



MIDDLESEX  
LEARNING  
PARTNERSHIP

# MATERNITY LEAVE & PAY POLICY FOR SUPPORT STAFF

<b>APPROVED BY:</b>	HR & Pay Committee
<b>DATE:</b>	OCTOBER 2024
<b>NEXT REVIEW DUE:</b>	OCTOBER 2025

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## **1. Scope**

This policy applies to all female employees employed by the Middlesex Learning Partnership who are pregnant.

## **2. Policy**

The purpose of the policy is to ensure fair and consistent treatment of all pregnant support staff and aid their return to work after the birth of a child in order to continue in their chosen career and allow the Academy to retain trained and competent staff.

## **3. Maternity Pay**

### **3.1 Statutory Maternity Pay (SMP)**

There are two rates of SMP:

- Higher rate of SMP: 90% of your salary
- Lower rate of SMP: Currently £184.03 or 90% of your salary whichever is the lower amount. This rate is reviewed each April.

SMP is paid by the employer in the same way, time and frequency as your normal salary and it is subject to tax and National Insurance deductions.

SMP cannot be paid earlier than the 11th week before the Expected Week of Childbirth; except if your baby is born before the start of the 11th week in which case SMP will be paid from the day following the birth of your baby.

To qualify for SMP you have to meet conditions based on your length of service and level of earnings as below:-

1. You must have at least 26 weeks' continuous service with the Local Authority, into the 15th week before the Expected Week of Childbirth.
2. Your earnings must be above the lower limit for National Insurance Contributions.

### **3.2 Maternity Allowance (MA)**

If you do not qualify for SMP you may be able to claim MA from your Job Centre Plus office/Social Security Office, provided that you satisfy the National Insurance Contribution conditions based on your previous employment or self employment. Payments are made weekly for a maximum period of 39 weeks and are paid out at the same rate as SMP.

If you have been assessed as not being entitled to SMP, you will be sent a SMP1 Form from Payroll giving reasons why SMP cannot be paid to you.

### **3.3 Occupational Maternity Pay (OMP)**

OMP is conditional to you having not less than 52 weeks' local authority service, at the 11th week before your Expected Week of Childbirth, and on your returning to work for 13 weeks, or an equivalent extended period if returning on reduced hours, at the end of your maternity leave. OMP is paid at equivalent to 50% of your salary for a period of 12 weeks. You can choose to receive this payment as follows:

1. over a period of 12 weeks following the first 6 weeks' at SMP or MA (and concurrent with the lower rate SMP)
2. spread over the 33 weeks following the first 6 weeks' at SMP or MA (and concurrent with the lower rate SMP)

3. when you return to work at the end of your maternity leave when it will be paid to you as one lump sum.

In the event you do not return to work for the specified equivalent period after the end of your maternity leave, and OMP has been paid to you during your maternity leave, you will be required to repay the OMP element of the maternity pay including the corresponding National Insurance Contributions.

### **3.4 Entitlement to Maternity Pay**

Entitlement to maternity pay and the corresponding qualifying criteria is set out below and in the Maternity Pay & Leave Chart at Appendix A:

**Employees with 52 weeks' continuous local authority service at the 11th week before the EWC, and who meet the qualifying criteria for SMP as stated above, will receive maternity pay as follows:**

- 6 weeks at 90% of salary (offset against payments made by way of SMP)
- 12 weeks at 50% of salary (OMP) plus lower rate SMP
- 21 weeks at lower rate SMP or 90% of salary whichever is the lower amount

The remaining period of maternity leave i.e.; 13 weeks will be on an unpaid basis.

**Employees with 52 weeks' continuous local authority service at the 11th week before the EWC, but who do not meet the qualifying criteria for SMP as stated above, will receive maternity pay as follows:**

- 6 weeks at 90% of salary (offset against payments made by way of MA if eligible)
- 12 weeks at 50% of salary (OMP) plus MA if eligible
- There is no entitlement to SMP
- You may be entitled to MA

NB: Eligibility for MA will be assessed and paid by your local Job Centre Plus/Social Security Office.

**Employees with less than 52 weeks' continuous local authority service at the 11th week before the EWC but who meet the qualifying criteria for SMP as stated above, will receive maternity pay as follows:**

- 6 weeks at 90% of salary (offset against payments made by way of SMP)
- 33 weeks at lower rate SMP or 90% of salary whichever is the lower amount.
- There is no entitlement to OMP

The remaining period of maternity leave i.e.; 13 weeks will be on an unpaid basis.

## **4. Maternity Leave**

All pregnant employees are entitled to take up to 52 weeks' maternity leave regardless of length of service and number of hours worked.

### **4.1 Ordinary Maternity Leave (OML)**

You are entitled to 26 weeks' OML during which time your contract continues and you will continue to receive your contractual benefits except for pay. You are entitled to return to the job in which you were employed before your absence on terms and conditions not less favourable than those which would have been applied if you had not been absent (unless a restructuring or redundancy situation has arisen).

## **4.2 Additional Maternity Leave (AML)**

You are entitled to 26 weeks' AML. This will start immediately after OML i.e., there cannot be a gap between OML and AML. You will continue to receive your contractual benefits except for pay. You have a right to return to the job in which you were employed prior to your maternity leave, or, if that is not reasonably practical, to another job which is both suitable to you and with the terms and conditions not less favourable than those held previously.

## **4.3 Compulsory Maternity Leave (CML)**

You are not allowed to work for the two weeks following the birth of your baby.

## **4.4 Starting your Maternity Leave**

You can choose to start your maternity leave any time from the 11th week before the Expected Week of Childbirth (EWC) right up to the birth itself. You will be required to produce a medical certificate from your doctor indicating you are fit enough to do so if you wish to work past the 6th week stage before the expected date of birth.

If you are absent from work for a pregnancy related reason after the 4th week before the EWC, but before the date which you have notified as your intended start date of maternity leave, your maternity leave will automatically begin on the day after the first day of your absence.

If your baby is born earlier than the 11th week before EWC or before the date notified as the intended start date, your maternity leave will start the day following the birth of your baby.

## **4.5 'Keeping in Touch (KIT) Days' - Working during maternity leave**

You may, by agreement with the Academy, work for up to 10 days during your maternity leave, except during the 2 weeks' of Compulsory Maternity Leave, without losing maternity benefits.

The KIT days do not have to be consecutive and may be used for an activity, which would normally be classed as work under your contract of employment, for which you would be paid and can include training events, attending meetings etc. Any work and the type of work undertaken during the maternity leave period must be by agreement with the Academy and yourself; there is no obligation on either party for work to be offered or accepted respectively. Part days worked will count as whole days and you will be paid your normal daily rate of pay for days worked.

Forms at Appendix F and G can be used to record KIT days and to submit for payment respectively.

## **4.6 Reasonable Contact during maternity leave**

Your manager is allowed to make reasonable contact during maternity leave to discuss such issues as your return to work. This does not constitute 'work' and would not therefore count towards the 10 KIT days. This is also useful in order to keep you informed of other issues such as job vacancies, significant developments in the workplace and training opportunities.

## **5. Ante Natal Care**

Ante natal care includes routine doctor/midwife appointments and relaxation/parent craft classes. Time off for appointments, relaxation and parent craft classes will be paid when recommended by the Doctor or midwife. A letter/appointment card will need to be shown to the Designated Person whenever a Request for Absence Form is completed.

## **6. Stillbirths**

Employees still qualify for leave and pay if the baby is stillborn after the start of the 24<sup>th</sup> week of pregnancy.

## **7. Responsibilities: Employee, Head of School, Trust HR**

Please see Appendix B for your specific responsibilities and those of your Head of School and Trust HR.

## **8. Notification of Pregnancy**

If you fail to give the required notifications within the specified time limits you may lose your right to maternity pay and to start maternity leave on your intended start date.

It is in your best interest to notify the Academy of your pregnancy as soon as possible so that the Academy can carry out a risk assessment to identify any risk to you and/or your baby. Formal written notification of your intention to take maternity leave must be given by the 15th week before your Expected Week of Childbirth using the Maternity Leave Request Form at Appendix C.

If you later wish to change the intended start date, you need to give at least 28 days' notice before the amended start date.

Trust HR will write to you within 28 days of your written notification to start maternity leave, setting out your maternity pay and leave entitlement and your expected date of return based on maternity leave start date notified by you.

The step by step notification process and procedure is given at Appendix C

## **Redundancy during Maternity Leave**

In the event of a redundancy situation during your maternity leave, we shall write to you to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to your continued employment.

Where a redundancy situation arises, you shall be given first refusal on any suitable alternative employment that is appropriate to your skills:

- whilst you are on maternity leave; or
- from the day you inform us of your pregnancy where this is on or after 6th April 2024, until 18 months from either the first day of your EWC or the exact date of birth (where you notified us of this before the end of your maternity leave) provided your statutory maternity leave ends on or after 6th April 2024.

## **9. Early Return to Work**

If you wish to return to work from maternity leave earlier than the date originally agreed, you must give 21 days' notice of the revised date of return to work. Failure to give the appropriate notice may result in the return being delayed. The Notification of Early Return to Work Form at Appendix I can be used.

## **10. Pension**

If you are a member of the Local Government Pension Scheme, any paid part of your maternity leave will count as pensionable service. This means that deductions will be made from all maternity pay you receive from your employer. You can elect to pay contributions for the unpaid period of maternity leave when you return to work.

**Appendix A Maternity Pay and Leave Chart – Support Staff**

At least one year's continuous local government service at the start of the 11 <sup>th</sup> week before EWC	At least 26 week's continuous service with London Borough of Hillingdon into the 15 <sup>th</sup> week before EWC	Entitlement to Maternity Pay	Entitlement to Maternity Leave
Yes	Yes	<ul style="list-style-type: none"> <li>• 6 weeks' at 90% of salary</li> <li>• 12 weeks' at 50% of salary (OMP) plus SMP</li> <li>• 21 weeks' at lower rate of SMP</li> </ul>	26 weeks' OML 26 weeks' AML
Yes	No	<ul style="list-style-type: none"> <li>• 6 weeks' at 90% of salary</li> <li>• 12 weeks at 50% of salary (OMP) + MA if eligible</li> <li>• No entitlement to SMP</li> <li>• You may be entitled to MA</li> </ul>	26 weeks' OML 26 weeks' AML
No	Yes	<ul style="list-style-type: none"> <li>• 6 weeks at 90% of salary</li> <li>• 33 weeks at the lower rate of SMP</li> <li>• No entitlement to OMP</li> </ul>	26 weeks' OML 26 weeks' AML
No	No	<ul style="list-style-type: none"> <li>• No entitlement to SMP</li> <li>• No Entitlement to OMP</li> <li>• May be eligible for MA</li> </ul>	26 weeks' OML 26 weeks' AML
<p>SMP Rate: 6 weeks at the higher rate (90% of your salary) 33 weeks at the lower rate of £172.48 or 90% of your salary whichever is the lower</p> <p>NB: Eligibility to MA will be assessed and paid by your local Job Centre Plus/Social Security Office</p>			
<p>Key: SMP: Statutory Maternity Pay      OML: Ordinary Maternity Leave  MA: Maternity Allowance              AML: Additional Maternity Leave  OMP: Occupational Maternity Pay      EWC: Expected Week of Confinement</p>			

## Appendix B Responsibilities of Employees, Head of School, Trust HR

Employees	Head of School / Manager	Trust HR
<p>Employees have specific responsibilities they need to fulfill in order to be entitled to the appropriate maternity benefits:</p> <ul style="list-style-type: none"> <li>• To inform the Head of School of her pregnancy in order that any work related risks can be fully assessed as early as possible.</li> <li>• To give formal notification to the Designated Person of her intention to take maternity leave by the 15th week before the Expected Week of Childbirth (EWC)</li> <li>• To provide 28 days' notice if she wishes to change her maternity leave start date from an earlier notified date.</li> <li>• To provide the original of the Maternity Certificate MAT B1 with a copy to the Academy. (This certificate is issued by the GP or midwife around the 20th week of pregnancy)</li> <li>• To inform the Head of School and Trust HR of the child's birth date as soon as is practicable.</li> <li>• To provide 21 days' notice of her intention to return to work from maternity leave if this is earlier than the original notified date.</li> </ul>	<p>The Head of School has a special duty of care towards employees who are pregnant, have recently given birth or are breast feeding:</p> <ul style="list-style-type: none"> <li>• To undertake a risk assessment with the pregnant employee in order to identify any risks to the employee and/or her baby. Any necessary adjustments must be made as soon as possible following the assessment, and regular reviews must take place as necessary depending on the level of risk.</li> <li>• To provide any information related to the employee's pregnancy promptly to Trust HR so that they can provide the necessary advice and written notices within set timescales.</li> <li>• Allow the employee to take paid time off to attend antenatal appointments/parent craft classes.</li> <li>• To ensure the employee does not return to work for the first 2 weeks following childbirth.</li> <li>• To keep in touch with the employee on a reasonably regular basis during the course of her leave so that she remains informed about developments at work.</li> <li>• To agree and arrange with the employee any necessary KIT days during the course of their leave. The Academy will also liaise with Trust HR to ensure appropriate salary payments are made for KIT days.</li> <li>• To allow the employee to return to the same job on the same terms and conditions (unless a restructuring/redundancy situation has arisen, which the individual would have been fully consulted about).</li> </ul>	<p>Trust HR have a duty to provide accurate information and advice to the Academy and employee on maternity related issues, and in particular:</p> <ul style="list-style-type: none"> <li>• To confirm maternity leave and pay entitlement in writing to the employee within 4 weeks of receiving written notification of pregnancy.</li> <li>• To notify Payroll accordingly within the same timescales to ensure timely accurate payment.</li> <li>• To notify the employee in writing of her expected return date, based on the start date notified by the employee of the birth date if this is earlier.</li> </ul>



## Appendix C Step by Step Notification Process and Procedure

<b>STEP 1</b>	<b>Employee advises manager of pregnancy</b>	<b>As soon as possible once she is aware of her pregnancy</b>
Although this is left at your discretion it is in your best interest to do this as soon as possible so that a risk assessment can be undertaken to identify any risk to you and/or your baby		
<b>STEP 2</b>	<b>Employee formally requests maternity leave</b>	<b>By the 15<sup>th</sup> Week before Expected Date of Childbirth</b>
<ul style="list-style-type: none"> <li>You can use the Maternity Leave Request Form at Appendix D and send it to Academy</li> <li>Attach the original of the Maternity Certificate MAT B1 if available (if not, this must be forwarded as soon as possible and by the 11<sup>th</sup> week before EWC at the latest as SMP cannot be paid without this)</li> </ul> <p><b>Failure to comply with this step could prejudice your entitlement to maternity benefits</b></p>		
<b>STEP 3</b>	<b>Trust HR write to employee</b>	<b>Within 4 weeks of receipt of written notification</b>
Trust HR will confirm to you in writing your entitlement to maternity pay and leave and your expected date of return		
<b>STEP 4</b>	<b>If you wish to change the start date of your maternity</b>	<b>Minimum 28 days' notice required before start date of revised date</b>
If you wish to change your maternity leave start date, from a date you have notified earlier, you must notify the Academy and Trust HR in writing. You can use the form at Appendix E.		
<b>STEP 5</b>	<b>Notification of actual birth date of your baby</b>	<b>As soon as possible after birth</b>
You need to notify the Academy and Trust HR in writing of the actual birth date of your baby and send a copy of the birth certificate. See Appendix F.		
<b>STEP 6</b>	<b>Notification of Early Return from Maternity Leave</b>	<b>21 days' notice prior to revised return date</b>
If you wish to return to work earlier than the agreed date, you must notify the Academy and Trust HR in writing 21 days before the revised return date. Failure to give appropriate notice may result in the return being delayed. See Appendix I.		
<b>STEP 7</b>	<b>Return to work</b>	<b>On return date</b>
Your manager is required to carry out a return to work interview and risk assessment with you.		

**Appendix D Maternity Leave Request Form**

**Maternity Leave Request Form**

Academy: .....

**Employee Details**

Name: .....

Post Title: .....

Telephone Number: .....

**Pregnancy Details**

My baby is due on: ...../...../..... (dd/mm/yy)

I would like to start my maternity leave on: ...../...../..... (dd/mm/yy)

Maternity Certificate (MAT B1) attached: Yes / No\*

\*(if No, please forward separately as soon as available)

**Occupational Maternity Pay**

If you qualify for Occupational Maternity Pay, please select one of the following options:

- I intend to return to work after my maternity leave, and I would like OMP to be paid monthly, as half pay for 12 weeks following the 6 weeks at SMP/MA
- I intend to return to work after my maternity leave, and I would like OMP to be spread over the 33 weeks following the 6 weeks at SMP/MA
- I intend to return to work but cannot commit at this stage, and I would prefer for OMP to be paid to me as a lump sum on my return to work.
- I **DO NOT INTEND** to return to work following my maternity leave and am therefore not entitled to OMP. Declaration: I understand that in the event that I do not return to work and have elected to have OMP paid to me during my maternity leave, I will be required to repay this element of the maternity pay and corresponding National Insurance Contributions.

**Written request for maternity leave must be received by the 15th Week of EWC or you may lose the right to maternity pay and to start maternity leave on the intended date.**

Signed: .....

Dated: .....

**Appendix E Notification of Change in Start Date of Maternity Leave**

**Notification of Change in Start Date of Maternity Leave**

Academy: .....

**Employee Details**

Name: .....

Pay Number: .....

Post Title: .....

Telephone Number: .....

**Start of Maternity Leave**

I wish to change the start date of my Maternity Leave.

The revised start date of my Maternity Leave will be: .....

**Notification of change to the start date of your maternity leave must be received at least 28 days' before the intended start date of your maternity leave. Failure to give meet the notice period may result in loss of your right to maternity pay and to start maternity leave on the intended date.**

Signed: .....

Date: .....

**Appendix F Notification of Birth Date of Baby**

**Notification of Birth Date of Baby**

Academy: .....

**Employee Details**

Name: .....

Pay Number: .....

Post Details: .....

Telephone Number: .....

**Birth Details**

My baby was born on ..... (Date)

Please tick as appropriate:

- This date was earlier than my due date. Please confirm whether this affects my return to work date and let me know the revised date if appropriate
- This date was on or after my due date. My return to work date is unchanged from the date previously notified to me.

Signed: .....

Date: .....

Please return this form to the Academy

**Appendix G Keep in Touch (KIT) Days Record Form**

**Keep in Touch (KIT) Days Record Form**

Academy: .....

**Employee Details**

Name: .....

Pay Number: .....

Post Title: .....

Telephone Number: .....

**KIT Details**

This form should be used to record Keep in Touch Days worked by an employee on Maternity Leave.  
You may not exceed 10 KIT days during Maternity Leave

Start Date	End Date	Balance	Employee's Signature	Manager's Signature

**Appendix H Keep in Touch (KIT) Days Payment Form**

**Keep in Touch (KIT) Days Payment Form**

Academy: .....

**Employee Details**

Name: .....

Pay Number: .....

Post Title: .....

Telephone Number: .....

**Details of KIT Days for Payment**

KIT Days Worked		
Start Date	End Date	Total
TOTAL Days to be paid		

**Please send this form to Trust HR in the month in which any KIT Days are worked so that payment can be made to the employee. Payment will be made at the employee’s normal daily rate of pay prior to starting maternity leave.**

Signature:.....  
(Line Manager)

Date:.....

Signature:.....  
(Head of School)

Date: .....

**Appendix I Notification of Early Return to Work**

**Notification of Early Return to Work**

Academy: .....

**Employee Details**

Name: .....

Pay Number: .....

Post Title: .....

Telephone Number: .....

**Return to Work**

This is to notify you that I will be returning to work from maternity leave earlier than the previously notified date of .....(date).

The revised date of my return to work from maternity leave will be ..... (date).

**You must give at least 21 days' notice if you are returning to work earlier than the previously agreed return date.  
Failure to give the required period of notice may result in your return to work being delayed.**

Signed: .....

Date: .....