



MATERNITY POLICY

Status	Statutory	Date created	27 September 2016
Any other statutory names for this policy (where applicable)		Date last reviewed	September 2019
Responsibility for this policy (job title)	Support Staff Director	Frequency of review	3-yearly
Governors' Committee with responsibility for its review	Personnel Sub Committee	To be put on the school website? (Yes/No)	No
Approval : At subcommittee level			

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, maternity leave and shared parental leave. It does not apply to casual staff, agency workers or the self-employed. If there is a discrepancy with statutory legislation, then the legislation will take precedence.

1.2 This policy does not form part of any employee's contract of employment and it may be amended at any time.

2. Definitions

The definitions in this paragraph apply in this policy.

Expected Week of Childbirth (EWC): the week, starting on a Sunday, in which the doctor or midwife expects the employee to give birth.

Qualifying Date for Statutory Maternity Pay: the Sunday at the end of the fifteenth week before the EWC.

Qualifying Date for Occupational Maternity Pay: the Sunday at the end of the eleventh week before the EWC.

Intended Start Date: the date supplied by the employee on their Application for maternity leave Form as the "first day of leave". This may not be the actual start of the maternity leave as it may be brought forward by the arrival of the child or for medical reasons.

Expected Return Date: the first working day after date supplied by the employee on their Application for maternity leave Form as the "last day of leave".

3. General

3.1 For the duration that an employee is absent from the School on maternity leave they remain an employee and all the terms and conditions of their employment remain in force, except for the terms relating to pay detailed below.

4. Notification

4.1 The employee must inform the School as soon as possible that they are pregnant. This is important as there may be health and safety considerations (see paragraph 7).

4.2 In order to qualify for all their maternity rights, before the end of the 15th week before the baby is due (EWC) the employee must tell the School:

- that they are pregnant;
- when the baby is due (the EWC);
- the date on which they would like to start their maternity leave (**Intended Start Date**) (see paragraph 9, Starting maternity leave) by using the appropriate School form.

4.3 The employee must provide a certificate from a doctor or midwife (usually on a MAT B1 form) confirming the Expected Week of Childbirth.

5. Time off for ante-natal care

5.1 If the employee is pregnant they may take reasonable paid time off during working hours for ante-natal care. The employee should try to give the School as much notice as possible of the appointment.

5.2 The School may ask the employee to provide the following, unless it is the first appointment:

- a certificate from the doctor, midwife or health visitor stating that the employee is pregnant; and
- an appointment card.

6. Sickness

6.1 Periods of pregnancy-related sickness absence will be paid in accordance with the employee's contract of employment in the same manner as any other sickness absence until the 4th week before the EWC.

6.2 Periods of pregnancy-related sickness absence from the start of the employee's pregnancy until the end of maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.

6.3 If the employee is absent for a pregnancy-related reason during the four weeks before their EWC, the employee's maternity leave will usually start automatically (see paragraph 9).

7. Health and safety

7.1 The School has a general duty to take care of the health and safety of all employees. The School is 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.

7.2 The School will, in consultation with the employee, undertake a risk assessment and identify any preventive and protective measures that will be taken. If the School consider that, as a new or expectant mother, the employee would be exposed to health hazards in carrying out their normal work the School will take such steps as are necessary (for as long as they are necessary) to avoid those risks. This may involve:

- changing the employee's working conditions or hours of work;
- offering the employee suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- suspending the employee from duties, which will be on full pay unless they have unreasonably refused suitable alternative work.

8. Entitlement to maternity leave

8.1 All pregnant employees are entitled to up to 52 weeks of maternity leave. This is made up of 26 weeks of Ordinary Maternity Leave followed by up to 26 weeks of Additional Maternity Leave. Taking Additional Maternity Leave affects the employee's rights to return to the same position (see paragraph 21.2).

8.2 All maternity leave must be taken in one continuous block.

9. Starting maternity leave

9.1 The earliest date the employee can start maternity leave is 11 weeks before the EWC (unless the child is born prematurely before that date).

9.2 The employee can change their Intended Start Date by informing the School in writing at least 28 days before the original Intended Start Date or the new date, whichever is the earlier.

9.3 Maternity leave will start on the earlier of:

- the employee's Intended Start Date (if notified to the School in accordance with this policy); or
- the day after any day on which the employee is absent for a pregnancy-related reason during the four weeks before the EWC; or
- the day after the employee gives birth.

9.4 If the employee is absent for a pregnancy-related reason during the four weeks before the EWC, the employee must let the School know as soon as possible in writing. Maternity leave will be triggered unless the School agrees to delay it.

9.5 If the employee gives birth before their maternity leave was due to start, the employee must let the School know the date of the birth in writing as soon as possible.

9.6 The law prohibits employees from working during the two weeks following childbirth.

9.7 Shortly before the employee starts their maternity leave the School will discuss with them the arrangements for covering their work and the opportunities for them to remain in contact, should they wish to do so, during their leave. Unless the employee requests

otherwise, the employee will remain on circulation lists for internal news, job vacancies, training and work-related social events.

10. Maternity pay

10.1 Maternity pay may consist of Statutory Maternity Pay, (SMP) and additional Occupational Maternity Pay (OMP). The right to maternity pay is based on continuous service at Aylesbury High School, the employee giving the correct notice and the employee providing the School with an original form MATB1 (or equivalent) correctly authorised by a medical professional. Both SMP and OMP cease and cannot be restarted if the employee returns to work (except if under the Keeping In Touch arrangements detailed at paragraph 15).

10.2 SMP is payable for up to 39 weeks provided the employee has completed 26 weeks continuous service with the school up to the 'qualifying week' (the 15th week before EWC) and earns the Government-specified minimum wage per week. If the employee has less than 26 week's continuous service with the School at the end of the Qualifying Week then they will not be entitled to any Occupational or Statutory Maternity Pay. In this case they may be entitled to Maternity Allowance which can be claimed from the Job Centre Plus and for which the employee will be given a form SMP1.

10.3 The level of SMP is set by the Government each year and 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.

10.4 OMP is payable in addition to SMP. OMP will stop being payable if the employee returns to work (except where the employee is simply keeping in touch in accordance with paragraph 15). Employees are entitled to OMP if:

- they have been continuously employed for the qualifying time of 1 year at the 11th week before the EWC and are still employed by the School during that week (see tables in the next section);
- they provide the School with a MATB1 form (or equivalent) stating the EWC;
- they give at least 28 days' notice (or, if that is not possible, as much notice as they can) of their intention to take maternity leave; and
- they are still pregnant 11 weeks before the start of the EWC or have already given birth.

10.5 SMP and OMP is calculated as follows:

Teaching Staff

Length of Service	Total Maternity Pay Entitlement
More than 26 weeks continuous service at the 15 th week before EWC but less than a year at the 11 th week before EWC	<ul style="list-style-type: none"> ➤ 6 weeks at 90% (this is SMP) ➤ 33 weeks SMP (this is SMP) ➤ 39 weeks in total

More than one year at the 11 th week before EWC	<ul style="list-style-type: none"> ➤ 4 weeks at full pay (this includes SMP) ➤ 2 weeks at 90% (this is SMP) ➤ 12 weeks half normal week's pay*, plus 12 weeks SMP ➤ 21 weeks SMP only ➤ 39 weeks in total <p>*This cannot exceed normal full pay.</p>
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Non-teaching Staff

Length of Service	Total Maternity Pay Entitlement
More than 26 weeks continuous service at the 15 th week before EWC but less than a year at the 11 th week before EWC	<ul style="list-style-type: none"> ➤ 6 weeks at 90% (this is SMP) ➤ 33 weeks SMP (this is SMP) ➤ 39 weeks in total
More than one year at the 11 th week before EWC	<ul style="list-style-type: none"> ➤ 6 weeks at 90% (this is SMP) ➤ 12 weeks half normal week's pay*, plus 12 weeks SMP ➤ 21 weeks SMP only ➤ 39 weeks in total <p>*This cannot exceed normal full pay.</p>

10.6 The combination of SMP and OMP cannot exceed the total normal weekly pay; SMP will be reduced accordingly if this occurs.

10.7 SMP and OMP accrues from the day on which the employee commences their maternity leave and is calculated on a weekly basis thereafter (hence the net pay each month during maternity leave will vary from month to month). Pay will be continue to be credited to the employee's nominated bank account on the last working day of each month and will be subject to normal Income Tax deductions, National Insurance Contributions, pension contributions and other deductions as appropriate.

10.8 If the employee becomes eligible for a pay rise during their maternity leave, they will be treated for OMP purposes as if the pay rise had applied at the relevant point and the employee's OMP will be recalculated and increased accordingly from the date of the pay rise.

10.9 Childcare Vouchers (or other salary sacrifice schemes) may continue to be purchased though only whilst the amount of OMP covers the amount of vouchers. This is because HMRC prohibits SMP being used for salary sacrifice schemes. It is the employee's responsibility to cancel vouchers at the appropriate point as the scheme set up is managed by them. The school will assist in finding out the date at which OMP will reduce below the cost of the vouchers.

11. Subsequent Obligations

11.1 To be entitled to keep the OMP the employee must return to work, doing the same number of hours per week as they were working before, for the following **OMP Return Period** (this is a calendar time and includes school holidays):

- Teaching Staff: 13 weeks.
- Non-Teaching Staff: 13 weeks.

This requirement may be reduced at the discretion of the School and, where the School agrees, an employee (full time or part time) may return to work on a different part time basis for a period which equates to 13 weeks part time service relating to the previous contract. (e.g. if the employee reduced their weekly hours by 50% then they would need to work the reduced weekly hours for at twice the period).

11.2 The OMP Return Period shall not include any work other than under the contract existing at the time the maternity leave began, unless by agreement of the employee.

11.3 The employee can choose to be paid the middle 12 weeks of OMP each month as it becomes due or in a lump sum when they return to work.

11.4 If the employee starts another period of maternity leave before the end of the OMP Return Period has been completed (or equivalent period if they had reduced their hours) the period of maternity leave will not count as part of the OMP Return Period.

12. Annual leave

12.1 During maternity, annual leave will accrue at the rate provided under their contract and subject to the normal carry forward limits

13. Pensions

13.1 The 39 weeks maternity pay period, regardless of whether the employee receives SMP or OMP, is treated as pay for pension purposes and pension contributions, based on the pay received, will be deducted. This means that the 39 weeks counts towards pension calculations when the employee retires.

13.2 There is no obligation to pay contributions on the remainder of the maternity leave period. However should the employee wish to pay pension contributions for the duration of the unpaid maternity leave, advice should be sought from the Support Staff Director.

14. Redundancies during maternity leave

14.1 In the event that the employee's post is affected by a redundancy situation occurring during their maternity leave, the School shall write to inform the employee of any proposals and shall invite the employee to a meeting before any final decision is reached as to their continued employment. An employee who is on maternity, shared parental, or adoption leave who has been selected for redundancy must be offered any suitable alternative vacancy available in preference to other employees.

15. Keeping in touch

15.1 The School may make reasonable contact with the employee from time to time during their maternity leave.

15.2 An employee on maternity leave may ask the school whether it would be possible to come back into school to work for a limited number of days (up to a maximum of 10) before the actual return date in order to be better prepared for their return to work. Note: each

Keeping in Touch (KIT) visit to work or training counts as a full KIT "Day" for that calendar day regardless of how long the visit actually was.

15.3 The School will consider such requests sympathetically as long as there is a clear benefit to both the School and the employee. Examples might include:

- Coming in for an INSET day where the topic is directly relevant to the employee's work (eg training on ICT systems or training on particular aspects of your subject or job);
- Attending external training that enables the employee to keep up to date with their subject or role (eg an exam board A level course when there is a change to the specification);

15.4 Attending KIT days is paid at the employee's normal daily salary rate.

16. Returning to Work

16.1 Shortly before the employee is due to return to work, the School may invite the employee to have a discussion (whether in person or by telephone) about the arrangements for their return. This may cover:

- updating the employee on any changes that have occurred during their absence;
- any training needs they might have; and
- any changes to working arrangements (for example if the employee has made a request to work part-time; see paragraph 22, Returning to work part-time).

17. Expected return date

17.1 The School will expect the employee back at work on their Expected Return Date unless the employee tells the School otherwise. It will help the School if the employee, during their maternity leave, confirms that they will be returning to work as expected.

18. Returning early

18.1 If the employee wishes to return to work earlier than the Expected Return Date, they must give the School eight weeks' notice prior to the new date in writing.

18.2 If not enough notice is given, the School may postpone the employee's return date until eight weeks after they gave notice, or to the Expected Return Date if sooner.

19. Returning late

19.1 If the employee's Expected Return date is prior to the end of the allowable 52 weeks of Maternity Leave, they may request a change to their Expected Return Date on their Maternity Leave Application form provided that they give at least 8 weeks' notice and the revised date will still be within this 52 weeks allowable period.

19.2 If the employee wishes to return later than the Expected Return Date and the revised date would be after the end of the 52 weeks of allowable Maternity Leave, they should either:

- request unpaid parental leave, giving the School as much notice as possible but not less than 21 days; or request paid annual leave in accordance with their contract, which will be at the School's discretion.

19.3 If the employee is unable to return to work due to sickness or injury, this will be treated as sickness absence and the Sickness Absence Policy will apply. A medical certificate will be required covering the period of absence.

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

20. Deciding not to return

20.1 If the employee does not intend to return to work, or is unsure, it is helpful if they discuss this with the School as early as possible. If the employee decides not to return they should give notice of resignation in accordance with their contract. The amount of maternity leave left to run when the employee gives notice must be at least equal to their contractual notice period, otherwise the School may require the employee to return to work for the remainder of the notice period.

20.2 Once the employee has given notice that they will not be returning to work, they cannot change their mind without the School's agreement.

20.3 This does not affect the employee's right to receive SMP however, by not returning to work the employee will be expected to pay back the 12 weeks of 50% pay.

21. Employee rights on return

21.1 The employee is normally entitled to return to work in the same position as they held before commencing leave. Terms of employment shall be the same as they would have been had the employee not been absent.

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

22. Returning to work part-time

The School 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 employees do have a statutory right to request flexible working and the School will try to accommodate the employee's wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the School. It is helpful if requests are made as early as possible.

23. Shared parental leave

23.1 You are entitled to SPL in relation to the birth of a child if:

- you are the child's mother, and share the main responsibility for the care of the child with the child's father or with your partner;

- you are the child's father and share the main responsibility for the care of the child with the child's mother; or
- you are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

23.2 The following conditions must also be fulfilled:

- you must have at least 26 weeks continuous employment with us by the end of the Qualifying Week, and still be employed by us in the week before the leave is to be taken;
- the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks; and
- you and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.

23.3 The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave).

23.4 SPL must be taken before the child's first birthday. You can take up to three periods of leave notices and leave must be taken in blocks of at least one week. Leave may be taken at the same time or a different time to the qualifying partner. If your period of leave notice given by the employee is a single continuous block of SPL, the employee will be entitled to take the leave set out in the notice. If your period of leave notice requests split periods of SPL, with periods of work in between, then the School will consider the request. In the same way that KIT days may be agreed by the School, up to 20 Shared Parental Leave in touch (SPLIT) days may be agreed by the school.

23.5 Statutory Shared Parental Pay (ShPP) of up to 39 weeks (less any weeks of SMP or Maternity Allowance claimed by either partner) is also shared with the other qualifying parent. ShPP is paid at a rate set by the government each year which is the same as SMP.

23.6 Not less than eight weeks before the date you intend your SPL to start, an employee opting in to shared parental leave must give the School a written opt-in notice giving:

- the name of the other parent;
- the name and address of the other parent's employer;
- the start and end dates of your maternity leave;
- the total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken;
- how many weeks of the available SPL will be allocated to each parent (the allocation can be changed by giving a further written notice);
- if claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP period taken or to be taken) and how many weeks will be allocated to each partner;

- the planned pattern of leave, including start and end dates for each period of leave (these can be changed as long as 8 weeks' notice is given before the revised date or the original date, whichever is the earlier);
- declarations by you and the other parent that you both meet the statutory conditions to enable you to take SPL and ShPP.

24. Still birth or early infant death

24.1 In the most difficult of circumstances of a still birth after 24 weeks of pregnancy or the child dying before the end of Ordinary Maternity Leave, the employee may still take or complete their maternity leave with the relevant maternity pay.

25. Further information

25.1 Official guidance on rights and support for pregnancy, maternity leave and parents (including tax-free childcare vouchers) can be found on the Government's website: www.gov.uk.

25.2 Further information on Shared Parental Leave can be found at [Here](#)