

FREQUENTLY ASKED QUESTIONS ON TEACHERS' MATERNITY

The following queries are predicated on the teacher meeting the qualifying service criteria of having 52 weeks continuous service immediately prior to the beginning of the 11th week before the expected week of confinement (EWC)

Query	Advice (sub-group)
1. Teacher whose contract of employment ceases whilst on maternity leave i.e. redundancy and who is not re-employed.	Entitlement to Occupational Maternity Pay (OMP) ceases at the end of contract. If entitled to Statutory Maternity Pay (SMP) this will continue until the end of the maternity pay period. In the case of redundancy, normal redundancy rules will apply.
2. Teacher on a 1/365 (1 year contract) or any type of fixed term contract who does not have a job to return to.	Entitlement to OMP ceases at the end of contract. If entitled to SMP this will continue until the end of the maternity pay period. In the case of redundancy, normal redundancy rules will apply.
3. Teacher employed on a temporary contract whose maternity leave commences during the contract period and extends beyond the contract termination dates but does not have a job to return to.	Entitlement to OMP ceases at the end of contract. If entitled to SMP this will continue until the end of the maternity pay period. In the case of redundancy, normal redundancy rules will apply.
4. Teacher whose maternity leave is due to commence whilst on a career break (i.e. career break from 1/9/08 – 31/8/09 and maternity leave to start on 20/8/09).	Not entitled to OMP throughout the duration of their career break. However, if their return to work date, from their career break, falls within the 39 week maternity period they are entitled to the remainder of OMP. (No entitlement to SMP).
5. Teacher whose maternity leave commences immediately after a career break (i.e. career break from 1/9/08-31/8/09 and maternity leave to commence on 1/9/09).	Entitlement to OMP will commence immediately. (No entitlement to SMP).
6. Teacher whose maternity leave commences whilst on sick leave.	If sick leave is the result of a non-maternity related illness normal sick pay will apply until the start of their maternity leave as indicated on their application form. If sick leave is pregnancy related – see paragraph 7 of TNC 2008/1 'Teachers' Occupational Maternity Leave Scheme'.

<p>7. Teacher falling sick with a pregnancy related illness during maternity leave.</p>	<p>Statutory Sick Pay (SSP) is not payable under any circumstances during the 39 weeks SMP period (starting with the first day of entitlement to those payments).</p> <p>SMP and OMP are payable in accordance with the provisions of the Teachers' Occupational Maternity Leave Scheme.</p> <p>However Occupational Sick Pay (OSP) offset against the payments made by way SMP is payable once the "ordinary maternity leave" period is completed (i.e. from the 27th week).</p>
<p>8. Teacher falling sick with a non-maternity related illness during maternity leave.</p>	<p>SSP is not payable under any circumstances during the 39 weeks SMP period (starting with the first day of entitlement to those payments).</p> <p>However OSP offset against the payments made by way of SMP is payable after the compulsory maternity leave period of 2 weeks.</p> <p>During the first 2 weeks SMP and OMP are payable in accordance with the provisions of the Teachers' Occupational Maternity Leave Scheme.</p>
<p>9. Teacher who takes full 52 weeks maternity leave, falls pregnant during this time, and takes another 52 weeks maternity leave.</p>	<p>Entitled to SMP and OMP during both periods of maternity leave.</p>
<p>10. Teacher whose baby is born early and only lives for a short time – Is SSP paid SMP only or SMP and OMP?</p>	<p>If a baby is born after 24 weeks the provisions of the Teachers' Occupational Maternity Scheme come into operation. If before 24 weeks then the sick pay scheme kicks in.</p>