

HRSfS/2202/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 - Teachers

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

If you have 6 month’s continuous service as a teacher the Birmingham Teachers’ Maternity Leave Scheme also allows for up to an additional 18 weeks’ special leave immediately following the 52 weeks to be granted without pay.

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 8 weeks’ 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**

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 the Birmingham Teachers’ Maternity Leave Scheme provides better occupational maternity pay (OMP) than the statutory scheme if you:

* have completed 6 months’ continuous service as a teacher by the end of the 11th week before the expected week of childbirth, and
* return to work for at least 13 weeks after your maternity leave.

If you have 1 year’s continuous service as a teacher at the 11th week before the expected week of childbirth you are entitled to the maximum OMP as follows:

* 8 weeks at full pay, followed by
* 10 weeks at half pay

If you have between 6 months’ and 1 year’s continuous service as a teacher at the 11th week before the expected week of childbirth you are entitled to:

* 18 weeks at half pay

Both schemes are paid simultaneously up to the value of your full salary. Any unpaid maternity leave will not count as reckonable service for pension purposes.

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

|  |  |  |
| --- | --- | --- |
|  | **Occupational Maternity Pay** | **Statutory**  **Maternity Pay** |
| Weeks 1-8 | Full contractual pay | 90% of average weekly earnings  (only paid weeks 1- 6) |
| Weeks 9-18 | 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 |

**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.

**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.

**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 13 weeks 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 8 weeks’ notice. This may be done at the beginning of your maternity leave. If you wish to change your return date you, again, must give 8 weeks’ notice.

If you attempt to return to work earlier without giving such notice, your return date can be postponed to secure 8 weeks’ notice, but not beyond the end of the 52 weeks.

If you take any of the additional special leave after the 52 weeks you are expected to return to work on the agreed date. You have no right to alter any return date which falls after the 52 weeks, but may reach mutual agreement.

You are required to return to work for at least 13 weeks after your maternity leave in order to keep your OMP. If you return for less than 13 weeks 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

HR\_OFFICER

**On behalf of Birmingham City Council**

Schools HR Services

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Birmingham

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