Barking & Dagenham

Schools Maternity Guidance

The Schools HR Advisory Service will update this guidance to reflect changes in legislation or ACAS guidance, and to correct or clarify content. Schools will be notified of any amendments.

This document is issued as guidance by the Schools HR Advisory Service. Schools should not change the content (other than completing specified details) without advice.

Compliance Statement

This guidance reflects the relevant laws and national guidance in England on Maternity Leave, Statutory Maternity Pay (SMP), Maternity Allowance and Neonatal Care Leave and Statutory Neonatal Care Pay.

Schools should apply this guidance consistently and in line with equality duties. Where a school considers any local variation, it must seek advice from the Schools HR Advisory Service first.

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1. Maternity Leave

If you are pregnant, you are entitled to **52 weeks' Statutory Maternity Leave**, regardless of length of service.

This consists of:

- **26 weeks' Ordinary Maternity Leave (OML)**; followed by
- **26 weeks' Additional Maternity Leave (AML)**

You are legally required to take **a minimum of 2 weeks' Maternity Leave following childbirth**.

2. Who is eligible?

All pregnant employees are entitled to Statutory Maternity Leave, **regardless of length of service**.

3. When should I notify my Employer?

You must notify the School **by the end of the 15th week before the Expected week of childbirth (EWC)**, confirming:

- That you are pregnant
- Your Expected Week of Childbirth (EWC)
- When you intend your Maternity Leave to start

You must provide your **MATB1 Certificate** as soon as it is available.

4. What happens next?

You will be asked to complete a Maternity Leave options / declaration form, including return-to-work intention and provide the MATB1 Certificate.

This information is required to ensure payroll can apply the correct pay entitlement.

5. How much Maternity Leave can be taken?

You can take **up to 52 weeks' Maternity Leave** no earlier than 11 weeks before the **EWC**. You may choose to work closer to your due date, but **you cannot work beyond the EWC**.

6. Time off for antenatal appointments

All pregnant employees are entitled to **paid time off** to attend antenatal appointments. Antenatal care may include medical appointments, scans, and antenatal classes.

The School may request reasonable evidence of appointments.

7. Changing the start date of Maternity Leave

You may request to change your Maternity Leave start date by giving the School at least 28 days' notice in writing, or as much notice as reasonably practicable where this is not possible.

8. What happens if I am signed off as sick before my Expected Week of Childbirth (EWC) or Maternity Leave?

If you are absent due to a pregnancy-related illness during the four weeks immediately before your Expected Week of Childbirth (EWC), your Maternity Leave will start automatically.

In these circumstances, Maternity Leave will begin on the day after the first day of pregnancy-related sickness absence.

This automatic start applies only where the sickness absence is confirmed as pregnancy-related. Pregnancy-unrelated illness does not trigger an automatic start to Maternity Leave.

If you are unfit to return to work at the end of your Maternity Leave, you must:

- provide a **GP fit note**; and
- follow the School's **normal sickness reporting arrangements**.

You will be treated as being on **sick leave from the date you were due to return to work**, and any pay will be applied in line with your **normal sick pay entitlement**.

9. What happens if my baby is born early?

If your baby is born before your planned Maternity Leave start date, your Maternity Leave and Pay will begin on the day after the birth.

You must notify the School as soon as reasonably practicable.

10. Neonatal Care Leave and Pay

If your baby requires neonatal care, you may be entitled to Neonatal Care Leave and, if eligible, Statutory Neonatal Care Pay.

The following applies in relation to Neonatal Care Leave and Pay:

- Applies where a baby is born on or after 6 April 2025
- Neonatal Care Leave is a day-one right
- Available where a baby is admitted to neonatal care within the first 28 days of life and receives 7 full continuous days or more of care
- Up to 12 weeks' leave, taken in week-long blocks
- Leave must be taken within the statutory 68-week window from the baby's date of birth

Statutory Neonatal Care Pay is subject to service and earnings criteria.

11. Multiple births

Entitlement to Maternity Leave and Pay is not increased for multiple births arising from the same pregnancy.

12. Loss of a baby

If your baby is:

- Stillborn after 24 weeks of pregnancy; or
- Born alive at any stage and later dies

You remain entitled to full Maternity Leave and Maternity Pay, subject to eligibility.

13. What happens if my baby is late after Maternity Leave has started?

Once your Maternity Leave has started, there is no statutory flexibility to change the start date, duration of leave, or associated pay arrangements if your baby is born later than expected.

14. When am I due back at work?

Your School will confirm your expected return-to-work date in writing, based on the Maternity Leave dates notified and agreed.

Unless you notify otherwise, the School will assume you are returning at the end of your Maternity Leave, if you wish to:

- Return earlier or later than planned
- Resign instead of returning
- Request flexible working

You must follow the relevant notice and policy requirements.

15. What if I decide not to return to work?

If you decide not to return to work following your Maternity Leave, you must notify the School in writing, giving a minimum of 8 weeks' notice before your return-to-work date confirming your intention to resign.

16. What if I want to return to work on a different date to the one agreed?

The School will assume that you will return at the end of your Ordinary or Additional Maternity Leave unless you notify otherwise.

If you wish to return earlier or later than the date previously agreed, you must give the School at least 8 weeks' notice, unless the School agrees otherwise.

You are strongly advised to confirm any change in writing to ensure payroll records are accurate and to avoid pay issues.

17. What if I want to return on a part-time or alternative working pattern?

You may request a change to your working arrangements under the **statutory right to request flexible working**, please refer to the Schools Flexible Working Guidance,

Any requests should be made in writing and submitted **at least 12–14 weeks before** you wish the change to take effect.

Requests to change working hours or patterns are considered separately from maternity leave entitlements and are subject to the statutory flexible working process.

18. What if I am offered another Council job before returning to work?

If you are offered alternative employment within the Council before returning, you must give the School at least 8 weeks written notice confirming that you will not be returning to your substantive post.

19. Annual leave during Maternity Leave

You will continue to accrue statutory and contractual annual leave during both Ordinary and Additional Maternity Leave.

Annual leave should normally be taken:

- before or after Maternity Leave, or
- during School closure periods where possible.

Where insufficient closures are available, outstanding annual leave may be taken during term time in the relevant leave year. Entitlement will be pro-rated for employees working less than five days per week.

If you take your full annual leave entitlement before Maternity Leave and subsequently resign before the end of the academic year, the School may seek recovery of any over-taken leave.

20. Contact during Maternity Leave and Keeping in Touch (KIT) Days

Reasonable contact between the School and an employee on Maternity Leave is permitted, for example to:

- provide workplace updates; or
- discuss return-to-work arrangements.

By mutual agreement, you may work up to 10 Keeping in Touch (KIT) Days during Maternity Leave without bringing the leave to an end or losing maternity pay.

KIT Days:

- may only be worked by agreement;
- can be used for training or other work activities; and
- are paid at your normal day's pay.

21. What if I become pregnant again while on Maternity Leave?

You will remain entitled to Maternity Leave for a subsequent pregnancy. Entitlement to Statutory Maternity Pay will depend on whether the statutory qualifying criteria are met for the new pregnancy.

You should notify your School as soon as possible to allow appropriate advice and arrangements to be made.

22. Breastfeeding on return to work

If you intend to continue breastfeeding on your return, you should discuss any practical arrangements with the School before returning to work.

A workplace risk assessment may be required.

23. Health and Safety for pregnant employees

Once an employee notifies the School that they are pregnant, the School must assess any risks to the employee or baby.

Risks may include:

- manual handling;
- prolonged standing or sitting;
- exposure to hazardous substances; or
- excessive working hours.

Where risks are identified, the School must take reasonable steps to remove or reduce them.

If risks cannot be adequately controlled, the employee may be suspended on full pay.

24. Contractual arrangements during Maternity Leave

During Maternity Leave:

- You remain employed
- Terms and conditions continue as normal, except for pay
- Annual leave continues to accrue

You are entitled to return to the same job, or if that is not reasonably practicable, a suitable alternative role on no less favourable terms.

You may work up to 10 Keeping in Touch (KIT) Days by agreement with the School.

25. Equality and Protection from Detriment

You must not be treated unfavourably, disadvantaged, or subjected to any detriment because you have requested or taken Maternity Leave, Neonatal Care Leave, or exercised statutory family-related rights.

Pregnancy and maternity are protected characteristics under the Equality Act 2010, and pregnancy-related sickness absence must not be treated as ordinary sickness absence for absence management purposes.

26. Pay during Maternity Leave (summary)

Pay entitlements vary depending on role and service (Teacher/Support staff).

Eligibility for **Statutory Maternity Pay (SMP)** is separate from eligibility for **Maternity Leave**.

If you do not meet the qualifying criteria for SMP, you may be eligible for **Maternity Allowance (MA)**, payable for **up to 39 weeks**.

To qualify for Maternity Allowance, you must:

- have been **employed (or self-employed) for at least 26 weeks in the 66 weeks before the Expected Week of Childbirth (EWC)**; and
- have earned **at least £30 per week** in **at least 13 of those weeks** (the weeks **do not need to be consecutive**).

From **6 April 2025**, Maternity Allowance is payable at **£194.32 per week**, or **90% of average weekly earnings if lower**.

You may still qualify for Maternity Allowance if your baby:

- is born early;
- is stillborn after the start of the **24th week of pregnancy**; or
- dies after being born.

If you do not meet the statutory earnings threshold for SMP (currently **less than £125 per week** in the relevant Qualifying Week), or if you do not have **26 weeks' service by the 15th week before the EWC**, you will not be entitled to receive SMP through the School.

However, you may still be eligible to claim **Maternity Allowance directly from the Department for Work and Pensions**.

Further information and applications can be found at: Maternity Allowance : Overview - GOV.UK (www.gov.uk)

Support Staff	
Less than 1 years' service at 11th week before the expected week of childbirth (and more than 26 weeks' service at 15th week before expected week of childbirth)	**Weeks 1-6** = 90% weekly Pay (Offset against SMP or Maternity Allowance (MA) Payments). **Weeks 7–39** = SMP entitlement (£194.32 a week or 90% Pay whichever is lower).
More than 1 years' service at 11th week before the expected week of childbirth	If you have over **one year's continuous local authority service by the 11th week before the Expected Week of Childbirth (EWC)**, **at least 26 weeks' service by the 15th week before the EWC with this Employer**, **and you return to work following Maternity Leave**, you may be entitled to **up to 39 weeks of paid Maternity Leave**, subject to the criteria set out below. **Pay during Maternity Leave** **Weeks 1–6** = Paid at **90% of average weekly pay**, offset against any **Statutory Maternity Pay (SMP)** or **Maternity Allowance (MA)** entitlement. **Weeks 7–18** = Paid at **half pay plus SMP**, subject to the conditions below. *Half pay is paid without deduction except where half pay plus SMP (or MA, where applicable) and any dependants' allowances exceeds the employee's normal weekly pay.* **Half pay plus SMP is conditional upon the employee returning to work for a minimum period of three months.** **Weeks 19–39** = Paid at the **standard rate of Statutory Maternity Pay**, subject to statutory eligibility.
If you do not return to work following your Maternity Leave, you are not entitled to the half Pay portion of the above stated Maternity Leave Entitlement. If you are not sure whether you want to return to work or not, you may decide to put off receiving the 12 weeks at half Pay and then if you do return you will receive this as a lump sum. You can indicate your preference on the attached options form.	

Teaching Staff	
Less than 1 years' service at 11th week before the expected week of childbirth (and more than 26 weeks' service at 15th week before expected week of childbirth)	**Weeks 1-6** = 90% weekly Pay (Offset against SMP or Maternity Allowance (MA) Payments). **Weeks 7–39** = SMP entitlement (£194.32 a week or 90% Pay whichever is lower).
More than 1 years' service at 11th week before the expected week of childbirth	**4 weeks** at full Pay **2 weeks** at 9/10 of a week's Pay - Statutory Maternity Pay (SMP) **12 weeks** at half Pay plus £194.32 per week SMP **21 weeks** at £194.32 per week SMP Plus, an additional maximum of 13 weeks unpaid leave
If you do not return to work following your Maternity Leave, you are not entitled to the half Pay portion of the above stated Maternity Leave entitlement. If you are not sure whether you want to return to work or not, you may decide to put off receiving the 12 weeks at half Pay and then if you do return you will receive this as a lump sum. You can indicate your preference on the attached options form.	

If you do not meet the statutory earnings threshold for **Statutory Maternity Pay (SMP)** (for example, where your average weekly earnings are **below the Lower Earnings Limit** in the relevant **Qualifying Week**), you will not be entitled to SMP.

However, you may be eligible to claim **Maternity Allowance** directly from the Department for Work and Pensions.

In addition, if you do not have **26 weeks' continuous service by the 15th week before the Expected Week of Childbirth (EWC)** with this Employer, you will not be entitled to receive SMP through the School.

In these circumstances, you may still be able to claim **Maternity Allowance**, subject to meeting the statutory eligibility criteria.

Employees who do not qualify for SMP may be eligible for **Maternity Allowance**, paid by the Department for Work and Pensions.

Schools should contact the Schools HR Advisory Service for confirmation

27. Definitions

Definitions mirror those set out in the Paternity Guidance, including:

- Expected Week of Childbirth (EWC)
- Qualifying Week (QW)
- Maternity Benefit Certificate (MATB1)
- Statutory Maternity Pay (SMP)
- Ordinary Maternity Leave (OML)

- Maternity Allowance (MA)
- Neonatal Care Leave
- Keeping in touch (KIT)
- General Practitioner (GP)

28. Useful links

https://www.gov.uk/maternity-Pay-leave

Taking Maternity Leave: Your Maternity Leave, Pay and other rights - Acas

Home - Maternity Action

Appendix A – Head Teacher Checklist – Maternity Leave (Schools)

A. Confirm the request type
☐ Ordinary Maternity Leave (OML)
☐ Additional Maternity Leave (AML)
☐ Adoption to follow maternity leave (if applicable)
☐ Neonatal Care Leave interaction (if applicable)

B. Confirm eligibility (leave v pay)
☐ Confirm Employee is pregnant and entitled to 52 weeks' maternity leave as a day one right.
☐ Separately confirm eligibility for Statutory Maternity Pay (SMP) (26 weeks' continuous service at the 15th week before Expected Week of Childbirth and average earnings threshold met).
☐ If SMP is not payable, confirm eligibility for Maternity Allowance and provide appropriate signposting.

C. Notice requirements
☐ Employee notified pregnancy, Expected Week of Childbirth (EWC), and intended maternity leave start date by the 15th week before the EWC, or as soon as reasonably practicable.
☐ MATB1 certificate received (must be provided no earlier than 20 weeks before EWC).
☐ Written confirmation issued by the school within 28 days of notification, confirming:
- Maternity leave start date
- Expected return date
- Pay arrangements

D. Agree the maternity leave period
☐ Confirm maternity leave start date (earliest: 11 weeks before EWC).
☐ Confirm compulsory maternity leave period following childbirth (minimum 2 weeks).
☐ Confirm intended return date (OML or AML), noting flexibility to change with required notice.

E. Pay, terms, and conditions
☐ Confirm SMP / occupational maternity pay entitlement in line with School policy and Burgundy Book (where applicable).
☐ Confirm contractual benefits continue during maternity leave (excluding salary where unpaid).
☐ Ensure annual leave accrual arrangements are clearly agreed and recorded.

F. Keeping in Touch (KIT) arrangements
☐ Discuss and agree approach to Keeping in Touch (KIT) days (up to 10 days, voluntary).
☐ Confirm KIT days are not mandatory and do not extend maternity leave.
☐ Record any agreed KIT days and payment arrangements.

G. Evidence, recording, and payroll
☐ Record: notification date, MATB1 receipt date, maternity leave dates, pay decisions, and expected return date.
☐ Notify HR Service Desk / payroll in good time to ensure accurate maternity pay processing.
☐ Ensure documentation is retained securely and confidentially.

H. Changes during maternity leave

☐ If the Employee wishes to change return date, confirm required notice:

- 8 weeks' notice for early or delayed return.

☐ Confirm changes in writing and update payroll / HR records accordingly.

I. Neonatal Care Leave (if relevant)

☐ Check eligibility where the baby requires neonatal care:

- Baby born on or after 06/04/2025
- Care began within first 28 days of life
- Minimum 7 continuous days of neonatal care

☐ Confirm interaction with maternity leave and whether Statutory Neonatal Care Pay applies.

J. Equality, health, and support

☐ Apply maternity protections consistently, including protection from detriment or unfavourable treatment.

☐ Ensure risk assessments are completed and reviewed during pregnancy and on return to work.

☐ Seek Schools HR Advisory Service advice where complexity, overlap with other family leave, or equality considerations arise.