

**The Heath Family Multi Academy Trust
Maternity Policy**

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Supporting documents, procedures & forms of this policy		

Where appropriate, this policy should be read in conjunction with the Parental Leave, Flexible Working, Paternity and Shared Parental Leave Policies

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1 SCOPE AND PURPOSE

- 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, and maternity leave.
- 1.2 No-one will be discriminated against or subjected to a detriment for taking leave in accordance with this policy.
- 1.3 This policy does not form part of any employee's contract of employment and may be amended at any time.

2 WHO IS RESPONSIBLE FOR THE POLICY?

- 2.1 The Heath Family Multi Academy Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Board of Directors has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Governing Body/Principal.
- 2.2 The Governing Body/Principal has a specific responsibility to ensure the fair application of this policy and all employees are responsible for supporting colleagues and ensuring its success.

3 WHO IS COVERED BY THIS POLICY?

- 3.1 This policy covers all employees at all levels and grades including senior managers, employees, trainees, part-time and fixed term employees (referred to as **employees** or **you** in this policy).
- 3.2 It does not apply to agency staff and self-employed contractors.

4 DEFINITIONS

The definitions in this paragraph apply in this policy.

Expected Week of Childbirth means the week, starting on a Sunday, in which your doctor or midwife expects you to give birth;

Qualifying Week means the fifteenth week before the Expected Week of Childbirth.

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Intended Start Date means the date on which you would like to start your maternity leave.

5 ENTITLEMENT TO MATERNITY LEAVE

5.1 All employees who give birth are entitled to up to 52 weeks' maternity leave which is divided into:

5.1.1 Ordinary maternity leave of 26 weeks (**OML**).

5.1.2 Additional maternity leave of a further 26 weeks immediately following OML (**AML**).

provided they comply with the notification requirements set out below.

5.2 Employees are also entitled to paid time off during working hours for antenatal appointments. For more information see the Heath Family Multi Academy Trust's Time Off for Antenatal Appointments Policy.

6 NOTIFICATION

6.1 You must inform Principal (in the case of the Principal all references to the Principal when reading this policy should be replaced with Chair of the Governing Body) as soon as possible that you are pregnant. This is important as there may be health and safety considerations.

6.2 Before the end of the Qualifying Week, or as soon as reasonably practical afterwards, you must tell the Principal:

6.2.1 that you are pregnant;

6.2.2 the Expected Week of Childbirth; and

6.2.3 the Intended Start Date.

6.3 You must provide a certificate from a doctor or midwife (usually on a MAT B1 form) confirming your Expected Week of Childbirth.

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7 SICKNESS

- 7.1 Periods of pregnancy-related sickness absence shall be paid in accordance with your contract of employment in the same manner as any other sickness absence.
- 7.2 Periods of pregnancy-related sickness absence from the start of your pregnancy until the end of your maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.
- 7.3 If you are absent for a pregnancy-related reason during the four weeks before your Expected Week of Childbirth, your maternity leave will usually start automatically on the day following the first day of absence.

8 HEALTH AND SAFETY

- 8.1 The Heath Family Multi Academy Trust/Governing Body has a general duty to take care of the health and safety of all employees. The Principal, through his/her delegated authority, is therefore 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.
- 8.2 The Principal will provide you with information as to any risks identified in the risk assessment, and any preventive and protective measures that have been or will be taken. If the Principal considers that, as a new or expectant mother, you would be exposed to health hazards in carrying out your normal work he/she will take such steps as are necessary (for as long as they are necessary) to avoid those risks. This may involve:
 - 8.2.1 changing your working conditions or hours of work;
 - 8.2.2 offering you suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
 - 8.2.3 suspending you from duties, which will be on full pay unless you have unreasonably refused suitable alternative work.

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9 STARTING MATERNITY LEAVE

- 9.1 The earliest date you can start maternity leave is 11 weeks before the Expected Week of Childbirth (unless your child is born prematurely before that date).
- 9.2 You must notify the Principal of your Intended Start Date in accordance with paragraph 3.1. The Principal will then write to you within 28 days to inform you of the date you are expected to return to work if you take your full entitlement to maternity leave (**Expected Return Date**).
- 9.3 You can postpone your Intended Start Date by informing the Principal in writing at least 28 days before the original Intended Start Date, or if that is not possible, as soon as reasonably practicable.
- 9.4 You can bring forward the Intended Start Date by informing the Principal at least 28 days before the new start date, or if that is not possible, as soon as reasonably practicable.
- 9.5 Maternity leave shall start on:
- 9.5.1 your Intended Start Date (if notified to the Principal in accordance with this policy); or
 - 9.5.2 the day after any day on which you are absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth; or
 - 9.5.3 the day after you give birth.
- 9.6 If you are absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth, you must let the Principal know as soon as possible in writing. Maternity leave will be triggered under paragraph 9.5.2 unless the Principal agrees to delay it.
- 9.7 If you give birth before your maternity leave was due to start, you must let the Principal know the date of the birth in writing as soon as possible.
- 9.8 The law prohibits you from working during the two weeks following childbirth.

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9.9 Shortly before your maternity leave starts the Principal will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave. Unless you request otherwise, you will remain on circulation lists for internal news, job vacancies, training and work-related social events

10 STATUTORY MATERNITY PAY

10.1 Statutory maternity pay (**SMP**) is payable for up to 39 weeks. SMP will stop being payable if you return to work (except where you are simply keeping in touch) or make a declaration to receive Shared Parental Leave (SPL). You are entitled to SMP if:

10.1.1 you have at least 26 weeks continuous local government service up to the end of the Qualifying Week and are still employed by The Heath Family Multi Academy Trust during that week;

10.1.2 your average weekly earnings during the eight weeks ending with the Qualifying Week (the **Relevant Period**) are not less than the lower earnings limit set by the Government;

10.1.3 you provide the School with a doctor's or midwife's certificate (MAT B1 form) stating your Expected Week of Childbirth;

10.1.4 you give at least 28 days' notice (or, if that is not possible, as much notice as you can) of your intention to take maternity leave; and

10.1.5 you are still pregnant 11 weeks before the start of the Expected Week of Childbirth or have already given birth.

10.2 SMP is calculated as follows:

10.2.1 First six weeks: SMP is paid at the **Earnings-Related Rate** of 90% of your average weekly earnings calculated over the Relevant Period;

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- 10.2.2 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.
- 10.3 SMP accrues from the day on which you commence your OML and thereafter at the end of each complete week of absence. SMP payments shall be made on the next normal payroll date and income tax, National Insurance and pension contributions shall be deducted as appropriate.
- 10.4 You shall still be eligible for SMP if you leave employment for any reason after the start of the Qualifying Week (for example, if you resign or are made redundant). In such cases, if your maternity leave has not already begun, SMP shall start to accrue in whichever is the later of:
- 10.4.1 the week following the week in which employment ends; or
- 10.4.2 the eleventh week before the Expected Week of Childbirth.
- 10.5 If you become eligible for a pay rise before the end of your maternity leave, you will be treated for SMP purposes as if the pay rise had applied throughout the Relevant Period. This means that your SMP will be recalculated and increased retrospectively, or that you may qualify for SMP if you did not previously qualify. The School shall pay you a lump sum to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

11 OCCUPATIONAL MATERNITY PAY

- 11.1 To qualify for Occupational Maternity Pay you must:
- 11.1.1 Have at least one year's continuous local government service at the beginning of the 11th week before the EWC.
- 11.1.2 Declare in writing that you intend to return to work for 3 months following maternity leave. If you subsequently decide not to return to work, you must repay the half pay period of Occupational Maternity Pay.

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11.2 Occupational Maternity Pay is as provided for in the Burgundy Book or the Green Book as applicable to your employment from time to time.

12 TERMS AND CONDITIONS DURING OML AND AML

All the terms and conditions of your employment remain in force during OML and AML, except for the terms relating to your normal pay.

13 ANNUAL LEAVE

13.1 During OML and AML, annual leave will accrue. Annual leave cannot usually be carried over from one holiday year to the next.

13.2 This entitlement applies to all employees including term time only and teachers.

13.2.1 Term Time Only Workers – In order to calculate the entitlement to annual leave it is necessary to carry out a ‘Balance of Salary’ calculation at the start of the maternity leave period and a second calculation at the end of your leave period. This calculation takes into account your start date with The Heath Family Multi Academy Trust and the number of completed weeks of the academic year up to the point you start your maternity leave. The proportion of completed weeks will then be compared to the salary you have been paid for the same period. In most cases this results in a payment of a balance of salary, however, there may be instances where the salary paid exceeds the weeks which have been worked and a recovery of salary is necessary. Once you return to work, a second calculation is carried out to identify whether you are entitled to a payment in respect of annual leave you have accumulated whilst on maternity leave. (Please note: The date on which you start and end your maternity leave can significantly affect the balance of salary calculation. Please contact the Trust/School’s Business Manager to establish how this is likely to affect you.)

13.2.2 Teachers - The School Teacher’s Pay & Conditions Document/your contract of employment makes no specific

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reference to an entitlement to annual leave for teachers. There is however a statutory right to a minimum of 28 days leave per annum (based on an employee working 5 days a week 52 weeks a year) under the Working Time Regulations 1996. Periods of school closure count towards this entitlement, consequently it is unlikely that teachers returning to their posts following a period of maternity leave will have acquired a right to additional annual leave. It is possible that teachers who resign their post and do not return could have an outstanding balance of annual leave payable.

- 13.3 The Heath Family Multi Academy Trust's holiday year runs from 1 September to 31 August.

14 PENSIONS

For details of the implication of OML and/or AML on your pension please contact the Trust/School's Business Manager who will advise you further.

15 KEEPING IN TOUCH

- 15.1 Your Line Manager/the Senior Leadership Team may make reasonable contact with you from time to time during your maternity leave.
- 15.2 You may work (including attending training) for up to ten days during maternity leave without bringing your maternity leave or SMP to an end. The arrangements, including pay, would be set by agreement with Principal. You are not obliged to undertake any such work during maternity leave. In any case, you must not work in the two weeks following birth.

16 SHARED PARENTAL LEAVE (SPL)

- 16.1 SPL will be available to eligible parents of babies born on or after 5 April 2015. It will allow eligible women to curtail their entitlement to maternity leave in order to enable them or their partner to take SPL. Eligible parents can share up to 50 weeks leave and 37 weeks statutory pay. Full details of this entitlement and the procedure eligible parents are required to follow

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are contained in the Heath Family Multi Academy Trust's Shared Parental Leave (Birth) Policy.

- 16.2 However, in brief if you wish to opt into the SPL scheme, you must give the Principal at least eight weeks' written notice to end your maternity leave (a curtailment notice) before you can take SPL. The notice must state the date the maternity leave will end. You can give such notice before or after you give birth, but you cannot end your maternity leave until at least two weeks after birth (the compulsory maternity leave period).
- 16.3 You must also give the Principal, at the same time as the curtailment notice, a notice to opt into the SPL scheme in accordance with the procedure set out in the Heath Family Multi Academy Trust's Shared Parental Leave (Birth) Policy or a written declaration that the other parent has given their employer an opt-in notice and that you have given the necessary declarations in that notice.
- 16.4 The other parent may be eligible to take SPL from their employer before the maternity leave ends, provided you have given the curtailment notice.

17 EXPECTED RETURN DATE

- 17.1 Once you have notified the Trust/School in writing of your Intended Start Date, the Principal shall send you a letter within 28 days to inform you of your Expected Return Date. If your start date has been changed (either because you provided notice to change it, or because maternity leave started early due to illness or premature childbirth) the Principal shall write to you within 28 days of the start of maternity leave with a revised Expected Return Date.
- 17.2 You will be expected to return to work on your Expected Return Date unless you tell us otherwise. It will help the Principal if, during your maternity leave, you are able to confirm that you will be returning to work as expected.
- 17.3 Shortly before you are due to return to work, the Principal may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may cover:

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- 17.3.1 updating you on any changes that have occurred during your absence;
- 17.3.2 any training needs you might have; and
- 17.3.3 any changes to working arrangements (for example if you have made a request to work part-time;).

18 CHANGING YOUR RETURN DATE

- 18.1 If you wish to return to work earlier than the Expected Return Date, you must give the Principal eight weeks' prior notice. It is helpful if you give this notice in writing.
- 18.2 If not enough notice is given, the Principal may postpone your return date until eight weeks after you gave notice, or to the Expected Return Date if sooner.
- 18.3 If you wish to return to work later than the expected Return Date, you should either:
 - 18.3.1 Request unpaid parental leave [in accordance with the Heath Family Multi Academy Trust's Parental Leave Policy, giving the Principal as much notice as possible but not less than 21 days; or
 - 18.3.2 Request paid annual leave in accordance with your contract of employment, which will be at the Governing Body/School's discretion.
- 18.4 If you are unable to return to work due to sickness or injury, this will be treated as sickness absence in accordance with the Heath Family Multi Academy Trust's Sickness Absence Policy.

19 DECIDING NOT TO RETURN

- 19.1 If you do not intend to return to work, or are unsure, it is helpful if you discuss this with the Principal as soon as possible. If you decide not to return you should give your notice of resignation in accordance with your contract of employment. [Wherever possible, you should give as much notice as

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possible in order to facilitate workforce planning OR the amount of maternity leave left to run when you give notice must be at least equal to your contractual notice period, otherwise the Trust/Governing Body may require you to return to work for the remainder of the notice period].

19.2 Once you have given notice that you will not be returning to work, you cannot change your mind without the Governing Body's agreement.

19.3 If you have received Occupational Maternity Pay and do not return to work you will be required to repay the half pay period of Occupational Maternity Pay in full.

19.4 If you return for part of the three month period, you shall be required to repay the appropriate proportion of Occupational Maternity Pay.

19.5 This does not affect your right to receive SMP.

20 YOUR RIGHTS WHEN YOU RETURN

20.1 You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been had you not been absent.

20.2 However, if you have taken any period of AML or more than four weeks' parental leave, and it is not reasonably practicable for us to allow you to return into the same position, the Governing Body may give you another suitable and appropriate job on terms and conditions that are not less favourable.

21 FLEXIBLE WORKING

The Governing Body/Principal 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 you do have a statutory right to request flexible working and the Governing Body/Principal will try to accommodate your 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. The procedure for dealing with such requests is set out in the Heath Family Multi Academy Trust's Flexible Working Policy.

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22 MATERNITY SUPPORT LEAVE –SUPPORT STAFF ONLY

- 22.1 Under the Green Book Support Staff also have an entitlement to 5 days paid maternity support leave for the nominated carer of an expectant mother at or around the time of the birth.
- 22.2 Part time employees have a pro rata entitlement. Maternity support leave is not granted in addition to paternity leave.
- 22.3 A nominated carer is the person nominated by the mother as their primary provider of support at or around the time of the birth, although usually the father, the role may be undertaken by a relative or someone who has a caring relationship with the mother and/or child but who is not the father.
- 22.4 The purpose of maternity support leave is to allow you leave where you are the main support for the mother, as a 'nominated carer'. The role of the nominated carer is to assist in the care of the child and to provide support to the mother at or around the time of the birth.
- 22.5 If the mother is not a School employee, the School may ask for a confirmation letter from the mother that she has requested the support of the School employee, along with a copy of the MATB1.
- 22.6 If you are requesting maternity support leave you should give as much notice as possible. The Principal should satisfy him/herself through discussing the situation with you that you are the nominated carer.
- 22.7 The detail of when the leave will be taken should be mutually agreed with the Principal. The 5 days may be taken together as one period or separately. Requests for maternity support leave should not be unreasonably refused.