

## LNCT

### Aberdeenshire Local Negotiating Committee for Teachers



Date: March 2024

**LNCT/24/06**

### **Maternity Pay for Teachers**

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

#### **LNCT Joint Secretaries**

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## **LNCT – Proposed Amendments to Maternity Procedure for Teachers**

26<sup>th</sup> March 2024

This paper seeks to bring the Teachers Maternity Procedure in line with the Local Government Maternity Procedure in respect of the 50% 'claw back' of Ordinary Maternity Pay if the employee does not return to work following their period of Maternity Leave. The current position is that we 'claw back' the 50% OMP from LGE if they do not return however there is no 'claw back' in respect of Teachers if they elect not to return to work following Maternity Leave.

### **Background**

The current guidance for LGE states for Maternity Pay:

#### Maternity Pay LGE

- 6 weeks at 90% pay, which includes Statutory Maternity Pay (SMP).
- 12 weeks at 50% pay plus (SMP). You will be paid 50% of a week's pay without deduction except by the extent to which the combined pay and (SMP) exceeds full pay.
- 21 weeks (SMP). The remaining 13 weeks maternity leave will be unpaid.

If you elect to receive your 12 weeks maternity pay at 50% of your pay and you fail to return to work for at least three months, which may be varied by the Council on good cause being shown, you will be required to refund this pay, or part of, to the Council. If you return on a relief contract when you were previously on a fixed hour contract you must work at least once a week for three months to fulfil the return to work requirement. This will only apply to employees changing to a relief contract following maternity leave and not to those already employed on a relief basis

### **Proposal**

We would propose the following to bring the Maternity Guidance Teachers in line with LGE and amend the guidance to state the following.

#### Maternity Pay Teachers

- Occupational Maternity Pay (OMP) and Statutory Maternity Pay (SMP) at the appropriate rate for the first 13 weeks. Taken together, these payments will be equal to the employee's normal salary, and where eligible.
- SMP for the remaining 26-week period, provided that the employee's average weekly earnings are not less than the lower earnings limit for National Insurance contribution liability.

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

must work at least once a week for three months to fulfil the return to work requirement.

This will only apply to employees changing to a relief contract following maternity leave and not to those already employed on a relief basis.