

into



Irish National Teachers' Organisation
Cumann Múinteoirí Éireann



Working Together

MATERNITY WEBINAR

THURSDAY 12TH MAY
2022

TEACHERS' MATERNITY LEAVE SCHEME TNC 2015/2

This Scheme shall apply to all pregnant teachers irrespective of pay or weekly working hours.

A pregnant teacher has the right to paid time off to attend ante-natal care and must produce evidence of appointments if requested to do so.

The earliest date maternity leave can commence is the beginning of the 11th week before the EWC.

A teacher shall not work, or be permitted by her employer to work, during the 2-week period commencing with the date of childbirth.

OVERVIEW OF THE KEY FEATURES OF THE TEACHERS' MATERNITY LEAVE SCHEME

Qualifying Service

Entitlement

Less than 26 weeks' service

26 weeks' Ordinary Maternity Leave; plus
26 weeks' Additional Maternity Leave.
In most cases, Maternity allowance for 39 weeks.

26 weeks' continuous service leading into the
15th week before Expected Week of Confinement (EWC)

26 weeks' Ordinary Maternity Leave; plus
26 weeks' Additional Maternity Leave.
If eligible, 39 weeks' statutory Maternity Pay (SMP)

52 weeks' continuous service immediately prior to the
beginning of the 11th week before EWC.

26 weeks' Ordinary Maternity Leave; plus
26 weeks' Additional Maternity Leave.
If eligible, 39 weeks' statutory Maternity Pay (SMP)
18 weeks' Occupational Maternity Pay (OMP)

TR160



A teacher must complete Form TR160 not later than the end of the 15th week before the EWC (unless this is not reasonably practicable) and forward it together with Form MB1, or other medical evidence showing the EWC, to the school principal.



The principal will note the content of the TR160, date the form, have it countersigned by the Chair of the Board of Governors and forward it together with the MB1/or other medical evidence, immediately to Teachers Pay and Administration Branch at the Department of Education.

It is essential that the TR160 is sent by the school principal to reach Teachers Pay and Administration Branch within one week of it being received from the teacher.



On receipt of the TR160 the Department of Education will:

- write to the teacher, school and employing authority within 28 days of the date on which the school principal dated the TR160, confirming the dates of absence;**
- notify the teacher of her entitlements to leave and pay under the Scheme**

. MATERNITY PAY

A teacher who has less than 52 weeks' continuous service as a teacher with one or more employing authority at the beginning of the 11th week before the EWC, but has at least 26 weeks' continuous service leading into the 15th week before the EWC, shall receive any entitlement to Statutory Maternity Pay (SMP). A teacher who is not eligible for SMP may be entitled to Maternity Allowance (MA).

A teacher who has completed not less than 52 weeks' continuous service as a teacher with one or more employing authority at the beginning of the 11th week before the EWC shall receive maternity pay as follows, on the condition that she will be available or able to return to work for the required period

a) a teacher eligible for SMP of absence offset against the payments made under (b) and (c) below;

(b) for the first 4 weeks of absence - full pay, offset against payments made by way of SMP or MA for employees not eligible for SMP;

(c) for the next 2 weeks of absence - 9/10ths of a week's pay, offset against payments made by way of SMP or MA for employees not eligible for SMP;

d) half pay for the next 12 weeks of the absence. If the teacher is also entitled to either SMP or MA she will be entitled to receive these payments in addition to half salary. There will be no deductions unless the combined half salary and SMP or MA exceeds full salary;

(e) a further 21 weeks at SMP;

(f) no pay for any remaining period of absence up to the date of return notified by the teacher.

MATERNITY PAY - EXAMPLE

M6 Teacher £35,277 (£678.40pw)

EWC: 1st January 2022

Week 1 to 4	(1 st Jan to 28 th Jan)	Full Pay
Week 5 and 6	(29 th Jan to 11 th Feb)	90% Pay
Week 7 to 18	(12 th Feb to 6 th May)	50% Pay
Week 19 to 39	(7 th May to 30 th Sep)	SMP ONLY
Week 40 to 52	(1 st Oct to 31 st Dec)	No Pay

Approximate GROSS figures

Jan Pay	= £2713.60
Feb Pay	= £2055.18
Mar Pay	= £1512.46
Apr Pay	= £1512.46
May Pay	= £494.86
Jun Pay	= £155.66
Jul Pay	= £155.66
Aug Pay	= £155.66
Sep Pay	= £155.66
Oct Pay	= £0
Nov Pay	= £0
Dec Pay	= £0

PREGNANCY/MATERNITY AND SICK LEAVE

Maternity leave will start automatically if a teacher is absent from work for a pregnancy related illness during the 4 weeks before the start of her EWC, regardless of when she has stated she actually wanted her maternity leave to start.

Where a teacher is sick following her maternity absence with a maternity related illness, during the 26 weeks' ordinary maternity leave period, the provisions of the Maternity Leave Scheme shall continue to apply. In this case statutory sick pay and occupational sick pay are not payable.

Under HMRC regulations there is an SSP exclusion period that runs for the full 39 week period of a possible paid maternity period. When a person provides a medical certificate during this period HMRC regulations state that until the 39 weeks is up SMP must be reinstated and paid for the duration of the 39 week period.

Where a teacher is sick following her maternity absence with a non-maternity related illness, the provisions of the sick leave scheme shall apply. Maternity leave will not be taken into account for the calculation of the period of entitlement to sickness leave.

once a SSP exclusion is created that exclusion remains in place until there is a sufficient break in the person's sick absence.

Where the sick absence has continued past the possible 39 paid maternity period with no break the teacher will be invited to pursue a claim for ESA which they must do to minimise costs to the Department of Education. Their sick pay will remain at the correct level.

KEEPING IN TOUCH DAYS

A teacher may agree with the school to work for up to 10 keeping in touch (KIT) days during her maternity leave without losing SMP/MA and OMP entitlements or bringing her maternity leave to an end as a result. Normal full pay, abated by any payments made under paragraph 11, is payable for any days worked. Although working for part of a day will count as one of the 10 KIT days, any entitlement to payment will be calculated using the net hours actually worked.

This provision is intended to help to ease the teacher's return to work. It is different to contact during maternity leave described in paragraph 9. For the purposes of this arrangement "work" means any work done for the employer under her normal contract of employment and may include training or any activity undertaken by the teacher for the purposes of keeping in touch with the workplace. Any KIT days worked under this provision must be by agreement between the teacher who is on maternity leave and her employer. The employer has no right to demand that any such KIT work is undertaken and the teacher has no right to undertake such work.

Any days' work carried out under paragraph 10 shall not have the effect of extending the total duration of the maternity leave.

OBLIGATION TO RETURN TO WORK

- A teacher is obliged to return to her job for at least 13 weeks, including periods of school closure, as a qualifying condition to occupational maternity pay.

Failure to do so will require a refund of occupational maternity pay. This requirement may be reduced or deferred at the discretion of the employing authority due, for example, to redundancy, a career break, parental leave, prolonged illness, or exceptionally due to other unavoidable cause.

STILL BIRTH

In the event of the death of the baby whilst the teacher is on maternity leave, or a still-birth after 24 weeks of pregnancy, the Scheme will apply. Statutory Maternity Pay will apply after the 25th week of pregnancy.

Any absence as a result of miscarriage or termination before 24 weeks shall be treated as ordinary absence on sick leave.

ANY
QUESTIONS?





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THANK YOU