

HRSfS/2209/PERSON\_NUMBER

LETTER\_DATE

TITLE FIRST\_NAME LAST\_NAME

ADDRESS\_LINE\_1

ADDRESS\_LINE\_2

TOWN\_OR\_CITY

GEOGRAPHY\_NAME

POSTAL\_CODE

Dear TITLE LAST\_NAME

# Maternity Leave and Pay – Support Staff

Thank you for confirming your pregnancy, the date your baby is due, and your intention to start your maternity leave from ORGANIZATION\_NAME on LETTER\_DATE.

This letter is intended to provide you with an indication of your entitlements to maternity leave and pay. Details of the maternity leave and maternity pay available under legislation and occupational maternity leave scheme are provided below.

**Time off for antenatal appointments**

Prior to starting your maternity leave you are entitled to reasonable time off work to attend antenatal appointments. Your line manager or Head Teacher can request evidence of the appointment.

**Maternity leave**

All female employees are entitled, by law regardless of their length of service, to 52 weeks maternity leave. You don’t have to take 52 weeks but you must take a minimum of 2 weeks’ leave after your baby is born.

You have chosen when to start your maternity leave, however if you have not already started your leave, your leave will automatically start:

* with the birth of your baby
* if your baby is early the day after the birth
* if you’re off work for a pregnancy-related illness in the 4 weeks before the week that your baby is due

Unless you have stated otherwise it will be assumed you will return to work after the 52 weeks on return date. Either way, you may change your return date during your maternity leave; however you must provide at least 21 days’ notice of the change.

If you do not intend to return to work following your maternity leave please notify your line manager or Head Teacher as this will impact on your maternity pay entitlement. Further details are provided later in this letter.

**Maternity pay schemes**

Maternity pay is calculated by your Local Government Service date which is DATE

You are entitled to Statutory Maternity Pay (SMP) if you have:

* 26 weeks’ continuous service by the end of the 15th week before the expected week of childbirth, and
* average earnings of at least £123 a week

If you are entitled to SMP you will be paid:

* 6 weeks at 90% of your average weekly earnings, followed by
* 33 weeks at £184.03\* per week or 90% of your average weekly earnings (whichever is lower)

In addition to SMP Birmingham City Council provides a better occupational maternity pay (OMP) than the statutory scheme if you:

* have completed 1 year’s continuous local government employment by the end of the 11th week before the expected week of childbirth, and
* return to work for at least 3 months after your maternity leave.

If you are entitled to OMP you will be paid:

* 6 weeks at 90% of full pay (set-off by SMP), followed by
* 12 weeks at half pay

Both schemes are paid simultaneously.

Any unpaid maternity leave will not count as reckonable service for pension purposes, however you can choose to pay towards your pension as if you were receiving your usual pay. For information, email localgovernmentpensions@birmingham.gov.uk before your return to work.

**Entitlement to maternity pay is summarised as follows:**

|  |  |  |
| --- | --- | --- |
|  | **Occupational Maternity Pay** | **Statutory**  **Maternity Pay** |
| Weeks 1-6 | 90% of contractual pay | 90% of average weekly earnings |
| Weeks 7-18 | Half pay | SMP rate (or 90% of full earnings if this is less) |
| Weeks 19-39 | Nil | SMP rate (or 90% of full earnings if this is less) |
| Weeks 40-52 | Nil | Nil |

**Maternity Allowance**

If you are not entitled to Statutory Maternity Pay you may be entitled to claim Maternity Allowance and you should therefore contact your local Benefits Office who will calculate what, if any, maternity allowance you can claim.

**Paternity leave**

Your partner (or the father) may be entitled to 1 or 2 weeks’ paternity leave around the birth of your baby. For information visit www.gov.uk/paternity-pay-leave.

Birmingham City Council offers an enhanced Maternity Support Leave Scheme. If your partner (or the father or nominated carer) is employed by Birmingham City Council they are entitled to the first week of their paternity leave at full pay.

**Shared parental leave**

You may wish to apply for Shared Parental Leave. For information visit [www.gov.uk/shared-parental-leave-and-pay](http://www.gov.uk/shared-parental-leave-and-pay).

**Pension**

If you are in the Local Government Pension Scheme, you will continue to have contributions deducted for the weeks that you receive pay.

Deductions will be proportionate to the pay received. Even though a reduced rate is paid, you will be credited as having made a full rate contribution during the period.

During any weeks of unpaid maternity leave you can either:

* choose to pay towards your pension as if you were receiving your usual pay.

If you choose to contribute to your pension for these weeks you must let the Pensions Team know within 30 days of your return to work so that they can agree the method of payment;

* not pay anything but have your pension entitlement reduced by the weeks not paid for.

**Keep in touch (KIT) days**

You may return to work for up to a maximum of 10 paid ‘KIT’ days during your maternity leave without interrupting your leave. The purpose of these days is to keep you informed and involved with your workplace, they could involve attending meetings, briefings or training for example.

Similar arrangements are in place for Shared Parental Leave.

Such days need to be mutually agreed by you and your line manager or Head Teacher.

**Term Time Only (TTO) Employees**

If you are on a TTO contract you could be entitled to accrue annual leave during the period of your maternity leave and or receive additional payment for accrued annual leave.  As part of your return to work following maternity leave discussions, this will be discussed with you and arranged via your school.

**Resignation**

If you wish to resign your position during your maternity leave your normal notice periods apply.

If before your maternity leave you do not intend to return to work following your maternity leave, you can indicate your intention but defer the actual resignation until after the birth. There are various reasons for delaying a decision, for example, your personal circumstances might change during pregnancy or maternity leave. Your final decision can be confirmed after the birth.

OMP is also conditional on your return to work for 3 months following your maternity leave. This means that if you do not return will be required to repay some of your maternity pay. Indicating your intention to resign allows us to pay your maternity pay correctly so you do not receive pay you are not entitled to. You will still receive SMP as there is no such condition. If you subsequently change your mind and do not resign payment of OMP can be reinstated and will be backdated if required.

**Returning to work**

If you wish to return to work before the end of the 52 weeks you must provide at least 21 days’ notice. This may be done at the beginning of your maternity leave. If you wish to change your return date you, again, must give 21 days’ notice.

If you attempt to return to work earlier without giving such notice, your return date can be postponed to secure 21 days’ notice, but not beyond the end of the 52 weeks.

You are required to return to work for at least 3 months after your maternity leave in order to keep your OMP. If you return for less than 3 months you will be required to repay a proportion of your OMP. There is no such condition with SMP.

I appreciate this is a lot of information, all of which is important to any decision you make regarding your maternity leave. If you have any questions please telephone me on HR\_OFFICER\_TEL.

Yours sincerely

**On behalf of Birmingham City Council**