



# **Support Staff Maternity Leave and Pay Policy Newham Model**

**Applicable from 17th May 2024**

A handwritten signature in black ink, which appears to read "Irene Papadopolou". The signature is written in a cursive style with a long horizontal stroke at the end.

**Signed:  
Chair of Governors**

## **1. Introduction**

The rules and regulations governing maternity leave and pay are very complex. A special package has been prepared which incorporates all the information employees need to know.

## **2. Statutory Benefits**

All women employees regardless of hours of work or length of service are entitled to 52 weeks maternity absence with their conditions protected and the right to return to work. By law the employee must take off at least 2 weeks known as 'compulsory maternity leave'. The pregnancy Trimester are as follows:

- First Trimester is 1 to 13 weeks
- Second Trimester is 14 to 26 weeks
- Third Trimester is 27 to 40 weeks

If an employee has not completed one-year continuous teaching service with local government by the 11<sup>th</sup> week before the EWC there is no entitlement to Newham's Occupational Maternity Pay, but they may be entitled to Statutory Maternity Pay (SMP) (see below).

## **3. Statutory Maternity Pay**

Statutory Maternity Pay is payable to women who meet the following criteria:

- a) Have 26 weeks continuous teaching service with Newham leading into the 15<sup>th</sup> week before the baby is due.
- b) Have average earnings that are above the lower earnings limit for the payment of National Insurance contributions.
- c) Will be pregnant at the 11<sup>th</sup> week before the expected date of confinement, or have been confined by that time.
- d) Have submitted medical evidence of the date the baby is due, i.e. the Mat.B1. Certificate (usually this is obtained from the Midwife or GP) at least 28 days before the start of the maternity pay period.
- e) Have stopped work/temporary fixed term contract is due to end

If the employee meets the criteria outlined above in (a)-(e) for SMP they will receive 39 weeks SMP.

SMP will be payable for 39 weeks, the first 6 weeks at a rate of 90% of average earnings followed by 33 weeks at a flat rate, (the rate is equivalent to the standard rate SSP). Women are entitled to the full 39 weeks of SMP from the time they choose to start their maternity leave, provided that this is no longer than the 11<sup>th</sup> week before the expected date of confinement, the employee can choose to work right up until they give birth. If you told your employer you want to start maternity leave the day after your baby's born, you do not need to change anything.

If they are informed that they are not entitled to SMP they will be given Form SMP1 to complete along with their MATB1 certificate of E.D.C., (expected date of confinement) which

will enable them to claim state maternity allowance from the DWP (Job Centre Plus) and they will be entitled to 52 weeks unpaid leave from Newham.

SMP will be triggered from the notified date of maternity leave. Any sickness wholly or partly due to pregnancy after the 4<sup>th</sup> week before the expected week of confinement will automatically trigger maternity leave and pay.

#### **4. Baby Arrives Early/Premature birth**

Your maternity leave will start the day after the baby is born. Should your baby be born earlier than expected or is premature, you will be expected to notify your employer as soon as you can with a copy of the baby's birth certificate.

#### **5. Baby Arrives Late**

If your baby arrives late and you had told your employer a specific date you want to start maternity leave, you can still start the leave from that date. You would be required to notify your employer of the date when you have given birth so your compulsory maternity leave will commence from then.

#### **6. Occupational Benefits**

All women who have 1 year's continuous service with one or more local authorities by the 11<sup>th</sup> week before the expected week of confinement qualify for Occupational Maternity Pay.

Newham's Occupational benefit comprises an additional 24 weeks at half pay.

Any woman qualifying for maternity benefits is entitled to a total of 52 weeks maternity leave, commencing no earlier than the 11<sup>th</sup> week before the expected day of confinement and with the condition that they return to work for at least 3 Months to qualify for the half pay period.

Occupational Maternity Pay benefit comprises:

6 weeks 9/10ths of pay	Including 6 weeks SMP
24 weeks half pay	Plus 24 weeks SMP
9 weeks SMP only	
13 weeks unpaid leave	

If at any point salary plus SMP amounts to more than full pay, then the half pay will be scaled down so that no more than full pay is received.

If an employee decides not to return to work after their maternity leave then they will only be entitled to the first six weeks' pay at 9/10ths and any further SMP payment they may have received. **Any occupational half pay they may have received will have to be paid back to London Borough of Newham.**

**7. Having IVF (In vitro fertilisation) Treatment** If the employee has become pregnant through IVF, they have all the same pregnancy and maternity rights as non-IVF pregnancies.

There is no legal right for time off work for IVF treatment or related sickness. The school should treat the employee's IVF appointments and any sickness the same as any other medical appointment or sickness.

The employee may, if they so wish, have a discussion with the Head Teacher about any time off that may be required during the IVF treatment. The Head Teacher may consider the employee using the following:

- flexible working
- paid time off, unpaid time off or holiday **Fixed Term Contracts**

Where a member of staff has a fixed term contract and qualifies for maternity leave, they will be accorded the same entitlements as comparable staff employed on permanent contracts. If there is funding available for the post to extend a fixed term contract, the extension will be offered regardless of the pregnancy or maternity leave.

A non-renewal of contract due to reasons related to pregnancy or maternity leave would constitute sex discrimination.

If the contract is to end within the period of maternity leave, dependent upon your maternity entitlement, any School benefits due will continue up to the date of termination of the contract.

## **8. Ante-Natal care**

Any pregnant employee has the right to paid time off to attend for ante-natal care and must produce evidence of appointments if requested to do so by their employer. Where possible these should be made to cause the least disruption to the working day.

## **Leave**

Providing the employee returns to work, their annual leave entitlement is not affected by maternity leave. They may use their annual leave (if they are an employee who receives and annual leave entitlement) to increase their paid leave entitlements or they may keep it until after they return to work. However, the normal arrangements for carrying over leave will still apply, so their maternity leave and annual leave must be planned well in advance. In addition, payment in full for any Bank Holiday or statutory days that fall during the first 18 weeks of maternity leave is also payable. Payment for the latter will be calculated by Schools' HR (NPW), before the employee's return to work.

Where an employee works term time the booking and carryover of annual leave does not apply.

## **9. What Employees Need to Do**

If the employee is pregnant and is intending to take maternity leave or to stop working for the school in which they are employed, then the Head Teacher or designated officer should be notified as soon as possible of their intention. As soon as they receive their E.D.C. Certificate (Expected date of Confinement - form Mat.B1.) they must forward this to the Head Teacher at the school who will arrange for the documents to be forwarded onto payroll, so that their eligibility for maternity pay and leave can be assessed. At the latest, they must do this by the 15<sup>th</sup> week before the E.D.C. This certificate can be obtained from

the Midwife or GP. Attached at Appendix 1 is the Maternity Leave application form to be completed.

## **10. Payment**

Statutory Maternity pay is paid at the rate of £172.48 (as from 2<sup>nd</sup> April 2023, this will be paid like normal pay, i.e. straight into the Bank or Building Society account. All payments under both SMP and Occupational Maternity Pay are liable for tax and deduction for National Insurance Contributions and Superannuation.

## **11. Returning to Work and Notice of Returning to Work**

All employees have the right to return to the job in which they were employed, but they **must give notice in writing that they are going on maternity leave, and for how long, as soon as possible, but no later than 28 days before their maternity leave is to start.** If an employee intends to return to work after maternity leave, they must let their Head Teacher or designated officer at the school where they are employed know as soon as possible. They will be paid the additional 24 weeks at half pay, once they have confirmed their intention to return in writing.

**An employee may change the date of their return to work to an earlier date providing that they give eight weeks' notice to the Head Teacher. If this notice is not provided, the Head Teacher may postpone their return to work date by eight weeks.**

An employee whose return has been postponed under these circumstances is not entitled to receive wages or salary if they return to work during the period of postponement.

If an employee is not sure whether they wish to return to work following maternity leave, it can be arranged to withhold their half pay. The employee must notify the school of their intention in writing at their earliest convenience, failure to do so may cause an overpayment, which in result may need to be reclaimed. It will then be paid if they return. However, they must return for a period of at least 13 weeks including school holidays and closures.

If an employee decides they wish to return to duty only to enable them to retain their half pay entitlement, they must resign from their post, complying with the appropriate notice. The resignation can be submitted in writing or via an email to the Head Teacher.

### **Entitlement when expecting another baby whilst on maternity leave**

An employee is entitled to a further period of up to 52 weeks' maternity leave for a new pregnancy, whilst on maternity leave. It does not matter whether they overlap or not.

The employee will not necessarily be entitled to statutory maternity pay during the second period of maternity leave. This is because to qualify for statutory maternity pay their average weekly earnings during the eight weeks up to and including the qualifying week must be at least the lower earnings limit for national insurance contributions.

## **12. Health and Safety Regulations**

When an employee notifies their Head Teacher or designated officer they are expecting, it is advised that any work activity which could pose a risk when pregnant, must be assessed to determine if anything needs to be adjusted. The Head Teacher or designated officer is

responsible for carrying out a risk assessment. It is the individual's responsibility to let their manager know as soon as they are pregnant in order for the assessment to be undertaken. The regulations cover such areas as night work, or with hazardous substances, or work in dangerous industrial processes, it is not anticipated that any of Newham's employees will be covered by this clause of the regulations. However, it is advised that a risk assessment of the workplace should be carried out when an employee notifies their Head Teacher or delegated officer that they are pregnant.

### **13. Breastfeeding**

A woman who is pregnant or has recently given birth or is breastfeeding now has a statutory right to be offered suitable alternative employment, or if not available, may be suspended on full pay, if their continued presence at work contravenes certain health and safety regulations.

Schools should support breastfeeding employees in continuing to breastfeed their infants following their return to work. Employees who wish to continue to breastfeed following return to work will be offered support and additional breaks to breastfeed or to express their milk.

### **14. Keeping in Touch Days (KIT)**

Keeping in touch days are whereby staff on maternity leave can agree with their employer to return to work for up to 10 days during their statutory maternity leave, without bringing the maternity leave to an end or losing SMP. The KIT days do not have to be consecutive and can be used for any work-related training or meeting for example. It is not a requirement on either the school or the employee to arrange or attend KIT days respectively.

Payment for KIT days will be agreed in advance with the Head Teacher. The employee will not lose payment of the SMP where a KIT day takes place, however, SMP will be offset against any payment made by the employer for working on a KIT day.

Further advice on KIT days, can be obtained from [schoolpayroll@prospects.co.uk](mailto:schoolpayroll@prospects.co.uk)

### **15. Redundancy / Business Reorganisation**

In the event that your post is identified as potentially redundant or subject to a Business Reorganisation during your period of maternity leave, you will be consulted in accordance with the appropriate Change Management Procedure either utilising 'keeping in touch days' or through alternative arrangements

### **16. Adoption and Surrogacy Leave Scheme**

The Adoption Leave scheme provides the same level of benefits and length of leave as under the maternity leave scheme if an employee is to be the primary carer of a child. Leave is governed by the same terms and conditions as for maternity leave, subject to the provision that such leave should commence no earlier than 14 days prior to the date of adoption. An extended period of unpaid leave may be applied for, providing that the period of adoption leave does not exceed 52 weeks.

Keeping in touch days are whereby staff on adoption leave can agree with their employer to return to work for up to 10 days during their adoption leave, without bringing the adoption leave to an end or losing SMP. It is not a requirement on either the school or the employee to arrange or attend KIT days respectively.

The employee retains the same rights to return to work that exist for women on maternity leave. The Paternity Leave and Parental Leave Scheme applies.

The qualifying length of service is the same as under the Newham's Maternity Leave Scheme for at least 26 weeks by the 'matching week' and employees should give as much notice as possible that they have been approved as an adoptive parent and that they will require adoption leave. The provisions apply to the adoption of a child under the age of 18.

### **Surrogacy Leave Arrangements**

In order to be eligible for Paternity Pay and Leave if you use a surrogate to have a baby, you must meet the following criteria:

- be in a couple
- be responsible for the child (with your partner)
- have worked for your employer **continuously** for at least 26 weeks by the end of the 'qualifying week' (the 15th week before the baby is due)

You must inform the head teacher when your baby is due and when you intend to start your leave at least 15 weeks before the due date in writing.

### **17. Notification**

An employee must notify the school, in writing, within seven days after the date on which they are notified of having been matched with the child for the purposes of adoption. They must state the date on which the child is expected to be placed with them and the date on which they intend to begin their adoption leave.

### **18. Evidence of Entitlement**

An employee must produce one or more documents provided to them by an adoption agency to qualify for Statutory Adoption Pay that contains:

- the name of the employee claiming adoption leave
- the name and address of the adoption agency
- the date on which the child is expected to be placed for adoption, for example a letter from the agency.
- the date the employee was informed by the agency that the child would be placed/matched for adoption with them, for example the matching certificate.
- a declaration that they elected to receive Statutory Adoption Pay and not statutory paternity pay for the newly adopted child and will subsequently be the primary carer.

- relevant UK authority's 'official notification' confirming the parent is allowed to adopt (overseas adoptions only)
- date the child arrived in the UK, for example a plane ticket (overseas adoptions only)
- You must **keep records** of the proof.

## **19. Stillbirth, Miscarriage or Baby lives short time after birth**

### Miscarriage:

A miscarriage is a distressing experience and unfortunately is not uncommon. If an employee is unfortunate enough to experience miscarriage, the employee might want to consider contacting a support group who have experience of helping others who have suffered a miscarriage. The employee should contact their Head Teacher to seek further advice and support, such as; OHP referral, PAM, EAP, SAS, or other counselling services. They should also contact Human Resources as they will be able to give support and advise you of your entitlements to sick leave and pay.

### Still birth:

The experience of stillbirth can be extremely distressing and staff may need a lot of support whilst grieving for their loss. Employee's should advise the Headteacher or Human Resources if they experience this tragedy as they will be in a position to advise further and offer support.

If the baby is stillborn or miscarried before the 24th week of childbirth, statutory maternity pay and Newham's maternity pay are not payable. However, in such cases, statutory and occupational sick pay would be payable.

If your baby is stillborn after the start of the 24th week of pregnancy and before the expected week of childbirth, you are entitled to receive the benefits you would otherwise have received, had you had a live birth. Also, if your baby survives for an instant, it will be considered a live birth, not a stillbirth and you will be entitled to full maternity benefits.

### **Parental Bereavement Leave and Pay**

A bereaved parent will have a right to time off work with pay following the loss of a child (subject to eligibility). The parent can take a minimum of two weeks Statutory Parental Bereavement Leave with Pay within a period of at least 56 weeks, beginning with the date of the death of a child. The leave can be taken together in a single block of two weeks or in separate one-week blocks or only one week of leave (a week is the same number of days that you normally work in a week) Parental Bereavement Leave and Pay. Under the Parental Bereavement (Pay and Leave) Act, carers – not just parents – will be entitled to time off work following the death of a child. This includes adopters, foster parents and guardians, as well as more informal groups such close relatives or family friends who have taken responsibility for the child's care in the absence of the parents.



**LONDON BOROUGH OF NEWHAM**

**CHILDREN SERVICES**

**SCHOOL SUPPORT STAFF - APPLICATION FOR MATERNITY LEAVE**

Applicants are asked to read carefully the appropriate maternity leave and pay procedure.

THIS FORM SHOULD BE COMPLETED, AND RETURNED TO THE HEAD TEACHER OR DESIGNATED OFFICER AS SOON AS POSSIBLE, AND IN ANY EVENT NOT LESS THAN 28 DAYS BEFORE THE EXPECTED DATE OF CONFINEMENT.

EMPLOYEE NAME:.....

HOME ADDRESS:.....

CONTACT TELEPHONE NO: .....

SCHOOL / SERVICE AREA: .....

LENGTH OF SERVICE: .....London Borough of Newham

.....Other LEA's

(other continuous local government service)

DATE OF EXPECTED CONFINEMENT:.....

CERTIFICATE OF EXPECTED CONFINEMENT DATE: \*ATTACHED / TO FOLLOW

The above original certificate (MAT B1 Form) may be obtained from your GP/midwife  
No more than 20 weeks prior to your expected confinement date.

Do you anticipate working beyond 11<sup>th</sup> week prior to date of confinement? \*YES / NO

EXPECTED DATE OF COMMENCEMENT OF MATERNITY LEAVE: .....

EXPECTED DATE OF RETURN TO WORK:

.....

Signed: ..... Date: .....

(Applicant)

I note that the above-named staff member has applied for maternity leave in accordance with the current agreement.

Signed: ..... Date: .....

(Head Teacher)

*(\*delete as appropriate)*

This completed form should be returned to the Head Teacher at Plashet School

**MODEL LETTER FOR EMPLOYEES ACKNOWLEDGING NOTIFICATION OF  
MATERNITY LEAVE FOR SCHOOL SUPPORT STAFF**

**Strictly Private & Confidential**

[Name]

[Address]

[Date]

Dear

Congratulations and thank you for telling me about your pregnancy and the date that your baby is due. I am writing to you about your maternity leave and pay.

As we have discussed, you are entitled to 52 weeks maternity leave (26 weeks ordinary maternity leave, plus 26 weeks additional maternity leave).

Given your chosen start date of *[Date]*, your maternity leave will end on *[End]*.

If you want to change the date your leave starts you must, if at all possible, tell me at least 28 days before your proposed new start date or 28 days before *[Insert date leave starts]* *[your original start date]*, whichever is sooner.

If you decide to return to work before *X insert date leave ends X* you must give me at least 8 weeks' notice.

As discussed, your length of service entitles you to:

*[delete or amend as appropriate]*

- 6 weeks 9/10ths of pay, followed by 24 weeks at half pay plus flat rate Statutory Maternity Pay (SMP) and a final 9 weeks flat rate SMP. 13 weeks without pay.
- 6 weeks statutory maternity pay at 90% of full pay, followed by 33 weeks at flat rate SMP. 13 weeks without pay.
- Neither occupational nor statutory maternity pay. The form SMP1 (enclosed) explains why you do not qualify for Statutory Maternity Pay. You may, however, be entitled to Maternity Allowance. If you take this form to the Jobcentre Plus or Social Security Office at *[Insert details]*, they will be able to tell you more.

As your employer, I want to make sure that your health and safety as a pregnant mother is protected while you are working and that you are not exposed to risk. I have already carried out an assessment to identify hazards in our workplace that could be a risk to any new, expectant or breastfeeding mothers. Now you have told me you are pregnant, I will arrange for a specific risk assessment of your job and we will discuss what actions to take, if any problems are identified. If you have any further concerns, following the assessment and specifically in relation to your pregnancy, please let me know immediately.

If you decide not to return to work, you must still give me notice in writing. Your decision will not affect your entitlement to SMP.

If you have any questions about any specific aspect of your maternity entitlement, please do not hesitate to get in touch with me. I wish you well.

Yours sincerely

Head Teacher

[Cc. Name]

**STATEMENT OF INTENTION TO RETURN TO WORK AFTER MATERNITY LEAVE FOR  
SCHOOL SUPPORT STAFF**

It is my intention to maintain my right to return to work after my Maternity Leave. I understand that by stating this intention, should I refrain from returning to work for the minimum period of 3 months after my Maternity Leave, I shall have to repay the Occupational Maternity Pay of 24 weeks half pay paid to me and I understand that I shall be able to keep the first 6 weeks Maternity pay and any Statutory Maternity Pay I have received.

Signed: \_\_\_\_\_

Employee Name: \_\_\_\_\_

Pay No. and Designation: \_\_\_\_\_

School / Service Area: \_\_\_\_\_

Department: \_\_\_\_\_

Date: \_\_\_\_\_

**LONDON BOROUGH OF NEWHAM**

**CHILDREN SERVICES**

**SCHOOL SUPPORT STAFF - APPLICATION FOR ADOPTION AND SURROGACY  
LEAVE**

Applicants are asked to read carefully the appropriate adoption/surrogacy leave and procedure.

THIS FORM SHOULD BE COMPLETED, AND RETURNED TO THE HEAD TEACHER OR DESIGNATED OFFICER AS SOON AS POSSIBLE, AND IN ANY EVENT NOT LESS THAN 14 DAYS BEFORE THE ADOPTION/SURROGACY LEAVE COMMENCES.

EMPLOYEE NAME: .....

HOME ADDRESS: .....

CONTACT TELEPHONE NO: .....

SCHOOL/SERVICE: .....

LENGTH OF SERVICE: ..... London Borough of Newham  
..... Other LEA's

ADOPTION/SURROGACY\* DATE OF EXPECTED PLACEMENT/BIRTH\*:

.....  
(\*Delete as appropriate)

ADOPTION - MATCHING CERTIFICATE \*ATTACHED/TO FOLLOW.

.....  
(\*Delete as appropriate)

The original matching certificate is required.

EXPECTED DATE OF COMMENCEMENT OF ADOPTION/SURROGACY LEAVE:

.....

EXPECTED DATE OF RETURN TO WORK;

..... (If you intend to return back to work sooner than a date originally agreed, you must give the Head Teacher or designated officer at least 8 weeks' notice before you return back to work)

Signed: .....  
(Employee)

Date: .....

I note that the above named support staff has applied for adoption/surrogacy leave in accordance with the current agreement.

Signed: .....  
(Head teacher/designated officer)

Date: .....