT OF MATERNITY LEAVE

Where you have a maternity related sickness at any time from the fourth week before your due date, your maternity leave will start automatically and therefore, you will not be allowed to return to work before your due date.

5. NOTIFICATION TO EMPLOYER

Entitlement to these maternity rights is dependent upon you providing appropriate relevant information. It would be helpful to give your headteacher/manager as much notice as possible however:

- (a) You must tell your employer you are pregnant by the 15th week before your baby is due (this means you will be around 25 weeks pregnant)
- (b) You should also supply the original MAT B1 form. This is a certificate provided by a registered medical practitioner or certified midwife stating the expected week your baby is due. This is usually issued from the 22nd week of pregnancy
- (c) You must notify your manager/Headteacher of when you want your maternity leave & pay to start. This can be any time from 11 weeks before your baby is due. You can change your mind about the date you start your maternity leave but you must give your employer at least 28 days notice of the change.
- (d) Within 28 days of receiving the notice, the manager (or Human Resources on the manager's behalf) must inform you in writing of your expected date of return should you take your full entitlement.

If you aren't planning to take your full maternity leave you must let your employer know when you will be coming back. You can change your mind to come back later but you must give at least eight weeks' notice before the original earlier date.

6. ENTITLEMENTS TO MATERNITY PAY AND LEAVE

All employees are entitled to 52 weeks maternity leave, regardless of length of service.

Your maternity pay will depend on your length of service, but no distinction is made between full-time and part-time employees (no matter how many hours worked).

Payments are based on your contractual pay in the 8 weeks running up until your qualifying week, which is the 25th week of the pregnancy. Honoraria/acting up allowances and overtime are not taken into account.

7. STATUTORY PAYMENTS

To be eligible for Statutory Maternity Pay [SMP] you must have had 26 weeks continuous service at the 15th week before the expected week of childbirth.

The expected week of childbirth means the week beginning midnight between Saturday and Sunday, in which it is expected that the baby will be born.

SMP will start any day you choose once you have stopped work to have your baby.

Statutory Maternity Pay - is paid by employers for a maximum of 39 consecutive weeks.

The scheme applies regardless of whether the contract is permanent or fixed term and covers part time and full time employees.

Maternity Allowance (MA) – is paid by the Department for Work and Pensions to women who are not eligible for SMP and who have recently been employed or self-employed.

MA is also paid for a maximum of 39 weeks.

A Statutory Maternity Pay form (SMP1) will be sent out to you to allow you to apply for MA. You will need to give this form to the Department for Work and Pensions.

8. OCCUPATIONAL MATERNITY SCHEME

The occupational maternity scheme only applies to employees who have a minimum of six months continuous local government service at the beginning of the 15th week before the expected week of childbirth.

You should only opt for this scheme if you intend to return to work for at least three months after your maternity leave ends.

For employees with less than 6 months service at the beginning of the 15th week before the expected week of childbirth the occupational scheme will not apply.

The scheme applies to all eligible employees regardless of hours worked per week or whether the contract is temporary or fixed term.

Pay is considered to be contractual and will not include overtime.

9. OCCUPATIONAL MATERNITY PAY

If you are eligible for the Occupational scheme there are two maternity pay options:

Maternity Leave

a minimum of 39 weeks maternity leave up to a total of 52 weeks which includes the week of the birth.

MATERNITY PAY OPTION 1

6 weeks at 9/10ths inc SMP *followed by*
30 weeks half pay plus SMP *followed by*
3 weeks SMP only
13 weeks @ nil pay

MATERNITY PAY OPTION 2

6 weeks at 9/10 inc SMP *followed by*
15 weeks at full pay inc SMP *followed by*
18 weeks SMP only
13 weeks @ nil pay

With both options you may remain on unpaid leave for the balance of your maternity leave up to a maximum of 52 weeks.

10. NOT RETURNING TO WORK:

If you do not intend returning to work after the period of maternity leave you will be paid on the following basis:

**6 weeks at 9/10ths; followed by
33 weeks @ SMP only**

11. ENTITLEMENT TO ANNUAL LEAVE

In accordance with nationally agreed conditions, your annual leave will continue to accrue throughout the period of maternity leave.

12. PLANNING YOUR ANNUAL LEAVE

It is likely that your annual leave will cross two annual leave years, so you should plan when to take your annual leave with your manager in advance. This is important so that you don't lose any of your entitlement.

Annual leave earned up to the time you go on maternity leave or during your maternity leave in your first year (which is annual leave you earn from the time you go on maternity leave until 31 March) can be taken:

- either before you go on maternity leave,

- during the unpaid part of your maternity leave.
- directly at the end of your maternity leave (i.e you cannot come back to work and then take it later on)

It must be taken before your actual return to work.

Annual leave earned during maternity leave in your second leave year is the annual leave you earn from 1 April during your maternity leave until the date you return. It may be taken:

- either during the unpaid part of your maternity leave, or
- once you have returned.

You should plan this carefully because there is no automatic right to transfer leave to the next (third) leave year.

13. STILLBIRTH

In the unfortunate event of your baby dying or being stillborn after the 24th week of pregnancy, the provisions of the national local government maternity scheme will apply.

If miscarriage should occur before the 24th week of pregnancy, the employer will consider sympathetically any request for special leave, or sickness absence as appropriate. You should let your line manager know as soon as possible.

14. PREMATURE BIRTHS

The Maternity leave and SMP pay period starts on the day after the date of birth. You should provide a MAT B1, Maternity Certificate or a birth certificate as evidence of the date of birth.

15. EARLY RETURN TO WORK

If you intend to return on a date other than that agreed and notified to your manager you should give 8 weeks notice of the new date. Your manager has the right to postpone the return date, however, it must not be postponed to a date later than the original return date.

16. KEEPING IN TOUCH DAYS

Employees have an option to return to work periodically up to a maximum of 10 days without losing SMP. These are called Keeping In Touch Days (KITD). These days are not limited to your usual job; they could be used for training or other events i.e work events occurring in your absence.

KITD are not compulsory and your employer cannot demand that you go into work at any time during your maternity leave period nor can you be penalised for refusing to take up a Keeping In Touch Day.

KITD however cannot be taken during the two week compulsory leave period immediately following childbirth, during which employees may not legally work.

Arrangements for KITD should be made and agreed with your line manager and communicated to HR. These days attract pay at the employee's daily rate.

17. OCCUPATIONAL MATERNITY SCHEME – RETURN TO WORK

If you are entitled to Occupational Maternity Pay you must return to work by the end of your 52 weeks maternity leave for at least three months to keep your Occupational Maternity Pay. (If you use annual leave at the end of your maternity leave, you are regarded as being back to work).

If you do not return (or work for less than three months) you will normally have to repay the Occupational Maternity Pay. If there is a good reason for you not returning (e.g. baby born with a medical problem which requires you to remain at home), it may be possible in exceptional circumstances to waive the requirements for you to repay. You should communicate in writing with your manager about this.

18. RETURNING TO ANOTHER LOCAL AUTHORITY

If you start work for another local authority at the end of your maternity leave and work for them for at least three months, you may not need to repay the Occupational Maternity Pay. (documentary evidence to verify this e.g. offer letter/contract will be requested)

19. GUARANTEED PAYMENTS

If you have been working for local authorities for more than one year at 11 weeks before your baby is due, you are entitled to keep the first six weeks pay, whether or not you return to work. If you qualify for SMP, this will be paid whether or not you return to work and the same is true if you qualify for MA.

20. SICKNESS AT THE TIME OF THE EXPECTED RETURN

If you are ill at the time you are due to return to work, this is still classed as a return to work and the period of sickness should be notified and certified in the same way as for any other period of sickness.

21. MAKING A REQUEST TO WORK IN A FLEXIBLE PATTERN

There is no automatic right to change from full-time to part-time work or to further reduce your hours, however you have a statutory entitlement to make a request in writing asking for flexible working hours to be considered because your child is under 16 (or under 18 if the child has a disability). For more information on flexible working please contact your manager/headteacher or Human Resources.

If your manager agrees to reduce your working hours at the end of your maternity leave you will have to return to work for longer than three months to keep your Occupational Maternity Pay. The length of time you have to be at work will depend on your new hours. For example, if you come back part time from full-time, you will have to work for at least six months.

22. REDUNDANCY DURING MATERNITY LEAVE

An employee's post can be subject to organisational change whilst they are on maternity leave.

This may result in the employee being directly assimilated, going through a competitive assimilation or ring fence selection process or being made redundant.

Arrangements for the competitive assimilation or ring-fence process will take into account the employee's availability for interview.

In some cases it may be appropriate to postpone the process until after her return from maternity leave but this will depend on the exigencies of the service.

If there is no suitable post for the employee to be assimilated into or she is unsuccessful in any ring fenced interview then she will be given her contractual notice in the normal way.

The council will search for a suitable redeployment vacancy during the notice period. If a suitable vacancy is identified and the employee on maternity leave is appointable, then she must be offered that post in priority to any other appointable redeployee. If no suitable vacancy is found by the time that the notice period expires then the employee will be dismissed on redundancy grounds.

You will be consulted on any reorganisation or redundancy situation which arises during your maternity leave. If you are at risk of dismissal on the ground of redundancy during your maternity leave, provided there is a suitable available vacancy, you will be offered that vacancy in the school or service area in which you work (whichever is applicable) in priority to any employee who is not on maternity leave.

Cambridge Education @Islington in discussion with your line manager will search for a suitable vacancy during the remainder of the maternity leave period. If no suitable vacancy has been found by the time that you are due to return to work, then every effort will be made to find suitable alternative work during the period of your notice, this is in accordance with the redundancy and redeployment procedures.

23. PENSIONS

If you contribute to the Local Government Pension Scheme, your contributions will continue to be deducted from your pay. Your employer will also continue to make contributions during the leave towards your pension.

Pension contributions will only be deducted on the basis of the pay which you receive during maternity leave. If you return to work, you will have the option to make up your contributions

for the periods you are on reduced or no pay. If you decide not to make this contribution, your period on no pay will not count towards your length of service for pension purposes.

If you decide later in your career to make up the lost pension rights by extra contributions, it will then be more expensive because the council will not be liable for contributing its share.

For further information please contact the Pensions Department on 020 7527 2409.

24. FURTHER INFORMATION & SUPPORT

Employee Assistance Programme

From emotional support and stress to family and parenting issues, the EAP service provides counselling and resources to help employees and their families with whatever issues they may face, both at work and in their personal lives. Employees can count on confidential service, access any time, any day, 24/7, 365 days per year, either by phone, email, text, Instant Messaging or web to receive information and clinical support from qualified professionals for any issue that is important to them or their families.

To access the service: Call 0800 243 458

Childcare Vouchers

Childcare Vouchers are a tax efficient way of reducing your childcare costs. For more information contact: Krasi Toneva on Telephone number, 020 527 5790 or via email to krasi.toneva.camb-ed@islington.gov.uk.