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| **16B.** | **SUPPORT STAFF MATERNITY /PATERNITY LEAVE** |

**Policy Updated**

January 2017 - changes to wording of Section 14, Death of a Baby and Stillbirth for greater clarity

June 2019 – Clarification re eligibility for SMP/OMP based on lower earnings limit and updated MLP and PLP forms, Clarification re still birth or death of a baby, Update to the summary of support staff maternity provisions table and inclusion of gender neutral language and surrogate parents.

July 2022 - Amendment to Paternity Leave entitlements in line with LA’s model policy. Removal of Additional Paternity Leave section. Addition of the qualifying service table. Updated Maternity and Paternity Leave Forms.

*Formally adopted by Governing Board: [Date]*

*Implemented with effect from: [Date]*

**MATERNITY LEAVE AND PAY**

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| **16B.** | **SUPPORT STAFF MATERNITY/PATERNITY LEAVE** |

# **INTRODUCTION**

This guidance provides basic information on maternity leave, including the right to time off for antenatal care, the two-week period of compulsory maternity leave after the birth and the maternity health and safety suspension provisions.

*Please note that the term ‘the employer’ has been used to refer to the employer of that particular school i.e. community, voluntary controlled, voluntary aided, foundation or academy schools.*

1. **GLOSSARY OF TERMS**

This is an explanation of some of the terms and abbreviations used in this guidance.

***Ordinary Maternity Leave (OML)***

This entitlement is called Ordinary Maternity Leave (OML) which is the first 26 weeks of maternity leave. OML cannot start before the 15th week of the Expected Week of Childbirth (EWC).

***Additional Maternity Leave (AML)***

AML will start immediately after the 26 weeks OML and continue for a further 26 weeks i.e. employees will be entitled to leave of 52 weeks in total. You can choose to return before the end of your maternity leave period.

#### ***Expected Week of Childbirth (EWC)***

This starts on the Sunday of the beginning of the week in which your baby is due and will be shown on the Medical Statement (MATB1), which you will get from your doctor or midwife at about 14 weeks’ before the date your baby is due.

#### ***Qualifying Week (QW)***

This is used primarily in order to assess your continuous service. The Qualifying Week is calculated as the week beginning **15** **weeks’** before your **Expected Week of Childbirth** (EWC).

#### ***Maternity Pay Period (MPP)***

The Maternity Pay Period is the period throughout which Statutory Maternity Pay (SMP) is payable. It is a period of **39 weeks**, which starts on the day you commence your maternity leave. This cannot be earlier than the 11th week before your Expected Week of Childbirth (EWC).

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

This is the pay you are entitled to receive from the Government if you have worked for the Council continuously for at least 26 weeks by the 15th week before your baby is due. SMP will start on the day that maternity leave commences. SMP is paid to you by the school during your Maternity Pay Period and the school will then reclaim part of it back from the Government. There are two rates of Statutory Maternity Pay: **Higher Rate,** which is earnings related**,** and **Lower Rate,** which is referred to as a standard rate. Please see HR handbook chapter 27 for current rates.

#### ***Statutory Maternity Pay (Higher Rate)***

If you have at least 26 weeks’ continuous service with the Council at the Qualifying Week, you will receive SMP at the higher rate for the **first** **6 weeks.** The higher rate SMP is 9/ 10ths (90%) of your average weekly earnings.

#### ***Statutory Maternity Pay (Lower Rate)***

If you have at least 26 weeks’ continuous service with the Council at the Qualifying Week and have paid National Insurance Contributions during the last 8 weeks’ before you take maternity leave, SMP will be paid at the lower rate week. SMP at the Lower rate is paid for the **remaining 33 weeks.**

#### ***Occupational Maternity Pay (OMP)***

If you have at least one year’s continuous service at the 11th week before EWC you can receive 12 weeks’ half pay, providing you make a declaration that you intend to return and you return to work for at least 13 weeks.

Please note: If you fail to return to work or return but do not remain in post for 13 weeks then you will be required to repay any OMP you have received.

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

This may be payable if you are not entitled to receive Statutory Maternity Pay. To qualify you must have been working and paying National Insurance Contributions for at least 26 weeks in the 66 weeks’ ending with the week before EWC. Payments are made by the Benefits Agency, you can obtain further information from your local office.

#### ***Average or Weekly Pay***

This is your average gross pay calculated over the 8 weeks’ period counting back from the last pay day before 15 weeks before your expected date of childbirth. Because it is the average of your gross pay it will include any pay awards and other ad-hoc payments you received during these 8 weeks.

1. **RIGHTS OF EXPECTANT PARENTS**

**All expectant parents**, regardless of hours worked or length of service, who are expecting a baby acquire certain rights. These are:

* 52 weeks’ Maternity Leave;
* right to return to work at any time during either ordinary maternity leave or additional
* maternity leave (except during the first two weeks from the day of childbirth);
* to return to work in the same or similar job;
* paid time off for antenatal care;
* the offer of suitable alternative safe work or suspension on full pay where the health
* of the employee or the child may be endangered as a result of work;
* retain contractual rights during maternity leave (except for pay);

These rights also apply to expectant parents who are having a baby as part of a surrogacy arrangement.

1. **MATERNITY LEAVE AND PAY**

Please refer to the earlier table for the options available to you depending on your length of continuous Local Authority service and length of service with Croydon council or a voluntary aided or foundation school maintained by it or by an academy.

Entitlement to Statutory Maternity Pay will depend on:

* 26 weeks' service with the Croydon as at the 15th week before the expected week of childbirth;
* average weekly earnings at or above the lower earnings limit.

If you are not entitled to receive Statutory Maternity Pay, you may be entitled to Maternity Allowance. There is an obligation on you to both claim and declare any entitlement from the Benefits Agency.

1. **NOTIFICATION REQUIREMENTS**

To qualify for maternity rights, you must be continuously employed by the Council, whether or not you are at work, until the end of the 15th week before the Expected Week of Childbirth (EWC). In addition, you must inform your manager and your HR provider:

* that you are pregnant by the 15th week before the EWC or as soon as is reasonably practicable;
* the intended start date of your maternity leave period by the 15th week before the EWC or as soon as is reasonably practicable;
* the EWC and produce a maternity certificate (MAT B1) from either a doctor or midwife, this is available after the 14th week before the EWC;
* the date on which you intend to return to work. If this is earlier than the end of your maternity leave period you must give your manager and HR provider 28 days' notice.
* the intention to exercise your right to the 26 weeks' Additional Maternity Leave period (if you are entitled);
* the date of childbirth if you have given birth early;
* if absence from work from the 4th week before the EWC if you are unable to come to work for pregnancy-related reasons;
* If you wish to change the notified date of the start of your maternity leave you will need to give your manager 28 days’ notice of the change of date.

1. **COMMENCEMENT OF MATERNITY LEAVE**

You can start your maternity leave any time from the 11th week before the Expected Week of Childbirth (EWC) up to the expected date of childbirth (unless the child is born prematurely before that date in which case it will start earlier). If you are absent from work for a pregnancy-related illness during the four weeks before your EWC then this will automatically trigger maternity leave (regardless of when you said you actually wanted your maternity leave to start).

You are required to give at least 28 days' notice of the date that you want your statutory maternity pay to begin. If it is not possible for you to give 28 days' notice, for example if the baby arrives early, you should tell your employer as soon as reasonably practicable. You can bring forward your maternity leave start date for other reasons, provided that you advise your employer in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. Your employer may also postpone your maternity leave start date, provided that you advise them in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

Your employer will formally respond in writing to your notification of your leave plans within 28 days, confirming the date on which you are expected to return to work if you take your full 52-week entitlement to maternity leave.

1. **HEALTH AND SAFETY**

The school has a duty to take care of the health and safety of all employees. The school are also required to carry out a risk assessment to assess the workplace risks to you during your pregnancy:

* where you have recently given birth or are breastfeeding;
* where the work is of a kind that could involve a risk of harm or danger to your health and safety or
* the health and safety of your baby and the risk arises from either processes, working conditions or physical, chemical or biological agents in the workplace.

If applicable, the school will provide you with information as to any risks identified in the risk assessment. If the risk assessment reveals that you would be exposed to health hazards in carrying out your normal job duties, the school will take such steps as are reasonably necessary to avoid those risks, such as altering your working conditions. In some cases, this may mean offering your suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

1. **OCCUPATIONAL MATERNITY PAY AND RETURN TO WORK**

If you have one year or more continuous service and you have indicated at the beginning of your absence that you wish to return to work and receive occupational maternity pay of 12 weeks at half pay, you will be required to return to work for a period of at least 13 weeks (or part-time equivalent).

You will have the choice whether to be paid your half-pay during your maternity leave or when you return to work. When paid during maternity leave, the half pay will normally be paid over 12 consecutive weeks, starting from the seventh week of maternity leave. Alternatively, the same sum (equivalent to 6 weeks’ full pay) may be spread over a different period by mutual agreement. If you wish to make alternative arrangements you should seek advice from your payroll provider via the school.

You are entitled to return to the job in which you were employed before your absence, on terms and conditions not less favourable than those, which would have applied if you had not been absent. (Please note this may not be practicable for reasons such as redundancy).

1. **RETURN TO WORK AND NOTIFICATION**

You may return to work at any time during ordinary maternity leave or additional maternity leave, provided that you give the appropriate notification. Alternatively, you may take your full period of maternity leave entitlement of 52 weeks and return to work at the end of this period. If you wish to return before the full period of maternity leave has elapsed, you must give at **least eight weeks' notice** in writing to the school of the date on which you intend to return. *(*Please note that you **cannot** return to work in the two weeks’ following childbirth).

Failure to return to work by the end of maternity leave will be treated as an unauthorised absence unless you are sick and produce a current medical certificate before the end of the maternity leave period. The normal sickness provisions will apply from the date you were due to return. Therefore if you comply with the normal rules of the sickness scheme, you will be entitled to sick pay from the notified date of return or expiry of the maternity leave period if no date was notified.

1. **RETURN TO WORK ON A PART TIME OR JOB SHARE BASIS**

If you would like to return to work on a part time or job share basis, you should discuss the possibility with your head teacher or manager as soon as possible and preferably before you start your maternity leave.

1. **RESIGNATION**

You can resign in accordance with the terms of your contract of employment when you start your maternity leave, after the baby is born, or any time before the end of the maternity leave period, without affecting your entitlement to statutory maternity pay. However, if you have been paid occupational maternity pay you may have to repay it, at your employer’s discretion, if you do not return to work for at least 13 weeks after your maternity leave. You would need to confirm this in writing to your head teacher / manager and HR provider*.*

**Please note:** If you indicate on your MLP/2022 form that you do not intend to return to work, this is merely an expression of intention that is not binding on you and therefore, if you are certain that you will not return then you will still need to submit a resignation letter and the school will then need to submit a completed Leaver Form in the normal way.

*Following a return to work, normal resignation procedures will apply.*

1. **ANTENATAL CARE**

You are entitled to receive paid time off for antenatal care during working time. The paid time off will be plus any regular additional payments if applicable. You should let your head teacher/manager know that you have an antenatal appointment and request time off. You should also let your head teacher/manager see your appointment card after your first visit.

1. **PREMATURE BIRTH**

If your baby is born prematurely you should notify your school and HR provider as soon as it is practical.

1. **DEATH OF A BABY AND STILLBIRTH**

If the baby is stillborn after 24 weeks’ pregnancy or is born live **at any stage of pregnancy** and later dies (no matter how soon after birth) maternity leave and pay apply as set out in the maternity scheme.

Where a baby is stillborn before the end of the 24th week of pregnancy or a termination takes place before the end of the 24th week of pregnancy, there is no eligibility to maternity leave or maternity pay.  Special leave provisions and/or sick leave may be used as appropriate to support the individual through this difficult period, taking into consideration the employee’s needs and medical opinion.

1. **OTHER ABSENCES**

If in the early months of pregnancy, you are advised by an approved medical practitioner to be absence from your work location because of the risk of rubella, you will be granted leave with full pay, provided you have not unreasonably refused to serve in another work location where there is no such undue risk.

1. **PENSION**

If you are in the Local Government Pension Scheme you must pay pension contributions on the occupational and statutory maternity pay you are entitled to receive during **paid** maternity absence whenever it is paid. This means that if you defer receipt of your half pay until you return to work, you will pay the same pension contributions as someone who receives half pay when is falls due. Whilst you are on unpaid maternity leave, you will have the option of paying pension contributions. For further details please contact Pensions.

1. **WHAT TO DO NOW?**

HR has produced a form that you need to complete in order to notify your school of your pregnancy and your intended start date of your maternity leave (Form MLP/2022 which should be submitted to your school as soon as possible.

Please refer to notification requirements in point 5 above. When you are 26 weeks’ pregnant you should ask your doctor or midwife for a maternity certificate (MAT B1). This form will not normally be issued earlier than 26 weeks’ into your pregnancy. The **original certificate** must be submitted to your school.

Once your school has received **both the completed MLP/2022 form and MATB1** they will forward them to the School’s HR Provider for processing**.**

If you have any further queries regarding your maternity leave or pay, please do not hesitate to contact your HR provider.

1. **WORKING DURING MATERNITY LEAVE (“KEEPING IN TOUCH DAYS”)**

You can work for up to 10 days during your maternity leave on a “keeping –in-touch” \*(KIT) day without bringing the maternity leave to an end or losing SMP. Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the work place.

KIT days do not need to be worked as consecutive days and may be worked at any time during the maternity leave, except for within two weeks after the birth of the child. In counting the number of KIT days worked, part of a day will count as a whole day.

KIT days are worked by mutual agreement between the manager / head teacher and the employee. Managers / Head Teachers cannot insist that you work during maternity leave and whist on maternity leave you cannot insist on being given any work to do.

You will receive your normal pay for the hours worked on KIT days minus any entitlement to SMP or half-pay. The total duration of the maternity leave period remains at 52 weeks regardless of whether or not KIT days are worked.

1. **SHARED PARENTAL LEAVE**

Shared parental leave enables parents 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 and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. Please refer to the HR handbook chapter 21a for further details on shared parental leave.

# **PATERNITY LEAVE AND PAY (BIRTH)**

# **20. Eligibility**

**Entitlement to Statutory Paternity Pay (SPP) and ordinary paternity leave**

Statutory Paternity Pay (SPP) and leave are available to:

* the child's biological father and will be responsible for the child's upbringing, or
* the biological parent's husband, civil partner or partner or adopter (including same sex partners) who lives with the parent and child in an enduring family relationship
* the intended parent (if you’re having a baby through a surrogacy arrangement)

The employee must be able to declare that they:

* are the child’s biological parent or the biological parent’s spouse, civil partner, partner (including same sex partners) who lives with the biological parent and child in an enduring family relationship;
* will have responsibility (apart from any responsibility of the mother) for caring for the child
* will take time off to support the biological parent and/or care for the child;
* be continuously employed for 26 weeks or more by the end of the 15th week before the employee's expected week of childbirth (or would have satisfied that condition but for the fact that the child was born before the end of that 15th week, was stillborn after 24 weeks of pregnancy or has died);
* has formally notified their employer of the date on which they intend to take their paternity leave and, where applicable, has produced evidence supporting their claim for paternity leave.

For these purposes, "partner" in relation to a child's biological parent, means a person (whether of the same or the opposite sex) who lives with the biological parent and the child in an enduring family relationship, but is not the biological parent’s parent, grandparent, sibling or their parent’s sibling.

**An employee may take just one period of ordinary paternity leave per pregnancy, regardless of the number of children born as a result of the pregnancy.**

# **21. Length and timing of ordinary paternity leave**

Ordinary paternity leave must be taken in a single block of one or two consecutive weeks' leave. There is no provision in the Regulations for employees to take their ordinary paternity leave in instalments.

Paternity leave can be taken between:

* the date of the baby’s birth or any day of the week following the birth, and
* within 56 days of the baby’s birth date.

# **22. Notice of intention to take ordinary paternity leave**

An eligible employee intending to exercise their right to ordinary paternity leave and must inform their employer of their intention by the end of the 15th week before the partner's expected week of childbirth (EWC). In doing so, they must specify:

* the partner's EWC (or, if birth has already occurred, the date of the child's birth);
* whether they wish to take one or two weeks' leave; and
* when they want the period of leave to start.

Employees giving notice of their intention to take ordinary paternity leave must complete the PLP/2022 self-certificate in Appendix 3.

The employee must inform the employer of the intention to take paternity leave by the end of the fifteenth week before the baby is expected. The employee must provide the following details:

* the start date of the leave to be taken
* the week the baby is expected
* the duration of leave to be taken.

# **23. Paternity Pay**

Provided they meet the notification requirements (see 22), employees are eligible for one week’s paid leave (average weekly pay) if they are:

* the parental spouse or partner/civil partner (including same sex couples) and have responsibility for the child’s upbringing, **or**
* the nominated carer of the expectant employee (see 20)

Employees are eligible for a second week’s leave, paid at the rate ofStatutory Paternity Pay, if they:

* have 26 weeks’ continuous employment (with Croydon) at the 15th week before the EWC **and**
* are the parent or spouse(including same sex) or partner/civil partner **and**
* have or expect to have responsibility for the child’s up[bringing **and**
* met the notification requirements (see 22)

The rate of SPP will be the same as the standard rate of Statutory Maternity Pay. This is a flat-rate which is revised each year (see HR handbook chapter 27 for current rate). If average weekly earnings are lower than the set rate, SPP will be paid at 90% of average weekly earnings.

Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes (see HR handbook chapter 27 for current rate) will not quality for SPP for the second week of paternity leave.

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| **Qualifying Service** | **Entitlement to Paternity Leave** | **Entitlement to Paternity Pay** |
| Support staff with **at least** 26 weeks’ continuous service with the Council by having 26 weeks continuous employment with (Croydon) at the 15th week before the EWC.  And will have responsibility (apart from the primary parent) for caring for the child and has met the notification requirements. | Two weeks’ Ordinary Paternity Leave  **Statutory Entitlement** | One weeks’ Paternity pay (at average pay)  **Contractural Entitlement**  One weeks’ SPP  **Statutory Entitlement** |
| Support staff with **less than** 26 weeks’ continuous service with the Council by having 26 weeks continuous employment with (Croydon) at the 15th week before the EWC.  And will have responsibility (apart from the primary parent) for caring for the child and has met the notification requirements. | One weeks’ Ordinary Paternity Leave  **Contractual Entitlement** | One weeks’ Paternity pay (at average pay)  **Contractual Entitlement** |

# **24. Self-certificate**

Employees will have to give their employers a completed self-certificate as evidence of their entitlement to SPP. A model self-certificate is attached at Appendix 3.

A completed self-certificate will also be required as evidence of entitlement to paternity leave. The self-certificate must include a declaration that the employee meets certain eligibility conditions and provide the information specified above as part of the notice requirements. By providing a completed self-certificate, employees will be able to satisfy both the notice and evidence conditions for paternity leave and pay.

# **25. Contractual benefits**

Employees are entitled to the benefit of their normal terms and conditions of employment (other than wages or salary) throughout their paternity leave.

# **26. Return to work after paternity leave**

Employees will be entitled to return to the same job following paternity leave on the same terms and conditions of employment as if they had not been absent.

# **27. Protection from detriment and dismissal**

Employees will be protected from suffering unfair treatment or dismissal for taking, or seeking to take, paternity leave. Employees who believe they have been treated unfairly will be able to complain to an Employment Tribunal.

**APPENDIX 1 MATERNITY ENTITLEMENTS TABLE SUPPORT STAFF**

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| **Continuous service with Croydon Local Authority by the end of the 15th week before Expected Week of Childbirth (EWC)** | **Continuous service with Redundancy Modification Order (RMO) employers by the end of the 11th week before Expected Week of Childbirth (EWC)** | **Entitlement**  **to**  **Maternity Leave** | **Entitlement**  **To**  **Maternity Pay** |
| Employees with **less than 26 weeks'** continuous service with the current employer at the 15th week before the Expected Week of Childbirth (EWC). | Has **less than one year’s** continuous service with RMO (Redundancy Modification Order) employers at the 11th week before the EWC. | 26 weeks’ Ordinary Maternity Leave (OML) plus  26 weeks Additional Maternity Leave (AML) | **No entitlement to statutory maternity pay (SMP)** May be entitled to receive a Maternity Allowance (MA) for 39 weeks @ standard rate SMP from the Benefits Agency. **No entitlement to occupational maternity pay (OMP)** |
| Employees with **more than 26 weeks’** continuous service with the current employer at the 15th week before the EWC a**nd**  whose average weekly earnings are **below** the lower earnings limit (See Chapter 27 of HR Handbook). | Has **less than one year's** continuous service with RMO employers at the 11th week before the EWC **and**  whose average weekly earnings are **below** the lower earnings limit (See Chapter 27 of HR Handbook). | 26 weeks’ Ordinary Maternity Leave (OML) plus  26 weeks Additional Maternity Leave (AML) | **No entitlement to SMP**  **No entitlement to OMP** |
| Employees with **more than 26 weeks’** continuous service with the current employer at the 15th week before the EWC **and**  whose average weekly earnings are **above** the lower earnings limit (See Chapter 27 of HR Handbook). | Has **less than one year's** continuous service with RMO employers at the 11th week before the EWC **and**  whose average weekly earnings are **above** the lower earnings limit (See Chapter 27 of HR Handbook). | 26 weeks’ Ordinary Maternity Leave (OML) plus  26 weeks Additional Maternity Leave (AML) | **SMP only**:  6 weeks @ 90% of a week’s salary followed by  33 weeks @ standard rate SMP. **No entitlement to occupational maternity pay (OMP)** |
| Employees with **less than 26 weeks'** continuous service with the current employer at the 15th week before the EWC **and**  whose average weekly earnings are **below** the lower earnings limit (See Chapter 27 of HR Handbook) | Has **at least one year's** continuous service with RMO employers at the 11th week before the EWC **and**  whose average weekly earnings are **below** the lower earnings limit (See Chapter 27 of HR Handbook) | 26 weeks’ Ordinary Maternity Leave (OML) plus  26 weeks Additional Maternity Leave (AML) | **No entitlement to SMP**  **No entitlement to OMP** |

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| **Continuous service with Croydon Local Authority by the end of the 15th week before Expected Week of Childbirth (EWC)** | **Continuous service with Redundancy Modification Order (RMO) employers by the end of the 11th week before Expected Week of Childbirth (EWC)** | **Entitlement**  **to**  **Maternity Leave** | **Entitlement**  **To**  **Maternity Pay** |
| Employees with **less than 26 weeks'** continuous service with the current employer at the 15th week before the EWC **and**  whose average weekly earnings are **above** the lower earnings limit (See Chapter 27 of HR Handbook). | Has **at least one year's** continuous service with RMO employers at the 11th week before the EWC **and**  whose average weekly earnings are **above** the lower earnings limit (See Chapter 27 of HR Handbook). | 26 weeks’ Ordinary Maternity Leave (OML) plus  26 weeks Additional Maternity Leave (AML) | **No entitlement to SMP**  May be eligible for 12 weeks OMP at half pay for weeks 7-19 of if they intend to return to work |
| Employees with **more than 26 weeks’** continuous service with the current employer at the 15th week before the EWC **and**  whose average weekly earnings are **below** the lower earnings limit (See Chapter 27 of HR Handbook) | Has **at least one year's** continuous service with RMO employers at the 11th week before the EWC **and**  whose average weekly earnings are **below** the lower earnings limit (See Chapter 27 of HR Handbook) | 26 weeks’ Ordinary Maternity Leave (OML) plus  26 weeks Additional Maternity Leave (AML) | **No entitlement to SMP**  May be eligible for 12 weeks OMP at half pay for weeks 7-19 of if they intend to return to work |
| Employees with **more than 26 weeks’** continuous service with the current employer at the 15th week before the EWC **and**  whose average weekly earnings are **above** the lower earnings limit (See Chapter 27 of HR Handbook) | Has **at least one year's** continuous service with RMO employers at the 11th week before the EWC **and**  whose average weekly earnings are **above** the lower earnings limit (See Chapter 27 of HR Handbook) | 26 weeks’ Ordinary Maternity Leave (OML) plus  26 weeks Additional Maternity Leave (AML) | **SMP Paid**  6 weeks @ 90% of a week’s salary followed by  33 weeks @ standard rate SMP.  May be eligible for 12 weeks OMP at half pay for weeks 7-19 of if they intend to return to work |
| **Further Conditions of Occupational Maternity Pay**  To qualify for OMP of 12 weeks’ half pay an employee must return to work for the equivalent of 13 weeks. If they do not return to work or only return for part of the 13 weeks, they will be required to repay part or all of their occupational maternity pay.  If an employee states their intention not to return to work on the maternity leave and pay form, they are not eligible for occupational maternity pay. If they change their mind and return to work following maternity leave, then they are eligible to receive occupational maternity pay as a lump sum payment.  Where an employee is unable to physically return due to sickness, they will be treated as having returned and maternity leave has come to an end. | | | |

**APPENDIX 2**

**MATERNITY LEAVE AND PAY CLAIM FORM (MLP/2022 Form)**

**FOR SCHOOLS & PUPIL REFERRAL UNITS**

You must complete this form by the **15th week** before the expected week of childbirth for your school to send to their HR & Payroll providers. A copy must also be sent to your line manager at least 28 days before your maternity leave commences.

You should enclose your **original** certificate of expected childbirth form (MATB1) if you have already received it from your doctor or midwife. If not, it should be forwarded to HR & Payroll provider as soon as possible.

Please note that your claim for Maternity Leave and/ or Maternity Pay will not be processed until **both** this form and the MATB1 are received.

**PERSONAL & EMPLOYMENT DETAILS** (Please complete in capitals)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Surname |  | | | First Name |  |
| Employee Number | |  | | School/Section |  |
| Home address | |  |  | | |
| Position | |  |  | | |
| Date commenced continuous employment with the London Borough of Croydon | | | |  | |
| Date commenced continuous employment with local government (if different from above) | | | |  | |
| Expected Date of Childbirth | | | |  | |
| Date you wish your maternity leave to start (please note that this **cannot** be earlier than 11 weeks before your Expected Week of Childbirth (EWC). | | | |  | |
| MATB1 | | | |  Is attached   Will be forwarded | |

**MATERNITY LEAVE**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Circle to indicate your choice below | | | |
| I wish to return to work after my 26 weeks’ Ordinary Maternity Leave | YES | NO | | NOT DECIDED |
| I wish to reserve my right to return to work after my Additional Maternity Leave. | YES | | NO | |
| I do not wish to return to work after my Additional Maternity Leave and my last day of service will be: | ……………………………….…..(Enter date) | | | |

**MATERNITY PAY**

|  |  |
| --- | --- |
| I have/will have at least 1 year of continuous service at the beginning of the 11th week before the EWC. Please tick the appropriate box. | ⬜ Yes ⬜ No |

|  |  |
| --- | --- |
| **Statutory Maternity Pay (SMP)** – Please tick the box that applies: | |
| a) I had 26 weeks continuous service at the end of the 15th week before the EWC and claim my entitlement to SMP. I undertake to inform you immediately should I be taken into legal custody, commence work for another employer or leave the area of the European Economic Area. | ⬜ |
| b) I am NOT eligible for SMP because I did not have 26 weeks continuous service at the 15th week before the EWC. | ⬜ |
| c) I am NOT eligible for SMP because my average weekly earnings are below the lower earnings limit. | ⬜ |
| **Occupational Maternity Pay (OMP)** – Please tick the box that applies | |
| d) I am NOT eligible for OMP (half pay) because: |  |
| i) I do not intend to return to work  **Please note:** If you indicate that you do not intend to return to work, this is merely an expression of intention that is not binding on you and therefore, if you are certain that you will not return you will still need to submit a resignation letter | ⬜ |
| ii) I did not have 1 year of continuous service at the 11th week before the EWC | ⬜ |
| e) I am eligible for Occupational Maternity Pay (half pay) and intend to return to work after my maternity leave.  I wish my half pay to be paid: | |
| i) during my maternity leave as 12 weeks half-pay starting from the 7th week of my maternity leave OR | ⬜ |
| ii) I wish to have half pay paid as a lump sum, 3 months after returning from maternity leave | ⬜ |
| iii) as set out below | ⬜ |
|  | |

|  |  |  |
| --- | --- | --- |
| In making this claim I agree that if for any reason the monies paid to me with respect to either occupational or statutory maternity pay are in excess of what is due to me under the terms and conditions of employment, I shall refund the excess to my employer. | | |
| Signed |  | Date: ……………………… |
| Daytime Telephone Number |  | |
| Work Location |  | |

**PATERNITY LEAVE (BIRTH) AND PAY CLAIM FORM self-certificate (PL/2022)**

**APPENDIX 3**

|  |  |  |  |
| --- | --- | --- | --- |
| Name: |  | Employee Number (found on your payslip): |  |

|  |  |
| --- | --- |
| School/Academy |  |
| Home Address |  |
| Position |  |
| Date commenced continuous employment with the Employer |  |
| Date commenced continuous employment (if the Employer is different from above) |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Date baby is due or was born: |  | I would like to start my leave on: |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| I want to be away from work for (tick 1 box) | 1 week |  | 2 weeks |  |  |

**Complete either section 1 or 2 below**

**Section 1** - if you are able to tick **all 4 boxes** below, you can take 1 week’s leave (average pay) and choose to take one further week’s leave (Statutory Paternity Pay)

I declare that:

* **I am:** **- the baby’s biological parent, or**

**- married to the biological parent, or**

**- living with the biological parent in an enduring family relationship,**

**but not an immediate relative (e.g. a nominated carer)**

* **I have or will have responsibility for the child’s upbringing**
* **I will take time off work to support the biological parent or care for the child**
* **I have been employed continuously by the Employer for**

**at least 26 weeks by the 15th week before the EWC.**

***If you are unable to tick all 4 boxes, go to section 2 below***

**Section 2** - if you can tick either box, you are eligible for only 1 week’s leave (average pay).

* **I am the biological parent’s partner or the child’s parent, but did not have**

**26 weeks continuous employment by the 15th week before the EWC.**

* **I am the nominated carer of the biological parent.**

***If nominated carer, please explain your relationship with the biological parent and the reason for being the “primary provider” of support to them:***

|  |  |  |
| --- | --- | --- |
| I confirm that the child’s biological parent has been entitled to one or more of the following - Statutory Maternity Leave, Statutory Maternity Pay or Maternity Allowance.  I confirm that I have not, nor do I intend to take any Shared Parental Leave prior to taking Paternity Leave in respect of this birth.  In making this claim I agree that if for any reason the monies paid to me with respect to paternity pay are in excess of what is due to me under the terms and conditions of employment, I shall refund the excess to~~.~~my employer. | | |
| Signed |  | Date: ……………………… |
| Daytime Telephone Number |  | |
| Work Location |  | |