



Every Child Every Day **Academy Trust**

Maternity Leave and Pay Policy

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1. Introduction and Purpose of Policy

This policy is intended to outline the current statutory and occupational maternity leave and pay entitlements applicable to all eligible employees as well as providing information on the rights and responsibilities of employees who are pregnant or on maternity leave.

The entitlement to maternity leave operates independently of the entitlement to maternity pay, as described in this policy.

2. Maternity Leave: Entitlement and Qualifying Service

All pregnant employees, regardless of length of service, are entitled to take 26 weeks' 'ordinary maternity leave' ('OML') immediately followed by 26 weeks' 'additional maternity leave' ('AML').

In order to exercise this right to take maternity leave, you must notify us in writing no later than the end of the 15th week before your expected week of childbirth ('EWC'). The notification should include:

- The fact that you are pregnant;
- The date on which you intend to commence maternity leave; and
- Your expected week of childbirth.

A form is available from the HR Lead for you to complete to provide this information to us.

The earliest date for commencing maternity leave is the beginning of the 11th week before the EWC. It is possible to change your mind about the date you wish maternity leave to commence but you should notify us of the revised start date at least 28 days before the start of either the new date or the original date (whichever is sooner). If there are reasons why it is not practical to meet this deadline, you must make the notification as soon as possible thereafter, explaining the circumstances.

Upon receipt of your notification of pregnancy we will respond in writing within 28 days, confirming the date on which your maternity leave will end (assuming at this stage that you will take all your entitlement).

You must provide evidence of your pregnancy in the form of a MAT B1 certificate. This is available from your midwife or doctor, usually after week 20 of pregnancy.

3. Commencement of Leave

3.1. General

Maternity leave will normally commence on the day you have previously notified to us. This can start on any day of the week, provided it falls after the beginning of the 11th week before the EWC.

3.2. Automatic Triggers

There are circumstances in which maternity leave will be triggered automatically. If you give birth prematurely, maternity leave will commence on the day after the date of birth. You should let us know the actual date of birth as soon as it is practical to do so. Absence from work for a pregnancy-related reason in the four-week period before the EWC will also automatically trigger the start of maternity leave. Again you must notify us of your reasons for absence as soon as possible.

4. Returning to Work

All employees have the right to return to work following maternity leave. The exact rules are slightly different depending on when you return:

4.1. Returning after aggregate leave of 26 weeks or less

If you return to work after a period of maternity leave (and shared parental leave, if also taken) which totals 26 weeks or less in aggregate you will be entitled to return to the same job on the same terms and conditions. Unpaid parental leave of less than 4 weeks will not impact on this.

4.2. Returning after aggregate leave of more than 26 weeks

If you return to work after more than 26 weeks of maternity leave (and shared parental leave, if also taken) in aggregate you will also have the right to return to the same job, unless it is not reasonably practicable for you to do so – in which case you have the right to return to another job which is suitable and appropriate, on terms and conditions which are no less favourable.

4.3. Returning Early

If you wish to return early from maternity leave you must give at least the following notice of the date on which you intend to return:

Teachers: Under the terms of the Burgundy Book teachers are only required to give a minimum of 21 days' notice of their intention to return to work early from maternity leave. This overrides the statutory notice provision of 8 weeks. However, in order for the school to plan appropriately, teachers are encouraged to give as much notice as possible of their intended date of return. This is particularly important where a teacher is contemplating making a request for flexible working where the process for agreeing or rejecting a request can take a number of weeks and where a recruitment period may also be required, for example in a jobshare arrangement.

Support staff: Support Staff on NJC terms and conditions are only required to give a minimum of 21 days' notice of their intention to return to work early from maternity leave. This overrides the statutory notice provision of 8 weeks. However, in order for the school to plan appropriately, support staff are encouraged to give as much notice as possible of their intended date of return. This is particularly important where a member of staff is contemplating making a request for flexible working. This is because the process for agreeing or rejecting a request can take a number of weeks and a recruitment period may also be required, for example in a job-share arrangement

4.4. Returning Part-Time

Employees returning from maternity leave do not have a statutory right to reduce their hours. However, all employees from the first day of the service have the right to request flexible working arrangements, which includes consideration of part-time working. This is a right to have a request considered, not a right to have the request granted. Further information about the process is available on request.

4.5. 'Keeping in Touch Days'

An employee may carry out up to 10 days' work during her maternity leave period without bringing maternity leave to an end. The purpose of 'Keeping in Touch' days is to provide an opportunity for employees to remain in contact with the workplace and could include any relevant activity, such as attending training sessions or meetings. There is no obligation either for the employee to use 'Keeping in Touch' days or for employers to offer them.

It is our policy to pay the employee's normal hourly/daily rate of pay for 'Keeping in Touch' days, inclusive of any maternity pay already payable for that day.

4.6. Resignations

If you choose not to return to work following maternity leave you must give minimum notice as follows:

Teachers:

Teachers who decide to resign before the end of maternity leave must give at least 21 days' notice. The last day of service in these circumstances would be the date of formal resignation plus the notice period.

Support staff:

Support staff who decide to resign before the end of maternity leave should give contractual notice. The last day of service in these circumstances would be the date of formal resignation plus the notice period.

The last day of service in these circumstances, unless agreed otherwise, will be the date of formal resignation plus the notice period.

5. Maternity Pay: Entitlement

You may be entitled to either statutory maternity pay, occupational maternity pay or both, depending on your earnings and continuous service. If you are eligible to receive both, statutory maternity pay will be an underlying entitlement.

6. Statutory Maternity Pay

6.1. Eligibility for SMP

Statutory maternity pay (SMP) is payable to employees who earn at least the lower earnings limit for national insurance purposes and have been continuously employed for at least 26 weeks into the "Qualifying Week" (the 15th week before the EWC).

We will confirm your eligibility for SMP. If you are not eligible, you will be given an SMP1 form which specifies the reason for ineligibility. This will assist you with a claim for Maternity Allowance from Jobcentre Plus if you are eligible for this.

Casual workers will be entitled to statutory maternity leave and pay, if they meet the qualifying conditions.

6.2. Rate of SMP

SMP is payable for up to 39 weeks at the following rates:

First 6 weeks	90% of average weekly earnings
Remaining 33 weeks	Lower rate SMP (this is either paid at the government-set flat weekly rate which is adjusted in April each year or 90% of average weekly earnings if this is less than the flat rate)

6.3. Impact of Resignations/Dismissals on SMP

If you leave employment **after** the beginning of your Qualifying Week (15th week before the EWC), whether through resignation, dismissal or the expiry of a fixed term contract, you will still be entitled to receive SMP, provided you meet the criteria for eligibility.

6.4. Working For Another Employer

If, after the birth of your child and whilst still in receipt of SMP, you commence work for another employer, you must inform us. This is because it may affect your SMP, depending on whether or not you have worked for that employer before. If you intend to do this it would be advisable to let us know in advance so that we can let you know what the impact on your pay would be.

7. Occupational Maternity Pay: Teachers

7.1 Qualifying Service

to qualify for occupational maternity pay, you must be covered by the Burgundy Book and employed for at least one year and 11 weeks with one or more local authorities by the expected week of childbirth.

7.2 Teachers' Maternity Pay

Occupational maternity pay is also paid for a continuous period of up to 39 weeks.

For the first four weeks, you will be paid at 100 per cent of salary if eligible. Weeks 5 - 6 are paid at 90 per cent of salary if eligible, and weeks 7 - 18 at 50 per cent of salary plus the standard Statutory Maternity Pay rate of £151.97 per week. The remaining 21 weeks are paid at the standard Statutory Maternity Pay rate.

7.3 Return to Work Provisions

Teacher staff will be expected to pay back the full amount of the OMP they received if they don't return to work for a minimum of 13 weeks

8. Occupational Maternity Pay: Support Staff

8.1. Qualifying Service

To qualify for occupational maternity pay, you must be covered by the Green Book and employed for at least one year and 11 weeks with one or more local authorities by the expected week of childbirth.

8.2. Support Staff Maternity Pay

You are eligible for 39 weeks' Statutory Maternity Pay (SMP).

- 6 weeks at 90% salary
- 12 weeks at half pay* **plus** flat rate Statutory Maternity Pay (SMP) or Maternity Allowance (if eligible)
- 21 weeks' flat rate SMP

8.3. Return to Work Provisions

Teacher staff will be expected to pay back the full amount of the OMP they received if they don't return to work for a minimum of 3 months

9. Time Off for Antenatal Care

During pregnancy, you have the right to take a reasonable amount of paid time off to attend antenatal clinics, where attendance has been recommended by a GP, midwife or health visitor. For second and subsequent visits, we may request sight of an appointment card or other document confirming the antenatal appointment. You should give us as much notice as possible of antenatal appointments and arrange them near the beginning or end of the working day, wherever possible.

10. Contact During Maternity Leave

During maternity leave we may need to contact you from time to time if there are important work matters or organisational changes you need to be aware of or to discuss your return to work plans. We can also send you information about relevant job vacancies that arise in your absence if you would like us to do so. It is helpful if you discuss with your line manager in advance of maternity leave how much non-essential contact you would like to have.

11. Shared Parental Pay

If you wish to create shared parental leave for you and/or your partner you can opt to end your maternity leave early and 'convert' your remaining maternity leave (and any outstanding SMP) into shared parental leave and pay.

Further information about shared parental leave and pay can be found in our shared parental leave policy.

12. Data Protection

We process personal data relating to your pregnancy and maternity leave in accordance with our data protection policy. This information is retained securely and only disclosed to those who require access to it in order to process your maternity pay or entitlements, to manage your pregnancy whilst you are at work, to address your health and safety needs before and after your return to work and to manage your period of absence.