



Maternity Provision for School Staff

Guideline for Headteachers

February 2007



MILTON KEYNES
COUNCIL

1. Scope

This policy applies to all employees who are new and expectant mothers, and whose babies are due on or after 1 April 2007.

Those employees seeking to adopt a child should refer to the separate Adoption Policy document.

2. Principles

The school acknowledges its statutory obligations and seeks to provide leave arrangements which meet the needs of those responsible for the care of newborn babies.

Headteachers and employees are encouraged to examine individual circumstances and agree the required leave arrangements to meet the needs of employees and the school.

Employees on maternity leave will be kept up to date of any changes at their workplace and care will be taken to ensure they are not disadvantaged through any management processes which may occur during their absence from the workplace.

Careful consideration will be given to all requests for job-share or other flexible working arrangements for women returners.

3. Statutory Maternity Rights

- All pregnant employees have a right to time off, with pay, for antenatal care.
- To be protected in terms of health and safety as an expectant mother.
(A risk assessment must be carried out.)
- Protection against detriment or dismissal on grounds of pregnancy.
- Maternity Leave (52 weeks).
- Maternity Benefit (Statutory Maternity Pay or Maternity Allowance).
- By agreement, to work for up to 10 days during maternity leave in order to maintain professional skills and involvement.

4. Maternity Leave

All pregnant employees are entitled to 52 weeks' maternity leave regardless of length of service or hours worked.

The earliest that maternity leave can commence is the 11th week before the Expected Week of Childbirth (EWC).

If an employee is absent due to the pregnancy then maternity leave will automatically commence four weeks prior to the EWC.

There is a compulsory two-week leave period immediately following the birth.

5. Maternity Pay

Employees with less than 26 weeks' service at the 15th week before the EWC will not be entitled to Statutory Maternity Pay (SMP) from their employer. Instead they will need to claim Maternity Allowance from the Job Centre Plus Office. A form SMP1 will be provided by the Payroll Department for employees to make this claim.

Employees with 26 weeks' service or more and whose average weekly earnings are at least equal to the lower earnings limit for national insurance contributions will be eligible for Statutory Maternity Pay (SMP) from the employer.

Employees with one year's service or more at the 11th week before the EWC are also entitled to contractual maternity pay (12 weeks half-pay in addition to SMP).

6. Initial Notification

A teacher is required to notify the school of her pregnancy and the date she intends to start her maternity leave at least 15 weeks before the expected week of childbirth (EWC).

Support staff are asked to notify the headteacher as soon as practicable but no later than 28 days before their maternity leave begins.

In both instances Appendix C of the Maternity Booklet should be completed by the employee and forwarded to the Schools Contracts Team at Saxon Court, 502 Avebury Boulevard, Milton Keynes MK9 3HS.

A copy of the MatB1 medical certificate confirming the pregnancy should be forwarded to the Schools Contracts Team no later than eight weeks before the expected week of childbirth. The original document will be required by the Payroll Department.

7. Keeping in Touch

It is important to maintain contact with employees during their maternity leave so that they are kept up to date with important issues. Before the employee commences maternity leave the headteacher should discuss and agree how this communication will take place, by whom, how regularly and by what means (email, phone, letter, visit). The employee should be informed of any relevant promotion opportunities or job vacancies that arise during maternity leave and should be invited to participate in any consultations with staff regarding changes at the school.

The law now allows for an employee to work up to 10 days during maternity leave, as long as both she and her employer have agreed for this to happen. Again this should form part of the discussion between the headteacher and the employee prior to maternity leave commencing, including agreeing an appropriate payment for any such work.

8. Miscarriages and Still Births

Should the employee miscarry, they will be regarded as being on sick leave and will need to provide a medical certificate from their GP for any absence over one week. Normal sickness absence procedures will then apply.

If after 24 weeks of pregnancy the employee's baby is still born, or dies soon after birth, they will be eligible for the full period of maternity leave and pay to which they would have been entitled.

9. Return to Work

The Schools Contracts Team will write to the employee confirming the date on which maternity leave is due to end. This will be the date immediately following the full 52 week period. If the employee wishes to return earlier then she must write to the headteacher giving eight weeks' notice of the revised date for return.

Employees are entitled to return to the same job on the same terms and conditions as if they had not been absent.

Employees who wish to vary their working pattern on return from maternity leave have a right to request a flexible working pattern. Whilst there is no statutory right for a woman to change her working hours, all such requests should be given serious consideration.

10. Summary of Maternity Pay, Leave and Benefit

Support Staff		Continuous Service with one or more LEAs (calculated at the 11th week before the Expected week of Childbirth)	
		Less than 1 year	1 Year or more
Continuous Service with Milton Keynes (calculated at 15th week before Expected Week of Childbirth)	Less than 26 weeks	<p><u>Maternity Leave</u> = 52 weeks</p> <p>Maternity Pay: Employee may be entitled to a Maternity Allowance but must apply for this from the JobCentre Plus Office</p>	<p><u>Maternity Leave</u> = 52 weeks (At the discretion of the headteacher leave may be extended to 63 weeks)</p> <p>Maternity Pay: 6 weeks @ 90% of pay 12 weeks @ *half pay + Maternity Allowance 21 weeks @ Maternity Allowance (if eligible)</p>
	26 weeks or more	<p><u>Maternity Leave</u> = 52 weeks (At the discretion of the headteacher leave may be extended to 63 weeks)</p> <p>Maternity Pay: 6 weeks @ 90% of pay 33 weeks @ standard rate SMP or 90% of pay if less</p>	<p><u>Maternity Leave</u> = 52 weeks (At the discretion of the headteacher leave may be extended to 63 weeks)</p> <p>Maternity Pay: 6 weeks @ 90% of pay 12 weeks @ *half pay + standard rate SMP 21 weeks @ standard rate SMP or 90% of pay if less</p>

- The 12 weeks at half pay is made on the understanding that the employee returns to work following maternity leave.

Standard Rate SMP as at 3 April 2006 = £108.85 per week (reviewed and increased annually each April)

Teachers		Continuous Service with one or more LEAs (calculated at the 11th week before the Expected week of Childbirth)	
		Less than 1 year	1 Year or more
Continuous Service with Milton Keynes (calculated at 15th week before Expected Week of Childbirth)	Less than 26 weeks	<p><u>Maternity Leave</u> = 52 weeks</p> <p>Maternity Pay: Employee may be entitled to a Maternity Allowance but must apply for this from the JobCentre Plus Office</p>	<p><u>Maternity Leave</u> = 52 weeks</p> <p>Maternity Pay: 4 weeks @ full pay 2 weeks @ 90% of pay 12 weeks @ *half pay + Maternity Allowance 21 weeks @ Maternity Allowance (if eligible)</p>
	26 weeks or more	<p><u>Maternity Leave</u> = 52 weeks</p> <p>Maternity Pay: 6 weeks @ 90% of pay 33 weeks @ standard rate SMP or 90% of pay if less</p>	<p><u>Maternity Leave</u> = 52 weeks</p> <p>Maternity Pay: 4 weeks @ full pay 2 weeks @ 90% of pay 12 weeks @ *half pay + standard rate SMP 21 weeks @ standard rate SMP or 90% of pay if less</p>