



Maternity Policy and Procedure

Approved By: Trustees

Approval Date: June 2018

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1. Terms of Reference

1.1. This policy applies to all employees of the West Norfolk Academies Trust.

1.2. Definitions:

- **Expected week of childbirth (EWC):** the week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.
- **Statutory Maternity Pay (SMP):** the legal minimum amount an employer must pay.
- **Qualifying Week:** fifteen weeks before the expected week of childbirth (EWC).

2. General Principles

2.1. The purpose of this procedure is to provide a summary of the different maternity leave and pay entitlements and the qualifying requirements. Statutory entitlements are those provided for by employment law; contractual entitlements are part of the employee's contract of employment.

2.2. Contractually, the employee is treated as being temporarily absent from work when on maternity leave. All contractual benefits, except pay, will continue as normal. This includes the accrual of annual leave entitlement.

3. Entitlement to maternity leave and pay

3.1 All staff with less than 26 weeks service at the Qualifying Week (15th week before the EWC)

3.1.1 All employees are entitled to take up to one year (52 weeks) maternity leave from day one of employment. The 52 weeks leave consists of 26 weeks Ordinary Maternity Leave (OML) followed continuously by 26 weeks Additional Maternity Leave (AML).

3.1.2 A summary of the entitlements and obligations to maternity leave and pay is set out in Table 1.

Table 1

Entitlements				Obligations		
Category of Staff	Period with Employer	Length of Absence	Pay	Period of Notice by Employee to Employer of Intention to Cease Work	Period of Notice by Employee to Employer of Date Maternity Absence Begins	Period of Notice by Employee to Employer of Intention to Return to Work
Support	Less than 26 weeks service as at 15 weeks before EWC.	Up to 52 weeks.	No contractual or statutory maternity pay. Form SMP1 to be provided by payroll provider to apply for statutory maternity allowance.	By 15 th week before EWC if not earlier.	28 days.	None unless returning before 52 weeks, then 4 weeks.
Teachers	Less than 26 weeks service as at 15 weeks before EWC.	Up to 52 weeks.	No contractual or statutory maternity pay. Form SMP1 to be provided by payroll provider to apply for statutory maternity allowance.	By 15 th week before EWC if not earlier.	28 days.	None unless returning before 52 weeks, then 4 weeks.

3.2 All staff with more than 26 weeks service as at the 15th week before the EWC but less than one years' service as at the 11th week before the EWC

3.2.1 In addition to the maternity entitlement for employees set out above, for those with more than 26 weeks service as at 15 weeks before the EWC there is a possible entitlement to be paid Statutory Maternity Pay (SMP), depending on the employee meeting certain conditions.

3.2.2 To qualify for SMP the following conditions must be met:

- The employee must have been continuously employed by her current employer for at least 26 weeks by the beginning of the Qualifying Week (15th week before the expected week of childbirth).
- The employee must have average weekly earnings in the calculation period (which is the 8 weeks or 2 months before the end of the qualifying week) at or above the lower earnings limit for payment of National Insurance contributions. The lower earnings limit is reviewed in the April of each year.

- The employee must still be pregnant at the 11th week before the expected week of childbirth or have had the baby by that time.

3.3 All staff with more than one years' service as at the 11th week before the EWC

3.3.1 For those employees with more than one year's service as at the 11th week before the EWC, in addition to the above maternity leave and pay entitlements there is an entitlement to receive contractual maternity pay in line with the conditions of service for either teaching staff or support staff.

3.3.2 A summary of the entitlements and obligations to maternity leave and pay is set out in Table 2 below.

Table 2

Entitlements				Obligations		
Category of Staff	Qualifying Period of Continuous Service with Employer	Length of Absence	Pay	Period of Notice by Employee to Employer of Intention to Cease Work	Period of Notice by Employee to Employer of Date Maternity Absence Begins	Period of Notice by Employee to Employer of Intention to Return to Work
Support	1 year with any Maintained School as at 11 weeks before EWC.	A total of up to 52 weeks leave; of which: up to 11 weeks may be taken before EWC.	6 weeks at 90% of average earnings, followed by 12 weeks half pay & lower rate SMP followed by 21 weeks lower rate SMP only. Remainder unpaid.	By 15th week before EWC if not earlier.	28 days.	None unless returning before 52 weeks, then a minimum of 4 weeks.
Teachers	1 year with any Maintained School as at 11 weeks before EWC.	A total of up to 52 weeks leave; of which up to 11 weeks may be taken before EWC.	4 weeks at full pay, 2 weeks at 90% of average earnings, followed by 12 weeks half pay & lower rate SMP followed by 21 weeks lower rate SMP only. Remainder unpaid.	By 15th week before EWC if not earlier.	28 days.	None unless returning before 52 weeks, then a minimum of 4 weeks.

4. Health and Safety

4.1 Pregnant employees must be given specific health and safety protection under UK Health and Safety Legislation. The main provisions are set out below.

4.2 Risk Assessment

Employers must assess all workplaces for risks to the health and safety of their employees and others affected by their work activities. In particular, they must consider if there are specific or enhanced risks for new and expectant mothers who are defined as “an employee who is pregnant, who has given birth or miscarried within the previous six months, or who is breast feeding”. Such risks would include exposure to certain harmful substances or microbial agents/infectious diseases; extremes of heat and cold; noise; movement and posture; lifting/handling loads; and potential exposure to violence (including verbal abuse).

4.3 Where an unacceptable risk is identified the employer must take any protective or preventative measures required by other health and safety legislation to remove it. See <http://www.hse.gov.uk/risk/resources.htm> for risk assessment form templates. Where this would not prevent the employee from being at risk, a hierarchy of measures should be followed:

- If it is reasonable to do so, working conditions or hours of work should be altered to avoid (or minimise) the risk;
- If this is not possible, or the risk cannot be avoided by this, the employee should be offered suitable alternative employment on existing, or not substantially less favourable, terms and conditions;
- If no suitable alternative work is available, the employee should be given leave of absence with full pay. If the employee refuses an offer of suitable alternative work, the leave may reasonably be unpaid.

4.4 Period of Protection

These provisions apply from the time the School receives written notification that the employee is pregnant until 6 months after the date of childbirth, or until the employee stops breast feeding if she continues to do so beyond this six month period. The paid leave of absence provisions will not apply during the maternity leave period. The employee will receive whatever maternity pay she is entitled to as normal.

5. Illness during Maternity Leave

5.1 If the employee is absent from work because of a pregnancy related illness on or after the start of the 4th week before the baby is due this should be treated as the start of her maternity leave unless it is a very minor illness and she is expected to return within 1 or 2 days,

5.2 If the employee is ill for a non-pregnancy related reason, she will be regarded as being on sick leave until either the baby is born, or the date she has given as the start date of her maternity leave, when she will start receiving her maternity pay.

5.3 It follows that if an employee is off sick during or after the 4th week before the baby is due and she has not started her maternity leave, it is essential the reason for her absence is immediately discovered. Normally the employee's certificate from her GP will state if her

sickness is pregnancy related. For illnesses where it is not possible to decide if the absence is due to pregnancy then independent medical advice may be sought.

- 5.4 The date that an employee wishes to start maternity leave can be changed but 21 days' notice needs to be provided prior to when the maternity leave was originally due to start.

6. Keeping in Touch Days

- 6.1 Employees may, by agreement with their employer, do up to ten days' work – known as "Keeping in Touch days" - under their contract of employment during the maternity leave period. Such days are different to the reasonable contact that employers and employees may make with one another, as during Keeping in Touch days employees can carry out work for the employer, for which they may be paid.
- 6.2 Any work done on any day during the maternity pay or maternity leave period will count as a whole Keeping in Touch day, up to the 10 day maximum. In other words, if an employee comes in for a one-hour training session and does no other work that day, she will have used one of her Keeping in Touch days.
- 6.3 The type of work that the employee undertakes on Keeping in Touch days is a matter for agreement between the two parties. They may be used for any activity which would ordinarily be classed as work under the woman's contract.

7. Returning to Work

- 7.1 An employee is expected to return to work at the end of her maternity leave period on the date notified to her by the employer. Specific notification, to the employee's Headteacher, of the return date is only required from the employee where it is to be before the natural end of the 52 week (one year) period. An employee wishing to return before the end of the maternity leave period is required to give 21 days' notice.
- 7.2 In cases where the notice given is less than this, management can postpone the return to ensure the minimum notice period above, as long as this does not go beyond the end of the maternity leave period. Any postponement is conditional upon the employee having been issued with the required notice of expected date of return within the 28 day limit. Where no early or prior notice of a date of return is given the employee will be expected to return to work at the end of the 52 week leave period.
- 7.3 The Headteacher is required to inform the Trust Payroll Manager when an employee's maternity leave ends, even if they are not returning to work straight away e.g. due to taking annual leave.
- 7.4 If an employee takes maternity leave for six months or less, they have the right to return to their job on the same terms and conditions as before they left. In the event of the position being no longer available through reason of redundancy the employee will be entitled to be offered suitable alternative employment in accordance with the terms and conditions of the Trust Redundancy and Reorganisation Policy.
- 7.5 If an employee takes maternity leave for more than six months, they have the right to return to their job. However, where this is not reasonably practicable, they can be offered a similar job on terms and conditions that are not less favourable.
- 7.6 If an employee wishes to amend their hours or duties on their return from maternity leave, they should make a request to do so using the Trust's Flexible Working Policy.

- 7.7 As a matter of good practice Headteachers should maintain reasonable contact with employees throughout their maternity leave, to let them know of changes occurring in the workplace and to keep informed about changes to the employee's plans. This contact does not count towards the 10 KIT days.

8. Breastfeeding Mothers

- 8.1 A breastfeeding mother is entitled to breastfeed and express milk while on a KIT day and on their return to work. The Trust will provide a private, hygienic and safe place for the employee to breastfeed and express milk and provide somewhere cool for expressed breastmilk to be stored (which may not be for breastmilk only).
- 8.2 If an employee wishes to breastfeed or express milk, she should give reasonable notice to her line manager in advance of the KIT day or return to work so that suitable arrangements can be made.
- 8.3 Where an employee wishes to request adjustments to their working hours in order to breastfeed or express milk they should discuss this with their line manager and submit a flexible working request using the Trust's Flexible Working Policy, where appropriate.

9. Other Provisions

9.1 Ante-natal care

A pregnant employee has a right to reasonable paid time off to attend ante-natal care appointments. She should produce evidence of appointments if requested to do so.

9.2 Premature Birth

Where a baby is born prematurely the employee should ensure that the Headteacher is informed.

Maternity leave can be triggered due to the early birth of the baby. When this happens the maternity leave and maternity pay period is deemed to have begun on the day following the day of childbirth.

9.3 Death of a Baby and Still Birth

If the baby dies or is still-born after 24 weeks' pregnancy the provisions of the relevant scheme apply. Where this occurs before 24 weeks (miscarriage) consideration as to the circumstances should be made and where necessary special leave or sick leave should be granted. The decision should be made with consideration given to the needs of the employee and medical advice.

9.4 Dismissal Protection

- 9.4.1 The law protects an employee against dismissal when she is pregnant or during maternity leave regardless of hours worked or length of service. Only when a dismissal would have occurred, regardless of the fact that the employee is pregnant or on maternity leave, would a dismissal not be automatically unfair.
- 9.4.2 If an employee's position becomes redundant while she is on maternity leave, she must be offered any suitable alternative post which is available in the Trust, even

if this means recruiting a temporary replacement to that alternative post until her return from maternity leave.

10. Administration of Maternity Leave

- 10.1 When the employee notifies the Headteacher (or other designated person) that she is pregnant she should be given the appropriate maternity leave application form (Teaching/Support) which can be found in Appendix A.
- 10.2 It is the responsibility of the employee to notify the School by, at the latest, the 15th week before the expected week of childbirth, of the intended date maternity leave is to commence. Should the employee decide she intends to commence maternity leave at an earlier date, she is required to give a minimum of 28 days' notice of the revised date.
- 10.3 When the Headteacher has received formal confirmation of an employee's intention to take maternity leave, the completed maternity application form should be forwarded to the HR Adviser immediately to enable a response to be sent to the employee within, the statutory required, 28 days. EPM provides a schedule of maternity leave pay for the employee.
- 10.4 If the employee chooses to return before the end of the 52 weeks maternity leave period, she is required to give a minimum of 21 days' notice of the revised return date, in writing, to the Headteacher.
- 10.5 When the School has been informed of the above, then the HR Adviser for the School should be notified via the EPM portal in order that any maternity cover arrangements may be terminated and the employee's full pay re-commenced as appropriate.

Appendix A: Maternity leave application form (Teaching)

TEACHING MATERNITY ENTITLEMENTS (Norfolk)

What service do I have ?	What options are available to me?	How much maternity leave am I entitled to?	What maternity pay am I entitled to ?
Less than 26 weeks service (Irrespective of hours worked) as at the 15 th week before the expected week of childbirth.	A I would like to return to work	Up to 52 week's absence in total including up to 11 weeks before the expected week of childbirth	SMP 1 from payroll and apply to the Benefits Agency for Statutory Maternity Allowance
	B I would like to resign	Not applicable	As above
26 weeks or more as at the 15th week before the expected week of childbirth and less than 1 years service as at the 11th week before the expected week of childbirth (EWC) (Irrespective of hours worked)	C I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	D I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	E I would like to resign	Not applicable	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP
At least 1 years continuous service (Irrespective of hours worked) as at the 11 th week before the expected week of childbirth	F I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	4 weeks at full pay and 2 weeks at 90% of full pay, followed by, 12 weeks half pay. You must return to work for a minimum of 13 weeks otherwise the 12 weeks half pay must be repaid. Plus, depending on salary and average earnings:- 33 weeks lower rate SMP to be paid alongside the 12 weeks at half pay
	G I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	4 weeks at full pay and 2 weeks at 90% Plus depending on salary and average earnings:- 33 weeks lower rate SMP and the remainder unpaid. The 12 weeks at half pay will only be paid if you return to work for a minimum of 13 weeks
	H I would like to resign	Not applicable	4 weeks at full pay and 2 weeks at 90% Plus depending on salary and average earnings:- 33 weeks lower rate SMP

SMP - Service for SMP is continuous service with the current employer only and is only payable if employed during the 8 week period 15 weeks before the expected week of childbirth.

Teacher Application for Maternity Leave and Pay (Norfolk)

Please read the *Notes of Guidance* and the table overleaf, then complete and return the form below to the school office during or before the 15th week before your expected week of childbirth.

Name: _____ Payroll Number: _____
Home Address: _____ _____ _____
School: _____

Expected Week of Childbirth (EWC): _____ The MATB1 certificate is available from your midwife from the 20 th week of pregnancy onwards (<i>please tick</i>)
<input type="checkbox"/> I enclose my MATB1 certificate with this form
<input type="checkbox"/> 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

Maternity Options: Please circle one option below (Refer to table overleaf)	
Options	A C D F G
My first date of Maternity Leave is: _____ (I understand this date can be altered and I must give at least 28 days notice of the revised date maternity leave is to commence)	
Options	B E H
I do not intend to return to work and thereby wish to formally terminate my contract of Employment to take effect from (<i>please tick</i>)	
<input type="checkbox"/>	_____ (date)
<input type="checkbox"/>	The end of my maternity pay period
To be completed by all Teachers: I have read and understand the accompanying <i>Notes of Guidance</i> , which I have retained.	
Signed: _____ Date: _____	
<u>NB.</u> If you are intending to take a period of unpaid absence during your maternity leave you should be aware that you will not pay contributions during this period. You are advised to contact Teachers Pensions to seek advice on the effect that a period of unpaid maternity leave will have as well as any options available to enhance your pension www.teacherspensions.co.uk	

Keeping in Touch Days You are entitled to "keep in touch" with the workplace for up to a maximum of 10 days during your maternity leave without affecting your entitlement to statutory or contractual maternity pay. The exact arrangements for "keeping in touch" must be discussed with your headteacher/line manager.
<input type="checkbox"/> I wish to discuss with my headteacher/line manager arrangements for "keeping in touch" days.
<input type="checkbox"/> I do not wish to discuss arrangements for "keeping in touch" days but reserve the right to discuss this with my headteacher/line manager at a later date during my maternity leave.
Completed form received by Headteacher: I confirm that an 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: _____
Please return this completed form to EPM as soon as possible to enable a response to be provided to the employee within 28 days of this form being returned to the school office.
Please return to: EPM Ltd, St John's House, Spitfire Close, Ermine Business Park, Huntingdon, Cambs, PE29 6EP

Appendix A: Maternity leave application form (Support)

SUPPORT STAFF MATERNITY ENTITLEMENTS (Norfolk)

What service do I have ?	What options are available to me?	How much maternity leave am I entitled to?	What maternity pay am I entitled to ?
Less than 26 weeks service (Irrespective of hours worked) as at the 15 th week before the expected week of childbirth.	A I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	SMP 1 from payroll and apply to the Benefits Agency for Statutory Maternity Allowance
	B I would like to resign	Not applicable	As above
26 weeks or more as at the 15th week before the expected week of childbirth and less than 1 years service as at the 11 th week before the expected week of childbirth (Irrespective of hours worked)	C I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	D I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	E I would like to resign	Not applicable	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP.
At least 1 years continuous service (Irrespective of hours worked) as at the 11 th week before the expected week of childbirth	F I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	6 weeks at 90% of contractual full pay followed by 12 weeks half pay. You must return to work for a minimum of 3 months otherwise the 12 weeks half pay must be repaid Plus, depending on salary and average earnings:- 33 weeks lower rate SMP to be paid alongside the 12 weeks at half pay
	G I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth	Depending on salary and average earnings:- 6 weeks at 90% of full pay followed by 33 weeks lower rate SMP and the remainder unpaid. 12 weeks at half pay will only be paid if you return to work for a minimum of 3 months
	H I would like to resign	Not applicable	Depending on salary and average earnings:- 6 weeks at 90% of full pay followed by 33 weeks lower rate SMP.

SMP - Service for SMP is continuous service with the current employer only and is only payable if employed during the 8 week period 15 weeks before the expected week of childbirth.

Support Staff Application for Maternity Leave and Pay (Norfolk)

Please read the *Notes of Guidance* and the table overleaf, then complete and return the form below to the school office during or before the 15th week before your expected week of childbirth.

Name: _____ Payroll Number: _____
Home Address: _____ _____ _____
School: _____

Expected Week of Childbirth (EWC): _____ The MATB1 certificate is available from your midwife from the 20 th week of pregnancy onwards (<i>please tick</i>)
<input type="checkbox"/> I enclose my MATB1 certificate with this form
<input type="checkbox"/> 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

Maternity Options: Please circle one option below (Refer to table overleaf)
Options A C D F G
My first date of Maternity Leave is: _____ (I understand this date can be altered and I must give at least 28 days notice of the revised date maternity leave is to commence)
Options B E H
I do not intend to return to work and thereby wish to formally terminate my contract of Employment to take effect from (<i>please tick</i>)
<input type="checkbox"/> _____ (date)
<input type="checkbox"/> The end of my maternity pay period
To be completed by all Support Staff: I have read and understand the accompanying <i>Notes of Guidance</i> , which I have retained.
Signed: _____ Date: _____
<u>NB.</u> If you wish to continue to pay pension contributions for any period of unpaid maternity leave please contact your Pensions Department for further information.

Keeping in Touch Days You are entitled to "keep in touch" with the workplace for up to a maximum of 10 days during your maternity leave without affecting your entitlement to statutory or contractual maternity pay. The exact arrangements for "keeping in touch" must be discussed with your headteacher/line manager.
<input type="checkbox"/> I wish to discuss with my headteacher/line manager arrangements for "keeping in touch" days.
<input type="checkbox"/> I do not wish to discuss arrangements for "keeping in touch" days but reserve the right to discuss this with my headteacher/line manager at a later date during my maternity leave.

Completed form received by Headteacher: I confirm that an 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: _____
Please return this completed form to EPM as soon as possible to enable a response to be provided to the employee within 28 days of this form being returned to the school office.
Please return to: EPM Ltd, St John's House, Spitfire Close, Ermine Business Park, Huntingdon, Cambs, PE29 6EP