KALEIDOSCOPE
Multi Academy Trust

GUIDANCE ON MATERNITY LEAVE AND PAY

Approved by:	Trust Board	**Reviewed:** 5 May 2023 **Updated:**
Created:	May 2023	
Next review due by:	May 2024	

CONTENTS

Entitlement	3
Notification	3
Key Dates	3
Maternity Pay	4
Statutory Maternity Pay	4
Occupational Maternity Pay	5
General Information on Maternity Pay	6
Maternity Allowance	6
Contact and Work during Maternity Leave	7
Contact	7
KIT Days	7
Ante-natal Care	7
Annual Leave	7
Return to Work	8
Resignation	8
Temporary Contracts and Maternity Leave	8
Special Circumstances	9
Health and Safety	9
Pension Information	9
Support Staff	9
Teachers	10

GUIDANCE ON MATERNITY LEAVE AND PAY

Entitlement

You are statutorily entitled to take up to **52 weeks maternity leave**. This is made up of 26 weeks' ordinary maternity leave followed by 26 weeks of additional maternity leave. There are no eligibility requirements in terms of length of service / continuity of employment but you must be an employee and have given the required notice.

A maternity leave and pay entitlement calculator is available on the GOV.UK website: https://www.gov.uk/pay-leave-for-parents

Notification

You need to notify your line manager at the School and the School's Payroll provider in writing of the date on which you wish maternity leave to commence. You need to do this by the end of the 15th week before the baby is due, unless this is not reasonably practicable. You should use the Maternity Application Form available from the School or the School's Payroll provider. You should complete the form and return it as soon as possible to the School's Payroll provider and copy it to the School.

If you change your mind about the start date of your maternity leave, you must give the school 28 days' notice (unless this is not reasonably practicable).

You will also need to submit your MATB1 Certificate to the School's Payroll provider (your midwife will give the MATB1 to you from the 21st week of pregnancy). This confirms when the baby is due and should be submitted with the Maternity Application form or as soon as possible thereafter.

The School's Payroll provider will write to you within 28 days of the receipt of your notification and MATB1 confirming the start and end dates of your maternity leave and (where applicable) the start and end dates of your maternity pay and how much maternity pay you will receive.

Key Dates

The earliest date that maternity leave can start is eleven weeks before the expected week of childbirth.

You have the right to work until the week of childbirth if you choose. However, should the baby be born before the maternity leave was supposed to start, then the date of birth will be regarded as the first day of maternity leave.

If you take time off during the last four weeks of pregnancy as a result of a pregnancy-related sickness / absence, the maternity leave will be deemed to commence then.

You are recommended to start your maternity leave on a Sunday.

Maternity Pay

Maternity pay comes in two forms: Statutory Maternity Pay (SMP) and Occupational Maternity Pay (OMP).

Statutory Maternity Pay (SMP)

This is payable for up to 39 weeks. The first 6 weeks are paid at 90% of your average weekly earnings[1], followed by 33 weeks at a standard flat rate (from April 2022, £156.66) or 90% of your average weekly earnings (whichever is lower). The standard flat rate is normally increased in April each year and further information is available from the GOV.UK website: https://www.gov.uk/business-tax/paye

To qualify for SMP you must meet all of the following criteria:

- have been continuously employed[2] for at least 26 weeks by the end of the 15th week before the week the baby is due (the 'qualifying week')
- be employed during the qualifying week
- currently pay National Insurance contributions (i.e. have average earnings in the 8 week period prior to the qualifying week not less than the lower earnings limit[3] for NI contributions) and
- still be pregnant 11 weeks before the week the baby is due, or have already given birth.

To receive SMP you must also:

- give at least 28 days' notice of your intention to take leave
- provide your MATB1 as evidence of your expected week of childbirth
- be within the United Kingdom *during your first week* of maternity leave
- not be taken into legal custody *during your first week* of maternity leave.

Once your entitlement to SMP has been established you will receive it even if you leave or your contract ends before SMP is due to start.

If you decide not to return to work after your maternity leave, you do not have to pay back your SMP.

Your SMP will start once you commence maternity leave. This will continue for a period of 39 weeks, unless you return to work before the end of the 39 weeks.

If you do not qualify for SMP you may be entitled to Maternity Allowance.

---

[1] If the standard rate is higher than your average weekly earnings then the standard rate or your full pay whichever is lower will be paid to you for the first 6 weeks.

[2] With regard to statutory maternity pay, if you are a teacher or a member of support staff at a LA maintained school, continuous employment means continuous employment with North Somerset Council or a Local Authority school in North Somerset and if you are a teacher or a member of support staff in an Academy it means continuous employment with the individual Academy.

[3] The Lower Earnings Limit is the amount of gross weekly earnings that allow you to qualify for certain state benefits. This usually changes each April and is, from April 2022, £123. For further information, go to www.gov.uk

If you are not eligible for SMP the School's Payroll provider will send you form SMP1 explaining why you cannot receive it.

You cannot work for an employer at the same time as receiving statutory pay from that employer or receive statutory pay from your original employer whilst working for a new employer. You can only work for one employer whilst receiving statutory pay from another employer if you have been working for both employers since the qualifying week.

SMP will not be paid for any week in which you leave the United Kingdom or for any week in which you are taken into legal custody. If you are taken into legal custody during your maternity pay period, SMP will not restart.

Occupational Maternity Pay (OMP)

To qualify for Occupational Maternity Pay (OMP) you need to have completed one years' continuous employment as at the beginning of the 11th week before the expected date of birth[4].

OMP is paid over a total of up to 18 weeks. If you are a member of support staff the first 6 weeks is at nine-tenths of your normal week's pay and if you are a teacher the first four weeks are at full pay and the next two weeks at nine-tenths of your normal week's pay. The next 12 weeks entitlement is at half pay provided you return to work for a period of at least 3 months (if you are a member of support staff) or 13 weeks (if you are a teacher) at the end of your maternity leave.

You can choose when the 12 weeks' half pay is paid to you. You can request that it is paid directly after the first 6 weeks, in addition to your SMP OR you can request that it is paid to you in one lump sum once you return to work. You should ensure you inform the School's Payroll provider of your choice on your maternity leave application form.

If you do not return to work for at least 3 months (if you are a member of support staff) or 13 weeks (if you are a teacher) and you elect to receive the 12 weeks' half pay during your leave you will have to refund it to the School.

If you are a teacher and you return to work on a part-time basis, you will need to complete a proportionately longer period of service. For example: if you return on a 0.5 basis you will need to return for 26 weeks in order to receive / retain the 12 weeks' half pay OMP.

If you are eligible to receive both OMP and SMP you will be entitled to receive:

- Support Staff - first 6 weeks: 9/10ths of a week's pay[5];

[4] With regard to occupational maternity pay, if you are a teacher in a LA maintained school, continuous employment means continuous employment as a teacher with one or more Local Authorities (including any LA schools); if you are a member of support staff in a LA maintained school continuous employment means continuous employment with any organisation covered by the 'modification order' - including any Local Authority, LA school or Academy; if you are a teacher or a member of support staff in an Academy it means continuous employment with the individual Academy *unless the Academy recognizes service with other Academies or LA schools for the purposes of occupational maternity pay.*.

[5] Unless this is lower than the standard flat SMP rate, in which case the standard rate or your full pay whichever is lower will be paid to you for the first 6 weeks.

- Teachers – first 4 weeks full pay then 2 weeks 9/10ths of a week's pay.
- Next 12 weeks: half pay (OMP) plus SMP (provided this figure does not exceed their normal weekly pay rate).
- Next 21 weeks: SMP only.

General information on maternity pay

If you decide to take the full 52 weeks' leave, you will not receive any pay for the last 13 weeks of your maternity leave.

Maternity Pay will be paid to you in the normal way on the last working day of the month. Tax and national insurance will be deducted.

You must notify the School's Payroll provider as soon as possible of any change in circumstances which may affect your entitlement to receive maternity pay.

For further information on maternity pay please contact the School's Payroll provider.

Maternity Allowance (MA)

MA may be available to you if you **do not** qualify for SMP.

It is paid directly by the Department of Work and Pensions. The higher rate of MA is paid at a statutory standard weekly rate (from April 2022, £156.66) or 90% of your gross earnings, whichever is the lower for up to 39 weeks.

It is payable for up to 39 weeks and can be paid from any date you choose after the 11th week before the week your baby is due but no later than from the day following the birth of the baby.

To qualify for MA at the above rate you must:

- not be entitled to SMP
- have done some work in at least 26 weeks of the 66 weeks immediately preceding the expected week
- have earned £30 a week or more in at least 13 weeks and
- have paid Class 2 National Insurance for at least 13 of the 66 weeks before your baby's due.

MA at the lower rate of £27 per week for 39 weeks is payable if you have not paid Class 2 National Insurance for at least 13 of the 66 weeks before your baby's due but meet the other criteria.

MA at the lower rate of £27 per week for 14 weeks may be payable if you are not eligible for MA at the higher rate or for MA at the lower rate for 39 weeks.

If you are advised you are not entitled to MA at the higher rate you should notify the School's Payroll provider.

For more information on the maternity allowance including the current statutory weekly rate please visit: www.gov.uk

Contact and Work during Maternity Leave

Contact

The School is entitled to make reasonable contact with you whilst you are on maternity leave.

Keeping in Touch (KIT) Days

In order to maintain contact whilst on maternity leave, you can undertake up to 10 ‘days’’ paid work by mutual agreement with the school. These days are known as KIT days. They can, for example, be used for training, staff updates or to ease the return to work process. A KIT ‘day’ can be for any length of time from an hour to a full day. Payment will be at the normal hourly rate for your role and you will be paid for the number of hours you work on a KIT day.

Your line manager will need to notify the School’s Payroll provider of the hours and dates of any KIT days you work.

Ante-natal care

You have a statutory right to paid time-off to attend for ante-natal care (this refers to medical appointments but also to antenatal or parenting / relaxation classes if these have been recommended by a doctor or midwife) but you must produce evidence of appointments if this is requested (such as a doctor’s letter or an NHS appointment card).

Your partner also has the right to unpaid time off work to attend up to two ante-natal appointments.

Annual Leave

Whilst on maternity leave you still accrue annual leave and bank holidays in the same way you would if you were at work.

If you are a teacher or a term time only member of support staff, your accrued leave will be taken during school holidays.

All year round support staff

You should take all accrued leave within the applicable leave year wherever possible.

If you are an all year round employee, you are recommended to consider:

- taking all leave accrued up to the start of your maternity leave prior to the start of your maternity leave
- *if this is not possible* adding the annual leave you have accrued whilst on maternity leave to the end of your maternity leave
- *if you are planning on returning on different hours:* changing your hours after your period of annual leave

If you are an all year round employee and you return to work on a different number of hours, your annual leave accrued whilst on maternity leave will be based on your working hours prior to maternity leave.

Return to Work

The earliest you can return to work is two weeks after the baby is born.

You are requested to notify your line manager and the School's Payroll provider in writing of your intended date of return to work at least 8 weeks in advance and must do so at least 21 days' prior (If your return date changes the same notice provisions apply.)

If you give a notice period of less than the required period your return to work may be postponed to ensure the full required notice is received.

You must return to work at the end of the 52 weeks unless you have given the required notice of your resignation.

If you are unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.

You have the right to request a permanent change to your working pattern effective from your return to work under your School's Flexible Working Policy.

If you have taken 26 weeks leave or less you have the right to return to the same job. If you have taken more than 26 weeks' leave you have the right to return to the same job or, if this is not possible, a suitable alternative. The terms and conditions which apply on your return should be no less favourable than those which would have applied had you not been absent.

You are recommended to plan your return to work as early as is practicable.

Resignation

If you decide not to return to work after the birth you must inform your line manager and the School's Payroll provider in writing giving the required notice of termination.

If you are a member of support staff you are required to give your contractual notice. If you are a teacher you are you are requested to give notice as soon as possible and must give at least 21 days' notice.

If you intend to resign prior to taking maternity leave you must still submit your MATB1 to the School's Payroll provider and give the required notice of termination as stated above.

Temporary Contracts and Maternity Leave

If you are on a temporary contract and your contract ends, your maternity leave will end with the contract.

Special Circumstances

You remain entitled to statutory maternity leave and pay if your baby:

- is born early or
- is still born after the start of your 24th week of pregnancy or
- dies after being born.

Health and Safety

You should complete a risk assessment with the School as an expectant employee and on your return to work after the birth. *For further information, please contact your School.*

Pensions Information

Pensionable pay is the element of your pay from which your pension contribution is calculated.

Assumed pensionable pay is the amount of pensionable pay you would have received had you not taken maternity leave. This is determined by the average pensionable pay for the three complete pay periods prior to the start of your unpaid maternity leave.

Support Staff

If you are a member of support staff you will accrue 1/49th of your assumed pensionable pay (or 1/98th of your assumed pensionable pay if you have opted for the 50/50 scheme) during your period of paid maternity leave.

You will accrue 1/49th of the actual pensionable pay received for a Keep in Touch (KIT) day during periods of paid maternity leave if this is greater than 1/49th of assumed pensionable pay (or 1/98th if you have opted for the 50/50 scheme)

For any period of unpaid maternity leave, you can elect to pay optional Additional Pension Contributions to buy back the 'lost' pension at any time. If you elect to do so within 30 days of your return to work, the contribution is shared between you as the employee (1/3) and the School (2/3).

The amount of pension you purchase will be added to the pension accrual for the year in which the additional contributions are made. If you elect not to make APCs then the pension accrual will be less. However, if you work a KIT day during a period of unpaid maternity leave, you will accrue 1/49th of the pensionable pay received for the KIT day (or 1/98th if you have opted for the 50/50 scheme).

<u>Existing Additional Pension Contributions (APCs)</u>

If you are already paying APCs, these remain payable for the period of unpaid maternity leave. These payments will be rolled over and recovered from your pay once your period of maternity leave has ended.

Existing Additional Voluntary Contributions

AVCs will only be deducted while your level of pay allows them to be. You will need to contact the School's Payroll provider if you wish to continue making AVC payments once you enter the period of unpaid maternity leave.

Teachers

If you are a teacher, maternity leave is treated as pensionable employment as long as you are receiving at least half pay or are being paid statutory maternity pay.

Unpaid maternity leave will not count as pensionable employment and buy-back is not possible under the Teachers' Pensions scheme.

All our policies and guidance can be found at www.supportservicesforeducation.co.uk

Trustee Board Chair 3/5/2023