

Employee 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 25 weeks continuous service at the beginning of the 11th 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 11th week before 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 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 having 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/maternity-paternity-calculator>

Accrued Annual Leave

Under the Terms and Conditions of Service for Teachers in Day Schools, Circular SNCT JS/11/38, if statutory leave days are due then the accrued annual leave should be taken upon return to work in the current leave year or where appropriate carried forward into the next leave year in accordance with Part 2, Section 7, Paragraphs 7.25 and 7.26 in the Handbook. The arrangements will be discussed and agreed with the Headteacher.

What do I need to know?

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

Once you notify the Employee Service Centre of your intention to take maternity leave you will receive written confirmation of your dates (if these change then you should notify us as soon as possible).

What do I need to do?

You must notify the Employee Service Centre (ESC) of your intention to commence maternity leave. This should be a minimum of 21 days before maternity leave commences or as soon as is reasonably practicable.

You must notify Employee Service Centre (ESC) of the birth of your child.

You must notify Employee Service Centre (ESC) and your manager when you are returning from maternity leave providing a minimum of 28 days' notice.

You must check that you are still registered with the General Teaching Council (GTC) as you cannot return to work unless you are.

You will receive a letter from Employee Service Centre (ESC) confirming your return date and any accrued leave that you are entitled to and your manager will also be advised.

How do I get further help with this?

Further guidance can be found in the following:

- Maternity Policy
- Maternity Policy Employee Guidance
- Forms

If you require any further information, please contact the Employee Service Centre Helpdesk on **01698 403151** or you can contact our ESC People Operations team at ESCPeopleOperations@northlan.gov.uk