



inspiring the journey for
independence together

Maternity and Paternity Policy

Reviewed every year

Signed by:  (Chair of the Trust)

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1. Introduction

- 1.1 This policy aims to support employees in balancing work and family responsibilities and ensures compliance with statutory rights relating to maternity, paternity and shared parental leave.
- 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.
- 1.5 The Trust is committed to supporting employees before, during and after family leave and encourages open and early discussion with line managers to ensure appropriate support is in place.

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 they are 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. The Trust will provide suitable, private, hygienic facilities (not toilet areas) and reasonable breaks for breastfeeding or expressing milk.

3. Ante-natal Care



- 3.1 Once an employee has advised the school/academy that they are pregnant, they will be entitled to reasonable paid time off work to attend antenatal appointments as advised by their doctor/nurse, midwife or health visitor.
- 3.2 The employee should endeavour to give the Head of School 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 partner / intended parent 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.

Each appointment is limited to a maximum of 6.5 hours, inclusive of any travel and waiting time associated with the appointment, and employees must meet the eligibility criteria set out in legislation.

4. Notification of Pregnancy

- 4.1 Employees are encouraged to notify the Trust as early as reasonably practicable to enable appropriate health and safety measures. Written notification of pregnancy should be given (using form PMC003) which is available from HR together with the MATB1 to the employee's Head of School 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 Expected Week of Childbirth (EWC);
 - the date on which the employee intends to start their maternity leave and;
 - Form MATB1 (*usually issued not more than 20 weeks before the EWC*)
- 4.2 If an employee wishes to bring forward their maternity leave start date they must provide 28 days' notice of any subsequent change, or if that is not possible as soon as reasonably practicable.
- 4.3 The Head of School should pass this notification to HR 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 Statutory Maternity Pay (SMP) is paid at the prevailing government rate, which is reviewed annually.

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

5.2.3 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 13 weeks 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>
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5.3 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 will be applied reasonably and may be waived where exceptional circumstances apply.

5.4 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 The Head of School will maintain reasonable and appropriate contact with employees during their maternity leave. The frequency and method of communication should be discussed and mutually agreed in advance, taking into account the employee's preferences.

Contact should be supportive in nature and may include providing information about relevant vacancies within the school, significant workplace developments, and learning and development opportunities.

Employees are not expected to engage with work-related contact beyond what they feel comfortable with during their leave. Employees are encouraged to ensure that the Head of School has up-to-date contact details and may also initiate contact at any time should they wish to discuss their return or any other work-related matters.

5.6 Support for Parents with premature or sick babies

5.6.1 If a baby has been born prematurely or is sick the employee must notify their employer as soon as reasonably practicable of the birth; and provide the date of birth.

- 5.6.2 Payment of Ordinary Maternity Pay (OMP) / Statutory Maternity Pay (SMP) or Maternity Allowance (MA) cannot normally start until the employee has given their employer the MATB1 form. If the baby is born prematurely or the employee 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 employee still qualifies for their full maternity leave entitlement. Similarly, the other parent 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 Managing Sickness/Absence and Special 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, Optima Health (EAP).

6. Employment Conditions

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

Employees and their Head of School 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 employees 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 of Schools 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.

Employees are encouraged to discuss annual leave arrangements with their Head of School in advance.

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, they 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 their 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 may agree to work for the school (or attend training) for up to 10 Keeping in Touch (KIT) days during their maternity leave without this bringing their maternity leave to an end. Any work carried out on a KIT day, including part of a day, will count as one full KIT day.

Participation in KIT days is entirely voluntary. The school has no right to require employees to carry out any work during maternity leave, and employees will not suffer any detriment if they choose not to undertake KIT days.

The timing, nature, and arrangements for any KIT days should be discussed and mutually agreed in advance between the employee and the Head of School.

6.5.2 Employees will be paid for any work undertaken during KIT days, and the



school will offset any Statutory Maternity Pay (SMP) due for that day against the payment made.

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 Head of School, in writing before their new intended return date, or if that is not reasonably practical, as soon as reasonably practicable. Employees must give at least 8 weeks' notice if they wish to return to work earlier than their expected return date.

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

Heads of School 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 Following Ordinary Maternity Leave, employees are entitled to return to the same role. Following Additional Maternity Leave, employees are entitled to return to the same role, or where this is not reasonably practicable, to a suitable alternative role on no less favourable terms.
- 7.4 If a re-organisation occurs whilst the employee is on maternity leave they will be treated as if they were not absent. For example, if the employee's post becomes redundant due to a reduction in staffing levels, they are entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done is suitable to them and appropriate to the circumstances, and the capacity and place in which they are employed and on terms and conditions that are not substantially less favourable than those of their original post. It is unlawful for an employee to be selected for redundancy because they are on maternity leave or for any reason associated with their pregnancy.

This protection also applies during pregnancy and for a period of up to 18 months



after the birth of the child, in line with current legislation. During this period, employees at risk of redundancy are entitled to priority consideration for suitable alternative vacancies.

- 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, partner, or intended parent at or around the time of birth to provide assistance and support (this leave is also granted in relation to an Adoption).
- 8.2 Paternity leave may be taken as either one continuous block of two weeks or as two separate blocks of one week.
- 8.3 Should the child's father or the partner of the employee wish to take additional leave, they should refer to the Shared Parental Leave policy. Shared Parental Leave (SPL) enables eligible parents to share up to 50 weeks of leave and 37 weeks of pay. Full details are set out in the Trust's Shared Parental Leave Policy.
- 8.4 Paternity leave can be taken at any time within the first 52 weeks following the birth or placement for adoption.
- 8.5 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.
- 8.6 Employees should provide at least 28 days' notice before each period of leave, where reasonably practicable.

Flexible Working

- 8.7 All employees have a statutory right to request flexible working from day one of employment. Employees may make up to two flexible working requests in any 12-month period.

The Trust will consider all requests in a reasonable manner, taking into account the needs of the school, the employee, and pupils, and will respond within the statutory decision timeframe.

Further guidance on submitting a request and how applications are considered is available in the Trust's Flexible Working Policy, available from HR or on our website.

9. Adoption Leave and Pay

9.1 Entitlement to Adoption Leave:

9.1.1 Employees who are adopting a child, or who are becoming parents through a surrogacy arrangement and intend to apply for a parental order, may be entitled to adoption leave, subject to statutory eligibility criteria.

9.1.2 Eligible employees are entitled to up to 52 weeks' adoption leave, comprising:

- 26 weeks' Ordinary Adoption Leave (OAL); and
- 26 weeks' Additional Adoption Leave (AAL).

9.1.3 Adoption leave will commence on the date of the child's placement or on a date agreed with the Trust up to 14 days before the expected placement date.

9.2 Notification Requirements

9.2.1 Employees must notify the Trust of their intention to take adoption leave within the required statutory timescales. This should normally be within **7 days of being notified of a match**, or as soon as reasonably practicable.

9.2.2 The employee must provide:

- the date of the match;
- the expected date of placement;
- the intended start date of adoption leave; and
- confirmation of eligibility, including a **matching certificate** where applicable.

- 9.2.3 The Head of School should forward this information to HR, who will respond in writing within 28 days confirming the employee's entitlements and expected return date.

9.3 Adoption Pay

- 9.3.1 Statutory Adoption Pay (SAP) is payable to eligible employees in line with current legislation.
- 9.3.2 Occupational adoption pay will mirror the Trust's maternity pay provisions where the relevant eligibility criteria are met.
- 9.3.3 Employees who receive enhanced occupational adoption pay and do not return to work for a minimum period of three months may be required to repay the enhanced element (excluding SAP). This requirement will be applied reasonably and may be waived in exceptional circumstances.

9.4 Employment Conditions During Adoption Leave

- 9.4.1 During adoption leave, employees will remain entitled to their contractual terms and conditions, with the exception of remuneration, and will continue to accrue annual leave.
- 9.4.2 Annual leave should be taken either before or after the adoption leave period, as agreed with the Head of School.
- 9.4.3 Pension arrangements during adoption leave will be in accordance with the relevant pension scheme regulations and consistent with the provisions outlined for maternity leave.

9.5 Keeping in Touch (KIT) Days

- 9.5.1 Employees may, by agreement, undertake up to **10 Keeping in Touch (KIT) days** during their adoption leave without bringing their leave to an end.
- 9.5.2 Participation in KIT days is voluntary, and employees will not suffer any detriment if they choose not to undertake such work.
- 9.5.3 Any work undertaken during KIT days will be paid, and any SAP due for that day will be offset against the payment made.
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9.6 Return to Work After Adoption Leave

- 9.6.1 Employees returning from Ordinary Adoption Leave are entitled to return to the same role.
- 9.6.2 Employees returning from Additional Adoption Leave are entitled to return to the same role, or where this is not reasonably practicable, to a suitable alternative role on no less favourable terms and conditions.
- 9.6.3 Employees must provide at least **8 weeks' notice** if they wish to return to work earlier than their expected return date.
- 9.6.4 Adoption leave carries the same redundancy protection rights as maternity leave, including priority access to suitable alternative vacancies where applicable.

9.7 Surrogacy Arrangements

- 9.7.1 Employees who become parents through a surrogacy arrangement and intend to apply for a parental order may be entitled to adoption leave and pay, subject to meeting the relevant statutory criteria.
- 9.7.2 Employees are encouraged to seek advice from HR at an early stage to ensure appropriate arrangements are in place.

9.8 Relationship with Shared Parental Leave

- 9.8.1 Adoption leave may be curtailed where an employee wishes to opt into Shared Parental Leave (SPL), subject to eligibility requirements.
- 9.8.2 Further details are set out in the Trust's Shared Parental Leave Policy, available from HR or on the Trust's website.

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