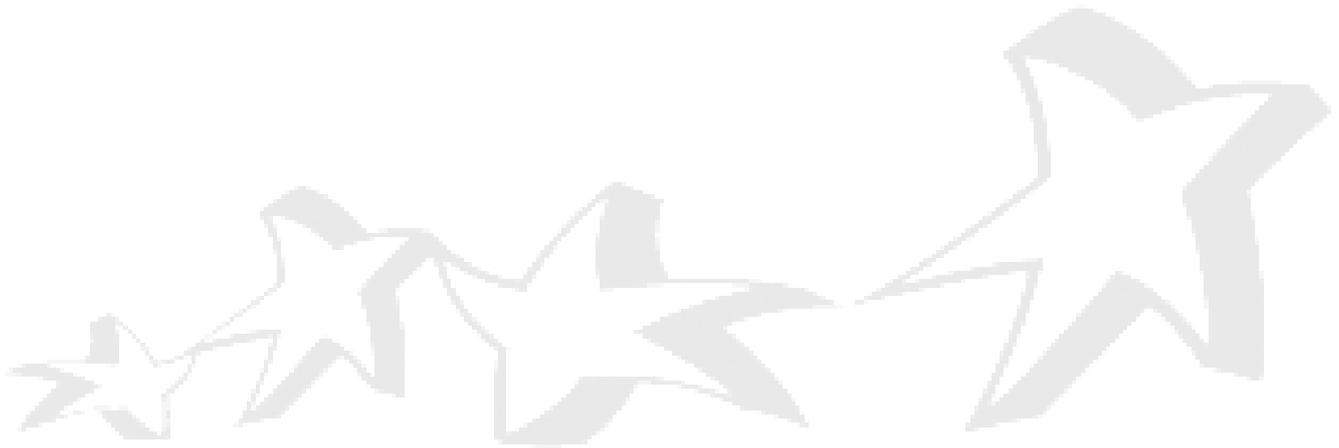




TRUST IN LEARNING (ACADEMIES)

MATERNITY LEAVE POLICY



Date Created: January 2015
 Effective From: January 2015
 Dated Adopted by the Board: January 2015
 Review Date: December 2019

| Date | Page | Change | Purpose of Change |
|---------------|------|-----------|-------------------|
| October 2016 | | | New Policy |
| December 2017 | | No change | |

1. Introduction

The Academy is committed to ensuring equality and diversity across the organisation and the purpose of this Maternity Policy is to provide an opportunity for our staff to integrate the development of a career with family responsibilities.

This document sets out the maternity provisions to which employees are entitled, both before and after the birth of their child. These maternity provisions comply with the relevant legislation and apply to all staff employed by the Academy.

Maternity provisions refer to the leave and pay to which employees may be entitled, and their right to resume employment with the Academy, following the period of leave. All employees have the right not to be subjected to a detriment on the grounds of pregnancy, childbirth or maternity, irrespective of hours of work or service and have the right to demand a written statement of the reasons for dismissal, if dismissed while pregnant.

All employees seeking maternity leave must produce medical evidence of the expected week of birth. This will normally be in the form of a MATB1 (Maternity Certificate) available from the doctor or midwife and will be issued approximately 14 weeks before the expected week of birth.

There is no distinction between live and still births in the granting of maternity leave.

2. Antenatal care

All pregnant employees irrespective of length of service have a statutory right to reasonable paid time off work to keep appointments for antenatal care prescribed by a doctor, midwife or health visitor. Evidence of appointments may be requested.

3. Maternity leave entitlements

All employees are entitled to take up to one year's (52 weeks') maternity leave, regardless of length of service with the Academy. Although it is up to employees to decide how much of the 52 weeks' maternity leave they wish to take, the law requires that a minimum of two weeks' leave from date of childbirth must be taken.

Maternity leave and pay are separate entitlements. Entitlement to maternity pay will depend on length of service and on whether or not the employee returns to work following her maternity leave. These entitlements are detailed below.

4. Maternity pay entitlements

What is Statutory Maternity Pay?

Statutory Maternity Pay (SMP) is payable for a maximum of 39 weeks. SMP is payable to eligible members of staff at two rates, namely the higher rate and the lower rate:

Statutory Maternity Pay is determined by the government as follows:

- 6 weeks x Higher Rate SMP (9/10 of average weekly earnings); followed by
- 33 weeks x Lower Rate SMP (a flat payment reviewed by the government each year, currently £136.78 per week from April 2013, or 90% of earnings, whichever is lower).

SMP is subject to Income Tax, National Insurance and where appropriate superannuation deductions.

SMP will start from any day the employee chooses, once they have stopped work to have their baby. This means that the SMP will start from the first day of the maternity leave.

Who is entitled to SMP?

A member of staff who has been continuously employed by the Academy for at least 26 weeks into the 15th week before the expected week of childbirth (EWC). The 15th week is known as the **Qualifying Week (QW)**.

Who is NOT entitled to SMP?

A member of staff whose average weekly earnings are less than the lower earnings limit. If you are not entitled to SMP you will be provided with a SMP1 form explaining the reason as to why we cannot pay you SMP. You may be able to get Maternity Allowance. You will need to send your SMP1 form to your local Jobcentre Plus/social security office with a Maternity Allowance claim form.

Who is entitled to Occupational Maternity Pay (OMP)?

A member of staff who has been continuously employed by the employer for at least one year by the end of the 15th week before the expected week of childbirth will be entitled to receive OMP.

OMP is payable for 12 weeks following the higher rate of SMP, at the rate of half pay. This can be deferred until a decision has been made on whether or not to return to work. A further condition of Occupational Maternity Pay is that employees should return to work at the Academy, in a full or part-time capacity, for at least three months following maternity leave. It should be noted that annual leave accrued during maternity leave which is subsequently taken on return will not count towards those three months. That is, the three month period will start after the annual leave accrued during maternity leave has been taken. The Academy reserves the right to reclaim all the non-statutory elements of pay if an employee fails to return for this period of time. Eligibility to Statutory Maternity Pay remains unaffected, regardless of whether the individual returns.

OMP

For Support and Associate Staff

- 6 weeks at 90% of full pay followed by
- 12 weeks x half pay *plus* SMP at the lower rate; followed by
- 21 weeks x SMP at the lower rate; followed by
- 13 weeks unpaid leave

For Qualified Teachers and those employed under the Conditions of Service for School Teachers in England and Wales.

- 4 weeks full pay
- 2 weeks at higher SMP rate (currently 90% of normal pay)
- 12 weeks x half pay plus lower SMP rate
- 21 weeks x SMP at lower rate followed by
- 13 weeks unpaid leave

Unpaid leave / maternity allowance

Staff who have less than 26 weeks' continuous service into the 15th week before the baby is due will not be entitled to Occupational Maternity or Statutory Maternity Pay, but may be entitled to a state Maternity Allowance which can be claimed via the individual's local JobCentre Plus office. Such staff are also entitled to up to 52 weeks' unpaid Maternity Leave (at least two weeks of which from date of childbirth must be taken).

General points:

- No combination of payments shall exceed full pay
- All maternity pay is subject to tax and national insurance, and where appropriate, superannuation
- Statutory Maternity Pay is only payable if staff reach Lower Earnings Limit for National Insurance Contributions. This will not affect Occupational Maternity Pay
- Occupational Maternity Pay includes any entitlement to bank holidays that occur while the employee is away on maternity leave

5. Maternity leave

- Maternity Leave can commence at any time from the 11th week before the expected week of childbirth
- If the employee falls sick with a pregnancy-related illness in the 28 days before the baby is due, maternity leave will automatically begin. In these circumstances, maternity leave will start on the day after the first day of absence (following the beginning of the 28 days before the baby is due)
- If an employee gives birth before the commencement of Maternity Leave, she should notify the Head of Department and Chief Executive/Principal/Headteacher as soon as is reasonably practical that she has given birth and the date her baby was born. In these circumstances, maternity leave will start automatically on the day after the birth
- Employees will not qualify for sick pay whilst they are on Maternity Leave
- Employees are not eligible to work whilst receiving Statutory Maternity Pay (with the exception of the 10 optional keeping in touch days)

6. Annual leave

- Employees will continue to accrue annual leave during paid and unpaid maternity leave. This does not include Bank Holidays, which do not accrue.
- It is not possible to take annual leave whilst on maternity leave. This means that any annual leave accrued during this period must be taken at any alternative date as detailed below.
- The Academy annual leave year runs from 1st September to 31st August.
- Any annual leave that will accrue whilst on maternity leave *during the annual leave year in which maternity leave begins* should be taken:
 - either before maternity leave starts (ie it is taken in the same annual leave year);
 - or immediately on return from maternity leave, thereby effectively extending the employee's actual physical return to work (ie it is carried forward to the next annual leave year but must be taken immediately on return or it is lost).
- Any annual leave accrued whilst on maternity leave *during the annual leave year in which the employee returns* may be taken:
 - either immediately on return from maternity leave, thereby effectively extending the employee's actual physical return to work (even if this crosses into a new annual leave year);
 - or at some other mutually agreed time during the annual leave year in which the employee returns. In addition, up to 5 days may be carried forward into the following annual leave year by agreement with the employee's manager, in line with normal practice. However, it should be noted that the option to take accrued leave at a later point in the leave year does not apply where an employee returns to work on a reduced hours basis (see next paragraph)
- Where it is agreed that an employee will return to work on the basis of reduced contractual hours of work, the employee's new reduced hours should not normally take effect until any leave accrued under the previous contractual hours has been taken. This effectively means that an employee may officially return to work on X day, take her outstanding holiday accrued at her previous (eg full-time) contractual hours and then physically return to work and start her new reduced hours on Y date.

7. Adoption

The Academy has a separate policy on Adoption Leave.

8. Staff on fixed-term contracts

Women whose contracts of employment expire during the maternity leave period or prior to the completion of three months return to work should talk to the Headteacher at the earliest opportunity to investigate the possibility of an extension of their contract. Where no extension is possible, Occupational Maternity Pay can be claimed if the contract would have run beyond the occupational maternity pay period, and the Academy will not seek to recover this money.

If the contract expires before the maternity pay commences or during the maternity pay period, only Statutory Maternity Pay only is payable (where the employee is eligible for this).

9. Pension arrangements

In terms of pension contributions, these will be deducted from any payments made during the maternity pay period and the relevant service treated as pensionable.

When the period of unpaid leave commences the member of staff will be given the choice of paying pension contributions as if she were being paid. These payments vary depending on whether you are in the Teachers' Pension or Local Government scheme and further information can be provided upon request.

From the date the member of staff returns to work 30 days are given for the member of staff to decide whether or not she wishes to pay the extra contributions. If the employee wishes to arrange for the contributions to be made it is up to the member of staff to contact the payroll provider.

10. Health and Safety

The employee should arrange to review her work activities in consultation with her manager immediately upon becoming aware that she is pregnant. Where this may present personal difficulty, the employee is urged to discuss the matter with the Chief Executive/Principal/Headteacher and her GP at the earliest opportunity. The risk assessment must be documented.

The outcome of the risk assessment may indicate an adjustment in work activities to remove the hazard for the period of pregnancy and breast feeding. Where this is not possible for operational reasons, then the individual will need to be found alternative duties of an appropriate nature. If this is not feasible then the individual will be suspended from work on paid leave for as long as necessary to protect her health and safety, and/or that of the child.

Guidance on the assessment of risks associated with pregnancy has been issued to see: HSE – A guide for new and expectant mothers who work.

11. What the employee must do

In order to qualify for maternity leave and maternity pay, and to safeguard the right to return to work, the employee must:

- Notify her line manager in writing of the date she intends to start her maternity leave and whether it is her intention to return to work after the birth of the child. This should be done no later than the end of the 15th week before the expected week of childbirth by completing a **maternity leave application form (Appendix A)** and submitting it with her Maternity Certificate (Form MATB1) to the School Business manager;
- give eight weeks' notice if she wishes to change the start date of her maternity leave;
- after the birth of her child, respond in writing to a written request from the Academy confirming whether it is still her intention to return to work;
- give at least eight weeks' notice of any changes to the date she intends to return to work (failure to give this notice may lead to a postponement of return until eight weeks have elapsed);
- return to work within the specified period for at least three months in order to retain the additional occupational benefits (employees are entitled to retain SMP even when they do not return to work).

12. Salary Progression

On her return to work, the employee's salary will be reviewed to take into account any increment or general increase which would have applied had she not been on maternity leave.

13. Continuity of Service

The contract of employment continues throughout maternity leave. Continuity of service will not have been broken by an unpaid period of absence under the maternity provision, therefore entitlement to periods of notice, holidays and sick leave which accrued at the beginning of maternity leave will not be lost.

14. Communications

It is recommended that employees and line managers make arrangements to maintain reasonable contact during maternity leave in order to keep the employee informed of important developments at work, discuss plans for her return to work, etc. Managers should draw particular attention to any changes in structures within the department and ensure the individual is aware of any possible promotion opportunities. Individuals should also ensure that they keep themselves informed as appropriate.

15. Keeping in Touch Days

Employees may, by agreement with their Head of Department, undertake up to 10 days paid work, referred to as 'keeping in touch days', during their maternity leave. Such days may be undertaken at any stage during the maternity period except during the first two weeks after the baby is born. The type of work undertaken is a matter for agreement between the employee and her Head of Department. The days may be used for any activity which would ordinarily be classed as work under the employee's contract, and could be particularly useful in enabling an employee to attend a conference, undertake a training activity or attend a team meeting. Keeping in touch days are optional and can only take place by agreement between both parties.

Keeping in touch days do not extend the statutory or occupational maternity pay period in any way. For instance, if a keeping in touch day occurs during a period of full pay, no additional payment will be made. If a keeping in touch day occurs during a period of half pay or SMP only, this will be effectively "topped up" so that the individual receives full pay for the day in question. Payment for keeping in touch days will only be made after completion of the day's work.

All employees may undertake up to 10 days work, with the agreement of their Head of Department, regardless of whether they are full-time or part-time. Where an employee works for less than a full day, this will still count as one keeping in touch day for the purposes of the 10 days maximum, although payment will only be made for actual hours worked. Employees wishing to undertake a keeping in touch day should discuss this with their line manager in the first instance and use the **KIT days form at appendix B** to submit for payment.

16. Returning to Work

- Employees may exercise the right to return to work at any time during the period of leave, except that she may not return within two weeks of the birth of the child. They will have the right to return to the job or comparable job to that which they were employed with the same terms and conditions as if they had not been absent. If they return prior to the end of the maternity period

they should give at least eight weeks' notice, in writing, of their intended date of return. If the employee fails to give the required notice, the Academy may postpone her return for up to eight weeks.

- While returning to work on the basis of an alternative working pattern or hours of work is not a right, the Academy will give appropriate consideration to such requests, on either a temporary or permanent basis, from employees returning to work following maternity leave. They should submit a request in writing as early as possible, but not later than eight weeks before the notified date of return to work. Any change must be discussed and agreed with their manager. The possibility of flexible working arrangements, which may include arrangements for establishing a job share, may be discussed with their manager. Should the job content and responsibilities of a revised role differ significantly to those of a previous role, the grading of the post may be reviewed.



Appendix A

Application for Academy Maternity Leave

This form is to confirm your maternity leave dates and will be used to ensure you receive the correct pay while you are on maternity leave.

Please complete this form and return it with your MATB1 (MATB1 is obtained from your doctor/midwife approximately 20 weeks into your pregnancy) to your line manager as soon as possible, but no later than the end of the 15th week before your baby is due. Delay may affect your pay entitlement.

| | |
|---|--|
| *Your Name | |
| *Pay reference | |
| Department | |
| *Your Manager | |
| <p>My expected delivery date is * MAT B1 enclosed (this will be returned to you) Y / N</p> <p>I wish to apply for maternity leave which I intend to commence on:</p> <p>.....</p> <p>I will notify my intended date of return to work as directed in the policy</p> <p><i>If you are taking less than 52 weeks maternity leave you will be required to give the Academy and your manager at least eight weeks advance notice of the date of your return to work</i></p> <p>I confirm I have received a copy of the Academy's Maternity policy and have read and understand the provisions for maternity leave Y / N</p> <p>Signature: Date:</p> | |
| <p>The notice periods stated above are the minimum you must give your line manager. The more notice you can give your line manager about your intentions will enable him/her to plan when to terminate the arrangements that have been made to cover your duties during your maternity leave.</p> <p>If you have any queries relating to your entitlement please refer to the policy which is available from the intranet under policy and procedures.</p> | |

*Mandatory information

Appendix B

KEEPING IN TOUCH DAYS (KIT days)

| *Employee Name: | | |
|--------------------------------|------|------------------------------------|
| *Pay Reference: | | |
| Manager and Department: | | |
| Day | Date | Hours worked (not including lunch) |
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| 10 | | |
| TOTAL HOURS WORKED | | |

*Employee Signature:.....

Total Hours Claimed:

| Authorisation for Payment | |
|--|-------------|
| *Direct line manager's name (please print) | |
| *Signature: | |
| Please return completed form direct to: | Headteacher |

*Mandatory information