

Maternity Scheme (Teachers and Associated Professionals) Version 1.6



North Ayrshire Council
Comhairle Siorrachd Àir a Tuath

Focus. Passion. Inspiration.

Contents

Contents.....	1
Version Control	1
Equality Impact Assessment:	2
Prepared by: Human Resources Team	2
1. Introduction	3
2. Antenatal Care.....	3
3. Health and Safety for Mothers	3
4. Maternity Leave	3
5. Maternity Pay.....	4
6. Notification Of Maternity Leave.....	7
7. Keeping In Touch During Maternity Leave.....	8
8. Maternity Leave and Pension Contributions	8
9. Maternity Leave and Accrual of Annual Leave	8
10. Maternity Leave and Salary Sacrifice Schemes	9
11. Returning to Work Following Maternity Leave	9
12. Shared Parental Leave.....	10
13. Rights On Return to Work	10
14. Discrimination And Unfair Dismissal.....	10

Version Control

Version Number	Effective Date	Details of Last Revision
v1	12th December 2018	Formatting and links updated
v1.1	2 nd April 2019	Formatting and links updated

Version Number	Effective Date	Details of Last Revision
v1.2	22 nd July 2021	Updated onto Accessibility template
v1.3	5 th November 2021	Links updated within the document
v1.4	21 st July 2022	Updated links
V1.5	6 th April 2024	Employer with Heart
V1.6	17 th September 2025	Amended accessibility

Equality Impact Assessment: To Be Confirmed
Prepared by: Human Resources Team

1. Introduction

- 1.1 The North Ayrshire Council Maternity Scheme for Teachers and Associated Professionals complies with the nationally agreed conditions of service detailed within the Scottish Negotiating Committee for Teachers Handbook of Conditions of Service.

2. Antenatal Care

- 2.1 All pregnant employees are entitled to take reasonable paid time off, as required for antenatal care. Antenatal care can include not only medical examination but also dental appointments, relaxation, and parent craft classes.
- 2.2 Prospective fathers or a mother's partner are entitled time off to attend up to 2 antenatal appointments with the expectant mother. Time off is unpaid and for up to 6.5 hours per appointment. It would normally be expected that time off for half a day would be requested but a longer period should be granted depending on the location and nature of the appointment.
- 2.3 Time-off to attend Antenatal care can be requested by completing a Special Leave Request Form.

3. Health and Safety for Mothers

- 3.1 Expectant mothers are advised to inform their line manager of their pregnancy when confirmed by a medical practitioner or midwife.
- 3.2 Managers should refer to the Health & Safety Guide: New and Expectant Mothers Risk Assessment for information on identifying and reducing any risks for expectant mothers. Risk assessments should also be carried out for mothers who have given birth within the previous six months or are breastfeeding.
- 3.3 Where risks are identified, normal duties may be adjusted, or alternative work provided. If there is no suitable alternative work available, the employee may be medically suspended on normal pay for a period of time. Decisions to medically suspend with be made by the Head of Service in consultation with the relevant Trade Union Representative.

4. Maternity Leave

- 4.1 All employees are entitled to 52 weeks of maternity leave, regardless of length of service. This is made up of 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave.
- 4.2 Employees can choose to begin their maternity leave on any date after the 11th week before the expected week of the birth. Maternity leave will automatically start on the day after the employee gives birth if earlier than

their chosen date, or on the day after an employee is absent on pregnancy related grounds in the four weeks before the expected birth.

- 4.3 Employees must take compulsory maternity leave of 2 weeks starting on the day of childbirth.

5. Maternity Pay

- 5.1 Entitlement to maternity pay is based on the employee's length of continuous service. Continuous service includes any previous employment (including teacher probationary periods) with councils or other employers listed in the Redundancy Payment (Local Government) (Modification) Order, subject to a gap in employment not exceeding one working week.
- 5.2 Employees with less than 26 weeks' continuous service at the beginning of the 15th week before the expected week of childbirth (the qualifying week) will have no entitlement to maternity pay. Payroll will provide the employee with the Statutory Maternity Pay form along with the submitted Maternity Certificate within 7 days of the decision that they are not entitled to maternity pay. The Statutory Maternity Pay form may enable the employee to claim Maternity Allowance directly from the Department of Work and Pensions.
- 5.3 In order to qualify for Maternity Pay, employees must satisfy all of the criteria set out below. If an employee does not meet the criteria for Statutory Maternity Pay, they may be entitled to receive Statutory Maternity Allowance.

Eligibility Criteria for Statutory Maternity Pay: The employee must:

- have at least 26 weeks continuous service with North Ayrshire Council at the end of their qualifying week (continuous service will commence from the date you joined North Ayrshire Council)
 - Be in receipt of average weekly earnings of not less than the lower earnings limit for the payment of National Insurance contributions in the 8 weeks prior to the qualifying week (applies to Statutory Maternity Pay only).
 - continue to be pregnant 11 weeks before the start of the expected week of childbirth or has already given birth)
 - have notified the Council of the date on which they will cease work in accordance with the Council's notification requirements
 - have provided the council with a maternity certificate
 - continue to be pregnant at the 24th week of pregnancy
 - stopped working for North Ayrshire Council for the purposes of maternity leave
 - not be in legal custody
- 5.4 Statutory Maternity Pay entitlement is calculated based on your joined date with North Ayrshire Council, as continuous service with other Local Authorities

is not recognised by His Majesty's Revenue & Customs for the purposes of statutory payments.

- 5.6 Where an employee has come from another Local Authority (recognised by the Continuity of Employment in Local Government, etc) (Modification) Order 1999, and is on North Ayrshire Council's payroll in the qualifying week (15th week before expected week of childbirth) but does not have 26 weeks continuous service with North Ayrshire Council, they will not be entitled to Statutory Maternity Pay from the Council or their former employer, however, may be entitled to Occupational Maternity Pay /Maternity Allowance.
- 5.7 Where an employee has 26 weeks continuous service and was on their former employers' payroll on the qualifying week before joining North Ayrshire Council. They may be eligible for Statutory Maternity Pay from their former employer.
- 5.8 If there is uncertainty with regards to the employee's entitlement to Statutory Maternity Pay and/or Occupational Maternity Pay, please refer to the Maternity Pay Calculator (Statutory Maternity Pay only) and contact the Human Resources Team.

Eligibility Criteria for Occupational Maternity Pay: The employee must:

- have at least 26 weeks continuous service at the end of their qualifying week
 - continue to be pregnant 11 weeks before the start of the expected week of childbirth or has already given birth)
 - have notified the Council of the date on which they will cease work in accordance with the Council's notification requirements
 - have provided the council with a maternity certificate
 - continue to be pregnant at the 24th week of pregnancy
 - stopped working for North Ayrshire Council for the purposes of maternity leave
 - not be in legal custody
- 5.9 Occupational Maternity Pay entitlement is based on your continuous service date. Therefore, any previous continuous service (recognised by the Continuity of Employment in Local Government, etc) (Modification) Order 1999, will be counted towards your entitlement to Occupational Maternity Pay entitlement.
- 5.10 Where an individual is employed on a supply (casual) basis, however, has worked continuously every week for 26 weeks prior to the qualifying week for North Ayrshire Council regardless of hours worked, they may qualify for Occupational Maternity Pay. However, this should be confirmed with the Service and Human Resources Adviser.

Where an employee meets all the required conditions, they will be entitled to receive pay made up of Occupational Maternity Pay/Statutory Maternity Pay/Maternity Allowance for 39 weeks at the rates detailed below:

The first 13 weeks: Occupational Maternity Pay and Statutory Maternity Pay /Maternity Allowance will be paid at the appropriate rate. Taken together, these payments will be equal to the employee's normal salary.

The remaining 26 weeks: Where eligible, Statutory Maternity Pay entitlement /Maternity Allowance will be paid. This is providing that the employee's average weekly earnings are not less than the lower earnings limit for National Insurance Contribution. Higher rate of, Statutory Maternity Pay (Nine Tenths of average weekly earnings)

- 5.11 *A 'Week's Pay' is the amount payable to the employee under the current contract of employment for working their normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 8 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.
- 5.12 If an employee qualifies for, Statutory Maternity Pay and then resigns or is dismissed after the 11th week before the Expected Week of Confinement, the Council will pay, Statutory Maternity Pay, starting from the day after employment ends. If the employee is dismissed before the 11th week before the expected week of confinement, Statutory Maternity Pay will start from the 11th week before the expected week of confinement.
- 5.13 Maternity Pay stops being paid when an employee:
- starts back to work before the end of her maternity pay period (when Statutory Maternity Pay / Occupational Maternity Pay is normally paid). This includes returning to work when sharing parental leave
 - has received Statutory Maternity Pay / Occupational Maternity Pay for the determined period
 - starts work after childbirth but before the end of her maternity pay period with an employer other than the Council by which she was employed during the qualifying week (Statutory Maternity Pay / Occupational Maternity Pay ceases on the Saturday of the week before the week in which she starts work)
 - dies (Statutory Maternity Pay / Occupational Maternity Pay ceases on the Saturday of the week in which the death occurred)
 - is arrested or sent to prison (Statutory Maternity Pay / Occupational Maternity Pay ceases with the last complete week within the maternity pay period before the employee is taken into custody)
- 5.14 Where Statutory Maternity Pay / Occupational Maternity Pay ceases to be payable, the employee will be notified in writing within 21 days of:

- the weeks for which the Council considers Statutory Maternity Pay / Occupational Maternity Pay is payable
 - the amount of Statutory Maternity Pay / Occupational Maternity Pay payable for such weeks
 - The weeks for which the Council considers Statutory Maternity Pay / Occupational Maternity Pay not payable and the reasons
- 5.15 Where the reason is because the employee is taken into legal custody the Council will complete Statutory Maternity Pay form and send this to the employee along with her Maternity Certificate (this may enable the employee to claim Maternity Allowance).
- 5.16 If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of her maternity leave (whether Ordinary or Additional Maternity Leave) the higher rate of Statutory Maternity Pay will be recalculated by Payroll to take account of the employee's pay rise, regardless of whether Statutory Maternity Pay has already been paid. This means that the employee's Statutory Maternity Pay will be recalculated and increased retrospectively or that she may qualify for Statutory Maternity Pay if she did not previously.

6. Notification Of Maternity Leave

- 6.1 To qualify for maternity leave and pay an employee must notify the Council at least 15 weeks before the expected week of childbirth that she is pregnant, the expected week of childbirth and the date she wishes maternity leave to start. The employee should use the Application for Maternity Leave/Pay Form to submit this notification.
- 6.2 This must be accompanied by a Maternity Certificate from a registered medical practitioner or midwife confirming the pregnancy and expected date of childbirth.
- 6.3 The Council will respond in writing within 28 days of receipt of the Application for Maternity Leave/Pay Form. This response will set out the dates of maternity leave, and details of any maternity pay the employee is entitled to receive.
- 6.4 Employees can alter the start date of maternity leave by submitting an Alteration to Original Maternity Leave Date Form at least 28 days prior to the new start date.
- 6.5 For teachers and music instructors, a pay calculation for the part-month prior to the start of maternity leave will be made in accordance with the National Pay and Leave Specification.
- 6.6 North Ayrshire Council has signed up to the Employer with Heart Charter. This means that if your baby is born premature (before 37 weeks gestation), we will extend your maternity leave and pay by the number of days your baby was born prior to their due date. This extended leave will be at full pay. We

will also extend paternity leave to partners, applying the same principles as above.

If this charter applies to yourself, please notify the Human Resources Team on Human Resources Operations team who will be in contact to discuss the additional leave/pay.

The Council is committed to supporting parents who return to work by offering time off for appointments which relate to premature birth through our Special Leave Scheme. Employees can also utilise our Work Life Balance Policy for permanent changes to working patterns.

7. Keeping In Touch During Maternity Leave

- 7.1 Managers should have clear arrangements for keeping in contact with employees during maternity leave and discuss these with the employee prior to the leave starting.
- 7.2 With the exception of the first 2 weeks of maternity leave, an employee can work up to 10 'Keeping in Touch Days' without bringing the period of maternity leave to an end.
- 7.3 Keeping in Touch Days' Days are paid at the employee's normal contractual pay, inclusive of any Statutory Maternity Pay or Maternity Allowance due. If the employee works less than their normal contractual hours during a Keeping in Touch Day, this will still count as one day, and payment will be based on the actual hours worked. Managers are required to submit a Completed Keeping in Touch Days / Shared Parental Leave in touch Day Form for any Keeping in Touch Day's worked.
- 7.4 Days do not need to be consecutive and can be used for training or any other activity that enables the employee to keep in touch with their place of employment. The employee and manager need to agree the activity and timing of Keeping in Touch Days and the Scottish Negotiating Committee for Teachers Code of Practice on Keeping in Touch Days should be the basis for arrangements for such days.

8. Maternity Leave and Pension Contributions

- 8.1 Pension contributions will continue to be made during the period of paid Maternity Leave and on any Keeping in Touch Day. A period of unpaid leave will not count for pension contributions.
- 8.2 Information about increasing Teachers' pension benefits (such as purchasing additional pension or additional service) is available from the Scottish Public Pension Agency.

9. Maternity Leave and Accrual of Annual Leave

- 9.1 Annual leave will continue to accrue during the full period of maternity leave.

- 9.2 Information about how annual leave accrues for Teachers and Associated Professionals is included within Part 2 Section 5 of the Scottish Negotiating Committee for Teachers Handbook and Teachers' accrued entitlement will be calculated in accordance with the National Pay and Leave Specification using the Local Negotiating Committee for Teachers agreed Annual Leave and School Closure Calendar.
- 9.3 Education Support Officers, Quality Improvement Officers/Managers and Educational Psychologists should, where possible, take their proportionate annual leave entitlement prior to starting maternity leave.
- 9.4 For teachers and music instructors, a pay calculation will be made at the start of maternity leave of pay up to the day prior to starting maternity leave (including annual leave accrued to this date).
- 9.5 Where an employee has notified the Council of their date of return from maternity leave, they will be notified of the annual leave entitlement that they have accrued during their period of maternity leave (including any balance that an associated professional had accrued prior to leave starting). This annual leave entitlement will be comprised of statutory leave entitlement and additional occupational leave entitlement.
- 9.6 Statutory leave entitlement should be taken in leave year that the employee returns. If this is not practicable it will be carried into the next leave year and must be taken as leave. This should normally be taken by teachers in the term or following term of their return, and by associated professionals as soon as possible following their return.
- 9.7 The balance of leave (in excess of the statutory entitlement) should be taken at the end of the maternity leave period, subject to the overriding needs of the service. In the case of teachers, such leave can be taken during periods of school closure with appropriate payment.

10. Maternity Leave and Salary Sacrifice Schemes

- 10.1 If an employee has entered into a salary sacrifice scheme, then for the purposes of calculating maternity pay, earnings are based on the salary received after the salary sacrifice payment has been deducted.
- 10.2 If an employee wishes to withdraw from a salary sacrifice scheme prior to the calculation of maternity pay being made, then they should note this on the Application for Maternity Leave / Pay.
- 10.3 If an employee continues to be in a salary sacrifice scheme during maternity leave, the Council will meet the cost of the continued benefit for the duration of the maternity leave.

11. Returning to Work Following Maternity Leave

- 11.1 Employees are not required to provide any notification of their return if returning on the first working day following the end of the maternity leave

period. Managers should confirm to payroll that the employee has returned using Form 'Return to Work Following Maternity Leave'.

- 11.2 If an employee wishes to return to work earlier than the end of their Maternity Leave, they must give the Council at least 28 days' notice by submitting an 'Early Return to Work Form. Failure to provide 28 days' notice may result in the Council postponing the employee's return to work for up to 28 days (but no later than the maternity leave end date).
- 11.3 For teachers and music instructors, a pay calculation following the return from maternity leave will be made in accordance with the National Pay and Leave Specification.

12. Shared Parental Leave

- 12.1 Shared parental leave allows mothers to end their maternity leave and pay, and to share the untaken balance of leave and pay as shared parental leave with their partner. For more information about shared parental leave please see Human Resources Guide: Shared Parental Leave.

13. Rights On Return to Work

- 13.1 The employee has the right to return from maternity leave to the post in which she was employed. This will be under the original contract of employment and on terms and conditions no less favourable than those which would have been applicable had they not been absent on maternity leave.
- 13.2 Where it is not practicable, by reason of redundancy, for the employee to return to her post, the employee is entitled to be offered a suitable alternative vacancy where one exists.
- 13.3 Suitable alternative employment may also be offered in exceptional circumstances other than redundancy (e.g. a general reorganisation) which would have occurred if the employee had not been on maternity leave and where these circumstances necessitate a change in the post in which she was employed prior to her leave commencing.
- 13.4 A temporary employee will not have the right to return to work where her contract would have expired during the leave period but will be entitled to all other provisions provided that she meets the criteria (where these are stated).

14. Discrimination And Unfair Dismissal

- 14.1 The Equality Act (2010), as amended, contains express provisions prohibiting discrimination on the grounds of pregnancy or maternity leave. Under the Employment Rights Act 1996, the dismissal of an employee on the grounds of pregnancy is automatically unfair dismissal.