

LNCT

Aberdeenshire Local Negotiating Committee for Teachers



Date: July 2024

LNCT/21/05

Maternity Guidance - Teaching

This agreement has been subject to review in Year 2024 by the LNCT Joint Secretaries and HR as part of a review of current Aberdeenshire LNCT Agreements.

**A copy of the Policy/Procedure is attached below.
Supporting documents detailed in the resource pack can be accessed directly by Aberdeenshire Council employees via the HR/People pages on Viva Arcadia.**

LNCT Joint Secretaries

Margaret Mackay (Education & Children's Services)

Margaret.MacKay@aberdeenshire.gov.uk

Adam Sutcliffe (LNCT Teachers' Panel)

Adam.sutcliffe@aberdeenshire.gov.uk
aberdeenshire@eis.org.uk



Maternity Leave Guidance for Teachers

Review Date: 1st July 2024

Summary

This procedure provides an overview of the maternity leave guidance for Teaching employees, detailing entitlements and options available to you both before and after the birth of your baby.

Procedure for Applying for Maternity Leave and Returning to Work

Please complete a Notification of Pregnancy MAT1 TEACH form.

Please pass this on to your line manager.

If you are sponsored by Aberdeenshire Council, please also notify the Resourcing Team



When you receive your MAT B1 certificate from your midwife, please complete an Application for Maternity Leave MAT2 TEACH form.

Please scan and upload both the form and certificate to askhr@aberdeenshire.gov.uk



Please complete a Notification of Intended Return to Work MAT3 TEACH form.

Please scan and upload to askhr@aberdeenshire.gov.uk

Contents

Rationale	1
Introduction	1
Pregnancy and Health.....	2
Ante-natal Care.....	2
Ante-natal Appointments (Time off to Accompany).....	2
Risk Assessments	2
Display Screen Equipment	2
Maternity Leave Entitlement.....	3
Maternity Pay	4
Applying for Maternity Leave.....	5
Notification of Birth.....	5
Stillbirth.....	5
Contact.....	6
Keeping in Touch Days	6
General Information.....	8
Pensions.....	8
Annual Leave.....	8
Continuous Service.....	9
Pay Awards and Incremental Progression.....	9
GTCS Registration.....	10
Changes to Statutory Maternity Pay Rates.....	10
Income Tax and National Insurance Contributions	10
Essential Car User Allowance / Telephone Allowance	10
More than One Job.....	10
Fixed Term Appointments.....	10
Acting Up Arrangements.....	11
Sickness	11
Maternity Support Leave / Paternity Leave.....	11
Returning to Work	12
Health and Safety	12
Right to Return to Work	12
Options for Returning to Work	13

Job Share Scheme	13
Extension to Leave.....	13
Parental Leave	13
Career Break	13
Childcare	13
Document Revision History	14
Appendix One – The Resource Pack	16

Rationale

Aberdeenshire Council recognises the value of its employees and the importance of providing appropriate maternity leave provision, taking into account relevant statutory regulations and National Conditions of Service.

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, MAT1TEACH, MAT2TEACH, MAT3TEACH as detailed in these guidelines.

- The MAT1TEACH should be sent to your line manager. If you are sponsored by Aberdeenshire Council, please also notify the Resourcing Team
 - The MAT2TEACH and MAT3TEACH forms should be sent to the following email address, at the appropriate time askhr@aberdeenshire.gov.uk
- If you are not covered by the Scottish Negotiating Committee for Teachers, please see Maternity Leave: Guidelines for Local Government Employees.
 - If you have any questions regarding your maternity leave and pay entitlement, please contact askHR.

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.

Ante-natal Appointments (Time off to Accompany)

From 1 October 2014 the husband, civil partner or partner of the pregnant woman has the right to unpaid time off to attend up to 2 ante-natal appointments. The right is to unpaid time off of up to six and a half hours on no more than 2 occasions. Further guidance on evidence required is contained in the Special Leave Procedure.

Risk Assessments

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 may be required to be reviewed, include the use of hazardous substances, manual handling and dealing with violence and aggression.

Your line manager will undertake a risk assessment when you have notified them of your pregnancy. The assessment will ask them to identify the 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 VDU's), 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, or a Safety Adviser. 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.

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.

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.

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 (including probationary periods) 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.

For Teachers applying for Maternity Leave on or after 1st August 2024:

If you elect to receive your 13 weeks Ordinary Maternity Pay and Statutory Maternity Pay at the appropriate rate for the first 13 weeks and you fail to return to work for at least three months, which may be varied by the Council on good cause being shown, you will be required to refund the 13 weeks of OMP, or part of, to the Council.

If you return on a relief contract when you were previously on a fixed hour contract, you must work at least once a week for three months to fulfil the return to work requirement. This will only apply to employees changing to a relief contract following maternity leave and not to those already employed on a relief basis.

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 pass to your line manager.

If you are sponsored by Aberdeenshire Council, please also notify the Resourcing Team

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.

Please scan and upload both forms to askhr@aberdeenshire.gov.uk

You may change your mind regarding your start date, providing you give at least 28 days' notice, where reasonably practicable.

HR Transactional will email you and your employing service confirming your maternity leave and pay entitlements. This email 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.

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 general information 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 purpose of 'Keeping in Touch Days' is to keep the employee informed on what is happening in the workplace. While 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.
- Attending CPD events, including participating in annual review discussions.
- Attending team or departmental meetings.
- Work shadowing a colleague or liaison with a colleague.
- Team teaching with the teacher covering the leave, particularly in the weeks preceding the date of return.

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.

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. If you are in receipt of these when you undertake a Keeping in Touch Day, the additional payment is only the difference between the hours claimed and your SMP or allowance amount. For more information, please refer to the Keeping in Touch Days Factsheet.

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.

General Information

Pensions

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, HR Transactional 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
- 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
- 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.

Annual leave days are set as follows:

October vacation First 7 days

December vacation First 7 days

April vacation First 6 days

Summer vacation First 20 days

The remaining days are defined as school closure.

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.

GTCS Registration

As you may be aware, each April you pay a registration fee to the GTCS 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. If you have allowed your registration to lapse you will be unable to return to work and may face suspension without pay. 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 directly with them. If you are registered using a work email address, you should update your contact details before going on maternity leave. Guidance on how to change your details can be found on the GTCS Website.

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. 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.

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.

Sponsored Employees

Employees who are sponsored by Aberdeenshire Council (or their line manager) should ensure the Resourcing Team are advised when maternity leave is requested. This helps to ensure Aberdeenshire Council comply with reporting and monitoring duties associated with being a sponsor licence holder.

Returning to Work

The council will automatically assume that you will be returning to work on the latest date possible. Should you wish to return at an earlier time you must inform the Council in writing at least 28 days in advance of the date you propose to return to work by completing your MAT3 form. 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.

Please complete a Notification of Intended Return to Work MAT3 TEACH form.

Please scan, upload and email to askhr@aberdeenshire.gov.uk

HR Transactional will email you with confirmation of your return-to-work date alongside confirmation of accrued annual leave entitlement.

Health and Safety

Please advise your line manager at least four weeks before your return to work if you intend to continue breast feeding in order that any necessary arrangements and facilities can be put in place if possible. You will be allowed time off to breast feed your baby depending on the location or to express breast milk during working hours. Under the Management of Health and Safety at Work Regulations 1999 the Council has a responsibility to ensure that employees who have returned to work within 6 months of giving birth or breast-feeding mothers are not exposed to any risks that could damage their health and safety.

Please advise your Line Manager if you have any concerns on your return to work in order that they can arrange for a risk assessment to be carried out. Further support is also available from the Occupational Health Nurse Advisor on 01467 533223.

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.

Job Share Scheme

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

Extension to Leave

Options are available for parents that may be considering an extension to the leave they have taken to care for their children, which can commence directly after the date maternity leave is due to end.

Parental Leave

Unpaid parental leave may be available for a maximum period of 18 weeks. Further information and details of how to apply for this leave can be found within the Parental Leave Factsheet. If you are a sponsored employee, please discuss with the Resourcing Team if you are considering this to ensure it is viable.

Career Break

A Career Break is an opportunity for employees to request a period of extended unpaid leave from a minimum of 6 months to a maximum period of 5 years. Further information and details of how to apply for this leave can be found within the SNCT Handbook Part

2 Appendix 2.15 Eligibility 2.3. If you are a sponsored employee, please discuss with the Resourcing Team if you are considering this to ensure it is viable.

Childcare

One of the key factors in returning to work following maternity leave is arranging childcare to meet your requirements. Aberdeenshire Family Information Service provides free advice and information on childcare options.

Details of registered child minders and day care facilities in your area of Aberdeenshire, as well as impartial guidance on choosing childcare, can be obtained from:

Aberdeenshire Family Information Service

Craigearn Business Park

Morrison Way

Kintore

AB51 0TH

Telephone: 0800 298 3330

If you live in the Aberdeen area, information can be obtained from:

Aberdeen City Council

Family Information Services

Childcare (Family Information Services) | Aberdeen City Council

For information on help with childcare costs please find information contained with the Government's Childcare Choices website.

Document Revision History

Document Revision History					
Rev No.	Rev Date	Summary of Changes	Reviewing Team	Reviewers	Next Review Year
001	25 Nov 2011	Creation of all documents			
002	18 Sep 2013	Addition of paragraphs relating to extending time off			
003	23 May 2014	Update to Childcare Voucher Scheme			
004	17 Jun 2014	Addition of paragraph relating to Health and Safety			
005	01 Oct 2014	New category of Unpaid Leave as part of new SPL guidelines			
006	09 Jan 2015	Removal of paragraph re 'statutory rights' to request flexible working as per legislation			
007	02 Jun 2015	Format update			
008	13 May 2016	Amendment to MAT1 Teach form			
009	12 Oct 2016	Amendment			
010	22 Mar 2017	Amendment			
011	06 Jul 2018	SNCT/18/65 Reckonable Service (Probationers)			
012	11 Jan 2019	Removal of Aberdeenshire Childcare Voucher scheme			
013	13 Dec 2019	Update			
014	22 Apr 2020	Amendment to HR Transactional processing			
015	18 Aug 2023	Update to GTCS section			
016	01 Jul 2024	Format update and revision, amendment to MAT2 form	HR Ops	L McLean	2025
017	20/11/2024	Sponsorship Wording added	HR Operational	M Chapman	2025

Appendix One – The Resource Pack

