



Policy:	Maternity Policy (taken from the MOPP September 2022, v3.7.1)
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Jesus said "I have come so that you might have life – life in all its fullness." John 10:10

Jesus encouraged all his children to live life in all its’ fullness. Through our core values of **love, courage** and **fellowship**, and with an enquiry approach to our inter-disciplinary curriculum, our children enjoy learning about themselves, about others and the world of which we are guardians of. We nurture a love of learning, celebrate courage to persevere in learning and fellowship through collaboration and recognising each other’s strengths and special qualities.

‘Be kind, never give up and work together.’

Policy statement

Hampshire County Council is committed to ensuring that maternity benefits are applied fairly and consistently. This policy outlines the framework for managing maternity and related absences and the steps that managers and employees must take to ensure that the pregnant employee’s statutory and occupational benefits are applied appropriately.

This policy applies regardless of the gender of the employee’s partner.

Scope

- Non-school based EHCC employees including Teachers (non-schools)
- School based employees including EHCC and Teachers
- JNC employees
- Soulbury employees

Policy outcome

The aims of this policy are to:

- ensure statutory leave and pay entitlements are met
- ensure occupational leave and pay entitlements are met
- define the process for managing maternity leave and pay

Check which policy to use

Details of maternity support leave where an employee is not eligible for maternity / paternity leave can be found in the Other Family Friendly Policy.

‘Let all that you do, be done in love.’ 1 Corinthians 16:14

*‘Be strong and **courageous**; do not be frightened or dismayed, for the Lord your God is with you wherever you go.’ Joshua 1: 5-9*

*‘If we walk in the light as He himself is in the light, we have **fellowship** with one another...’ 1 John 1-7*

If a woman elects to curtail her maternity leave so the remaining leave may be shared, then details of the provisions available can be found in the Shared Parental Leave Policy.

Annual leave arrangements must be managed under the Annual Leave and Time Off Policy.

Sickness absence which occurs prior to 11 weeks before the expected week of childbirth should be managed under the Managing Sickness Absence Policy.

Sickness absence which occurs within 11 weeks of the expected week of childbirth must be managed under this policy.

Flexible working requests following return from maternity leave should be managed under the Managing Requests for Flexible Working Policy

Fixed term contracts that are due to end during the pregnancy or maternity leave period must be managed under the Ending a Fixed Term or Temporary Contract Policy.

Equality and Dignity at work

The Council is committed to developing a workplace where all employees are treated with dignity. Discrimination based on age, disability, gender identity, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation is not acceptable. Equally, bullying and harassment related to any of these characteristics is not acceptable. The Council will take robust action against any unacceptable behaviour.

Therefore, a woman should not receive unfavourable treatment because she is pregnant or if she is ill because of that pregnancy.

Maternity Leave and Pay

Pregnant employees retain the same rights under their contract of employment as if they were still at work. The only exception is that they will not get their normal contractual pay during maternity leave.

Employees will only be able to take one period of maternity leave and pay, irrespective of the number of children born as part of the same pregnancy. Employees may be eligible for further maternity leave and pay if they have more children at a later date.

Statutory maternity pay entitlements are defined by Her Majesty's Revenue and Customs service (HMRC).

Occupational maternity pay entitlements are defined by the employee's relevant terms and conditions of employment (eg the Green Book for EHCC employees, or the Burgundy Book for Teachers).

Exceptions

None apply

Policy stages

There are five main stages to this policy:

1. notification of pregnancy
2. starting maternity leave
3. during maternity leave
4. intentions regarding a return to work
5. completion of the return to work period

The actual steps in the policy may vary dependent on the employee and employer needs.

Stage 1 – Notification of pregnancy

Risk Assessment

Legally, the employee must tell their employer they are pregnant at least 15 weeks before the baby is due (the end of the qualifying week), or as soon as possible. This is because the line manager must ensure that an appropriate risk assessment is carried out.

Schools and departments will need to complete to their specific pregnant worker risk assessment templates.

Annual leave

Staff that work term time only, including teachers, are required to take their annual leave during school holidays.

Where an employee is absent due to maternity, paternity, adoption or shared parental leave their entitlement to annual leave continues to accrue during this period. Where the maternity, paternity, adoption or shared parental leave spans more than one annual leave year, the employee is entitled to their full annual leave entitlement within the year to which it relates.

The line manager and employee must ensure annual leave is planned around the maternity leave to ensure that minimal annual leave is carried forward into the next leave year.

Reasonable contact

Before the employee starts maternity leave the line manager and employee will agree appropriate and reasonable contact arrangements for the maternity leave period.

These arrangements should be used to keep each other up-to-date on vacancies, workplace developments, training opportunities, any changes which would affect the employee's return to work, or other circumstances which are relevant to the maternity leave and help ensure correct payment of maternity benefits.

Ante-natal classes

The employee has a statutory right to paid time off to attend a clinic or any other place for ante-natal care if the appointment is made on the advice of a registered medical practitioner, registered mid-wife or any other registered health practitioner.

The employee does not have to provide evidence for the first appointment. Sight of written proof of the appointment may be requested for all other appointments. All time off must be agreed with the manager so it is known when the employee will be away from work.

An expectant father or the partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the woman to up to 2 of her ante-natal appointments. This right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for and intend to apply for a Parental Order for the child born through that arrangement.

Ordinary maternity leave (OML)

To qualify for ordinary maternity leave the employee must be employed under a contract of employment, regardless of hours worked, length of service or terms and conditions of employment. They will have an entitlement to take maternity leave and remain absent for a total of 26 consecutive weeks.

Additional maternity leave (AML)

If the employee meets the qualifying criteria for ordinary maternity leave, they also qualify for an entitlement to an additional 26 consecutive weeks, creating a total of 52 consecutive weeks' adoption leave entitlement.

AML must be taken immediately following the end of the ordinary maternity leave entitlement.

Start date of maternity leave

The earliest an employee's ordinary maternity leave can start is 11 weeks before the expected week of childbirth. There are two exceptions:

- if the employee is absent due to sickness wholly or partly because of pregnancy or childbirth within four weeks of their expected week of childbirth, maternity leave will start and maternity pay will be applied if appropriate.
- if childbirth happens earlier than the date specified on the MATB1 form, maternity leave will start from the day after the actual date of birth. Maternity pay will start from the same date. In these circumstances the employee must give their line manager written notice of the actual date of birth at the earliest opportunity.

If the employee is certified medically unfit to remain at work between the 11th and 4th week before the expected week of childbirth they can choose whether to take sick leave or start their maternity leave.

The employee or line manager must inform the IBC the employee is pregnant at the earliest opportunity and at least 21 calendar days before the employee intends to start their maternity leave period. If the employee wishes to change their maternity leave start date, they or their line manager must notify the IBC as soon as possible or again give at least 21 calendar days' notice. Once the IBC has been notified of the intended maternity leave start date, they will confirm the employee's maternity leave and pay entitlements within 21 calendar days.

Working during the Maternity Pay Period (MPP)

If the employee is getting SMP from one employer and, before the baby is born, they do some work for another employer, their SMP is not affected.

SMP will stop if, after the baby is born but before the end of the Maternity pay period (MPP), the employee works for an employer who did not employ them in the qualifying week.

If the employee works in a self-employed capacity during their MPP such work will not affect their SMP.

The employee can work under their contract of service for the employer paying them SMP for up to 10 days (known as KIT days) during their MPP without losing any SMP. An employee can only use KIT days with the employer paying them SMP.

If the employee resigns before maternity leave starts

If an employee intends to resign, rather than take maternity leave, they will normally be required to give their contractual notice.

If the employee cannot meet the requirements of their contractual notice period, they should give their line manager at least 21 calendar days' written notice of their intention to resign.

The employee may be entitled to receive SMP, even after their last date of employment.

The employee would not be entitled to receive OMP.

The IBC will confirm the employee's entitlements within 21 calendar days of being notified and will complete the leaver action on behalf of the line manager.

Stage 2 - Starting maternity leave

Statutory maternity pay

EHCC, JNC, Soulbury and Teachers

To qualify for SMP, the employee must:

- have 26 weeks continuous service with their employer at the 15th week before their expected week of childbirth
- have earnings of more than the lower earnings limit for National Insurance contributions
- still be pregnant at the 11th week before their expected week of childbirth or have already given birth

If the employee does not qualify for SMP, the IBC will issue them with an SMP1 form which explains why they do not qualify. The employee should present the SMP1 to the Department for Work and Pensions who will determine whether they qualify to receive maternity allowance.

Payment of SMP starts when the employee starts their maternity leave period.

The SMP period normally starts on a Sunday. However, if the maternity pay period starts because of childbirth or the start of a pregnancy related illness, the SMP can start on any day of the week. In cases of

childbirth happening earlier than the date specified on the MATB1 form, SMP will be paid from the day after the actual date of birth.

SMP payments stop if the employee returns to work before the end of the SMP period (except for Keeping In Touch Days).

SMP will not be paid if the employee is taken into legal custody.

SMP will stop if, after the baby is born but before the end of the MPP, the employee works for an employer who did not employ them in the qualifying week.

SMP will not be affected if an employee is receiving SMP from one employer and, before the baby is born, they do some work for another employer.

Occupational maternity pay (OMP)

To qualify for occupational maternity pay, employees must:

EHCC, JNC and Soulbury

- regardless of the number of hours worked, have at least one year's continuous local government service at the beginning of the 11th week before their expected week of childbirth

Teachers

- regardless of the number of hours worked, have at least one year's continuous local government service as a teacher with one or more local authorities at the beginning of the 11th week before their expected week of childbirth

EHCC, JNC, Soulbury and Teachers

Payment of OMP starts when the employee starts their maternity leave period.

The OMP period can start on any day of the week.

If childbirth happens before the maternity leave period was due to start, OMP will be paid from the day after the actual date of birth.

OMP payments stop if the employee returns to work before the end of the OMP period (except for Keeping In Touch Days).

OMP is paid on the condition the employee will be available to work or able to return to work for a required return to work period.

The 12 weeks of half pay OMP is repayable if the employee does not complete the required return to work period.

Please refer to the **Appendix 1** for full details of SMP and OMP.

Pensions

If the employee is a member of the Teachers' or Local Government Pension Schemes they will have pension deductions made from occupational and statutory maternity Pay.

Local Government Pension Scheme

For the period of ordinary maternity leave the employee will pay contributions on all contractual or statutory maternity pay. The first 26 weeks of ordinary maternity leave will count for pension purposes whether or not pay is received and contributions paid. For unpaid maternity leave in excess of 26 weeks, the employee can choose to pay contributions in order for the period to count in full for pension purposes. The contributions (payable by the employee and their employer) are based on contractual pay immediately before the unpaid period started. If the employee wants to pay contributions they must confirm this in writing to the IBC, within 30 days of returning to work, or leaving the County Council's employment if sooner.

If the employee does not pay contributions, this period of unpaid leave will not count towards their pension.

Teachers Pensions

On 1st April 2015 the Teachers' Pension Scheme changed to a career average scheme. Details of how this change may affect individuals can be found on the [Teachers' Pensions website](#). Employees are advised to seek advice from Teachers' Pensions regarding their specific entitlements.

If the employee is a member of the pension scheme and is receiving pay, pension contributions will be based on the pay they receive whilst absent. If an employee who is a member of the pension scheme is not receiving any pay, they will no longer be a member of the scheme and will automatically be returned into the scheme when they return.

Deductions from salary

All payments under the Statutory and Occupational Maternity Pay schemes are treated as earnings and are therefore subject to income tax and national insurance deductions.

Union contributions, charity contributions, staff loan repayments and BUPA payments will continue to be deducted whilst the employee receives statutory or occupational maternity pay.

If the employee usually has these items deducted from pay they will have to make their own arrangements to pay these during their unpaid maternity leave period. If the employee is a member of the Hospital Savings Association they may still be able to claim benefits during the period of unpaid leave. They should let HSA know well in advance of their period of unpaid leave.

Allowances

Claims for sleep-ins and other enhancements during the eight-week calculation period are included in the average weekly earnings calculation for Statutory Maternity Pay purposes. Claims for sleep-ins and enhancements should therefore not be made during maternity leave. Should any such claims be made and paid then reimbursement will be sought by the department.

Calculating maternity payments

Please refer to the **Appendix 1** for full details of SMP and OMP.

The IBC will not provide estimates of SMP and OMP payments to be received, but a gross pay estimation form is available online for employees and managers to use.

Please see the link below for access to this form: <https://extra.hants.gov.uk/employee/policy-guidance/time-off/maternity-policy>

Monitoring maternity payments

During the maternity leave period, managers must ensure they review their monthly staffing budget reports to monitor payments being made to the absent employee are consistent with the above principles. Queries should be referred to the IBC in the first instance.

Employees must also ensure they review their monthly pay slips to monitor payments are being made consistently with the above principles.

Pay slips will be accessible via Employee Self Service.

Queries should be referred to the line manager in the first instance.

Stage 3 – During maternity leave

Reasonable contact

The contact arrangements agreed prior to the start of maternity leave should be followed by both the employer and employee to keep each other up-to-date.

Keeping In Touch days

Keeping In Touch Days (KIT) are designed to help the employee keep up to date with their line manager and developments in the workplace and therefore make the return to work easier. During a KIT day the employee undertakes work which is of mutual benefit for them and the employer. KIT days are different to the reasonable contact that employers and employees may make with one another. During KIT days the employee will actually carry out work. Social contact and reasonable contact is not considered as “keeping in touch” as no work is undertaken.

Employees can work for up to a maximum of 10 days during maternity leave without ending their maternity leave.

Whether the employee works for one hour or a whole day, it will still be counted as one full day for “KIT” purposes and a whole day will be deducted the 10 days entitlement.

Line managers cannot insist that the employee carry out any work, including KIT days. Employees cannot insist on being given any work, including KIT days. The work to be carried out needs to be agreed between line manager and employee before the KIT day is worked.

Maternity leave will not be extended because the employee has worked a KIT day(s).

Where applicable SMP & OMP will continue to be paid for the week in which the employee works a KIT day.

If the employee works for more than 10 KIT days they will lose their entitlement to SMP and OMP for the whole week in which they work - even if they only work for one day, or part of a day. If a week in the Maternity Pay Period (MPP) contains only KIT days, the employee will be paid SMP for that week. If a week in the MPP contains the last KIT day and the employee does a further day's work in the same week for the employer paying SMP, they will lose SMP for that week.

If an employee has more than one employer and is entitled to SMP from each employer, they can have 10 KIT days with both of the employers. If the employee has one employer and two contracts they are entitled to SMP from both contracts and 10 KIT days under each of the two contracts.

An employee cannot use KIT days for work done for any employer other than the employer(s) paying them SMP. If, after the baby is born, the employee does any work for an employer who did not employ them in the qualifying week, their SMP will stop.

Please refer to **Appendix 2** for further details

The line manager must tell the IBC of any KIT days that are worked during the maternity leave period and what payments (if any) are to be paid to the employee for working a KIT day.

IBC will update the employee's maternity leave absence and make any payments requested in the next available pay run.

If the employee resigns during maternity leave

If the employee has given birth and is absent on either ordinary or additional maternity leave and they wish to resign, they must give their line manager written notice of their resignation giving their contractual notice (or a shorter period if agreed with their line manager).

The IBC will confirm the employee's entitlements within 28 days of being notified and will complete the leaver action on behalf of the line manager.

An element of occupational maternity pay may be repayable.

Where a resignation means an employee has been overpaid, this will be recovered in accordance with the overpayment policy.

Entitlements in the event of miscarriage, stillbirth or early death

During 1st – 24th week of pregnancy

If the employee has a miscarriage or stillbirth during the 1st -24th week of their pregnancy, they are entitled to statutory and occupational sick pay entitlements. The employee must obtain a certificate from their GP to cover any sickness period. They are not entitled to either statutory or occupational maternity benefits.

The employee is also entitled to compassionate leave in the event of death of a child. More information is given in the Annual Leave and Time Off Policy.

During 25th week of pregnancy onwards

If the employee has a miscarriage or stillbirth during or after the 24th week of their pregnancy, or the baby dies whilst they are still absent on maternity leave, they will be entitled to receive the full statutory and occupational maternity leave and pay benefits. In this situation the employee will meet the eligibility criteria for two weeks paid parental bereavement leave, which will be added to the end of their maternity leave. More information on parental bereavement leave can be found in the Annual Leave and Time Off Policy. The IBC will confirm the employee's entitlements within 21 days of being notified.

Stage 4 – Intentions regarding a return to work

Where the employee has decided to return to work

Where the employee takes their maximum entitlement of 52 calendar weeks' maternity leave, the line manager can assume that the employee will return to work on the next available working day following the end of the AML period. This will usually be discussed during the agreed contact.

The employee is only required to tell their manager of their return to work date if they are going to return earlier than their AML end date. The employee must give their line manager at least 21 calendar days' written notice.

The line manager can only postpone the early return to work if the employee fails to give them 21 calendar days' notice.

EHCC, JNC and Soulbury

If the notice does not meet the 21-day notice period, the return to work can be postponed so that the manager receives 28-day notice or to the end of the AML period, whichever is sooner.

Teachers

If the notice does not meet the 21-day notice period, the return to work can be postponed so that the manager receives 21-day notice or to the end of the AML period, whichever is sooner.

In addition to the above provisions, employees on Teachers' terms and conditions of employment are required to provide a medical certificate indicating their return to work date and their fitness to return to work if they wish to return during school holiday period.

Flexible working requests

Requests will be managed through the flexible working policy.

Pensions

Employees should be aware that changes to salary following a return to work may trigger their auto-enrolment into the relevant pension scheme.

Teachers If the employee is not currently a member of the relevant Teachers' Pension scheme and they return to work on a revised contract (e.g., change in hours) they will automatically join the Pension scheme.

More information about the scheme can be obtained from Teachers' Pensions by referring to the online guide (www.teacherspensions.co.uk).

Stage 5 – Completion of the return to work period

Annual leave

The line manager must ensure any unused/carried forward annual leave is used up at the earliest available opportunity. This should be agreed with the employee as part of returning to work or taken prior to returning to work, where operationally viable.

Return to work period

Employees who have taken any part of the 12 weeks half pay of their occupational maternity pay are required to return to work for a period of time defined in their terms and conditions of service.

The line manager must advise the IBC of any changes to the employee's contracted working hours during the return to work period.

EHCC07, JNC and Soulbury

Employees on EHCC terms and conditions of employment are required to return to work for three calendar months in order to retain their 12 weeks half pay under the occupational maternity pay scheme.

Teachers

Employees on Teachers' terms and conditions of employment are required to return to work for 13 full time equivalent weeks in order to retain their 12 weeks half pay under the occupational maternity pay scheme.

If the employee resigns after maternity leave

If the employee returns to work after their maternity leave and then resigns they will be bound by the normal terms and conditions outlined in their contract of employment.

The line manager must complete the leaver e-form to notify the IBC of the employee's leaving date.

Where a resignation means an employee has been overpaid, this will be recovered in accordance with the overpayment policy.

Key definitions

Leave

Additional maternity leave (AML) – An additional period of up to 26 consecutive weeks maternity leave immediately following the period of ordinary maternity leave.

Compulsory maternity leave (CML) – A consecutive two-week period immediately following childbirth when the employee is not permitted to return to work.

Maternity leave period – The amalgamation of ordinary and additional maternity leave. A total of up to 52 consecutive weeks' maternity leave. The earliest this can start is 11 weeks before the expected week of childbirth and no later than the day after the actual date of childbirth.

Ordinary maternity leave (OML) – A period of up to 26 consecutive weeks, inclusive of compulsory maternity leave.

Pay

Average weekly earnings for SMP – Calculated using the eight-week period immediately preceding the 15th week before the expected week of childbirth. This includes claims for allowances during the 8-week qualifying period.

Contractual pay – The salary that is payable to employees under their contract of employment as determined by their terms and conditions of employment (e.g., EHCC, Teachers, Soulbury, JNC) **Earnings related rate SMP** – A weekly rate equivalent to 90 per cent of a woman's **average weekly earnings**.

Maternity Allowance – Women who do not qualify for **statutory maternity pay** may be entitled to **maternity allowance**, paid by the Department for Work and Pensions on receipt of **SMP1 form**. **Maternity**

Pay Period (MPP) – the continuous period of up to 39 weeks in which you can be paid Statutory Maternity Pay (SMP). Working during the MPP may affect payment of SMP

Occupational maternity pay (OMP) – These schemes are determined by the terms and conditions of service and length of service, based on contractual pay immediately before maternity leave begins.

Standard rate SMP – A fixed rate payment of Statutory Maternity Pay determined by HMRC

Statutory maternity pay (SMP) – This scheme is funded by the government and is based on length of service and **average weekly earnings**. The employee may receive payments under either the **standard rate** or **earnings related rate**.

Employment

Casual workers and Supply Teachers – Individuals who are not employed under a contract of employment, but engaged on an irregular, “as and when”, basis. There is no mutuality of obligation. They are not employees and usually will not qualify for maternity entitlements.

Contract of employment – A contract of service or apprenticeship, whether expressed or implied, and (if it is expressed) whether oral or in writing. Casual workers and Supply Teachers are not employed under a contract of employment.

Employee – An individual who has entered into or works under (or, where the employment has stopped, worked under) a contract of employment.

Employer – The person who employs the employee e.g., Hampshire County Council, a school’s Governing Body.

Job – In relation to an employee returning to work at the end of **ordinary maternity leave**, means the nature of the work the employee was employed to do in accordance with their contract of employment and the capacity and place they were employed to do so before starting maternity leave. An employee returning to work after **additional maternity leave** may be appointed to a similar, but not necessarily the same, job as they had before maternity leave.

Other

Availability to work - requires that the employee does not have other employment or relocates thereby preventing them from being available to work or return to work in their HCC job. A second, continuous or consecutive, period of maternity leave would be deemed to be a return to work in their HCC job for the purposes of OAP.

Childbirth – The birth of a living child or a still birth after 24 weeks of pregnancy.

Expected week of childbirth (EWC) – As stated on the pregnant employee’s MATB1 certificate, the week beginning with midnight between Saturday and Sunday in which childbirth is expected to occur.

Individual self-service (ISS) pay slips – a secure online facility to view pay slips during maternity leave.

Keeping In Touch (KIT) days – The employee may come into work for up to 10 days during their **maternity leave period** without bringing their maternity leave or pay to an end. Employees with more than one employer can only use KIT days with the employer paying them SMP.

MATB1 – A certificate which shows a pregnant woman’s expected week and date of childbirth. It is normally issued by their doctor or midwife after the 20th week of her pregnancy.

Partner – a term that includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long-term relationship with her.

Qualifying week – The 15th week before the **expected week of childbirth**.

Reasonable contact – Before starting maternity leave, the employee and line manager must agree the contact arrangements that will be in place during maternity leave. This is different to KIT days.

Return to work period – A 13 week or three-month period employees are required to return to work for, defined in their terms and conditions of service.

SMP1 form – A form issued by the employer to the employee if the employee does not qualify to receive **statutory maternity pay**.

Related documents

To help with the application of this policy it may be useful to read the following:

- How to Guide – Maternity
- Shared Parental Leave Policy
- Annual leave and time off policy
- Flexible Smarter Working Policy
- Childcare Voucher - Salary Policy
- Overpayments - Salary Policy
- Pensions Auto-enrolment Policy
- Maternity absence cover arrangements Recruitment Policy
- Health and Safety – Pregnant workers risk assessments specific to departments or schools

Please note: All school-based employees will need to check specific policies with their own school.

Support

Employees:

Queries should be directed to your line manager.

Access to free, confidential and impartial Employee Support is available to all employees. Please visit the webpages for further information <https://extra.hants.gov.uk/employee/policy-guidance/occupational-health/employeesupport>

Managers:

Further information is available in the How to Guide - Maternity Leave & Pay.

Advice on remaining queries can be directed to the IBC.

Appendix 1

Rates of SMP	If the employee qualifies for SMP they will receive:
EHCC, JNC, Soulbury and Teachers	
Weeks 1 – 6	<ul style="list-style-type: none"> the earnings related rate - 90% of average weekly earnings.
Weeks 7 – 39	<ul style="list-style-type: none"> whichever is the lower of the employee's earnings related rate or the standard rate as prescribed by the Government
Rates of OMP	If the employee qualifies for OMP they will receive:
EHCC, JNC and Soulbury	
Weeks 1 – 6	<ul style="list-style-type: none"> 90% of contractual pay at the time maternity leave starts, or 90% of average weekly earnings based on the qualifying eight-week period immediately preceding the 15th week before the expected week of childbirth, whichever is higher
Weeks 7 – 18	<ul style="list-style-type: none"> 50% of contractual pay based on actual salary at the time maternity leave starts, plus standard rate SMP or 90% of average weekly earnings, whichever is the lower
Weeks 19 – 52	<ul style="list-style-type: none"> no pay
Teachers	
Weeks 1 – 4	<ul style="list-style-type: none"> 100% contractual pay
Weeks 5 – 6	<ul style="list-style-type: none"> 90% of contractual pay
Weeks 7 – 18	<ul style="list-style-type: none"> 50% of contractual pay
Weeks 19 – 52	<ul style="list-style-type: none"> no pay
<u>Combining SMP and OMP</u>	If entitled to a combination of the two payments, these entitlements will be calculated as follows:
EHCC, JNC and Soulbury	
Weeks 1 – 6	<ul style="list-style-type: none"> payments made under the OMP scheme will be reduced so that the total of SMP and OMP is not more than 90% of contractual pay at the time maternity leave starts
Weeks 7 – 18	<ul style="list-style-type: none"> full entitlement to SMP plus full entitlement to OMP are payable, provided that the total is not more than normal

	full pay. Where it is more than full pay, OMP will be reduced so that full pay is not exceeded.
Weeks 19 – 39	<ul style="list-style-type: none"> • SMP entitlements only
Weeks 40 – 52	<ul style="list-style-type: none"> • no pay
Teachers	
Weeks 1 – 4	<ul style="list-style-type: none"> • payments made under the OMP scheme will be reduced so that the total of SMP and OMP is not more than full pay
Weeks 5 – 6	<ul style="list-style-type: none"> • payments made under the OMP scheme will be reduced so that the total of SMP and OMP is not more than 90% of contractual pay at the time maternity leave starts
Weeks 7 – 18	<ul style="list-style-type: none"> • full entitlement to SMP plus full entitlement to OMP are payable, provided that the total is not more than normal full pay. Where it is more than full pay, OMP will be reduced so that full pay is not exceeded.
Weeks 19 – 39	<ul style="list-style-type: none"> • SMP entitlements only
Weeks 40 – 52	<ul style="list-style-type: none"> • no pay

Appendix 2

Calculating KIT day payments

KIT payments Departments

Although there is no legal requirement to pay for KIT days, Hampshire has elected to make payments to department based staff, irrespective of pay and conditions of employment, on the following basis:

Calculating a daily rate of pay - FTE Salary will be divided by 365.

Calculating a part day payment – the daily rate will be divided by 7.4, and multiplied by the actual number of hours worked.

Payment for working a KIT day will be inclusive of the daily rates of SMP and OMP due to be paid, on the basis that the employee does not earn more in that month than they would have done had they not been on maternity leave.

KIT payments Schools

Although there is no legal requirement to pay for working KIT days, Hampshire recommends that school based staff, irrespective of pay and conditions of employment, are paid on the following basis:

Calculating a daily rate of pay - FTE Salary will be divided by 365.

As a KIT attendance should reflect a normal full day's work, if the employee works a KIT day Hampshire recommends that they should be paid a full day's pay (1/365th of FTE salary).

Under the provisions of Local Management of Schools, Headteachers and Governing Bodies can choose to organise payments differently to the above guidance. It is strongly recommended that if schools do choose an alternative payment that the rate of pay they choose is still linked to the appropriate pay scale. If schools choose this option they will need to ensure that employees are clear on how payment will be calculated.

Alternatively, schools may elect to make no payment to staff that work a KIT day.

Payment for working a KIT day will be inclusive of the daily rates of SMP and OMP due to be paid, on the proviso that the employee does not earn more in that month than they would have done had they not been on maternity leave.

