



inspiring the journey for
independence together

Maternity and Paternity Policy

Reviewed every three years

Signed by:

A handwritten signature in black ink, appearing to be 'A. S. H.', is placed within a white rectangular box.

(Chair of the Trust)

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Date of Next Review: March 2026

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1. Introduction

- 1.1 This policy sets out the rights of employees at this school/academy.
- 1.2 The following definitions are used in this policy:
- "Expected week of childbirth (EWC)" means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.
 - "Qualifying week" means the 15th week before the expected week of childbirth.
- 1.3 Following the introduction of Shared Parental Leave, the school/academy has developed this policy to incorporate maternity and paternity support.
- 1.4 This policy is inclusive to all types of family situations including, but not exclusive to, same sex couples, surrogacy and adoption.

2. Health & Safety

- 2.1 All schools have a duty to take care of the health and safety of all employees. On being notified that an employee is pregnant a risk assessment will be undertaken to ensure any risks to the health and safety and any adverse effects on pregnant employees, have been identified. If there is any risk appropriate action will then be undertaken to eliminate or reduce the risk to an acceptable level.

If the risk remains the employee will be offered a temporary variation to working hours, duties or working conditions (on comparable terms and conditions to those on which she is normally employed). If no suitable alternative work is available, the employee may be suspended from work on full pay on maternity grounds so long as the risk remains.

A further risk assessment should be undertaken when the employee returns to school following their maternity leave period to identify any health and safety issues and also to ensure adequate facilities are in place for breastfeeding employees.

3. Ante-natal Care

- 3.1 Once an employee has advised the school/academy that she is pregnant, she will be entitled to reasonable paid time off work to attend antenatal appointments as advised by her doctor/nurse, midwife or health visitor.

The employee should endeavour to give the Headteacher as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day.

The employee's husband/ civil partner/ father of the unborn child is eligible to take unpaid time off to accompany the employee to up to two antenatal appointments. After the initial appointment the line manager may request evidence of the appointment.

4. Notification of Pregnancy

4.1 In order to assist the school/academy in its health and safety responsibilities it is advisable that notification is made at an early stage in the pregnancy. Written notification of pregnancy should be given (using form PMC003) together with the MATB1 to the employee's Headteacher in or before the 15th week before the Expected Week of Childbirth (EWC). The minimum notice period is 28 days before the absence commences. The notification must include:

- the fact that the employee is pregnant,
- the EWC and
- the date on which the employee intends to start her maternity leave
- MATB1 *usually issued not more than 20 weeks before the EWC*

4.1.1 If an employee wishes to bring forward her maternity leave start date she must provide 28 days' notice of any subsequent change, or if that is not possible as soon as reasonably practicable.

4.2 The Headteacher should pass this notification to HR Services (Schools) who will, within 28 days of this notification, reply in writing informing the employee of their entitlements.

5. Maternity Leave and Pay

5.1 Commencement of Maternity Leave

5.1.1 The employee can choose to start their maternity leave at any time from the 11th week before the EWC up to the day of the birth (when maternity leave will automatically commence on the following day). If, however, the employee is absent for a pregnancy-related reason after the beginning of the 4th week before the EWC then maternity leave period will automatically commence on the following day.

5.2 Maternity Leave and Pay Entitlement

5.2.1 All employees (teaching and support staff) will be entitled to take 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave.

5.2.2 During maternity leave employees will be entitled to the following pay:

Employee Circumstances	Pay Entitlement
Less than 26 weeks service by end of 15 th week before EWC <i>(or all employees whose earnings are below the Lower Earnings Limit)</i>	no entitlement to a payment from the school but may be entitled to maternity allowance (MA) from the Benefits Agency. Employee to contact them directly.
More than 26 weeks' service but less than 1 years' service at 11 th week before EWC	6 weeks' at 9/10ths of contractual pay followed by 33 weeks Statutory Maternity Pay (SMP) (or 9/10ths of contractual pay if this is less than SMP).
For employees intending to return to work for at least 3 months and with at least 1 years' service at the 11 th week before the EWC	6 weeks' at 9/10ths of contractual pay followed by 12 weeks' at ½ pay plus SMP (or 9/10ths of contractual pay if this is less than SMP, and not to exceed full pay) - followed by 21 weeks' at SMP (or 9/10ths of contractual pay if this is less than SMP).
For employees not intending to return to work for at least 3 months and with at least 1 years' service at the 11 th week before the EWC	6 weeks' at 9/10ths of contractual pay followed by 33 weeks' at SMP (or 9/10ths of contractual pay if this is less than SMP).
Teachers with at least 1 years' service at the 11 th week before EWC	4 weeks at full pay followed by 2 weeks at 9/10th of contractual pay followed by 12 weeks at half pay plus flat rate SMP(if entitled) followed by 21 weeks SMP (or 9/10ths of contractual pay if this is less than SMP) OR 4 weeks at full contractual pay 2 weeks at 9/10ths of contractual pay 33 weeks at SMP (if entitled) or (9/10ths of contractual pay if this is less <i>Schools HR can provide further details</i>

- 5.4 If an employee declares their intention to return to work and receives the additional ½ pay for twelve weeks and then fails to return to work for a period of 3 months, they will be liable to repay the 12 weeks ½ pay element. This requirement may be waived in exceptional circumstances at the discretion of the Headteacher or Chair of Governors.
- 5.5 Relevant employees can request that the additional ½ pay for 12 weeks is distributed in another mutually agreed way. An employee may also choose to defer the additional ½ pay for 12 weeks' and receive this pay after having completed the necessary 3 months service after returning to work.
- 5.5 Headteachers should keep in touch with employees who are on maternity leave and intending to return to work. The employee should be advised of vacancies within the school, significant workplace developments and learning and development opportunities. The Employee is expected to ensure that they have provided relevant contact details to the Headteacher to facilitate this.

5.6 Support for Parents with premature or sick babies

- 5.6.1 If a baby has been born prematurely or is sick the mother must notify her employer as soon as reasonably practicable that she has given birth; and provide the date that the baby was born.
- 5.6.2 Payment of OMP/SMP or MA cannot normally start until the mother has given her employer the MATB1 form. If the baby is born prematurely or the mother and/or baby are sick there may be a delay in getting the form signed and returned to the employer. As this will likely be a stressful time for the employee any communication regarding this or other matters should be handled sensitively and compassionately.
- 5.6.3 Communication with the employee during this time is important but must be handled with care. It would be advisable to agree the most suitable method of communication i.e. email, text or phone and to agree what information, if any, about the situation they are happy to share with colleagues.
- 5.6.4 Where a baby is stillborn after 24 weeks of pregnancy, or if the baby is born alive but subsequently dies, the mother still qualifies for her full maternity leave entitlement. Similarly, the father will also be able to receive paternity leave and pay if their baby is stillborn after 24 weeks or is born alive but subsequently dies.
- 5.6.5 For parents who lose a child under the age of 18, including those who suffer a stillbirth from 24 weeks of pregnancy, please refer to the Parental Bereavement Leave policy for further guidance and support.

- 5.6.6 If available details of counselling support should be provided to the employee during this difficult time. For example, Carefirst.

6. Employment Conditions

- 6.1 Employee's continue to accrue all of their paid annual leave (including bank holidays where applicable) while on maternity leave. Head Teachers must ensure that an employee is able to take all of their annual leave at some point.

Employee's and their Head Teacher may agree that annual leave can be taken before maternity leave starts (sometimes using it to bring their last day in work forward) or after it comes to an end. Some employee's may choose to return from leave early in order to take some of their accrued annual leave before their return - this is often a financial decision due to their paid period of maternity leave coming to an end. It is important to note that annual leave cannot be taken at the same time as maternity leave.

It is recommended that Head Teachers and employees ensure that the employee takes as much of their leave as possible before maternity leave commences. This is to help manage the large amount of annual leave that can sometimes accumulate.

- 6.2 **Individual employees are advised to check to see how their pension contributions will be affected.**

Support Staff - When commencing maternity leave and whilst in receipt of maternity pay, pension contributions are based on actual pay received and LGPS benefits continue to build as if working normally on full pay. If the employee returns to work, she will have the option to pay Additional Pension Contributions (APC's) to buy any lost pension due to unpaid maternity leave. The cost of paying for lost pension is in accordance with guidance from the Government Actuary Department (GAD). The employer will contact the employee on her return to work, regarding the option to pay APC's.

Teaching staff – When commencing maternity leave and whilst in receipt of maternity pay, the employee's contributions and benefits will be based on their actual pay. For the period to be classed as pensionable the employee must be in receipt of at least half pay or statutory pay. If the employee is not in receipt of any pay, however, this would mean the employee is no longer in pensionable employment **for the purposes of the Scheme.**

6.3 Employees who have Essential Car User status are entitled to receive the appropriate lump sum allowance during their period of maternity leave. Payment in full will be made for the 26 weeks of the ordinary maternity leave period.

6.4 Employees with lease cars shall retain the use of the car during the maternity leave period and continue to make contributions through the payroll system.

6.5 Keeping in Touch (KIT) Days

6.5.1 Employees can agree to work for the school (or to attend training) for up to 10 days work during their maternity leave without that work bringing their maternity leave to an end. Working for part of a day will count as one day. The school has no right to require employees to carry out any work and employees have no right to undertake work during their maternity leave.

6.5.2 The employee will be paid for the work that she undertakes and the school will offset the SMP for the day against any pay due.

7. Returning to work after maternity leave

7.1 It will be assumed the employee will return to work at the end of appropriate maternity leave period, as confirmed in the PMC003 form submitted by the employee (if no date is indicated, the maximum allowance would be given. e.g. 52 weeks). If the employee wishes to return to work before this date they must notify their Headteacher, in writing before their new intended return date, or if that is not reasonably practical, as soon as reasonably practicable (7 days notice is required if they are on ordinary maternity leave or 21 days notice if they are on additional maternity leave).

NB the Maternity Application Form is not accepted as final confirmation of intended date of return. On receipt of the maternity leave application, HR Schools will send a letter to the individual, detailing that they **MUST** write to the Headteacher to confirm the date.

Headteachers may postpone the early return to meet the notice periods set out above, but not beyond the end of the maternity leave period. Return to work is not permitted within 2 weeks of childbirth. **NB please be aware of school holiday periods.**

7.2 Where an employee is unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.

- 7.3 An employee will be able to return to the job she was employed in before she commenced her maternity leave and on terms and conditions no less favourable than those that would have applied had she not been absent.
- 7.4 If a re-organisation occurs whilst the employee is on maternity leave she will be treated as if she was not absent. For example, if the employee's post becomes redundant due to a reduction in staffing levels, she is entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done is suitable to her and appropriate to the circumstances, and the capacity and place in which she is employed and on terms and conditions that are not substantially less favourable than those of her original post. It is unlawful for an employee to be selected for redundancy because she is on maternity leave or for any reason associated with her pregnancy.
- 7.5 When managing the return to work of an employee who has given birth to a baby early or their baby is sick the employee may change their plans on returning to work. Support can be offered to employees by offering contractual benefits or allowing extended leave. This could be agreed as special leave with or without pay, unpaid parental leave, sick leave (if appropriate) or allowing informal or formal flexible working.

8. Paternity/Maternity Support & Shared Parental Leave

- 8.1 A block of 1 or 2 weeks paid leave of absence is granted to the child's father or the partner of the mother at or around the time of birth to provide assistance and support (this leave is also granted in relation to an Adoption).
- 8.2 Should the child's father or the partner of the mother wish to take additional leave, they should refer to the Shared Parental Leave policy.
- 8.3 Paternity Leave should be taken at the time of birth or within 56 days of the child's birth or, if the child is born early, up to 56 days after the Expected Week of Childbirth (EWC).
- 8.4 Paid Paternity Leave granted under the contractual arrangements runs concurrently with the statutory provision of Ordinary Paternity Leave and Statutory Paternity Pay which means that 2 weeks will be the maximum leave granted. The contractual pay will be reduced by the amount of Statutory Paternity Pay received (where eligible) so that full pay is not exceeded.

9. Right to apply to work flexibly

- 9.1 Parents of young, or disabled children have a statutory right to request flexible working. Eligible employees are parents of children aged under 17, or of disabled children aged under 18. In considering any request, the Head Teacher has to strike an objective balance between the school's needs, the needs of the children and the preferences of the individual employee and his/her personal circumstances.