



Maternity Policy

September 2018

Office use

Published: September 2018 Review Date:	Next review: September 2019	Statutory/non: Non Statutory	Lead: Sarah Green – HR Manager
Associated documents:			
<ul style="list-style-type: none"> • DALP Paternity Policy • DALP Adoption Policy • DALP Shared Parental Leave Policy 			
Links to:			
<ul style="list-style-type: none"> • Employment Rights Act 1996 • Work and Families Act 2006 • Conditions of Service for School Teachers in England and Wales – Revised August 2000 – Burgundy Book • National joint council for Local government services national agreement on pay and conditions of service Updated June 2005 – Green Book 			

Contents

1	Introduction	Error! Bookmark not defined.
2	Qualifying for Maternity Leave.....	4
3	Notification	4
4	Antenatal Appointments	5
5	Health & Safety	5
6	Sickness Absence.....	5
7	Beginning Maternity Leave.....	6
8	Maternity Pay	6
9	Rights During Maternity Leave	7
10	Work Contact During Maternity Leave.....	8
11	Return To Work.....	8
12	Childcare Voucher Scheme.....	9
13	Review of this Policy	9
14	Quick Guide	10
	Application for Maternity Leave and / or Maternity Pay.....	12

1 Introduction

1.1 This policy sets out the rights of employees to maternity leave and pay.

Diverse Academies Learning Partnership (DALP) have created this policy to provide you with key information you will require and to outline what is required from you, in the aim of providing support both during and after your pregnancy.

1.2 The trust recognises that, from time to time, staff may have questions or concerns relating to their maternity rights. It is the trust's policy to encourage open discussion with staff to ensure that questions and problems can be resolved as quickly as possible.

1.3 As the maternity provisions are complex, if you become pregnant you should clarify the relevant procedures with a member of the Human Resources team to ensure that they are followed correctly.

1.4 The following definitions are used in this policy:

"Expected week of childbirth" (EWC) means the week, starting on a Sunday, during which your doctor or midwife expects you to give birth.

"Qualifying week" means the 15th week before the expected week of childbirth.

2 Qualifying for Maternity Leave

2.1 All pregnant employees (regardless of hours or length of service) have the right take up to 52 weeks' maternity leave which is divided into 26 weeks' ordinary maternity leave (OML) and up to a further 26 weeks' additional maternity leave (AML) and to resume work afterwards. Additional maternity leave follows on immediately from the end of the period of ordinary maternity leave.

2.2 All members of staff who take maternity leave have the right to return to work at any time during either ordinary maternity leave or additional maternity leave (except during the first two weeks from the day of childbirth), subject to their following the correct notification procedures as set out below.

3 Notification

3.1 On becoming pregnant you should inform your Line Manager at the earliest possible time. This is important as it will allow them to support you and manage your work, and any adjustments or health and safety considerations where necessary.

3.2 By the end of the qualifying week, or as soon as reasonably practicable afterwards, you are required to inform your line manager in writing of:

- the fact that you are pregnant;
- your expected week of childbirth; and
- the date on which you intend to start your maternity leave.

3.3 Human Resources will also need your proof of pregnancy, this is a form known as a MATB1 form. You should automatically be given a MATB1 form at your antenatal appointment following your 20 week scan, but you may need to request this from your GP or Midwife.

- 3.4 You should sign the MATB1 form and hand the original to your HR Administrator as soon as possible, or at the latest during the 25th week of pregnancy (by the end of the 15th week before the beginning of your expected week of birth). You may wish to take a copy for your records. ***You also need to complete the form at the back of this maternity policy.***

4 Antenatal Appointments

- 4.1 All pregnant women are entitled to reasonable time-off work, with pay, in order to attend antenatal appointments. This may include any relaxation or parenting classes that your doctor, midwife or health visitor has advised you to attend. You should try to give your Line Manager as much notice as possible of the appointment and wherever possible, try to arrange them as near to the start or end of the working day. Time off should be booked in the normal way you would book leave of absence. Evidence of the appointment should be shown to your line manager.
- 4.2 An individual who has a qualifying relationship with you, which includes your husband or civil partner and the father of the expected child, is eligible to take unpaid time off to accompany you to up to two antenatal appointments. The individual with the qualifying relationship should ask their employer for more details of their eligibility.

5 Health & Safety

- 5.1 The trust has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding where the work is of a kind that could involve a risk of harm or danger to her health and safety or the health and safety of her baby and the risk arises from either processes, working conditions or physical, chemical or biological agents in the workplace.
- 5.2 If applicable, the trust will provide you with information as to any risks identified in the risk assessment. If the risk assessment reveals that you would be exposed to health hazards in carrying out your normal duties, the trust will take such steps as are reasonably necessary to avoid those risks, such as altering your working conditions. In some cases, this may mean offering you suitable alternative work (if available) on terms and conditions that are not substantially less favourable.
- 5.3 If it is not possible for the trust to alter your working conditions to remove the risks to your health and there is no suitable alternative work available to offer you on a temporary basis, the trust may suspend you from work on maternity grounds until such time as there are no longer any risks to your health. This may be for the remainder of your pregnancy until the commencement of your maternity leave. If you are suspended in these circumstances, your employment will continue during the period of the suspension and it does not in any way affect your statutory or contractual employment or maternity rights. You will be entitled to your normal salary and contractual benefits during the period of your suspension, unless you have unreasonably refused an offer of suitable alternative employment.

6 Sickness Absence

- 6.1 Sickness absence during your pregnancy, whether connected with your pregnancy or not, will be treated as ordinary sickness absence in terms of pay and recording. However, if you are absent from work wholly or partly due to illness for pregnancy-related reasons in the last four weeks before the expected week of childbirth, your maternity leave will start automatically on the first day of your absence. Pregnancy related sickness absence will not be included within a Bradford score calculation for managing high levels of absence.

7 Beginning Maternity Leave

7.1 Ordinary maternity leave can start at any time after the beginning of the 11th week before the expected week of childbirth (unless your child is born prematurely before that date in which case it will start earlier).

Maternity leave will start on whichever date is the earlier of:

- your chosen start date;
- the day after you give birth; or
- the day after any day on which you are absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

7.2 If you give birth before your maternity leave was due to start, you must notify the trust in writing of the date of the birth as soon as reasonably practicable.

7.3 The law obliges all employees to take a minimum of two weeks of maternity leave immediately after the birth of the child.

7.4 On receiving your notification HR will write to you within 28 days to advise you of the date we would expect you to return if you decide to take your full leave entitlement.

7.5 If you decide to start your maternity leave sooner or later than originally planned, you must inform your Line Manager and HR at least 28 days before the revised start date.

7.6 Maternity leave and pay can be shared with your partner if you choose to end your maternity leave and give notice to your employer that you intend to do so. This is classed as shared parental leave (see Shared Parental Leave Policy).

8 Maternity Pay

8.1 If you have more than one year's continuous service at the 11th week before your expected week of confinement (EWC) you are entitled to both Occupational Maternity Pay (OMP) and Statutory Maternity Pay (SMP). If you do not have the required length of service to receive occupational maternity pay you will receive just the statutory maternity pay element.

Teachers - Occupational Pay/SMP – 4 weeks at full pay then,
2 weeks at 90% then,
12 weeks at half pay plus SMP,
(as long as not greater than full pay), then
21 weeks SMP only.

Support Staff - Occupational Pay/SMP – 6 weeks at 90%, then
12 weeks at half pay plus SMP,
(as long as not greater than full pay), then
21 weeks SMP only.

8.2 For both Teachers and Support Staff you are required to return to work for a minimum of 13 weeks following your maternity leave in order to qualify for the 12 weeks half pay element.

8.3 If you intend to return to work following maternity leave and you have at least 1 years' service by the 11th week before your EWC you have the following options:

- to have 12 weeks half pay paid in full as it becomes due or
- have the half pay when you return to work

- the second option should be chosen if you are unsure of whether you will be returning to work for the 13 weeks required to be eligible.

SMP is calculated as follows:

Weeks 1 - 6	90% of your average weekly earnings, calculated over the qualifying period. This is called the earnings-related rate.
Weeks 7 - 39	The statutory rate which is set by the Government for the relevant tax year, or the earnings-related rate (90% of your average weekly earnings) if this is lower

- 8.4 Statutory maternity pay is classed as normal earnings for the purposes of income tax, National Insurance etc. and will be paid in the same way and at the same intervals as your salary. You will continue to pay pension contributions based on your maternity pay received but as the employer DALP will continue to pay pension contributions based on what your pay would have been should you not be on maternity leave.
- 8.5 If you become eligible for a pay increase (during your maternity leave) the higher or standard rate of occupational maternity pay will be recalculated to take account of your pay increase, regardless of whether statutory maternity pay has already been paid. This means that your occupational maternity pay will be recalculated and increased retrospectively. You will be paid a lump sum to make up any difference between occupational maternity pay already paid and the amount payable as a result of the pay rise.
- 8.6 Likewise, if you are in receipt of a temporary payment which comes to an end during the period of occupational maternity pay this will be recalculated from the date that payment ends. This could mean that your occupational maternity pay reduces.
- 8.6 Payment of statutory maternity pay cannot start prior to the 11th week before your expected week of childbirth. It can start from any day of the week in accordance with the date you start your maternity leave.
- 8.7 Statutory maternity pay is payable whether or not you intend to return to work after your maternity leave.
- 8.8 Maternity Allowance;

Maternity Allowance is usually paid if you do not have 26 weeks continuous employment into the 15th week before the baby is due and therefore you do not qualify for Statutory Maternity Pay. You can claim Maternity Allowance via the Department for Work and Pensions after the 26th week of pregnancy. You will be issued with an SMP1 form which will entitle you to apply for Maternity Allowance. Payments can start 11 weeks before your baby is due. The amount of maternity allowance you will receive depends on your eligibility.

9 Rights During Maternity Leave

- 9.1 During ordinary maternity leave and additional maternity leave, all terms and conditions of your contract except normal pay will continue. Your normal salary will be replaced by statutory or occupational maternity pay if you are eligible for it.
- 9.2 This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue for all year round staff and pension contributions will continue to be paid.
- 9.3 All year round staff are reminded that holiday must be taken in the year that it is earned and are encouraged to take any outstanding holiday due to them before the commencement of maternity leave.

10 Work Contact During Maternity Leave

- 10.1 The trust reserves the right to maintain reasonable contact with you during maternity leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or to update you on developments at work during your absence.
- 10.2 Before starting maternity leave it is good practice to agree with your Line Manager how you would like to be contacted during your period of leave e.g. phone/email and the amount of contact.
- 10.3 You are allowed to work up to 10 days during your maternity leave without affecting your maternity pay. These are called Keeping in Touch (KIT) days.

What are “Keeping in Touch” (KIT) Days?

KIT Days are designed to support you into your return to work and to make it easier for you to keep up to date and informed during your maternity leave.

You can work for up to 10 days, whether consecutive or not, but arrangements must be agreed in advance with your Line manager including the work that you will be doing and the days on which you will do it.

How much will I get paid if I work some KIT days, will I still receive my SMP?

When you work a KIT day you will receive your normal salary rate, which will be inclusive of the SMP due for the period. You will not lose your SMP if you work any KIT days. If you're SMP has been exhausted you will receive your normal rate of pay for the amount of hours worked.

Any number of hours worked within a KIT day will be classed as a full day but you will be paid for the actual number of hours worked.

11 Return To Work

- 11.1 Unless you've stated otherwise, we will assume that you will be taking the full 52 weeks maternity leave, but it is good practice to let your Line manager know your return date, in writing.
- 11.2 If you wish to return to work earlier than your agreed date, or if you wish to extend the period of your maternity leave (not beyond the maximum 52 weeks), you will need to inform your Line Manager giving them at least eight weeks' notice in writing of the new date of return.
- 11.3 If you have chosen just to take Ordinary Maternity Leave, upon your return to work you will return to the same job as you left. If you have taken Additional Maternity Leave, then you

have the right to return to a job that is not significantly different, but it may not be the same that you held prior to your maternity leave.

- 11.4 Failure to return to work by the end of maternity leave will be treated as an unauthorised absence unless you are sick and produce a current medical certificate before the end of the maternity leave period.
- 11.5 If you decide not to return to work at all, you must give the normal amount of notice as specified in your employment contract.
- 11.6 If you wish to change your hours of work when you return from maternity leave you must apply in line with the trust's Flexible Working Policy, available from HR.

12 Childcare Voucher Scheme

- 12.1 Diverse Academies Trust, in conjunction with Computershare, offers a childcare voucher scheme. We have teamed up with Computershare to offer a childcare voucher scheme as part of our employee benefits package. The existing scheme will no longer be available for new entrants to the scheme from April 2018. However, there is a new government scheme known as Tax Free Childcare where you can register independently.
- 12.2 The value of the childcare voucher is taken directly from your gross salary before any deductions so you won't pay tax or National Insurance (NI) contributions on it.
- 12.3 Every UK tax-payer can save with childcare vouchers but the level of your savings will depend on the rate at which you pay tax and NI. On or around your pay date your account will be credited with your childcare e-Voucher (like online banking), and you simply pay your carers with the voucher.
- 12.4 You can either set up a recurring scheduled payment (similar to a standing order) to your carer or pay them as and when you need to. Alternatively you can save up your vouchers for when you need them most, such as increased childcare costs during the 14 weeks of school holidays.

For more information and to apply go to www.computershare.salary-extras.co.uk

- 12.5 Please visit <https://www.gov.uk/help-with-childcare-costs/tax-free-childcare> for more information about Tax Free Childcare.

13 Review of this Policy

- 13.1 This policy is reviewed annually by the trust which will monitor the application and outcomes of this policy to ensure it is working effectively.

14 Quick Guide

Pregnancy Confirmed

You are automatically entitled to 52 Weeks maternity leave

The earliest date that your maternity leave can start is 11 weeks before the week that your baby is due.

The latest date that your maternity leave can start is the due date.

If you wish to amend the date that your maternity leave starts advise your Line manager, at least 28 days before your originally agreed date.

You should advise your Line Manager as soon as possible to allow for a risk assessment to be arranged and for support to be implemented where needed

You must inform your Line Manager in writing of your pregnancy, your baby's due date and the intended start date for your maternity leave, by no later than 15 weeks before your due date

Your GP/Midwife will issue you with a MATB1 certificate, confirming the baby's due date at around the 20th week of your pregnancy. The original MATB1 must be sent to HR as soon as it becomes available.

Once HR receive your MATB1 confirming your baby's due date and your letter advising maternity leave start date, they will write to you within 28 days, confirming your Maternity Leave/Pay entitlements and the date that you are expected to return to work.

Before going on leave, you may wish to advise how you can be contacted during your maternity leave e.g. by phone/email.

Payroll will calculate your maternity pay and arrange payment at the appropriate time.

If you are absent with a pregnancy related illness in the 4 weeks prior to your due date your maternity leave will start automatically.

You must inform HR in writing no later than 28 days before your intended return date if you wish to change the date of return.

If your baby is born before the start of your maternity leave, your leave must automatically start from the day following the birth.

If you decide not to return to work at all, you must give the normal amount of notice as specified in your employment contract.



APPLICATION FOR MATERNITY LEAVE AND/OR MATERNITY PAY

Please complete this form and return it to the HR Cluster Lead for your academy/operational area.

This form should be completed no less than 14 weeks before the expected week of childbirth (EWC). It is important that your Line manager is given a copy of this form and kept informed of any changes with regard to your maternity leave arrangements.

Full Name: _____

Address: _____

Academy/Operational area: _____

Payroll No. _____

My baby is due in the week beginning: _____

The MATB1 confirming this: is enclosed to follow

I intend to start my maternity leave on: _____

If you intend to return to work following maternity leave and have at least 1 years' service by the 11th week before your EWC, please complete the following section regarding Occupational Maternity Pay.

It is my intention to return to work for at least 13 weeks and therefore I am applying for 12 weeks half pay in addition to Statutory Maternity Pay. I accept that if I am unable to return to work for at least 13 weeks, I will have to repay the half pay element of the maternity pay.

You have a choice regarding the payment of Occupational Maternity Pay, please tick one of the options below:

A. I would like the 12 weeks half pay paid in full as it becomes due

B. I would like the half pay to be paid when I return to work

C. I do not wish to take the 12 weeks half pay option

Option B should be ticked by those not absolutely sure as to whether or not they will be returning for the required 13 weeks. If you do not subsequently return to work, you will not qualify for the half pay due under your Conditions of Service.

Signed _____ Date _____