

Title	Maternity
Associated Policies	<ul style="list-style-type: none"> • Paternity (TPO/STA/07) • Adoption (TPO/STA/01) • Parental Leave (TPO/STA/06) • Staff Absence (Illness) (TPO/STA/13) • Special Leave of Absence (TPO/STA/14)

REVIEWED: SEPTEMBER 2016

NEXT REVIEW: SEPTEMBER 2019

1. Policy Statement

- 1.1 This policy outlines the statutory rights and responsibilities of employees who are pregnant or have recently given birth, and sets out the arrangements for ante-natal care, pregnancy-related sickness, health and safety, and maternity leave. It does not apply to agency workers or the self-employed.
- 1.2 This Policy does not form part of any employee’s contract of employment and is entirely non-contractual. It may be amended, withdrawn, suspended or departed from at the discretion of the Trust.

2. Who does this policy apply to?

- 2.1 This policy applies to female members of staff.

3. Who is responsible for carrying out this policy?

- 3.1 The implementation of this policy will be monitored by the Senior Leadership Team and governors of the Academy and will remain under constant review by Brooke Weston Trust.
- 3.2 Managers have a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

4. Definitions

- 4.1 The definitions in this paragraph apply in this policy:
 - **Expected Week of Childbirth:** the week, starting on a Sunday, in which your doctor or midwife expects you to give birth
 - **Qualifying Week:** the fifteenth week before the Expected Week of Childbirth

5. Notification

- 5.1 You must inform us as soon as possible that you are pregnant. This is important as there may be health and safety considerations (see paragraph 8, Health and safety).
- 5.2 Before the end of the Qualifying Week, or as soon as reasonably practical afterwards, you must tell us:
 - That you are pregnant
 - The Expected Week of Childbirth; and
 - The date on which you would like to start your maternity leave (**Intended Start Date**) (see paragraph 10, Starting maternity leave)
- 5.3 You must provide a certificate from a doctor or midwife (usually on a MAT B1 form) confirming your Expected Week of Childbirth.

6. Time off for ante-natal care

- 6.1 If you are pregnant you may take reasonable paid time off during working hours for ante-natal care. This may include any relaxation or parenting classes that your doctor, midwife or health visitor has advised you to attend. You should try to give us as much notice as possible of the appointment.
- 6.2 We may ask you to provide the following, unless it is the first appointment:
- A certificate from the doctor, midwife or health visitor stating that you are pregnant; and
 - An appointment card

7. Sickness

- 7.1 Periods of pregnancy-related sickness absence shall be paid in accordance with your contract of employment, in the same manner as any other sickness absence. Any payment of sick pay in excess of this as a result of pregnancy-related sickness shall be entirely at our discretion.
- 7.2 Periods of pregnancy-related sickness absence from the start of your pregnancy until the end of your maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.
- 7.3 If you are absent for a pregnancy-related reason during the four weeks before your Expected Week of Childbirth, your maternity leave will usually start automatically.

8. Health and Safety

- 8.1 We have a general duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have given birth within the last six months or are still breastfeeding.
- 8.2 We will provide you with information as to any risks identified in the risk assessment, and any preventive and protective measures that have been or will be taken. If we consider that, as a new or expectant mother, you would be exposed to health hazards in carrying out your normal work we will take such steps as are necessary (for as long as they are necessary) to avoid those risks. This may involve:
- Changing your working conditions or hours of work;
 - Offering you suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
 - Suspending you from duties, which will be on full pay unless you have unreasonably refused suitable alternative work.

9. Entitlement to maternity leave

- 9.1 All employees are entitled to up to 52 weeks' maternity leave which is divided into:
- Ordinary maternity leave of 26 weeks (**OML**)
 - Additional maternity leave of a further 26 weeks immediately following OML (**AML**)

10. Starting maternity leave

- 10.1 The earliest date you can start maternity leave is 11 weeks before the Expected Week of Childbirth (unless your child is born prematurely before that date).
- 10.2 You must notify us of your Intended Start Date. We will then write to you within 28 days to inform you of the date we will expect you to return to work if you take your full entitlement to maternity leave (**Expected Return Date**).

- 10.3** You can postpone your Intended Start Date by informing us in writing at least 28 days before the original Intended Start Date, or if that is not possible, as soon as reasonably practicable.
- 10.4** You can bring forward the Intended Start Date by informing us at least 28 days before the new start date, or if that is not possible, as soon as reasonably practicable.
- 10.5** Maternity leave shall start on the earlier of:
- Your Intended Start Date (if notified to us in accordance with this policy); or
 - The day after any day on which you are absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth; or
 - The day after you give birth
- 10.6** If you are absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth, you must let us know as soon as possible in writing. Maternity leave will be triggered unless we agree to delay it.
- 10.7** If you give birth before your maternity leave was due to start, you must let us know the date of the birth in writing as soon as possible.
- 10.8** The law prohibits you from working during the two weeks following childbirth.
- 10.9** Shortly before your maternity leave starts we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave. Unless you request otherwise, you will remain on circulation lists for internal news, job vacancies, training and work-related social events.

11. Statutory maternity pay

- 11.1** Statutory maternity pay (SMP) is payable for up to 39 weeks. SMP will stop being payable if you return to work (except where you are simply keeping in touch). You are entitled to SMP if:
- You have been continuously employed for at least 26 weeks at the end of the Qualifying Week and are still employed by us during that week;
 - Your average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the Government;
 - You provide us with a doctor's or midwife's certificate (MAT B1 form) stating your Expected Week of Childbirth
 - You give at least 28 days' notice (or, if that is not possible, as much notice as you can) of your intention to take maternity leave; and
 - You are still pregnant 11 weeks before the start of the Expected Week of Childbirth or have already given birth.
- 11.2** SMP is calculated as follows:
- First six weeks: SMP is paid at the **Earnings-Related Rate** of 90% of your average weekly earnings calculated over the Relevant Period;
 - Remaining 33 weeks: SMP is paid at the **Prescribed Rate** which is set by the Government for the relevant tax year, or the Earnings-Related Rate if this is lower.
- 11.3** SMP accrues from the day on which you commence your OML and thereafter at the end of each complete week of absence. SMP payments shall be made on the next normal payroll date and income tax, National Insurance and pension contributions shall be deducted as appropriate.

- 11.4** You shall still be eligible for SMP if you leave employment for any reason after the start of the Qualifying Week (for example, if you resign or are made redundant). In such cases, if your maternity leave has not already begun, SMP shall start to accrue in whichever is the later of:
- The week following the week in which employment ends; or
 - The eleventh week before the Expected Week of Childbirth
- 11.5** If you become eligible for a pay rise before the end of your maternity leave, you will be treated for SMP purposes as if the pay rise had applied throughout the Relevant Period. This means that your SMP will be recalculated and increased retrospectively, or that you may qualify for SMP if you did not previously qualify. We shall pay you a lump sum to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the Earnings-Related Rate (if any) will also be increased as necessary.
- 11.6 Entitlement to Maternity Leave and Pay for all Categories of Staff, with Less than 26 weeks Service as at the 15th week before the EWC**
- 11.6.1** All employees are entitled to take up to one year (52 weeks) maternity leave from day one of employment. The 52 weeks leave consists of 26 weeks Ordinary Maternity Leave (OML) followed continuously by 26 weeks Additional Maternity Leave (AML).
- 11.6.2** There is a requirement to give the employer at least 28 days' notice of the date on which the absence will begin. If the employee wishes to resign her employment the normal contractual notice period applies.
- 11.6.3** The employee is not required to give notice of her intention to return to work following maternity leave unless she returns before the end of the 52 week period, in which case she must give 4 weeks' notice of her intention to return.
- 11.6.4** A summary of the entitlements and obligations to maternity leave and pay for staff in schools is set out in appendix 1.
- 11.7 Entitlement to Maternity Leave and Pay for all Categories of Staff with More than Twenty-six weeks Service as at the 15th week before the EWC but less than 1 Years' Service as at the 11th week before the EWC**
- 11.7.1** In addition to the maternity entitlement for employees set out above, for those with more than twenty-six weeks service as at 15 weeks before the EWC there is a possible entitlement to be paid Statutory Maternity Pay (SMP), depending on the employee meeting certain conditions.
- 11.7.2** To qualify for SMP the following conditions must be met:
- The Employee must have been continuously employed by her current employer for at least 26 weeks by the beginning of the 15th week before the expected week of childbirth. This 15th week is called the qualifying week.
 - The employee must have average weekly earnings in the calculation period (which is the 8 weeks or 2 months before the end of the qualifying week) at or above the lower earnings limit for payment of National Insurance contributions. The lower earnings limit is reviewed in the April of each year.
 - The employee must still be pregnant at the 11th week before the expected week of childbirth or have had the baby by that time.
- 11.8 Entitlement to Maternity Leave and Pay for all Categories of Staff with More than One Year's Service as at the 11th week before the EWC**

- 11.8.1 For those employees with more than one year’s service as at the 11th week before the EWC, in addition to the above maternity leave and pay entitlements there is an entitlement to receive contractual maternity pay in line with the conditions of service for either teaching staff or support staff.
- 11.8.2 A summary of the entitlements and obligations to maternity leave and pay for all categories of staff with more than one year’s service as at the 11th week before the EWC is set out in appendix 2.

12. Terms and conditions during OML and AML

- 12.1 All the terms and conditions of your employment remain in force during OML and AML, except for the terms relating to pay. In particular:
 - Benefits in kind [such as life insurance, health insurance, gym membership and use of a company vehicle if applicable] shall continue
 - Pension benefits shall continue

13. Annual leave

- 13.1 For Support Staff: Annual leave entitlement under your contract shall continue to accrue.
- 13.2 For teaching staff: Maternity leave does not affect your annual leave entitlement in the leave year(s) in which maternity leave falls. You are still entitled to 28 days annual leave in an academic year under the Working Time Regulations (ie statutory holiday entitlement) which runs from 1st September to 31st August.
Annual leave during ordinary maternity leave (first 26 weeks) can be taken before maternity leave begins and if any of the 28 days have not been used, these should taken within two months of your return to work, if possible, otherwise they will be paid.

Annual leave accrued in additional maternity leave (next 26 weeks) should be taken within two months of your return date and cannot be taken before maternity leave starts.

For any bank holidays that fall during the 26 weeks of ordinary maternity leave, a substitute day of paid leave will be given. For part time employees this will be pro-rata.

Example:

If maternity leave was from 15th June to 14th June, in the holiday period 1st September to 31st August when maternity leave starts on 15th June the following holidays will have been taken:

October Half Term	27 th – 31 st October	5 days
Christmas & New Year	20 th December to 5 th January	10 days
February Half Term	16 th to 20 th February	5 days
Easter	4 th to 20 th April	10 days
May Break	25 th to 29 th May	4 days (inc 1 Bank Holiday)

TOTAL = 34 days, therefore this is greater than the statutory minimum of 28 days annual leave and you would not be due any additional holiday for the year of the start of your maternity leave.

For the holiday period 1st September to 31st August where maternity leave ended on 14th June, this falls into the next academic year and the annual leave entitlement of 28 days can be used during the holidays from 24th July to 31st August which is 27 days, therefore you would be entitled to the balance of 1 day which could not be taken during this period. You would receive payment for the 1 day.

Annual leave cannot usually be carried over from one holiday year to the next. If the holiday year is due to end during your maternity leave, you should ensure that you have taken the full year's entitlement before starting your maternity leave.

14. Pensions

- 14.1** The period of OML and any further period of paid maternity leave counts towards our final-salary pension scheme as pensionable service, provided you make the necessary minimum contributions based on the maternity pay you are receiving.
- 14.2** During unpaid AML the time shall not count as pensionable service under the final salary scheme. You do not have to make any contributions but you may do so if you wish, or you may make up for missed contributions at a later date.

15. Redundancies during maternity

- 15.1** In the event that your post is affected by a redundancy situation occurring during your maternity leave, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to your continued employment. Employees on maternity leave shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

16. Keeping in touch

- 16.1** We may make reasonable contact with you from time to time during your maternity leave.
- 16.2** You may work (including attending training) for up to ten days during maternity leave without bringing your maternity leave or SMP to an end. The arrangements, including pay, would be set by agreement with the Principal. You are not obliged to undertake any such work during maternity leave. In any case, you must not work in the two weeks following birth.
- 16.3** Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may cover:
- Updating you on any changes that have occurred during your absence
 - Any training needs you might have; and
 - Any changes to working arrangements

17. Expected return date

- 17.1** Once you have notified us in writing of your Intended Start Date, we shall send you a letter within 28 days to inform you of your Expected Return Date. If your start date has been changed (either because you gave us notice to change it, or because maternity leave started early due to illness or premature childbirth) we shall write to you within 28 days of the start of maternity leave with a revised Expected Return Date.
- 17.2** We will expect you back at work on your Expected Return Date unless you tell us otherwise. It will help us if, during your maternity leave, you are able to confirm that you will be returning to work as expected.

18. Returning early

- 18.1** If you wish to return to work earlier than the Expected Return Date, you must give us eight weeks' prior notice. It is helpful if you give this notice in writing.

- 18.2 If not enough notice is given, we may postpone your return date until eight weeks after you gave notice, or to the Expected Return Date if sooner.

19. Returning late

- 19.1 If you wish to return later than the Expected Return Date, you should either:
- Request unpaid parental leave, giving us as much notice as possible but not less than 21 days; or
 - Request paid annual leave in accordance with your contract, which will be at our discretion.

19.2 If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Staff Absence (Illness) Policy will apply.

19.3 In any other case, late return will be treated as unauthorised absence.

20. Deciding not to return

20.1 If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should give notice of resignation in accordance with your contract. The amount of maternity leave left to run when you give notice must be at least equal to your contractual notice period, otherwise we may require you to return to work for the remainder of the notice period.

20.2 Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.

20.3 This does not affect your right to receive SMP.

21. Your rights when you return

21.1 You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been had you not been absent.

21.2 However, if you have taken any period of AML or more than four weeks' parental leave, and it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

22. Returning to work part-time

22.1 We will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave on a case-by-case basis. There is no absolute right to insist on working part-time, but you do have a statutory right to request flexible working and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if requests are made as early as possible.

23. Policy Review

23.1 This policy will be monitored as part of the Academy's annual internal review and reviewed on a three year cycle or as required by legislature changes.

Appendix 1: Maternity Entitlements

What service do I have?	What options are available to me?	How much maternity leave am I entitled to?	What maternity pay am I entitled to
Less than 26 weeks service (Irrespective of hours worked) as at the 15th week before the expected week of childbirth.	A I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	SMP 1 from payroll and apply to the Benefits Agency for Statutory Maternity Allowance.
	B I would like to resign	Not applicable	As above
26 weeks or more as at the 15th week before the expected week of childbirth and less than 1 years service as at the 11th week before the expected week of childbirth (Irrespective of hours worked)	C I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings: Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	D I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings: Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	E I would like to resign	Not applicable	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP
At least 1 years continuous service (Irrespective of hours worked) as at the 11th week before the expected week of childbirth	F I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	4 weeks at full pay and 2 weeks at 90% of full pay, followed by, 12 weeks half pay. You must return to work for a minimum of 13 weeks otherwise the 12 weeks half pay must be repaid. Plus, depending on salary and average earnings: 33 weeks lower rate SMP to be paid alongside the 12 weeks at half pay
	G I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	4 weeks at full pay and 2 weeks at 90% Plus depending on salary and average earnings: 33 weeks lower rate SMP and the remainder unpaid. The 12 weeks at half pay will only be paid if you return to work for a minimum of 13 weeks
	H I would like to resign	Not applicable	4 weeks at full pay and 2 weeks at 90% Plus depending on salary and average earnings: 33 weeks lower rate SMP

SMP - Service for SMP is continuous service with the current employer only and is only payable if employed during the 8 week period 15 weeks before the expected week of childbirth.

Appendix 2: Application for Maternity Leave and Pay

Please read the Notes of Guidance and the table overleaf, then complete and return the form below to the school office during or before the 15th week before your expected week of childbirth.

Name Payroll Number
 Home Address
 School

Maternity Options (Please tick one option below)

Options A C D F G

My first date of Maternity Leave is

(I understand this date can be altered and I must give at least 28 days notice of the revised date maternity leave is to commence)

Options B E H

I do not intend to return to work and thereby wish to formally **terminate** my contract of employment to take effect from

Date The end of my maternity pay period

Expected Week of Childbirth (EWC)

The MATB1 certificate is available from your midwife from the 20th week of pregnancy onwards

I enclose my MATB1 certificate with this form I will forward my MATB1 certificate to the school as soon as possible and understand that I will not receive any maternity pay until I provide this.

Keeping in Touch Days

You are entitled to “keep in touch” with the workplace for up to a maximum of 10 days during your maternity leave without affecting your entitlement to statutory or contractual maternity pay. The exact arrangements for “keeping in touch” must be discussed with your principal/line manager.

I wish to discuss with my principal/line manager arrangements for “keeping in touch” days. I do not wish to discuss arrangements for “keeping in touch” days but reserve the right to discuss this with my principal/line manager at a later date during my maternity leave.

To be completed by all Teachers

I have read and understand the accompanying *Notes of Guidance*, which I have retained.

Signed Date

NB: If you wish to continue to pay pension contributions for any period of unpaid maternity leave, please contact the Teachers’ Pension Agency Section for further information.

Completed form received by Principal

I can confirm that an assessment to identify hazards that could be a risk to any new, expectant, or breastfeeding mothers has been or will be undertaken and I have discussed “keeping in touch” days with the employee if requested.

Signed Date

Please return this completed form to the Finance and Business Manager.