



Transforming Lives



EAST RIDING  
OF YORKSHIRE COUNCIL

# Maternity Pay and Leave Policy

## School Based Support Staff

### THE HUB SCHOOL

**Policy Owner:** ERYC

**Adopted by Governors:** RCM **Date:** February 2019

**Maternity Pay and Leave Policy and Procedure  
(School Based Support Staff)**

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| <b>Lead Directorate and service:</b> | Corporate Resources - Human Resources   |
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| <b>Contact Officer/Number:</b>       | Employment Services Advice Centre / 391221  |
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## **1. Maternity Pay and Leave Policy**

### **1.1 Background and Scope**

1.1.1 This policy is in line with statutory legislation and national joint council terms and conditions. It applies to all pregnant Support Staff working in schools.

### **1.2 Definitions for the Purposes of this Policy**

1.2.1 The definitions used in this policy and procedure can be seen in the glossary at appendix 1.

### **1.3 Policy Statement**

1.3.1 The East Riding of Yorkshire Council recognises and supports the right of all pregnant employees to be supported throughout pregnancy, take maternity leave and be paid in accordance with statutory legislation.

### **1.4 Policy Implementation**

1.4.1 The policy will be implemented by Headteachers in consultation with Human Resources.

### **1.5 References**

Children and Families Act 2014 Employment Rights Act 1996:  
Maternity and Parental Leave Regulations 1999  
Paternity and Adoption Leave Regulations 2002  
Maternity and Parental Leave and Adoption Leave (Amendment) Regulations 2006  
Maternity and Parental Leave and Paternity and Adoption Leave (Amendment) Regulations 2008

Additional Paternity Leave Regulations 2010, Additional Statutory Paternity Pay (General) regulations 2010

Shared Parental Leave Policy

Adoption Pay and Leave Policy and Procedure

Paternity Leave Policy and Procedure

## **2. Maternity Pay and Leave Procedure**

### **2.1 Eligibility and Entitlement to Maternity Leave**

2.1.1 All pregnant employees are entitled to a total of 52 weeks statutory maternity leave, regardless of length of service and number of hours worked. This will consist of 26 weeks Ordinary Maternity Leave (OML), followed immediately by 26 weeks Additional Maternity Leave (AML). Employees must take a minimum of 2 weeks compulsory maternity leave which is the 2 week period immediately following childbirth.

2.1.2 Employees can elect to start their OML on any date within the 11 week period before their Expected Week of Confinement (EWC). AML starts on the day following the date on which OML ends, making a total of 52 weeks maternity leave.

### **2.2 Eligibility and Entitlement to Pay**

Payment for Employees who have less than 1 years continuous local government service at the beginning of the 11<sup>th</sup> week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP) or Maternity Allowance (MA) where eligible.

#### **2.2.1 Statutory Maternity Pay (SMP)**

2.2.2 The period for which SMP is paid is called the Maternity Pay Period (MPP). The MPP may start at any time within the 11 week period before the EWC and can continue for up to 39 weeks. SMP can commence on any day of the week which is calculated and paid in whole weeks.

2.2.3 Employees are eligible to receive SMP if they satisfy the following criteria:

- a) they have continuous service with East Riding of Yorkshire Council of at least 26 weeks by the end of the 15<sup>th</sup> week before the EWC (the qualifying week).
- b) their average weekly earnings in an eight week period prior to the end of the qualifying week (calculations based on the last two monthly pay dates) are not less than the lower earnings limit for the payment of National Insurance contributions.
- c) they are still be pregnant at the 11th week before the EWC or have given birth by that time.
- d) they have stopped work because of pregnancy or childbirth after the 15th week before the EWC and up to when the child is born.

2.2.4 Employees who give birth early, start their OML and MPP on the day following the date of childbirth.

2.2.5 Employees who are absent from work due to sickness wholly or partly because of pregnancy within 4 weeks of the EWC, will start their OML and MPP on the first day of absence.

2.2.6 SMP is paid at the rate of 90% of the employee's average weekly earnings (average based on the 8 week period prior to the 15th week before the EWC) for the first 6 weeks of maternity leave. The remaining 33 weeks of SMP are paid at either the SMP flat rate reviewed yearly by the government, or 90% of their earnings if this is less than the SMP flat rate.

2.2.7 Employees will automatically have their SMP recalculated if pay awards are implemented during the MPP.

2.2.8 SMP is payable if the employee resigns or if their contract is terminated prior to the start of their maternity leave or during their maternity leave, providing they were in employment at the qualifying week. Please refer to paragraph 2.19.1 for further information.

### **2.3 Maternity Allowance (MA)**

2.3.1 Not all employees are eligible for SMP, however they may still qualify for Maternity Allowance. Maternity Allowance is paid by the Department of Work and Pensions for the first 39 weeks after the employee finishes work.

2.3.2 Employees may qualify for Maternity Allowance if they:

- (a) have ceased work, wholly or partly due to pregnancy or childbirth;
- (b) are not entitled to Statutory Maternity Pay; and
- (c) earn less than the lower earnings limit but at least £30.00 a week averaged over a 13 week period (provided the employee has been employed for at least 26 weeks during the 66 weeks ending with the week before the EWC).

2.3.3 Where an employee is not eligible for SMP, Employment Services will send the employee a Form (SMP1) that they must complete and send to the Department of Work and Pensions via Job Centre Plus, along with their Maternity Certificate (MatB1). The Department of Work and Pensions will then calculate whether the employee has paid enough National Insurance contributions to entitle them to Maternity Allowance.

### **2.4 Contractual Maternity Pay (CMP)**

2.4.1 Payment for employees who have completed 1 years' continuous local government service at the 11<sup>th</sup> week before the EWC shall be as follow:-

- (a) For the first six weeks of absence an employee shall be entitled to nine-tenths (90%) of a week's pay offset against payments made by way of SMP or MA for employees not eligible for SMP.

- (b) Any employee who declares in writing that she intends to return to work will for the subsequent 12 weeks absence (weeks 7-18) receive half a week's pay plus SMP, where eligible, without deduction except by the extent to which the combined pay and SMP (or MA and any dependant's allowances if the employee is not eligible for SMP) exceeds full pay. Alternatively the equivalent amount (i.e. 6 weeks' pay) may be paid on any other mutually agreed distribution.

For the remainder of the maternity leave period (weeks 19-39) the employee will receive their entitlement to SMP or MA (currently 39 weeks in total), where eligible.

- (c) For employees not intending to return to work payments during their maternity leave period following the first 6 weeks (weeks 7-39) will be their entitlement to SMP or MA only (currently 39 weeks in total), where eligible.

- (d) Payments made by the authority during maternity leave under (b) above will be made on the understanding that the employee will return to local authority employment for a period of at least 3 months and in the event of not doing so, she shall refund the monies paid. Payments made to the authority by the way of SMP are not refundable. Any employee who is unsure if they will return to work can select on the M2 form to defer the CMP payment and if they return to work can be paid the amount net following their return.

## **2.5 Support Prior to Starting Maternity Leave**

### **2.5.1 Antenatal Care/Support**

2.5.1.1 Employees are entitled to reasonable time off from work, with pay, to attend antenatal care. This includes doctors, midwives and hospital appointments. This applies regardless of the length of service or hours worked. After the first appointment the employee will need to obtain confirmation that they are pregnant and an appointment card to show their Headteacher, if requested when they need time off.

2.5.1.2 The child's father or the partner of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to two of her ante-natal appointments. The time off is capped at six and a half hours for each appointment.

2.5.1.3 The child's father or partner should advise their Headteacher/employer of the date and time of the appointments, giving as much notice as possible, and may be asked to sign a declaration confirming this and that the time off is to accompany the pregnant woman to an ante-natal appointment that has been made on the advice of a medical practitioner, midwife or nurse, and that they are in a qualifying relationship with the pregnant woman.

### **2.5.2 Relaxation, Exercise and Parent Craft Classes**

2.5.2.1 Relaxation, exercise and parent craft classes are held at hospitals, local clinics and health centres and are important, especially if it is an employee's first baby. Employees are entitled to reasonable time off from work if they are attending on the advice of a registered midwife, doctor or health visitor. The employee will need an appointment card to show their Headteacher, if requested when they need time off.

2.5.2.2 Where appointments to attend classes are made voluntarily (ie not on the advice of a registered midwife, doctor or health visitor) they should be made wherever possible in the employee's own time, however, where this is not possible, reasonable time off will be granted.

### **2.5.3 Health and Safety Issues**

2.5.3.1 During an employee's pregnancy, the Council's primary concern is for the health and safety of the employee and their baby, and for those reasons employees are required to notify their Headteacher of their pregnancy as soon as possible.

2.5.3.2 Protection under the Management of Health and Safety at Work (MHSW) Regulations 1999 includes protection for new and expectant mothers. The term 'new and expectant mothers' includes women who are either pregnant, who have given birth within the last 6 months or those who are breastfeeding.

2.5.3.3 In order to ensure that neither the employee or their baby is under any health and safety risk, the employee's Headteacher will undertake a risk assessment when they are notified of the employee's pregnancy. If the risk assessment identifies that any of the duties the employee is undertaking may put the baby's or employee's health at risk, arrangements will be made to remove the risk or, if this is not possible, duties may be reorganised or the employee may be relocated for a temporary period. If the employee's duties are changed or the employee is relocated, the employee's pay will not change.

2.5.3.4 In exceptional circumstances, if no suitable alternative work is available within the employee's School, their Headteacher will liaise with the employee and Human Resources to seek alternatives in other Schools or areas of the Council with the aim of reducing the risk to the employee and their baby for a temporary period. In the unlikely event that there is no suitable alternative work available, the employee may be instructed not to attend work for any period where there is an identified health risk to the employee and/or their baby. If this happens, the employee will continue to receive their normal pay.

2.5.3.5 In the unlikely event that the employee is offered suitable alternative work and they unreasonably refuse, they may be suspended on health and safety grounds due to pregnancy following consultation with the Occupational Health Service and may lose their right to be paid during that period of suspension. If the employee is a member of a Trade Union and is considering suitable alternative employment, they are advised to consult their Trade Union representative before making a decision.

2.5.3.6 When the employee's Headteacher considers that they are free from the identified risk, they can return to their original job.

2.5.3.7 A checklist for Headteachers is available at appendix 4.

## **2.6 Starting Maternity Leave**

2.6 Employees can elect to start their maternity on any date within the 11 week period before their EWC. However, it may be that an employee's maternity leave starts before they planned it to. This can happen in the following ways:

- a) if during the 4 week period before the beginning of the employee's EWC, the employee is absent from work due to sickness relating wholly or partly to their pregnancy, this will automatically trigger their maternity leave.
- b) if the employee's baby is born before the date they have notified (or before they have notified any date), the maternity leave period starts automatically on the day after the date of the birth (even if this is before the beginning of the 11th week before the EWC). In such circumstances, in order to preserve rights to maternity leave, employees must as soon as is reasonably practicable, give notice (in writing) of the date of birth and (if not already provided) evidence of the date the baby was expected.

## 2.7 Notification of Maternity Leave

2.7.1 To qualify for maternity leave, employees should advise their Headteacher of their intention to take maternity leave. Employees should notify the School in writing of the date they intend their OML to start using the application form in appendix 2 (Form M2). The application form should be submitted to the employee's Headteacher no later than the end of the 15th week before the EWC (qualifying week), and certainly no later than 28 calendar days before the EWC. The employee's original maternity certificate (MatB1) issued by a GP or midwife, should be checked by their Headteacher and enclosed with the application form. Please check that **Section A** has been completed with a date and that the Registered Midwives number or Doctors stamp has been included on the original MatB1 before sending this information to Human Resources (Employment Services), as it will not be accepted without this information.

2.7.2 The application form can be completed and emailed to Human Resources ([HR.AdviceCentre@eastriding.gov.uk](mailto:HR.AdviceCentre@eastriding.gov.uk)). A scanned copy of the Mat B1 is acceptable as long as the original Mat B1 has been seen and signed by the manager. If the original Mat B1 is received in Human Resources, a copy will be taken and the original will be returned to the employee. It is important that the employee retains the original Mat B1 until they receive confirmation of their entitlement.

2.7.3 If it is not reasonably practicable for the employee to give this notice 28 calendar days in advance, then the employee must provide the information as soon as reasonably practicable.

2.7.4 Following receipt of the application form and maternity certificate, the Headteacher will forward this to Human Resources (Employment Services) who will then write to or email the employee within 28 calendar days detailing the employee's entitlements to maternity pay and leave, also specifying when the employee is expected to return to work (ensure that the employee retains the original MatB1 until they have received this information). This is the date the employee is expected to return to work, unless they provide notification using the form M3 that they wish to return earlier.

2.7.5 Employees who wish to change their maternity leave start date must notify their Headteacher and Human Resources (Employment Services) by whichever is the earliest:

- a) either at least 28 calendar days before the date they originally intended to start their leave; or
- b) at least 28 calendar days before the new date of their maternity leave.

2.7.6 It is important that employees complete the application form (M2) within the correct timescales to ensure their entitlement to maternity pay and leave.

## **2.8 Notification of Return to Work following Maternity Leave**

2.8.1 Employees who wish to return to work at the end of Additional Maternity Leave (AML) do not need to provide any notification to their Headteacher or the School, they will be expected to return to work on the date advised in their letter from Human Resources (Employment Services).

2.8.2 Employees are able to return to work at any time after their two weeks compulsory maternity leave and before the end of their 52 weeks combined OML and AML.

Employees who wish to return to work earlier than the date specified in their letter from Human Resources (Employment Services) should advise their Headteacher of their intention to return early, and should notify the School in writing using the application form in appendix 3 (Form M3). The application form should be forwarded by the Headteacher to Human Resources (Employment Services) at least 8 weeks before the employee's new proposed date of return.

2.8.3 Employees who change their mind about their return date and want to return earlier must advise their Headteacher and Human Resources (Employment Services) at least 8 weeks before the new return date.

2.8.4 Employees who change their mind about their return date and want to return later must advise their Headteacher and Human Resources (Employment Services) at least 8 weeks before their original early return date.

2.8.5 It is important that employees complete the form M3 within the correct timescales to ensure their return to work on their requested date. If the employee fails to give sufficient notice of their return to work date (ie 8 weeks) the School has a right to postpone an employee's return to work for a period of 8 weeks, provided that this is not later than the expected return date by notifying the employee of its intention. If the employee is no longer receiving maternity pay, they will not receive pay during this period.

## **2.9 Shared Parental Leave**

2.9.1 Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave with their partner.

2.9.2 Shared parental leave must be taken in blocks of at least one week. Employee's can request to take shared parental leave in one continuous block (in which case the school is required to accept the request as long as the employee meets the eligibility and notice requirements),

or as a number of discontinuous blocks of leave (in which case the employee needs the school's agreement).

2.9.3 To be able to take shared parental leave, the employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirement. This includes the mother curtailing her maternity leave.

2.9.4 Employees should refer to the school's Shared Parental Leave Policy, where they will find full details of the eligibility requirement as well as instructions as to how the employee's maternity leave can be curtailed. The Shared Parental Leave Policy sets out the notice periods with which employees must comply and what evidence they must provide to the school as well as entitlements to statutory shared parental pay.

2.9.5 The mother and her partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.

## **2.10 Returning to Work following Maternity Leave**

2.10.1 An employee has the right following OML to return to the position (subject to paragraph 8.2 below) to which they are employed under their existing contract of employment. If an employee returns to work following AML, their entitlement is to return either to the same job, or if that is not reasonably practicable from the School's perspective, to another suitable job which is on terms and conditions not less favourable.

2.10.2 Where it is not practicable for an employee to return to their original position because of redundancy or reorganisation the provisions of the School's current Retraining and Redeployment Policy will apply. Where such changes are due to take place within the Council, the Headteacher will undertake consultation with the employee, and will ensure they are treated no less favourably than they would have been, had they not been on maternity leave.

2.10.3 When the employee returns following maternity leave, the Headteacher will meet with the employee at the earliest opportunity to discuss their return to work and welcome them back to work.

2.10.4 An employee may request to return to work on a part-time or job share basis following their maternity leave. This can be beneficial to both the School and employee and, where appropriate, the Council would wish to promote this flexible approach. However, it is not an automatic right to change their contracted hours following maternity leave, they must make this request in writing to their Headteacher for consideration and discussion as soon as they can, and the School has a statutory duty to consider the employee's request seriously. A copy of the Council's Right to Request Flexible Working Policy (E3) and the Job Share Policy (E3a) can be obtained from Human Resources (Employment Services) section of the Intranet, via your Headteacher. If an employee was full-time prior to maternity leave and returns on a part-time or job share basis, annual leave is accrued at the full-time "rate" until the new contract takes effect.

2.10.5 Where an employee decides not to return to work they should notify their Headteacher and Human Resources (Employment Services) as soon as possible. Notice must then be given in accordance with their contract of employment by sending a letter of resignation to their Headteacher.

2.10.6 Where an employee has been in receipt of the 12 week's half pay (CMP) and does not return to work for a period of at least 3 months, the CMP must be repaid to the Council. The employee will have given written consent for such repayment in advance of commencing the maternity leave when they signed the form M2.

## **2.11 Keeping in Touch Days**

2.11.1 An employee may request, or be requested by their Headteacher to come into work for up to 10 days whilst on maternity leave, in order to keep in touch without losing their right to maternity pay or leave. These are known as "Keeping in Touch (KIT) Days". They are not limited to the employee's substantive post, and can be used for training, attending other events, or for being updated on key work issues etc.

2.11.2 Attendance is not compulsory, will be by mutual agreement of both parties, and employees will not be penalised if they do not wish to take up a KIT day. Similarly, a Headteacher does not have to agree to an employee's request for taking up a KIT day. However employers and employees may find it beneficial to use some KIT days to ease their return to work. There is no statutory right to be paid KIT days, however, the Council has agreed that if an employee is requested to attend work for KIT days, they will be:

- a) paid at their standard hourly rate of pay for any hours worked if they are not in receipt of maternity pay when they attend work or;
- b) given paid time off in lieu at a later stage for the hours worked if they are in receipt of maternity pay when they attend work.

Please note that if an employee agrees to work at any time during the period when they are in receipt of maternity pay, any SMP paid will be offset against any additional salary payments made for KIT days, ie the employee will not receive both SMP and normal pay.

## **2.12 Reasonable Contact**

2.12.1 Whilst an employee is on maternity leave, the employee and Headteacher may wish to maintain contact to discuss any issues that may affect the employee, and plan the employee's return to work. Employees may also receive copies of team meeting (or other) minutes, The Grapevine and any other relevant documents if they so wish. The Headteacher and employee should seek to mutually agree the nature and frequency of this contact before the start of the employee's maternity leave. The amount and type of contact should not be excessive or intrusive.

## **2.13 Other Issues**

### **2.13.1 Continuous Service and Rights**

2.13.2 Maternity leave does not constitute a break in service and counts as reckonable service for conditions of service purposes. With the exception of salary or wages, employees will continue to benefit from all their terms and conditions that would have applied had they been at work. These benefits will also continue during AML.

2.13.3 If an employee leaves their employment for maternity reasons and subsequently takes up employment at a later date with a Local Government employer, (or one recognised for

continuous service purposes) their previous service will be taken into account, in respect of their period of notice to terminate, annual leave, sickness and maternity leave, provided that the break does not exceed eight years and permanent full-time paid employment has not intervened.

2.13.4 If an employee has returned to Local Government Service since 1 April 1997, after having been the subject of a TUPE transfer, this now counts as continuous service where there has been a break of service within 5 years of the transfer. Where there has been a series of TUPE transfers, the five-year service limit is applied from the date of the initial TUPE contract. Further guidance can be found in the NJC1/03 circular, available from Human Resources.

## **2.14 Annual Leave**

2.14.1 Annual leave will be accrued during OML and AML and an employee should agree with their Headteacher how they will take this. An employee who is on a 52 week contract may wish to take annual leave either at the start of maternity leave, at the end or a combination of both. If it is known that an employee is unable to take their full annual leave entitlement due to the impact on the School or other exceptional circumstances, they will not lose their entitlement but in agreement with their Headteacher will carry it over to the new leave year. If the employee's contract of employment is terminated by either party, the Council will reclaim any money in respect of leave that is taken in excess of entitlement.

## **2.15 Bank Holiday Entitlements**

2.15.1 Bank Holiday entitlements will be paid at the rate of pay received whilst on maternity leave. In addition an employee is entitled to any bank holiday that they would have enjoyed if they had not been on maternity leave. Any days (pro-rata for part timers) will be added to an employee's leave entitlement. The Council's two extra statutory days and one concessionary day will be treated on the same basis as bank holiday entitlements.

## **2.16 Sickness**

2.16.1 Prior to starting maternity leave, any sickness absences that are as a direct consequence of being pregnant will be disregarded by the employee's Headteacher when monitoring cumulative sickness levels in relation to issuing a warning under the Attendance at Work Policy and Procedure (Schools).

2.16.2 Should an employee be sick whilst on maternity leave the Council's sickness provisions will not apply unless the employee makes a specific request in which case all maternity leave will cease and can not be reclaimed at a later date. Where an employee chooses to end their maternity leave and take sickness leave, their absence will be managed under the Attendance at Work Policy and Procedure (Schools). It is pragmatic to review all pregnancy related absences separately, with the employee's Headteacher seeking advice from HR as required.

## **2.17 Deductions from Pay (where appropriate)**

2.17.1 Lease cars/car loans and any other non-statutory deductions from pay will continue to be charged during the period of maternity leave. Employees should ensure that they make adequate financial provision for the payment of such deductions, and where maternity pay does not provide for this, alternative arrangements must be made. An account will be sent directly to the employee.

2.17.2 Employees who are a member of a Trade Union will continue to have their subscriptions deducted (where appropriate) whilst they are still receiving pay. Employees should contact their Trade Union representative for further information with regard to any questions they may have concerning their payments when they are on maternity leave.

## **2.18 Business Car User Allowance**

2.18.1 Business car user allowances will continue to be paid during the whole period of the Maternity Leave.

## **2.19 Resignation**

2.19.1 Employees who decide to resign before or during their maternity leave must send a letter of resignation to their Headteacher, in accordance with the terms of their contract. Employees should be aware that if they submit their resignation and it takes effect before the start date of their maternity leave, or before they have notified their Headteacher of their intended start date, they will lose their right to maternity leave. However, if they are employed during the 15<sup>th</sup> week before the week the baby is due and qualify for SMP and they leave after the start of the 15<sup>th</sup> week, they will still be entitled to SMP. Employees are advised to take advice on this issue prior to making a final decision to resign.

## **2.20 Pension Issues – LGPS 2014**

### **2.20.1 Whilst in receipt of pay**

Irrespective of whether the employee is in receipt of CMP or SMP, the employee will pay pension contributions on any pensionable pay received. The employee's pension benefits will continue to build up as if they were working normally and receiving full pay accruing at 1/49<sup>th</sup> of assumed pensionable pay (if they are in the main section) or 1/98<sup>th</sup> if they are in the 50/50 section.

KIT days will also be calculated on this basis.

### **2.20.2 Unpaid leave**

If the employee is not in receipt of CMP or SMP and is in a period of unpaid additional maternity leave, employees will not accrue pension benefits on this period. The employee will need to opt to pay Additional Pension Contributions (APC's) to cover this period if they wish their pension benefits to build up as though they had been at work.

### **2.20.3 Opting Out**

Any member is able to 'opt out' of the LGPS at any time. Therefore, an employee who has no intention of returning to work, or does not wish to protect their future pension,

can ensure that no contributions are paid on any of the pay received during their maternity leave, by 'opting out' in advance of starting their Maternity Leave. The employee's final date in the LGPS would be at the end of the payment period during which their notification to opt out is given. Employees considering opting out of the pension scheme are strongly advised to consult with their trade union representative or a financial adviser before taking any action.

Employees should download an opt out form from [www.erpf.org.uk](http://www.erpf.org.uk) or contact the Pension Section on (01482) 394150 for a hard copy if they wish to opt out of the LGPS.

#### **2.20.4 Re- Joining the LGPS**

Employees who choose to opt out and return to work are able to elect to re-enter the LGPS as they choose.

The Council is required to automatically enrol employees in a pension scheme if they are aged at least 22, and earning more than £10,000 pa (or pro-rata) either when they meet the criteria for the first time, or at the next 'auto re-enrollment date'. This date is chosen by East Riding of Yorkshire Council and will take place every 3 years. Employees will be written to when this happens but can still opt out.

#### **2.20.5 Restoring 'lost' pension benefits**

Employees who have had a period of unpaid maternity leave, can elect, within 30 days of returning to work, to pay a Shared Cost Additional Pension Contribution (APC) to count their unpaid break for pension benefits. The employee will pay one third and the Council two thirds for the unpaid leave and also any KIT days. This will be based upon assumed pensionable pay (complete pay 12 weeks/ 3 months prior to the period of reduced pay.) If the employee intends not to return to work following maternity leave, the employee must request to buy back their lost pension benefits prior to their termination date with the Council. This can be done by requesting an assumed "lost" pensionable pay (APP) from Employment Services. This figure can then be used to obtain a quote to purchase APC from [www.lgps2014.org/apc/index.php](http://www.lgps2014.org/apc/index.php). Further information is available from the Pensions Section directly on (01482) 394150.

If the employee elects to pay an APC to count their unpaid break for pension benefits, after 30 days of returning to work, the employee will pay the full cost of the APC.

Employment Services will automatically write to the employee with details of how to request an APC. The employee must calculate the amount they must pay on the APC modeller on the East Riding Pensions Website at [www.lgps2014.org/apc/index.php](http://www.lgps2014.org/apc/index.php). and complete a form requesting to make a one-off contribution or regular additional contributions. The form must be returned to Employment Services.

#### **2.10.6 50/50 Scheme**

If the employee is in the 50/50 scheme, they will be placed in the main scheme whilst on reduced pay of CMP or SMP. The employee will need to opt back into the 50/50 scheme upon return to work.

### **2.20.7 Added Years**

Employees who are paying additional pension contributions to increase their scheme membership (commonly called buying “added years”), will have to continue with these payments throughout the full period of their Maternity Leave (both paid and unpaid) as if they were still in receipt of full pay. The additional contributions are calculated on the rate of pay the employee would have received as though they were not on maternity leave. The additional membership will then count at the length the employee originally elected to buy when they have finished the added years purchase contract (for part-time members the purchased service would be pro-rata to full time equivalent). On the employee’s return to work, Employment Services will contact the employee detailing the amount they must pay for the unpaid leave period.

### **2.20.8 AVCs**

Employees who are paying additional voluntary contributions (AVCs) must continue to make payments on pay received, unless the employee opts to stop this payment.

### **2.20.9 ARC/APCs**

Employees who are paying additional regular contributions (ARC/APCs) to purchase additional annual pension or purchase added years of membership must continue to make these payments. Contributions will be based on the pay the member would have received but for being on leave, unless they opt to stop paying the ARC/APCs or stop purchasing extra membership. If the employee opts to stop paying those additional contributions, they will be credited with the proportion of extra pension or added years they have paid for. Contributions for added years could not subsequently resume, and although ARC/APCs could recommence, they would have to be taken out under a new contract which, as the employee will be older than when they took out their original ARC/APS contract, it is likely to mean a higher contribution rate.

Further information is available from the Pensions Section directly on (01482) 394150.

## Appendix 1

| <b>Glossary of Definitions</b> |   |
|--------------------------------|---|
| EWC                            | Expected Week of Confinement (or the week in which the baby is due).  |
| QW                             | Qualifying Week - the 15th week before the EWC and relates to entitlement for SMP.  |
| SML                            | Statutory Maternity Leave - the first 2 weeks following the day of childbirth.  |
| OML                            | Ordinary Maternity Leave - 26 weeks.  |
| AML                            | Additional Maternity Leave - an additional 26 weeks.  |
| MPP                            | Maternity Pay Period - 39 weeks in length and can begin anytime between the 11th week before the EWC and the date of the birth.                                   |
| SMP                            | Statutory Maternity Pay - (payable by the Council), but is reclaimed from the Government.   |
| CMP                            | Contractual Maternity Pay - payable by the Council.   |
| MA                             | Maternity Allowance - payable by the Department of Work and Pensions for those who qualify.   |
| MatB1                          | The Maternity Certificate which is issued by a health professional (GP or midwife) stating the week in which the baby is due.                                     |
| M2                             | The Council's application form for maternity leave and pay (to be completed and returned with the MatB1).   |
| M3                             | The Council's Return to Work form (to notify the Council of the employee's date of return to work).   |
| Childbirth                     | Childbirth means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks.   |
| KIT                            | Keeping in Touch Days.  |
| Partner                        | Partner includes the spouse or civil partner of the pregnant woman and a person, of either sex living with the pregnant woman in an enduring family relationship. |

|             |  |
|-------------|--|
| Headteacher | Throughout this document any reference to Headteacher may also be taken to mean Headteacher or other nominated senior member of staff or appropriate line manager. In situations where it is the Headteacher who is pregnant, actions under this document should be undertaken by the Chair of Governors or, in the case of Managers of Central Services, by the relevant Head of Service or other nominated senior member of staff. |
|-------------|--|

| <b>Application for Maternity Pay and Leave (School Support Staff)</b>   |  |  |
|---|--|--|
| <b>How to complete this form</b>  |  |  |
| 1. Read the information contained in the Council's Maternity Pay and Leave Policy and Procedure, so that you understand your entitlement.<br>2. Complete this form and give it to your Headteacher, who will then send it to Human Resources (Employment Services) in the Corporate Resources Directorate. You must do this by the end of the qualifying week (15 weeks before the EWC) or as soon as is reasonably practicable<br>3. Please check that <b>Section A</b> has been completed with a date and that the <b>Registered Midwives</b> number or <b>Doctors stamp</b> has been included on the original MatB1 before sending a copy of this information to Human Resources (Employment Services), as it will not be accepted without it. |  |  |
| <b>Section 1: Please complete the following:</b>  |  |  |
| 1   | Name:  |  |
| 2   | Personal Email Address:  |  |
| 3   | Address:   |  |
| 4   | Directorate:   | Children, Family and Adult Services                      |
| 5   | Post and Name of School:   |  |
| 6   | Employee Reference Number<br>(this is shown on your pay advice):         |  |
| 7   | Date you began work with the Council:                                    |  |
| 8   | Start date of continuous local government service (if different from 7): |  |
| 9   | Normal weekly hours of work  |  |
| 10  | Temporary/Permanent  |  |
| 11  | Expected date of childbirth:   |  |
| <b>Section 2: Please complete as appropriate</b>  |  |  |
| 1   | Date you wish to start maternity leave:                                  |  |
| 2   | Do you intend to return to work?   | Yes <input type="checkbox"/> No <input type="checkbox"/> |
| 3   | Do you wish to defer your 12 weeks half pay (CMP)?                       | Yes <input type="checkbox"/> No <input type="checkbox"/> |

|   |  |                                    |                          |
|---|--|------------------------------------|--------------------------|
| 4   | <p>I understand that if I am in the LGPS:-</p> <p>a) I will only pay pension contributions on actual pay received whilst on paid maternity leave but I will still accrue pensionable service based on my normal hours and pay;</p> <p>b) On my return from absence, I will have the option to purchase additional pension contributions (APCs) for any unpaid period of absence and that I must do so within 30 days of my return. I understand that the pension contributions will be based on my</p> |                                    |                          |
|   | <p>Assumed Pensionable Pay, based on the previous 3 months/12 weeks pensionable pay prior to going on reduced pay;</p> <p>c) If I wish to opt out I must call the Pension Section on (01482) 394150. I understand that I can rejoin the LGPS when I return to work however there will be a break in my pensionable service.</p>  |                                    |                          |
| 5   | I understand that if I am eligible for and receive contractual maternity pay, I am required to repay this if I do not return to work for the required minimum 3 month period.  |                                    |                          |
| 6   | I understand that if I defer Contractual Maternity Pay and am in receipt of SMP or Nil pay then any childcare vouchers received via salary sacrifice will cease until sufficient contractual pay is resumed.   |                                    |                          |
| 7   | I understand that if I am absent during the 4 weeks before the start of my EWC (for any reason related wholly or partly to the pregnancy) my maternity leave will be automatically triggered.  |                                    |                          |
| 8   | I understand that if I want to return to work before the end of my maternity leave, I will need to give 8 weeks notice of the date I want to return to work (using the M3 form)  |                                    |                          |
| 9   | I claim Maternity Pay and Leave.   |                                    |                          |
| Signed:   |  | Date:                              |                          |
| <b>Section 3: Headteacher Declaration</b>   |  |                                    |                          |
| <p>I declare that I have seen the employees' <b>original Mat B1 form</b> and have signed and dated the form to confirm. A signed copy is attached.<br/>         (Please check that <b>Section A</b> has been completed with a date and that the <b>Registered Midwives</b> number or <b>Doctors stamp</b> has been included on the original MatB1 before sending this information to Human Resources (Employment Services), as it will not be accepted without this information.)</p> |  |                                    | <input type="checkbox"/> |
| <p>The original Mat B1 has been returned to the employee and we have discussed that the original Mat B1 must be retained until they receive confirmation of their entitlement from Human Resources (Employment Services).</p>   |  |                                    | <input type="checkbox"/> |
| <b>Signed:</b><br>(Headteacher)   |  | <b>Date:</b>                       |                          |
| Print Name:   |  | Extn:                              |                          |
| <b>Section 4: For Employment Services Use Only</b>  |  |                                    |                          |
| All dates confirmed   |  | Copy of M2 form to Pension Section |                          |
| Normal weekly hours confirmed   |  |                                    |                          |

|             |  |  |  |
|-------------|--|--|--|
|             |  | Date original MatB1 returned to employee (if received) |  |
| Signed:     |  | Date:  |  |
| Print Name: |  | Extn:  |  |

**Appendix 3  
Form M3**

| <b>Notification of Proposed Date of Return to Work Following Maternity Leave<br/>(School Support Staff)</b>  |   |
|--|---|
| If you intend to return to work at the end of your full maternity leave entitlement (52 weeks), you will NOT be required to give any further notification.   |   |
| However, if you wish to return to work BEFORE the end of your maternity leave, you should inform your Headteacher <u>and</u> notify Human Resources (Employment Services) by completing and returning this form. You are required to give at least 8 weeks notice of your proposed date of return. Failure to give the required minimum notice may lose you the right to return to work on your requested date. If you change your mind about your return date and want to return even earlier then you must advise your Headteacher at least 8 weeks before the new return date. If you want to postpone the early return date then you must advise your Headteacher at least 8 weeks before your original early return date. |   |
| 1  | Name:   |
| 2  | Personal Email Address:   |
| 3  | Address:  |
| 4  | Directorate: Children, Family and Adult Services  |
| 5  | Post and Name of School:  |
| 6  | Employee Reference Number (this is shown on your pay advice):   |
| 7  | Proposed Date of Return to Work   |
| 8  | Please detail if your contracted hours have changed   |
| 9  | For employees who deferred 12 weeks half pay (CMP) this will be paid back to you on the first pay day following return.<br>Did you defer 12 weeks half pay (CMP)?<br>Yes <input type="checkbox"/> No <input type="checkbox"/> |
| Signed: _____ Date: _____  |   |
| <b>If you have obtained employment with another Local Authority and will not be returning to the East Riding of Yorkshire Council, please give the following details:</b>  |   |

|   |  |  |       |
|---|--|--|-------|
| Name and Address of New Authority       |  |  |       |
| School/Department                       |  |  |       |
| Date you will start work                |  |  |       |
| <b>For Employment Services Use Only</b> |  |  |       |
| Return date confirmed                   |  |  |       |
| Signed:                                 |  |  | Date: |
| Print Name:                             |  |  | Extn: |

#### Appendix 4

#### Checklist for Headteachers to Use for Pregnant Employees

|   |                          |
|---|--------------------------|
| As soon as you are informed that an employee is pregnant you must:  |                          |
| Complete a <b>Risk Assessment Form</b> ( <i>located on Safety Services Section on the intranet under the heading Risk Assessment for New And Expectant Mothers</i> ).   | <input type="checkbox"/> |
| Provide the employee with a copy of the Maternity Pay and Leave Policy and Procedure (available on the intranet).   | <input type="checkbox"/> |
| Ensure the employee provides you with her original MatB1 and M2 ( <i>retain copies for your files and give originals back to employee</i> ). Sign the Headteachers Declaration to confirm you have seen the original MatB1. The MatB1 should be received from the midwife when the employee is 26 - 28 weeks pregnant. <b>The M2 and MatB1 must be copied and sent to the Human Resources (Employment Services) at County Hall, BG19.</b> Please remind the employee to retain the original Mat B1 until they have received confirmation of their entitlement from Human Resources (Employment Services). | <input type="checkbox"/> |
| Check that <b>Section A</b> has been completed with a date and that the <b>Registered Midwives</b> number or <b>Doctors stamp</b> has been included on the original MatB1 before sending this information to Human Resources (Employment Services), as it will not be accepted without this information.  | <input type="checkbox"/> |
| Agree with the employee what contact they will have with the Council regarding information (eg Grapevine, team minutes etc) and work related issues.  | <input type="checkbox"/> |
|   | <input type="checkbox"/> |

|   |       |                          |
|---|-------|--------------------------|
| If the employee is returning earlier than the 52 weeks entitlement, ensure the <b>M3</b> is completed by the employee and returned to the Employment Services Advisers.   |       | <input type="checkbox"/> |
| If the employee is returning and has requested a change in their hours of work, provide them with the <b>Right to Request Flexible Working Procedure and form</b> which is available on the intranet. If a change of hours is agreed an eform should be completed by the support section. |       | <input type="checkbox"/> |
| Signed:<br><small>(Manager)</small>   | Date: |                          |
| Print Name:   | Extn: |                          |
| For all enquires please email <a href="mailto:HR.AdviceCentre@eastriding.gov.uk">HR.AdviceCentre@eastriding.gov.uk</a> , or telephone (01482) 391221.   |       |                          |