Maternity Leave
Guidelines
Teaching
1. INTRODUCTION

Congratulations on the forthcoming birth of your baby. These guidelines will answer some of the questions you may have about your entitlement to maternity leave and pay, and the options open to you before and after the birth of your baby.

This occupational maternity scheme applies to all pregnant employees regardless of the number of hours you work per week.

It is recognised that some women may not wish to announce their pregnancy in the early stages and you can be assured that the details of your pregnancy will be treated confidentially.

Throughout the pregnancy and after the birth you will be required to complete three forms, MAT1 TEACH, MAT2 TEACH, MAT3 TEACH, as detailed in these guidelines.

All forms and correspondence should be sent to:

HR Support
Aberdeenshire Council
Chief Executive
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

If you are NOT covered by the Scottish Negotiating Committee for Teachers please see Maternity Leave: Guidelines Local Government Employee.

If you have any questions regarding your maternity leave and pay entitlement, please contact the HR Support Team, telephone (01224) 665665.

2. PREGNANCY AND HEALTH

Ante-Natal Care

A pregnant employee shall be allowed to take such reasonable time off without loss of pay as is required to attend for ante-natal care, on production of evidence of appointments if required by the Council.

Risk Assessment

The Management of Health and Safety at Work Regulations 1999 require employers to assess any risks to pregnant or breast feeding employees and to do what is reasonably practicable to control these risks. Some types of hazards, which maybe required to be reviewed, include the use of hazardous substances, manual handling and dealing with violence and aggression.

When HR Support receives your ‘Notification of Pregnancy’ form they will contact your line manager. He or she will be supplied with a questionnaire, which will ask them to identify tasks that you currently undertake. Should there be any duties where there may be concerns over the possible risk to you or your unborn baby advice will be sought from the Health and Safety Section and/or the Occupational Health Service. This is a legal obligation that the Council must undertake to ensure your safety. Please rest assured at no time is your job at risk.

Display Screen Equipment

Whilst the most recent research shows that there is no evidence of a link between problems with pregnancies and display screen equipment operation (which includes VDUs), the Council recognises that some pregnant women may still have concerns about operating such equipment.

If you are pregnant and you are concerned about operating display screen equipment you should inform your line manager who will arrange for you to talk to our Occupational Health Advisers (SERCO), or a Safety Adviser.
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If you should have concerns, where possible, alternative work will be found for you within your own Section or Service. However, where this is not possible HR will co-ordinate a Council-wide search for suitable alternative work for you.

4. MATERNITY PAY

An employee with less than 26 weeks’ continuous service at the beginning of the 15th week before the EWC will have no entitlement to maternity pay. She may, however, 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 15th 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, and where eligible,
  - 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.

Any previous employment with councils, employers listed in the Redundancy Payment (Local Government) (Modification) Order 1990 (as amended) and any other employment deemed by the council to be relevant, should be counted as continuous service (as defined in the Employment Rights Act 1996) subject to a gap in employment not exceeding one working week.

Other than Keeping In Touch Days, when an employee returns to work before the full ML period then her entitlement to any balance of maternity leave and maternity pay ceases. The employee will receive her normal salary from the date of her return to work.

Any transfer from display screen equipment work will be on your existing salary grade and conditions of service. However, any pay supplement which applied as a result of working with display screen equipment will not apply during any period of temporary transfer whilst you are pregnant.

3. MATERNITY LEAVE ENTITLEMENT

An employee is entitled to 52 weeks of Maternity Leave (ML), regardless of length of service. The 52 weeks comprises 26 weeks’ Ordinary Maternity Leave and 26 weeks’ Additional Maternity Leave.

ML can begin from a date not earlier than the 11th week before the Expected Week of Childbirth (EWC), unless childbirth has taken place prior to this. The period of ML may commence on any day of the week. During the ML period all the employee’s contractual terms and conditions, with the exception of remuneration, continue to apply.

An employee is required to take compulsory maternity leave of two weeks commencing with the day on which childbirth occurs.
5. APPLYING FOR MATERNITY LEAVE

To qualify for maternity leave and pay an employee must notify the council in writing of:

- The fact that she is pregnant
- The expected week of childbirth or the actual date of the birth if this has already occurred
- The date she wishes maternity leave to commence (the notified leave date).

The notification set out above must be given to the council not later than 21 days before maternity leave commences, or as soon as is reasonably practicable.

Please complete Notification of Pregnancy MAT1 TEACH Form and send to HR Support at Woodhill House.

Confirmation of the pregnancy and expected date of childbirth should be given in the form of a maternity certificate (MAT B1) from a registered medical practitioner or midwife.

Please complete an Application for Maternity Leave MAT2 TEACH Form when you receive your Mat B1 certificate and send both to HR Support at Woodhill House.

HR Support will write to you and your employing service confirming your maternity leave and pay entitlements. This letter will also indicate the latest date you may return to work following your maternity leave.

Notification of Birth
An employee should notify the council, as soon as is reasonably practicable, of the date of the birth of her child.

Stillbirth
In the event of a stillbirth after 24 weeks of pregnancy an employee is entitled to maternity leave and pay provisions.

6. CONTACT

Prior to the commencement of maternity leave a meeting should be arranged to discuss how contact can be maintained with you and your line manager. Both the employer and employee should have a clear understanding of the nature and frequency of contact.

Communication may be facilitated by home computers where employees on leave can exchange e-mails with colleagues at work and access council’s intranets. If you have no home access to e-mails then communication by telephone or letter should be agreed.

Employers have a responsibility to ensure employees on maternity leave have information on vacancies and promotion, including acting appointments, and in-service or other CPD opportunities. The employee should also be apprised of changes to the workplace or work organisation which may impact on her.

Keeping in Touch Days
‘Keeping in Touch Days’ are formal arrangements to allow employees to undertake work of some kind during maternity leave. An employee cannot be required to take up ‘Keeping in Touch Days’ – participation is not compulsory. The statutory provision allows for up to ten ‘Keeping in Touch Days’ in any period of maternity leave. The number of days and the activity to be undertaken must be agreed between the employer and employee, taking account of the wishes of both parties. It is noted that if the employee works for part of a day that will count as a ‘Keeping in Touch Day’.
The Regulations make it clear that an employer and employee are allowed to make reasonable contact during maternity leave to discuss such issues as the return to work. This would not constitute 'work' and would not therefore count towards the ten days. Normal contractual pay will be paid for ‘Keeping in Touch Days’, which will be an amount inclusive of SMP or Maternity Allowance, where these are still being paid.

Where a teacher is in attendance for the whole of a school day, payment will be in accordance with SNCT Section 1, paragraphs 1.8 to 1.10 (1/235 and 0.2051 for holiday pay). Where the period worked is less than a full day, the teacher shall be paid an hourly rate (calculated on the basis of 1/6435 of the annual rate of salary) with pro rata holiday entitlement, as set out in SNCT Section 1.

The agreement on ‘Keeping in Touch Days’ should normally be recorded on an individual basis. It is acknowledged that circumstances may well change and it must be open to both parties to review arrangements.

It is expected that ‘Keeping in Touch Days’ will be subject to amicable agreement. However, if resolution cannot be achieved through informal discussion then formal grievance procedures may have to be invoked by employees who are unable to obtain an agreement on ‘Keeping in Touch Days’.

Payroll must be informed of any ‘Keeping in Touch Days’ worked a yellow S56 time sheet will be provided by your line manager which should be submitted when the days occur or monthly or by any other agreement.

The purpose of ‘Keeping in Touch Days’ is to keep the employee informed on what is happening in the workplace. While a they could simply be used for the person to undertake normal contractual duties on that day DTI guidance stresses that ‘Keeping in Touch Days’ could be particularly useful in enabling an employee to attend a conference, undertake a training activity or attend a team meeting.

Please see the following examples of how ‘Keeping in Touch Days’ can be used:

- Attending INSET days, as set out in the school calendar
- Team teaching with the teacher covering the leave, particularly in the weeks preceding the date of return
- Attending CPD events, including participating in annual review discussions
- Attending team or departmental meetings
- Work shadowing a colleague or liaison with a colleague.

Where the employee on maternity leave holds a promoted post the employee should not resume those duties for ‘Keeping in Touch Days’ or break the contract of the employee who had taken the post of temporary responsibility. This would not preclude a ‘Keeping in Touch Day’ to be used for work shadowing or liaison, as set out above.
7. GENERAL INFORMATION

Pension
The employer shall continue to make full pension contributions during the period of paid maternity leave or annual leave.

Annual Leave
Annual leave shall accrue during the period of ordinary and additional maternity leave. A teacher or music instructor will accrue annual leave, in accordance with SNCT Section 5, paragraphs 5.3 to 5.5, during the period of her maternity leave.

An education support officer, quality improvement officer or educational psychologist will accrue annual leave, in accordance with SNCT Section 5, paragraphs 5.12 to 5.15, during the period of her maternity leave.

Maternity leave shall either fall within one leave year or span two leave years. Statutory leave must be provided by the council and must be taken by the employee for each leave year spanned by the period of maternity leave.

An employee on maternity leave which spans two leave years shall receive at the end of the first leave year a statement which notifies: the leave taken to the commencement of the maternity period and the leave accrued during the maternity period in that leave year (contractual entitlement minus leave taken). The balance will be carried forward into the next leave year.

When an employee has notified the council of the intended date of return, the council will issue a statement of the employee’s annual leave entitlement effective at that date, including any balance of statutory leave which will require to be taken.

On return from maternity leave the employee shall take any remaining statutory leave in that leave year. Where it is not practicable to take that leave in full or in part any balance will be carried forward into the next leave year but must be taken as leave. The timing of this leave shall take account of the needs of the service and,

• In the case of teachers and music instructors, should normally be taken in the term in which the return to work takes place, or within the following term; or

• In the case of education support officers, quality improvement officers and educational psychologists should normally be taken as soon as possible following the return to work.

The balance of annual leave, in excess of statutory leave, accrued during the period of maternity leave shall be taken following the end of the maternity leave period. The timing of this leave is subject to the overriding needs of the service and,

• In the case of teachers and music instructors, the accrued leave can be directed to be taken during the days of school closure, with payment to be arranged based on the teacher’s current daily rate of pay. Any remaining leave is to be taken in the term in which the return to work takes place, or within the following term; or

• In the case of education support officers, quality improvement officers and educational psychologists should normally be taken as soon as possible following the return to work.

Where an employee gives written notice to the council that she does not intend to return to work at the end of her ML period, the council will make a payment in lieu of leave accrued during the ML period.
Changes to Statutory Maternity Pay Rates
The lower rate is reviewed each April. If payment of your SMP starts before and continues after the lower rate is changed, you will receive the new rate from the start of the week in which the change occurs.

Income Tax and National Insurance Contributions
Income tax and national insurance contributions will be deducted from your maternity pay as appropriate.

Essential Car User Allowance/Telephone Allowance
If you are currently in receipt of an essential car user allowance or telephone allowance, you will accrue your full entitlement during the first 52 weeks of your maternity leave regardless of whether you will be returning to work or not.

More than One Job
If you have more than one job with the Council and if each job has a different payroll (employee) reference number then each job is calculated separately with regard to your average earnings. If they are on the same pay/employee reference number then your pay for both jobs will be totalled. For all other entitlements and notification requirements each job will be treated separately.

Fixed Term Appointments
Teachers on fixed term contracts will be treated the same as permanent teachers with regards to their entitlement to maternity leave and pay.

Fixed term contracts should not be ended due to pregnancy or maternity leave. If a fixed term contract is due to be extended, this should be offered regardless of the pregnancy or maternity leave.

Continuous Service
All periods of maternity, paternity and maternity support leave count towards continuous service.

Pay Awards and Incremental Progression
Periods of maternity leave count in full as credited service in the determination of placement on the Main Grade Salary Scale in accordance with the salary placement regulations.

GTC Registration
As you may be aware, each April you pay a registration fee to the GTC that is deducted automatically from your salary. Should April fall within your unpaid maternity leave period then this deduction cannot be made from your salary. It is your responsibility therefore to ensure that your registration fee is paid immediately. The GTCS will send you an account, which you can settle direct with them. Should you wish to contact the GTCS their telephone number is 0131 314 6000.

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Annual leave days are set as follows:

The remaining days are defined as school closure.

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Where an employee is unable to return to work after the ML period has ended, or on the date previously notified, due to sickness, the normal sickness notification and certification procedures as set out in SNCT Section 6 (Sickness Allowances and Notification Arrangements) apply.

Maternity Support Leave/Paternity Leave
Following the birth of a baby, if eligible, the nominated supporter will be able to take paid maternity support leave and if eligible, paternity leave. For more information on maternity support leave and/or paternity leave please refer to the Paternity Leave Procedure.

If however, the contract end date falls within the period of maternity leave and it is not due to be extended, teachers will not be required to return to work.

If a teacher on a fixed term contract is still receiving maternity pay when her contract ends she will remain on payroll until she has exhausted her maternity pay. This is for administrative purposes only and the teacher will not accrue annual leave or continuous service past the date their contract ended.

Acting Up Arrangements
If you are currently in an Acting Up Position, then you will continue in that position until such time as you receive notice of a return to your substantive post (which should be no earlier than if you had of been in work).

If you are currently claiming by the Temporary Responsibility Payments form and you are entitled to Occupational Maternity Pay (OMP) you should continue to claim for the 13 weeks you receive OMP or the earlier of your return to your substantive post.

If you are paid your acting up payments automatically, you will continue to be paid this until the earlier of your return to your substantive post or 13 weeks maternity leave.

Sickness
Where an employee is absent before the start of the maternity leave period due to illness, the absence will be treated as sickness absence except when the paragraph below applies. This includes absence due to miscarriage (i.e prior to the 24th week of pregnancy).

If an employee is absent because of a pregnancy related illness and there are fewer than four weeks before her baby is due, she will be deemed to have commenced maternity leave.
8. RETURNING TO WORK

An employee who wishes to return to work earlier than the end of the maternity leave period must give the council 28 days notice. If the appropriate notice is not given, the council may postpone her return for up to 28 days but not to a date later than the end of the maternity leave period.

No notification is required for an employee returning to work on the first working day following the end of the maternity leave period.

HR Support will write to you to confirm your start date following maternity leave. A copy of this letter will be sent to your employing Service, and Payroll will be notified in order to authorise the re-commencement of your pay.

Please complete a Notification of Intended Return to Work MAT3 TEACH Form and send to HR Support at Woodhill House.

Right to Return to Work

An employee has the right to return from the periods of leave described in these guidelines to the post in which she was employed. This will be under the original contract of employment and on terms and conditions not less favourable than those which would have been applicable to her had she not been on maternity leave.

Where it is not practicable by reason of redundancy for the council to permit the employee to return to work in her/his post the employee is entitled to be offered a suitable alternative vacancy where one exists. Suitable alternative employment may also be offered in exceptional circumstances other than redundancy (e.g. a general reorganisation) which would have occurred if the employee had not been on maternity leave, and where these circumstances necessitate a change in the post in which she/he was employed prior to her/his leave commencing.

A temporary employee will not have the right to return to work where her/his contract would have expired during the leave period but will be entitled to all other provisions in these guidelines provided she/he meets the criteria where these are stated.

Options for Returning to Work

If you are unable to or do not wish to return to work on a full time basis, the Council has adopted a number of policy initiatives, which will hopefully assist you. Please note that employees who are the natural, adoptive or foster parent, or guardian, of a child aged 17 or under (or under 18 in the case of a disabled child who receives disability living allowance) have the statutory right to request flexible working patterns.

Job Share Scheme

If you wish to return to work on a job share basis please refer to the approved Job Share Fact Sheet for Teachers.

9. CHILD CARE

One of the key factors in returning to work following maternity leave is arranging child care to meet your requirements. Aberdeenshire Child Care Information Service provides free advice and information on child care options. Details of registered child minders and day care facilities in your area of Aberdeenshire, as well as impartial guidance on choosing child care, can be obtained from:

Aberdeenshire Family Information Service
Crichiebank Business Centre
Mill Road
Port Elphinstone, Inverurie
AB51 5NQ

Telephone: 01467 894017
Advice Line: 0800 298 3330
Email: afis@aberdeenshire.gov.uk
Website: www.childcarelink.gov.uk/aberdeenshire
If you live in the Aberdeen area information can be obtained from:

Aberdeen City Council, Children’s Services Information Service  
Telephone: 01224 443344  
Email: csis@aberdeencity.gov.uk

Aberdeenshire Council Childcare Initiative
Aberdeenshire Council operates a Child Care Initiative Scheme, which allows employees to “sacrifice” a portion of their weekly or monthly salary to pay for full or part of their child care costs. If both parents or legal guardians are employees of Aberdeenshire Council, they can both apply to join the scheme.

The benefit to employees is that they will not require to pay tax or national insurance contributions on the portion of salary sacrificed. Employees will be able to choose an amount up to a maximum of £55 a week that can be sacrificed. Aberdeenshire Council will pay this amount directly to the child care provider. The child care provider must be registered with the Scottish Commission for the Regulation of Care (Care Commission) in order for employees to be eligible to apply to join the scheme.

Further details including terms and conditions, frequently asked questions and application packs are available on Arcadia or by contacting:

Child Care Initiative Administrator,  
Payments Section, Finance,  
Aberdeenshire Council,  
Woodhill House,  
Aberdeen,  
AB16 5GB  
Telephone: 01224 664578  
Email: employee.benefits@aberdeenshire.gov.uk

For further advice and guidance on any of the above please contact Human Resources and Organisational Development.
**Guidance: Teaching**

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