Diocese of Norwich Education and Academies Trust

Maternity Policy

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Our Christian Ethos and Values

All policies within the Diocese of Norwich Education and Academies Trust (hereafter referred to as "the Trust"), whether relating to an individual academy or the whole Trust, will be written and implemented in line with our Christian ethos and values.

We have high ambition for all, and we truly value the wider educational experience.

We walk and talk our Christian values. We put people at the centre of the organisation and want to see them flourish and grow. Our schools are inclusive, welcoming those of all faiths and none.

Overall accountabilities and roles

The Trust has overall accountability for all its academies and staff. Through a Scheme of Delegation for each academy it sets out the responsibilities of the Trust, its Executive Officers, the Local Governing Body and the Principal / Headteacher. The Principal / Headteacher of each academy is responsible for the implementation of all policies of the Trust.

All employees of the Trust are subject to the Trust's policies.

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1. Introduction

1.1 This policy applies to all employees of the Trust who are pregnant or have recently given birth, regardless of the number of hours worked per week.

2. Policy

2.1 This policy sets out the rights of Trust employees to maternity leave and pay in accordance with national, local and statutory conditions of service. Nothing in the provisions shall be construed as providing rights less favourable than statutory rights.

3. Principles

3.1 Employees are not discriminated against on the grounds of their pregnancy in addition to being free to exercise their rights to maternity leave, paid time off for antenatal care, maternity pay and the right to return to work.

3.2 Full consideration is given to the full range of flexible working arrangements when requested by women returning to work after maternity leave and these are arranged wherever possible in response to such requests.

3.3 An employee who is the child's father or is the partner or nominated carer of an expectant mother, may be permitted to take paid paternity leave at or around the time of the birth in accordance with the local conditions of service and the Trust's Paternity Leave policy.

3.4 Around or after the time of the birth, requests by the child's father or the partner or nominated carer of an expectant mother for flexible working arrangements are treated sympathetically.

4. Notification of pregnancy

4.1 The employee should read the guidance in relation to pay eligibility due to length of service prior to completing the application for maternity pay form. If the employee is unsure of their eligibility they should consult with the Headteacher and an enquiry be raised to the central HR team or the academies designated HR Officer.

4.2 The employee should read the guidance in relation to pay eligibility due to length of service prior to completing the application for maternity pay form. If the employee is unsure of their eligibility they should consult with the Headteacher and an enquiry be raised to the central HR team or the academies designated HR Officer.

4.3 The employee should then complete the application for maternity pay form which must be signed by both the employee and the Headteacher. The form should then be sent to the DoNESC payroll team by the academy, as soon as possible, but at least by the 15th week before her expected week of childbirth (EWC).

4.4 The line manager will respond to the notification in writing setting out the date on which the employee is expected to return to work if she takes her full entitlement to maternity leave.

4.5 The employee will be able to change her mind about when she wishes to start her maternity leave providing she gives at least 28 days' notice in advance (unless this is not reasonably practicable).

4.6 The employee should give their line manager their MATB1 form. A copy of the MATB1 form should be sent to the DoNESC payroll team by the academy via the HR helpdesk. The

academy should keep the original copy of the MATB1 on the employees HR file held within the academy. The employee will receive the MATB1 from her GP or midwife stating when the baby is due, not before 20 weeks before the expected date of birth.

4.7 The DoNESC payroll team will write to the employee, at the latest, by the month maternity leave starts, to provide a monthly schedule of gross maternity pay. The employee is also able to access this schedule via their individual log on to the Edupay payroll system.

4.8 If a meeting is due in relation to the Appraisal Policy (where appropriate) whilst the employee will be on maternity leave, the line manager should agree with the employee to either carry this out before she starts her leave or upon her return.

4.9 Employees should discuss the management of their annual leave with their line manager at the earliest opportunity so that they are able to take their annual leave around the needs of the service.

5. Antenatal care

5.1 In order to exercise her right to time off the employee must notify the line manager of her pregnancy and obtain her line manager's authorisation to take time off and provide evidence of her antenatal appointments, if requested (an appointment card will suffice as evidence). It is recommended that the line manager maintains a record of the appointments through the normal processes for recording employee absences.

6. Commencing maternity leave

6.1 Maternity leave can commence at any time from 11 weeks before the EWC. It must commence no later than the day after childbirth.

6.2 If the employee is absent from work due to a pregnancy related illness during the 4 weeks before the EWC, her maternity leave will commence automatically.

6.3 If childbirth occurs before the date the employee notified as the day she intended to start maternity leave, then her maternity leave will commence on the day after the day of childbirth.

6.4 When the employee actually begins maternity leave, the absence reporting should be completed on Edupay stating the date that the employee commenced maternity leave. It is the academies responsibility to ensure that the maternity leave is ended on Edupay when the employee returns to work.

7. Contact during maternity leave

7.1 Line managers will maintain contact with employees during their maternity leave period to discuss issues such as return to work and will keep employees informed of vacancies, any significant workplace developments and training opportunities.

7.2 Contact will not constitute 'work' and would not therefore count towards the 10 'keeping in touch' days and neither would contact bring the maternity leave period to an end.

8. Following the birth

8.1 If a premature, stillbirth or miscarriage occurs, the employee is advised to notify her line manager as soon as is reasonably practical so that arrangements can be put in place to organise her maternity entitlements. The line manager should then liaise with the DoNESC Payroll team.

8.2 If a stillbirth occurs, the employee is entitled to an additional two week's leave which has to be taken in weekly blocks.

9. Neonatal Care Leave and Pay

9.1 Under the Neonatal Care (Leave and Pay) Act 2023, employees are entitled to statutory neonatal care leave and pay if their baby requires neonatal care within the first 28 days after birth. This entitlement applies from the first day of employment and is in addition to existing parental leave rights.

9.2 Eligible employees—those with shared or sole responsibility for the child, including birth parents, partners, adoptive parents, and intended parents through surrogacy—can take up to 12 weeks of leave, with one week granted for each full week the baby receives neonatal care. The baby must have been in care for at least 7 consecutive days to qualify.

9.3 Neonatal care includes medical treatment in hospital, consultant-led care at home, palliative care, or monitoring outside of a neonatal unit. Leave can be taken in two tiers:

Tier 1: During the period of neonatal care and up to one week after it ends.

Tier 2: Any remaining leave taken before the end of 68 weeks from the child's birth.

9.4 Statutory Neonatal Care Pay is available to employees who meet the qualifying criteria, including 26 weeks of continuous service and earnings above the lower earnings limit. Pay is calculated at the lower of £187.18 per week or 90% of average weekly earnings.

10. Returning to work

10.1 The employee cannot return to work in the two weeks following the day of childbirth. This is Compulsory Maternity Leave (CMP).

10.2 **Return at the end of Statutory Maternity Leave (SML)** – If the employee chooses to return when the SML leave period ends after 26 weeks, she does not have to give specific notice, although she should confirm to her line manager the date she wishes to return so that arrangements can be made.

10.3 **Return during SML** – If the employee chooses to return before the 26 weeks have elapsed, she must give, in writing, if requested, at least 21 days' notice before her return. Where the notice given is less than 21 days the employer may postpone the return to ensure 21 days' notice but not beyond the end of the maternity leave period.

10.4 **Return at the end of Occupational Maternity Leave (OML)** – If the employee chooses to return when the OML period ends, she does not have to give specific notice.

10.5 **Return during OML** – If the employee chooses to return before the 52 weeks have elapsed she must give, in writing if requested, at least 21 days' notice before her return. Where the

notice given is less than 21 days the employer may postpone the return to ensure 21 days' notice but not beyond the end of the maternity leave period.

10.6 **Altering an early return date** – If an employee changes her mind about the date she intends to return, where she has already notified an early return date, she must give 21 days' notice before the new date, and at least 21 days before the original early return date.

10.7 **Return to work and sickness absence** – If the employee is unable to return to work on the expected date due to sickness, the employee has still exercised her right to return by complying with the notification procedure. She will then commence a period of sickness absence and be treated as any other employee who is absent due to sickness, including the payment of sick pay.

10.8 The line manager should ensure that the absence reporting is completed upon the employee's return to work.

10.9 The line manager and employee should calculate any entitlement to public/extra statutory holidays that occurred during the maternity leave period and make arrangements for the taking of any substitute days.

10.10 The line manager and employee should review the risk assessment that was completed prior to maternity leave and reflect any amendments required or whether the risk assessment is no longer required.

11. Choosing not to return to work

11.1 The employee must give their required contractual notice of resignation if they do not intend to return to work after maternity leave.

11.2 The employee will have received a lower rate of maternity pay or will have to pay back any half pay received, as part of OMP.

11.3 The last day of maternity leave will be the last day of service, unless the employee has given written notice that she wishes to resign on an earlier date.

11.4 The line manager will need to ensure that the employment is ended on Edupay accurately reflecting their last day of employment.

12. Maternity leave and pay

12.1 Entitlement to maternity pay is based on the employee's length of continuous service. The flowcharts provide more detailed information.

12.2 Maternity leave cannot commence more than 11 weeks before the EWC.

12.3 All women are entitled to both 26 weeks' SML and 26 weeks' OML, thus providing a right to one year's maternity leave in total, regardless of length of continuous service.

12.4 If the employee is absent from work due to a pregnancy related illness during the 4 weeks before the EWC, her maternity leave will commence automatically.

12.5 Maternity leave will not be treated as sick leave and will not therefore be taken into account for the calculation of the period of entitlement to sickness absence.

12.6 Employees may be eligible for one or more of the following payments (please refer to appendices 1 and 2 for full information):

- Statutory Maternity Pay (SMP) - An employee is eligible for SMP providing she meets certain criteria. Current rates are available from the GOV.UK website.
- Maternity Allowance (MA) - Where the employee is not eligible for SMP she may be able to claim MA from the Department for Work & Pensions. MA payments are flat rate for 39 weeks. Current rates are available from the GOV.UK website.
- Contractual Maternity Pay (CMP) - This will depend on the employee's length of service.

12.7 If an employee has declared that she will be returning to work following the birth, she must return to the academy/Trust for a period of time, in order to 'protect' her CMP. Where the employee holds more than one post, she must return to each post in order to protect the CMP which has been paid against that employment.

12.8 The period for which the employee must return is 3 months for support staff and 13 weeks for teachers, regardless of the number of hours worked. CMPs are made at the normal pay interval (less normal deductions) or withheld until the employee returns to work, when the amount is paid as a lump sum (less normal deductions).

12.9 If an employee decides not to return to work (i.e. resigns) or the contract ends for a reason other than redundancy whilst on maternity leave, CMP ceases when the employment ends. The employee is required to repay the half pay elements of CMP (12 weeks) paid up to and including the last day of employment if she does not return to the academy/Trust employment. The DoNESC payroll team will notify the employee of the amount. (This applies to employees on permanent and fixed term contracts).

12.10 If an employee holds more than one post and chooses to return to one or more but not to all posts, she will be required to repay the half pay elements, if applicable, paid against the post(s) which she chooses to not return to.

12.11 If an employee is made redundant whilst on maternity leave, CMP ceases on the last day of employment. The employee is not required to pay back any half pay elements of CMP (12 weeks) paid up to and including the last day of employment. (This applies to employees on permanent and fixed term contracts).

12.12 The employee will not have to repay SMP/MA payments.

12.13 If the employee is made redundant during maternity leave any maternity pay should be topped up to the equivalent of full pay during the notice period (section 87(4) of the Employment Rights Act 1996).

12.14 To be eligible for maternity leave and pay, employees must meet specific notification requirements in line with this policy.

13. Health & safety

13.1 When an employee notifies her line manager that she is pregnant it is important that this risk assessment is reviewed, in consultation with the employee and the risk assessor.

13.2 A further review should take place when the employee returns to work following maternity leave.

13.3 Should the risk(s) be significant the line manager will need to take action. Advice can be sought from the Trusts Occupational Health provider. This may include:

- Removing the hazard(s) or avoiding the employee's exposure to the risk(s);
- Advising the employee of the risk;
- Informing the employee of any action you will take to ensure that the employee is not exposed to a risk that could cause harm.

13.4 Removing the employee from the workplace if the level of risk is greater than the level of risk expected outside the workplace. This can be done by temporarily adjusting her working conditions and/or hours of work, offering the employee suitable alternative work (if any is available) or if neither of these is feasible, suspending the employee from work (with pay) for as long as necessary to protect her safety and that of the child.

13.5 The Health and Safety Executive (HSE) has advised that 'pregnancy should not be equated with ill health, it should be regarded as part of everyday life and its health and safety implications can be adequately addressed by normal health and safety procedures'.

14. Annual leave entitlement during maternity leave (not applicable to teachers or support staff who take their holidays during school closure periods)

14.1 Maternity leave does not affect annual leave entitlement, i.e. when taking maternity leave the employee will still be entitled to her full annual leave allowance within the year(s) in which the maternity leave falls.

14.2 If an employee's maternity leave spans two annual leave years, she will be able to carry forward her contractual entitlement into the new leave year. However, the line manager should be proactive about managing the amount of leave that the employee will have and discuss the options available as early as possible. These options could be to:

- take annual leave before the start of the maternity leave;
- start the maternity leave earlier than anticipated and fit in the annual leave before returning to work;
- return before the end of the maternity leave so that the remaining leave can be taken before the end of the annual leave year;
- take annual leave at the end of maternity leave, fitting it in before returning to work. Any leave carried over must be taken by 31st August of the subsequent leave year.

14.3 During maternity leave annual leave will accrue in the same way as it did before the absence began. If the employee returns to work on a reduced hours basis, on the date of return to work the annual leave will begin to be calculated at the new pro-rata rate.

14.4 If the employee decides not to return to work, annual leave will accrue up to the final date of service.

14.5 If during the maternity leave period the employee subsequently decides not to return to work and too much annual leave has been taken then there will be a requirement to pay back some of the annual leave taken in advance.

15. Annual leave entitlement during maternity leave (applicable to teachers and support staff who take their holidays during school closure periods)

15.1 (a) The leave year for teachers, for the purpose of establishing annual leave entitlement, whilst on maternity leave is 1 September to 31 August.

(b) The leave year for support staff on NJC terms and conditions, for the purpose of establishing annual leave entitlement, whilst on maternity leave is 1 April to 31 March.

15.2 The statutory leave entitlement is 28 days (5.6 weeks), pro rata for those working part time. This is not an additional entitlement to annual leave on top of the current school closure arrangements.

15.3 Employees on maternity leave are entitled to the statutory annual leave under the Working Time Regulations. Employees who take maternity leave must be able to take the statutory annual leave at a time outside of her maternity leave. Annual leave entitlement can be offset by any period of school closure that has taken place in the leave year in question i.e. both before and after the maternity leave period.

15.4 On return from maternity leave, employees must be allowed to take any outstanding leave during term time during that leave year if there are insufficient school closures to accommodate leave in that leave year. Where the return from maternity leave is so close to the end of the leave year that there is not enough time to take the entire annual leave entitlement, employees must be allowed to carry over any balance of leave to the following leave year. Employees can be required to take this during the remaining periods of school closure after the statutory annual leave for that leave year has been accommodated.

15.5 It will not be possible for employees to obtain payment in lieu of untaken annual leave instead of taking leave during the leave year. However, payment in lieu may be necessary, if the employee does not return to her job following maternity leave. Payment will be made in accordance with the Working Time Regulations and is not pensionable.

16. Public and extra statutory holiday entitlement during maternity leave (not applicable to teachers)

16.1 **Full time employees** - During both periods of SML and OML, an employee is entitled to accrue public holiday entitlement as those public holidays and extra statutory days fall, with a substitute day of paid leave being provided at another time.

16.2 **Part time employees** - During both periods of SML and OML an employee is entitled to accrue pro-rata public holiday and extra statutory day entitlement, as those days fall, and will be given substitute paid leave at another time, e.g. where an employee works three days per week, they will receive an entitlement to 3/5ths of the total number of public holiday and extra statutory days that fall during their whole maternity leave period.

16.3 **Term time employees** - Term time only employees should be given a substitute day of paid leave during term time, where a public holiday/extra statutory day falls during their SML and OML period. This should be managed locally, in the same way as the additional day of annual leave after ten years' continuous service.

16.4 Substitute leave may be taken immediately following the end of the period of maternity leave, which should allow for any maternity cover arrangements to be managed most effectively. Alternatively, any substitute leave may be added to the annual leave entitlement to be taken upon the return to work. In all cases, this should be recorded.

17. Pension contributions during maternity

17.1 **Teachers:**

- During the period of paid maternity leave, pension contributions will be paid and deducted from the teacher's pay in the usual manner.
- Any unpaid period will not be pensionable/reckonable.
- Contact Teachers' Pensions on 0345 6066166 and ask for the Fact sheet on Maternity/Paternity which is also available online at www.teacherspensions.co.uk

17.2 **Support Staff:**

- During any period of paid or unpaid statutory maternity leave, employees who are members of the Local Government Pension Scheme (LGPS) will pay basic pension contributions on the pay actually received but the Trust will pay pension contributions on the pay the employee would have received had she been at work (Assumed Pensionable Pay (APP)). The service will count as normal for pension purposes, i.e. as if the employee had been at work.
- During any period of unpaid SML, pension will not accrue, unless the employee elects to pay Additional Pension Contributions (APC) by buying the 'lost' pension.
- If an employee elects to buy the 'lost' pension by paying an APC within 30 days of returning to work, the employer must pay 2/3rds of the total cost with the remaining 1/3rd being paid by the employee. If the election is not made within the 30-day period then the employee will pay the full cost, unless the employer chooses to contribute towards the cost.
- Where an employee works on a Keeping in Touch Day, both the employee and the employer will pay contributions based on the pay the employee receives for that day and it will count in full for pension purposes.

18. Working during maternity leave / "keeping in touch" days

18.1 A woman can do 10 days' work during her maternity leave without bringing her maternity leave to an end. Working for part of a day will count as one day.

18.2 Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

18.3 A line manager cannot insist that a woman carries out any work and equally a woman cannot insist on being given any work to do.

18.4 A woman's maternity leave will not be extended, due to the fact that she has carried out some work during this period.

18.5 A woman will not lose any SMP for working up to 10 days.

18.6 A woman will be paid their normal rate of pay for any work done under the contract of employment and this will be offset against any SMP due for each day.

18.7 A woman will lose her SMP for any week in which she does any further work.

18.8 A woman cannot carry out any work during the first two weeks following the birth of the child.

19. Maternity rights in the event of a stillbirth or miscarriage

19.1 **Stillbirth or miscarriage before the 25th week of pregnancy** - If an employee miscarries or has a stillbirth earlier than the 25th week of her pregnancy she will commence a period of sickness absence and be treated as any other employee who is absent due to sickness, including the payment of sick pay.

19.2 **Stillbirth from 25th week of pregnancy onwards** - A woman who has a stillbirth from the 25th week of pregnancy onwards will be eligible to full maternity scheme benefits.

19.3 **Birth of a live child before the 25th week of pregnancy onwards** - A woman who gives birth to a live child, even if the child later dies, at any point in her pregnancy will be entitled to full maternity scheme benefits.

19.4 **Parental Bereavement Leave**

The Parental Bereavement (Leave and Pay) Act 2018 came into force in April 2020. This provides bereaved parents with the right to two weeks of leave following the loss of a child under the age of 18 or a stillbirth after 24 weeks of pregnancy. Bereaved parents will be entitled to take their leave in one two-week block or in two separate blocks of one week. The entitlement must be taken within 56 weeks, starting with the date of the child's death and can start on any day of the week and if the loss of more than one child is experienced the entitlement is granted for each child.

Bereaved parents employed with a minimum of 26 weeks' continuous service will also be entitled to receive statutory parental bereavement pay. Those with less than 26 weeks' continuous service will be entitled to take two weeks of unpaid leave. An employee is not required to share a death certificate with the academy/Trust.

20. Right to return to work

20.1 Employees have the right to return to work, following maternity leave, subject to specific requirements.

20.2 'Return to work' means to the job to which the employee was employed under her original contract of employment, and on terms and conditions not less favourable than those which would have been applicable to her if she had not been absent. 'Job' for this

purpose, means the nature of the work that she is employed to do and the capacity and place in which she is so employed.

20.3 If the employee's post is affected by a redundancy situation occurring during their leave, the academy/Trust shall write to inform them of any proposals and shall invite them to a meeting before any final decision is reached as to redundancies.

20.4 If the employee's role is affected by a redundancy situation and the employee has notified the academy/Trust of their pregnancy, is on maternity leave, or has returned to work from maternity leave and is within an additional protected period of 18 months from the first day of (i) the actual date of birth (where this is notified to the academy/Trust before the end of maternity leave); or (ii) the EWC (where the actual date of birth is not notified to the academy/Trust before the end of maternity leave), the employee shall be given first refusal on any suitable alternative vacancies that are appropriate to their skills.

20.5 When determining if a vacancy is a suitable alternative, the academy/Trust will consider whether the duties in that post are suitable for the employee and appropriate to the circumstances. Also, the capacity and place in which she is to be employed and her terms and conditions of employment should not be substantially less favourable to her than if she had been able to return to the job in which she was originally employed.

21. Return to school following a resignation and break for maternity reasons (support staff only)

21.1 Where an employee returns to the Trust following a break for maternity reasons, or reasons concerned with caring for children or other dependents, he or she will be entitled to have previous service taken into account in respect of the following provisions, provided that the break in service does not exceed eight years and that no permanent paid full time employment has intervened:

- Sickness provisions
- Maternity provisions
- Adoption provisions
- Period of notice to terminate employment

21.2 For the purpose of the calculation of entitlement to annual leave, the eight years' time limit does not apply, provided that no permanent paid full-time employment has intervened.

21.3 The calculation of continuous service for rights against unfair dismissal or redundancy payments are not included within this contractual provision.

21.4 If an employee chooses to return to the Trust she will be asked to complete and sign a form confirming her service and that no permanent paid full-time employment has intervened.

APPENDIX 1 – SUPPORT STAFF MATERNITY BENEFITS FLOWCHARTS

Employee with less than 26 weeks' continuous service at 15th week before the EWC

26 weeks SML and 26 weeks OML

1 week's pay

No entitlement to Statutory Maternity Pay. Maternity Allowance may be payable

Employee with at least 26 weeks' continuous service at the 15th week before the EWC but less than 1 year's continuous service at the beginning of the 11th week before the EWC

26 weeks SML and 26 weeks OML

1 week's full pay (inclusive of SMP)

5 weeks' SMP at 90% of average weekly pay (inclusive of SMP)

33 weeks at SMP or 90% of average weekly pay whichever is the lower

13 weeks unpaid

Employee with at least 1 year's continuous service at the beginning of the 11th week before the EWC

26 weeks SML and 26 weeks OML

6 weeks at 90% of a week's salary (inclusive of SMP)

12 weeks at half pay + SMP or 90% of average weekly pay whichever is the lower (providing the half pay + SMP does not exceed full pay)

21 weeks at SMP

13 weeks unpaid

If you do not return to employment for at least 3 months, the half pay must be repaid.

SML = Statutory Maternity Leave
OML = Occupational Maternity Leave
SMP = Statutory Maternity Pay*
EWC = Expected Week of Childbirth
*SMP is only payable if the employee earns enough to pay N.I. contributions. Current rates are available from the GOV website.

APPENDIX 2 – TEACHERS' MATERNITY BENEFITS FLOWCHARTS

Teacher with less than 26 weeks' continuous service at the end of the 15th week before the EWC and less than 1 year's continuous service as a teacher with one or more LAs at the beginning of the 11th week before the EWC

26 weeks' SML and 26 weeks OML

No entitlement to contractual or statutory maternity pay.

Maternity allowance may be payable

Teachers with at least 26 weeks' continuous service at the end of the 15th week before the EWC but less than 1 year's continuous service as a teacher with one or more LAs at the beginning of the 11th week before the EWC

26 weeks' OML and 26 weeks' AML

6 weeks at SMP equal to 90% of a week's salary

33 weeks at SMP or 9/10 of average weekly pay whichever is the lower

13 weeks unpaid

Teacher with less than 26 weeks' continuous service at the end of the 15th week before the EWC, but at least 1 year's continuous service as a teacher with one or more LAs at the beginning of the 11th week before the EWC

26 weeks' SML and 26 weeks' OML

4 weeks' full pay, inclusive of maternity allowance if eligible

next 2 weeks 90% of a week's salary, inclusive of maternity allowance if eligible

next 12 weeks, half pay + maternity allowance if eligible (providing the half pay + MA does not exceed full pay)

next 21 weeks on MA if eligible

up to 13 weeks unpaid

If you do not return to employment for at least 13 weeks, the half pay must be repaid.

Teachers with at least 26 weeks' continuous service at the end of the 15th week before the EWC and at least 1 year's continuous service as teacher with one or more LAs at the beginning of the 11th week before the EWC

26 weeks' SML and 26 weeks' OML

4 weeks' full pay, inclusive of SMP

next 2 weeks 90% of a week's salary, inclusive of SMP

next 12 weeks, half pay + SMP or 9/10 of average weekly pay whichever is the lower (providing the half pay + SMP does not exceed full pay)

next 21 weeks at SMP

13 weeks unpaid

If you do not return to employment for at least 13 weeks, the half pay must be repaid.

SML = Statutory Maternity Leave
OML = Occupational Maternity Leave
SMP = Statutory Maternity Pay*
EWC = Expected Week of Childbirth
*SMP is only payable if the employee earns enough to pay N.I. contributions. Current rates are available from the GOV website.

APPENDIX 3 – PENSION CONTRIBUTIONS DURING STATUTORY MATERNITY LEAVE (SML) AND OCCUPATIONAL MATERNITY LEAVE (OML)

Type of Leave		Member pays basic pension contributions on	Employer pays contributions on	How pension counts under the LGPS
SML (wks 1-26)		Actual SMP and/or SMP, if any, received	Notional full pay (Assumed Pensionable Pay)	Counts in full as if the employee had been at work
Paid OML **(wks 27 – 39)**		Actual pay received	Notional full pay (Assumed Pensionable Pay)	Counts in full as if the employee had been at work
Unpaid OML (wks 40 – 52)	Employee opts to pay Additional Pension Contributions (APC) to cover unpaid period	Employee requests details of lost pensionable pay from Employer and uses the calculator on www.lgpsmember.org . to calculate the APC	If employee confirms option to pay APC within 30 days of returning to work, employer pays two-thirds of the APC cost. If the option is made more than 30 days after returning to work, the employee pays the whole APC and the employer pays nothing	Record is credited with the amount of lost pension bought by the APC
	Employee does not opt to pay contributions for unpaid AML period	Not applicable – no contributions are due	Not applicable – no contributions are due	Does not count

Note: If an employee is paying additional regular contributions (ARCs) and/or additional pension contributions (APC) to purchase extra annual pension, or is paying additional survivor benefit contributions (ASBCs) to uprate some or all of their pre 6 April 1988 membership so that it counts in calculating a surviving nominated co-habiting partner's pension, or is paying additional pension contributions to purchase added years of membership, those additional employee contributions continue to be paid throughout the whole period of any maternity, paternity or adoption leave (unless the employee opts to stop paying those contributions). AVCs continue to be paid on any pay received (unless the employee opts to stop paying those contributions). Any AVCs that are being paid in respect of additional life cover must be maintained during the whole period of leave or the policy will lapse and the life cover lost.

APPENDIX 4 – TERMS AND ABBREVIATIONS

Actual Week of Childbirth (AWC)	This is the week the baby is born.
Childbirth	The live birth of a child, or a stillbirth after a pregnancy that has lasted at least 24 weeks.
Compulsory Maternity Leave (CMP)	The two weeks commencing with the day of childbirth during which employers are prohibited from allowing the employee back to work.
Continuous service (excluding teachers)	Continuous service includes continuous previous service with any public authority to which the Redundancy payments Modification Order (Local Government) 1983 (as amended) applies.
Continuous service (teachers)	Continuous service includes continuous previous service as a teacher with any Local Authority under the Redundancy payments Modification Order.
Contractual Maternity Pay (CMP)	This is the payment made over and above SMP, as part of the employee's Conditions of Service.
Expected Week of Childbirth (EWC)	This is the week the baby is expected to be born.
Job	For this purpose, means the nature of the work that the employee is employed to do and the capacity and place in which she is so employed.
MATB1	This is the certificate issued by the employee's GP or Midwife (no earlier than 20 weeks before the EWC) to confirm the date of the EWC.
Maternity Allowance (MA)	Where the employee does not qualify for SMP she may be entitled to MA, which is paid directly by the Department for Work and Pensions.
Occupational Maternity Leave (OML)	26 weeks' maternity leave. Available to all pregnant employees.
Qualifying Week	This is the 15th week before the EWC. It is used to determine entitlement to SMP, as the employee needs to have worked for the same employer for at least 26 weeks up to and including the Qualifying Week (in addition to paying appropriate National Insurance Contributions).
Return to Work	Means to the job to which the employee was employed under her original contract of employment, and on terms and conditions not less favourable than those which would have been applicable to her if she had not been absent.
Statutory Maternity Leave (SML)	An additional 26 weeks' maternity leave, immediately following ordinary maternity leave (OML), which gives the right to one year's maternity leave in total to all pregnant employees, regardless of length of continuous service.
Statutory Maternity Pay (SMP)	Providing the Qualifying Week and National Insurance contribution criteria are met, the employee will be entitled to SMP. This payment is made on behalf of the Department for Work and Pensions. Current rates are available from the GOV website.
Week	A woman can start to receive her SMP on any day of the week.
Week's Pay	This is usually the amount payable to the employee under her current contract of employment for working her normal hours in a week.

APPENDIX 5 – RECORD OF KEEPING IN TOUCH (KIT) DAYS FORM

The form should be completed by the employee on maternity or adoption leave and forwarded to the line manager for authorisation. The form should then be sent to the DoNESC HR Central team for processing.

Employee Name		Job Title	
Academy			

KIT Days

Please detail each KIT day taken. A single KIT day is any day where work-related activity is undertaken for a period up to the employee's normal hours of work. Payment will be made for the number of hours worked. A maximum of 10 KIT days can be taken during the maternity/adoption leave period.

	Date of KIT day	**Status of Maternity Pay**	**Hours Worked**	**TOIL Taken**	**Paid**
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
	TOTAL				

I confirm that:

- The above KIT days have been mutually agreed by the line manager and employee;
- The KIT days do not occur within the 2 weeks following childbirth for maternity leave; and
- The total number of KIT days taken by this employee does not exceed 10 days.

Employee Signature		Date	
Line Manager Signature		Date	

APPENDIX 6 – CONFIRMATION OF MATERNITY LEAVE LETTER

[insert date]

Strictly Private and Confidential
[Name]
[Address]

Dear [insert name]

RE: Confirmation of Maternity Leave

Thank you for advising us of your pregnancy in your letter dated [insert date]. This letter is to confirm details of your forthcoming maternity leave.

You have confirmed that you wish your maternity leave to commence on [insert date].

As we discussed, you are entitled to 52 weeks' statutory maternity leave. Which consists of 26 Ordinary Maternity Leave and 26 weeks Additional Maternity Leave.

By law, you must take 2 weeks' off after your baby is born.

Commencing Maternity Leave

Your MATB1 form indicates that your expected week of childbirth is the week commencing [insert date].

You have indicated that you would like [insert date] to be your last working day. Therefore, your maternity leave will commence on [insert date]

If you take your full entitlement, your return to work date will be [insert date].

Changing your maternity leave start and return dates

If you wish to change your maternity leave start date, you must give us at least 28 days' notice.

If you want to change the date you return from maternity leave, you must give us at least 8 weeks' notice.

If your maternity leave is triggered early

If your baby arrives early your maternity leave will automatically start the date after your baby is born. If this happens, please let us know as soon as possible.

If you're off work with pregnancy-related illness at any time in the 4 weeks before your baby is due, your maternity leave will automatically start after the first day of absence.

If your maternity leave is triggered early, we will tell you your new return to work date within 28 days.

Maternity Pay

Please find enclosed to this letter your EduPay maternity pay schedule.

Antenatal appointments

You have the right to a reasonable amount of paid time off for pregnancy-related appointments.

After your first appointment, you must provide an appointment card or other evidence of your appointments if we ask for it.

Holiday entitlement – only for full time staff – remove if not applicable

You will still build up your usual holiday entitlement while you're on maternity leave.

You cannot use holiday entitlement while you're on maternity leave. But you can arrange to use your holiday before or after maternity leave.

You should speak to [name of job role of relevant person in your organisation] as early as possible about how to use your holiday entitlement, including any build up while on maternity leave.

Keeping In Touch (KIT) Days

You can work for up to 10 days during your maternity leave to help you stay in touch with [insert name of organisation]. These are called 'keeping in touch (KIT) days'. Any KIT days must be agreed in advance with [insert name of person within the organisation]. Please note that you will be paid for the actual number of hours that you work during a KIT day up to a maximum of [insert number of normal daily contracted hours]. KIT days should be recorded along with the number of hours worked and signed by [insert name of person within the organisation]. KIT days worked will be paid upon your return to work from maternity leave through payroll.

Returning to Work

If you decide not to return to work, you are required to give written notice as detailed in your contract of employment.

I trust the above information is of help to you; however, should you have any questions about your maternity leave, or your maternity pay, please do not hesitate to contact me.

Your sincerely

APPENDIX 7 – APPLICATION FOR MATERNITY PAY

Application for Maternity and Pay

Academy Name: _____

Federation Name: _____

Trust Name: _____

Employee Details:

Title*:	☐ Mrs	☐ Ms	☐ Miss
Surname*:			
First Names*:			
Home Address*:			

Maternity Pay Options (please select one option):

Option A:	☐ Teachers: Receive 100% of pay for four weeks, 90% of pay for two weeks, 50% of pay for the following 12 weeks *If you do not return for 13 weeks, you are entitled to retain the first six weeks of your maternity pay and any SMP or MA. Your employer is entitled to reclaim the 12 weeks' occupational maternity pay that you received at half pay.* ☐ Support: Receive 100% of pay for six weeks, 50% of pay for the following 12 weeks *If you do not return for three months, you are entitled to retain the first six weeks of your maternity pay and any SMP or MA. Your employer is entitled to reclaim the 12 weeks' occupational maternity pay that you received at half pay.*
Option B:	☐ Statutory Maternity Pay (SMP) and receive lumpsum of Occupational Maternity Pay (OMP) after return to work qualifying period.
Option C:	☐ Statutory Maternity Pay (SMP) and receive lumpsum of Occupational Maternity Pay (OMP) after the qualifying period.

Eligibility Statement:

I confirm that I have had continuous service for at least 26 weeks prior to the 15th week before the expected week of childbirth and qualify for SMP and OMP.	☐ tick

My first date of maternity leave is:	dd/mm/yyyy (I understand this date can be altered and I must give at least 28 days' notice of the revised date maternity leave us to commence)

Expected Week of Childbirth (EWC):	dd/mm/yyyy (The MATB1 certificate is available from your midwife from the 20th week of pregnancy onwards (please tick) ☐ I enclose my MATB1 certificate with this form. ☐ I will forward my MATB1 certificate to the school as soon as possible and understand that I will not receive any maternity pay until I provide this.

To be completed by employee:

I have read and understand the accompanying Maternity Policy, which I have retained.

Signed:	
Date: dd/mm/yyyy	

NB: If you wish to continue to pay pension contributions for any period of unpaid maternity leave, please contact your Pensions Department for further information.

To be completed by Headteacher:

I confirm that as assessment to identify hazards that could be a risk to any new, expectant, or breastfeeding mothers has been or will be undertaken and I have discussed "keeping in touch" days with the employee if requested.

Signed:	
Date: dd/mm/yyyy	

Please return this completed form to the DoNESC Payroll and Pensions Administrator via the DoNESC Helpdesk as soon as possible, to enable a response to be provided to the employee within 7 days of this form being returned to the school office.