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# MATERNITY POLICY



## DOCUMENT CONTROL

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This policy, which applies to both full-time and part-time employees across Chapel St, outlines the rights and responsibilities of pregnant employees and gives guidance on the procedure to be followed.

### Notification of pregnancy

You should notify your line manager no later than the end of the 15<sup>th</sup> week before the expected week of childbirth and, if possible, give an indication of when your baby is due. You should also inform HR so that a record can be kept of the pregnancy.

Once you have been issued with the MATB1 form (which states the expected week of birth) by the midwife or doctor (at approximately week 20 of the pregnancy), you should give this to your line manager for forwarding to HR. Please note that maternity payments cannot be made if this form is not received by HR.

### Risk assessment

Once your manager has been informed of your pregnancy, it is his/her responsibility to meet with you to create a specific risk assessment for your role. Further risk assessments may be carried out at appropriate stages during your pregnancy. A copy of these risk assessments will be held on your personnel file. If at any time you feel concerned about your working environment, please raise this immediately with your manager.

### Intention to take maternity leave

You should inform your manager in writing of the following:

- that you are pregnant
- the week your baby is expected to be born (EWC)
- when you plan to start your maternity leave – this date may be changed provided 28 days' notice is given before the date originally notified or the new date, whichever is the earlier.

It is assumed that you are taking 52 weeks' maternity leave unless you advise otherwise.

On receipt of your letter, the school will respond in writing to you within 28 days. This letter will confirm your expected date of return to work. If you wish to return to work earlier than the date stated in the letter, you must give eight weeks' notice in writing of the date you wish to return.

### Antenatal care

Pregnant employees are entitled to reasonable paid time off for antenatal care. You should give your line manager reasonable notice of such an appointment. Except for the first appointment, you should show your line manager, if requested, an appointment card or other documents showing that an appointment has been made.

### Statutory Maternity Pay

To qualify for Statutory Maternity Pay (SMP) you must:

- be employed by Chapel St for at least 26 weeks, as at the end of the 15<sup>th</sup> week before your baby is due (the qualifying week)
- have average weekly earnings above the lower earnings limit for National Insurance Contributions (NIC).

SMP is paid for a maximum period of 39 weeks and is payable in weekly blocks. SMP is paid in the same manner and at the same time as normal salary. If you qualify for SMP, you are entitled to receive:

- higher rate of SMP (90% of average earnings) for the first six weeks of your maternity leave plus
- the standard rate of SMP (or 90% of average earnings if this is less than the standard rate) for the remaining 33 weeks.

### **Enhanced Maternity Pay**

The terms of your personal statement may entitle you to enhanced maternity pay under an independent scheme (eg Burgundy book or Green book).

### **Maternity allowance**

If you have been employed for less than 26 weeks as at the end of the 15<sup>th</sup> week before your baby is due or your earnings are less than the lower earnings limit for NIC, you will qualify for maternity leave, but not for SMP. In these circumstances, you may be able to claim Maternity Allowance. Details of how to claim Maternity Allowance are obtainable from the local Job Centre Plus.

Maternity Allowance is paid at the standard rate of SMP for the 39 weeks (or 90% of average earnings for 39 weeks if this is less than the standard rate).

### **Maternity leave**

All pregnant employees, regardless of length of service, have an entitlement to 52 weeks maternity leave. You can choose to take up to 26 weeks leave known as Ordinary Maternity Leave (OML) and up to a further 26 weeks leave, known as Additional Maternity Leave (AML).

Only one period of leave will be available to employees irrespective of whether more than one child is born as the result of the same pregnancy eg twins.

The earliest date you can start your maternity leave is at the beginning of the 11<sup>th</sup> week before your EWC. There is no requirement to take any maternity leave prior to the birth of your baby if you do not wish to do so however if your baby is born prior to the start of your maternity leave it will start the day after your child is born. There is a compulsory period of two weeks' maternity leave that must be taken after the birth of your baby (or four weeks if you work in a factory).

Please note that if you go on sick leave for reasons connected with your pregnancy within four weeks of the EWC, maternity pay and maternity leave will automatically be triggered.

### **Contact during maternity leave**

Agreement will be reached prior to you starting your leave as to how you would like Chapel St to keep in contact with you during this period.

### **Contractual status during maternity leave**

You will remain under the terms of your contract of employment, with the exception of remuneration, throughout any period of maternity leave. Prior to taking maternity leave, you should contact HR to discuss the payment of pension contributions during your absence.

Before your maternity leave begins, your line manager will discuss with you the arrangements for keeping in touch during your leave. Chapel St reserves the right in any event to maintain reasonable contact with you from time to time during your maternity leave. This may be to discuss:

- your plans to return to work
- any possible promotion opportunities, staffing changes and job opportunities
- any special arrangements to be made
- any training to be given to ease your return to work or
- updates on developments at work during your absence.

### **Keeping in touch (KIT) days during maternity leave**

You may work during your maternity leave for up to 10 days (known as keeping in touch days) without bringing your maternity leave to an end. Payment for the days worked will be the greater of either actual salary or maternity pay.

A KIT day will be counted as one KIT day regardless of the length of time that you have worked on that day.

The school has no statutory obligation to provide work for you on a KIT day, and you are not obliged to work on such a day. The KIT day must be agreed by both parties.

The total duration of your maternity leave period will remain at 52 weeks regardless of whether or not you work on a KIT day.

### **Returning to work**

Should you wish to return to work earlier than the end of AML as stated in your letter from the school, you must give a minimum of eight weeks' notice of your return date. If no such notification is received, it will be assumed that your return to work date will be as outlined in the letter.

Should you fail to provide the required eight weeks' notice, the school can postpone your return to work by up to eight weeks (but not beyond the end of your AML).

After a period of OML, you are entitled to return to the job in which you were employed before your absence. After AML, you are entitled to return to either the job you were in before your absence, or if impracticable, the school has the right to have you return to another job which is suitable and appropriate for you in the circumstances.

If you fail to return on the date you are due back from maternity leave, this may result in disciplinary action.

### **Accruing annual leave whilst on maternity leave**

During your maternity leave you will accrue statutory annual leave entitlements of 28 days (5.6 weeks), pro rata for part time employees, under the Working Time Regulations 1998. This includes bank holiday entitlements.



Annual leave entitlement can be offset against any period of school closure that has taken place during the school year from September to August. Any outstanding leave should be taken on return to work and this can be during term time if there are insufficient school closures to accommodate the leave during the leave year. Any annual leave taken during term time must be agreed with the Head Teacher.

### **Redundancy whilst on maternity leave**

In the unlikely event that your position becomes redundant during your absence, you will be offered a suitable alternative position if one is available. If no suitable alternative employment opportunities exist, you will be given the appropriate redundancy payment. A full consultation process will be conducted, and you will be kept fully informed throughout the process including being invited to meetings.

### **Miscarriage and still birth**

All employees in these most difficult circumstances will be treated with the utmost sympathy during this time. If the baby dies or is stillborn after 24 weeks' pregnancy the provisions for maternity leave and pay apply. Where this occurs before 24 weeks (miscarriage) consideration will be given to the needs of the employee and medical advice.