



## **Manager Guidance – Maternity Leave (Teachers)**

### Introduction

This guidance is based on the Scottish Negotiating Committee for Teachers SNCT49 Maternity and Adoption Leave and Pay.

### Maternity Leave

All employees are entitled to 52 weeks maternity leave regardless of length of service. Maternity leave is a period of leave granted to all pregnant employees of the Council before and after the birth of the child, regardless of the employee's hours of work and contractual status.

### Compulsory Maternity Leave

An employee is required to take compulsory maternity leave of 2 weeks commencing with the day on which childbirth occurs.

### Maternity Pay

An employee with less than 26 weeks' continuous service at the beginning of the 11<sup>th</sup> week before the Expected Week of Childbirth (EWC) will have no entitlement to maternity pay. However, she may be entitled to Maternity Allowance payable through the Department of Work and Pensions.

An employee with at least 26 weeks' continuous service at the beginning of the 11<sup>th</sup> week before the EWC is entitled to be paid:

Occupational Maternity Pay (OMP) and Statutory Maternity Pay (SMP) at the appropriate rate for the first 13 weeks. Taken together these payments will be equal to the employee's normal salary. SMP for the remaining 26 week period provided that the employee's average weekly earnings are not less than the lower earnings limit for National Insurance contribution liability.

**Note:** There may be occasions when, although an employee has continuous service of more than 26 weeks, where they have transferred to NLC from another recognised authority/organisation they **may not qualify for Statutory Maternity Pay**. The employee will normally require to have a contract of employment with NLC covering from 39 weeks prior to the week of confinement (i.e. 9 months).

An employee's eligibility can be checked using the following link:

<https://www.gov.uk/maternitypaternity-calculator>

<b>Step</b>	<b>Task</b>	<b>Who does it</b>
1	Notify ESC of intention to commence Maternity Leave	Employee
2	Input maternity dates to iTrent	People Operations Team
3	Issue of appropriate letter to employee detailing entitlements along with the Return to Work form	People Operations Team
4	Issue details to manager detailing employee maternity dates	People Operations Team
5	Notify the Employee Service Centre (ESC) of the birth of the child	Employee
6	Notify ESC/Manager when returning from maternity leave	Employee
7	Update iTrent with maternity end date	People Operations Team
8	Issue employee with letter confirming return and advise manager of date	People Operations Team
9	Adjust holiday entitlement (Psychologists and Continuous Improvements Officers only)	People Operations Team

What do I as a manager need to know?

Notifications for both commencement and return of maternity leave should be sent to the ESC as soon as possible to ensure the employee's pay is calculated accurately.

You should arrange to carry out a new and expectant mothers risk assessment.

For employee's returning from maternity leave you must ensure that they are registered with the GTC as their membership could have lapsed.

To ensure compliance with the Council's ICT Access procedures, where an employee has access to IT systems, you should arrange for their access to be suspended during their maternity leave. Equally, upon an employee's return, you should arrange for their access to be restored.

How do I get further help with this?

Further guidance can be found in the following:

Maternity Policy

Maternity Policy Employee Guidance

Forms

You can contact our People Operations Team: -

For staff live on myNL Portal, please raise a People Operations General Enquiry request form.

For staff not yet live on myNL Portal, please email [escpeopleoperations@northlan.gov.uk](mailto:escpeopleoperations@northlan.gov.uk)