

# Maternity Scheme for Support Staff Policy

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## Introduction

1. This Oxfordshire model policy has been adopted by the Propeller Academy Trust. It has been drawn up following consultation with all the recognised trade unions and associations: ASCL, ATL, NAHT, NASUWT, NUT and Unison. Advice on the application of this policy is available from the school's Finance/HR service.
2. This policy should be read in conjunction with other relevant documents such as the School Teachers' Pay and Conditions Document (STPCD), Conditions of Service for School Teachers in England and Wales (Burgundy Book) and the National Agreement on Pay and Conditions of Service for support staff (the Green Book).
3. Propeller Academy Trust has chosen to continue to use the STPCD, Burgundy Book, and Green Book and therefore adopts this Oxfordshire model policy. Where the word 'school' is used this should be taken to refer to the academy.
4. The term 'relevant body' has been used throughout this policy. Within the Propeller Academy Trust (PAT) this refers to the local governing body (LGB).
5. The term 'head teacher' has been used throughout this document, however depending on the size and structure of the school this role may be delegated to other members of the senior leadership team, school business managers or line managers as appropriate. Where the head teacher is subject to this policy, this will be managed by the Chair of the relevant body or other nominated governor.

## Who does this scheme apply to?

6. This scheme applies to all pregnant support staff. Teachers have their own scheme.

## Working while pregnant

### Health and Safety

7. Employees should inform their head teacher as soon as possible to let them know they are pregnant. Headteachers/line managers must carry out a **risk assessment** and this should be kept under review throughout the pregnancy and on return to work after the birth. The assessment should include agreeing timing and frequency of breaks and identifying somewhere for the pregnant employee to rest, if required.
8. Most school jobs do not present a risk to pregnant employees or their babies. However, special care must be taken when a job involves manual handling, a high level of physical activity, night work or contact with hazardous substances.

### Time off for ante-natal appointments

9. All pregnant employees have the right to paid time off for their ante-natal care. Employees may be asked to provide an appointment card or other evidence of appointments.

### **Sickness absence**

10. Sickness absence that is pregnancy related must be reported in the usual way, but will not be counted for the purpose of monitoring sickness absence under the school's **Sickness Absence Policy**.
11. If employees become ill while they are pregnant they will be entitled to sick pay in the normal way. However, if they are absent from work after the beginning of the fourth week before the week in which the baby is due, and the reason is related to their pregnancy, maternity leave will normally be considered to have started at that point.

## **Maternity Leave**

### **The amount of maternity leave available**

12. Employees are entitled to 52 weeks' statutory maternity leave after the birth of their baby, regardless of their length of service. Maternity leave is made up of:
  - Ordinary Maternity Leave (OML) - first 26 weeks
  - Additional Maternity Leave (AML) - last 26 weeks
13. Additional Maternity Leave must follow straight after Ordinary Maternity Leave.
14. Mothers don't have to take 52 weeks' maternity leave, but it is compulsory for them to take two weeks' leave after the baby is born.
15. Employees are not entitled to Statutory Maternity Leave if they have a child through surrogacy but may be eligible for unpaid **Parental Leave** or **Adoption Leave**.

### **Start date for maternity leave and early births**

16. The earliest an employee can choose to start their maternity leave is 11 weeks before the expected week of childbirth. This means employees have a total of 63 weeks' maternity leave available to them - up to 11 weeks before the expected date of childbirth and up to 52 weeks after.
17. If they are medically fit to do so, employees can decide to carry on working up until the date the baby is due (the date given by the GP or midwife on the MAT B1 certificate).
18. Leave will also start:
  - the day after the birth if the baby is early

- automatically if the employees is off work for a pregnancy-related illness in the four weeks before the week (Sunday to Saturday) that their baby is due.

## Maternity Pay

19. Pay for up to 39 weeks of maternity leave may be available to employees depending on certain eligibility criteria including continuous service. Pay while on maternity leave can include:

- a) [Statutory Maternity Pay \(SMP\)](#) or [Maternity Allowance](#)
- b) Occupational Maternity Pay

### Continuous service

20. Continuous service is when an employee has worked for one employer without a break. For staff in maintained schools continuous service for occupational maternity pay is recognised between maintained schools and from one local authority to another and will be carried over in any transfer of employment under TUPE regulations, e.g. during academy conversion. However, if an employee voluntarily changes employer in the maternity qualifying period or during the period of maternity leave then her entitlement to maternity pay may be affected. Advice on individual circumstances is available from school's HR service.

### Statutory Maternity Pay (SMP)

21. To qualify for SMP employees must:

- earn on average at least £123 a week
- have worked for the school continuously for at least 26 weeks up to the 15th week before the expected week of childbirth
- give the [required notice](#) to their head teacher
- provide a MAT B1 certificate giving [proof of their pregnancy](#)

22. SMP is paid for up to 39 weeks. Employees get:

- 90% of their average weekly earnings (before tax) for the first six weeks
- [Flat rate SMP](#) or 90% of their average weekly earnings (whichever is lower) for the next 33 weeks

### Maternity Allowance (MA)

23. If an employee does not qualify for SMP, they can claim Maternity Allowance. Maternity Allowance is paid at a [flat rate](#) (or 90% of average weekly earnings if this is less) for 39 weeks.

24. The school Finance/HR team will write to the employee letting them know if they are not entitled to SMP and will provide an SMP1 form for the employee to claim Maternity Allowance from Job Centre Plus.

### **Occupational Maternity Pay (OAP)**

25. In addition to statutory maternity payments, employees may qualify for the school's occupational maternity pay.

26. This is an additional 12 weeks half pay and to qualify employees must:

- have completed 6 months continuous service by the beginning of the 11th week before the week in which the baby is due
- return from maternity leave to employment for at least three months on a continuous contract. If this condition is not met, and employees have received this payment, they will be required to repay the 12 weeks half pay, unless exceptional circumstances apply.

The 12 weeks half pay will normally be paid monthly, directly after the first six weeks of maternity leave (when 90% of normal pay is paid).

27. If employees are undecided about coming back to work, they can opt to be paid this as a lump sum if they do return.

28. If half pay plus SMP entitlement is more than the employee's normal pay, it will be reduced accordingly.

29. Once entitlement to maternity pay is exhausted (usually after 39 weeks), maternity leave is unpaid.

### **Payment of maternity pay**

30. Maternity pay including statutory maternity payments are paid by the school via payroll in the same way as an employee's salary on a monthly basis. Tax and National Insurance is deducted.

31. Maternity pay will start on the same day that the employee has chosen to start their maternity leave or:

- automatically if the employee is off work for a pregnancy-related illness in the four weeks before the week that their baby is due or
- the day following the birth if this is earlier than the date notified by the employee.

32. Where an employee works variable hours each week, maternity pay will be calculated using the average pay earned in the 12 weeks preceding the date on which the last complete week ended. This will exclude any week in which no pay was earned.

### **Giving notice to take maternity leave**

33. At least 15 weeks before the baby is due, employees must notify their head teacher of the date their baby is due and when they want to start their maternity leave. Maternity leave can start any day of the week. Employees can change their mind about the date they want their maternity leave to start, but must give their headteacher 28 days' notice of the revised date.

34. Employees must complete the **Maternity Leave Request Form** and print a copy for their records before submitting the form to the Headteacher. Once submitted, a copy will be sent to the line manager and the school's Finance/HR team.

35. Employees must show the Mat B1 Certificate to the head teacher and give a photocopy to the school Finance/HR team.

36. The employee will receive written confirmation from payroll via the school Finance/HR team within 28 days, confirming their entitlement to maternity leave and pay.

37. Employees are asked to give an indication of the date they intend to return to work. This helps the school plan cover arrangements. If no return date is given by the employee, it will be assumed that they intend to take their maximum leave entitlement, and this will be confirmed to them in writing.

### **Early births, still-births and the death of a baby**

38. Employees can still get Statutory Maternity Leave and SMP if their baby:

- is born early
- is stillborn after the start of their 24th week of pregnancy
- dies after being born.

### **Leave for fathers and partners**

39. Employees can (subject to eligibility) choose to bring their maternity leave to an end early and create **Shared Parental Leave** to enable them to share the care of their baby with their partner.

## **Employment rights when on maternity leave**

### **Terms and conditions of employment**

40. Employees taking maternity leave have the right to return to the job in which they were employed, under their original contract of employment and on terms and conditions no less favourable than those which would have applied, had they not been absent. 'Job' for this purpose means the nature of the work which they are employed to do and the capacity and place in which they were employed.
41. Where this is not practicable, by reason of redundancy, the employee is entitled to be offered a suitable alternative vacancy, where one exists.

### **Keeping in touch days**

42. Employees and head teachers or their line manager should remain in regular contact during maternity leave and agree at the outset how best to do this. Head teachers can make a reasonable amount of contact with employees, for example to let them know about changes at school, job vacancies, training opportunities or staff events. Employees can be invited to school events but are under no obligation to attend.
43. Employees on maternity leave will be kept informed and consulted about any changes at school that may affect their job.
44. Employees can work up to 10 days during their maternity leave (but not within the first two weeks after the birth). These days are called 'Keeping In Touch days' (KIT days). KIT days are optional - both the employee and head teacher need to agree to them.
45. KIT days can be used for employees to work or attend events such as training or their appraisal meeting.
46. The employee is entitled to be paid for the work they do on KIT days. This can be at their normal rate of pay or at another rate agreed between the manager and the employee. The type of work and the pay should be agreed before the employee comes into work.
47. A part day worked is counted as one KIT day but the employee is only paid for the hours worked.
48. The employee's right to maternity leave and maternity pay is not affected by KIT days.
49. KIT days can be used as a single days or in blocks. If the employee continues to work once the 10 KIT days have been used, it will affect their entitlement to statutory maternity pay.



## **Annual leave**

50. Employees on maternity will continue to accrue annual leave and should plan to take this by the end of the leave year. If this is not possible, they may carry forward any remaining annual leave entitlement.
51. Any bank holidays, that fall on an employee's normal working days during maternity leave, can be taken as paid leave, in a single block, at the end of their maternity leave before returning to work. For part time staff, the number of hours normally worked on those days, can be taken as paid leave.
52. For support staff working during term time only there will be opportunities to take any accrued leave during upcoming school closure periods, however a payment for accrued leave during the maternity leave period may need to be made when they return. Managers / Headteachers must contact the schools HR/Finance team to calculate the accrued leave. For term time only employees, any bank holidays will already be included in the annual leave calculation.
53. No pay in lieu of days owed is payable unless the employee is term time only or leaves employment at the end of the maternity leave period.

## **Pension**

54. Pension contributions continue during paid periods of Maternity Leave. For members of the Local Government Pension Scheme who take a period of unpaid Maternity Leave, pension contributions are optional. Information and interactive tools showing costs of buying lost pension can be found on [www.lgpsmember.org](http://www.lgpsmember.org). (See the section '[How is your pension affected if you are away from work](#)').

## **Returning to work**

55. Employees will be expected back at work on the date given on the maternity leave notification form. If a date was not given, it will be assumed that the maximum leave entitlement is being taken.

## **Changing the return to work date**

56. Employees must give their headteacher at least eight weeks' notice if they want to change their return to work date. If this notice period is not given, their return may need to be delayed by up to eight weeks.
57. If an employee returns to work before exhausting their full entitlement to statutory maternity pay or leave, they and their partner may be eligible for Shared Parental Leave/Pay.

58. If an employee decides not to return to work, they should resign in writing in the normal way, giving at least the amount of notice specified in their contract of employment.

59. Where an eligible employee has opted to receive payment of occupational maternity pay (12 weeks half pay) and subsequently decides not to return work, (see paragraphs 25 - 29 for full terms), they will be required to repay this sum unless exceptional circumstances apply.

### **Right to request flexible working**

60. While there is no obligation to agree to requests for flexible working, the headteacher will carefully consider all requests, ensuring that the needs of the school can be met before agreeing to any new arrangements. See **Flexible Working Policy**.

### **Health and Safety for new and breastfeeding mothers**

61. A new mother is defined as someone who has given birth within the last six months or who is breastfeeding.

62. It is advisable to revisit the risk assessment when an employee returns to work following maternity leave.

63. There is a legal requirement to provide somewhere for breastfeeding employees to rest.

### **Child Care Voucher Scheme**

64. The Propeller Academy Trust participates in a childcare voucher scheme with the provider Kiddivouchers. This scheme allows childcare vouchers to be paid from the employee's salary, before tax and national insurance deductions. The scheme was closed to new entrants on 4th October 2018 but parents already registered by this date are able to continue using it for as long as their employer offers it or until they leave the scheme. For more information go to [www.childcarevouchers.co.uk](http://www.childcarevouchers.co.uk).

65. The Government's tax-free childcare scheme replaced childcare vouchers. For further details on eligibility and how to apply visit [www.gov.uk/tax-free-childcare](http://www.gov.uk/tax-free-childcare).

### **Review of policy**

We check our policies regularly to make sure they are up to date.

### **Other related policies and sources of information**

- Oxfordshire Family Information Service ([OxonFIS](#))
- Flexible Working Time Policy
- Shared Parental Leave policy
- Paternity Leave policy
- Parental Leave policy

### **Review of policy**

We check our policies regularly to make sure they are up to date.

If you have any questions about this policy contact the school Finance/HR team.

## Annex 1 - Quick look up table for Maternity Pay entitlement

<p><b>Qualifying length of service</b></p> <p><i>*EWC – Expected week of childbirth</i></p>	<p><b>Pay you are eligible for:</b></p> <p><i>Maternity pay is paid monthly in the same way as your salary. Tax and national insurance contributions will be deducted.</i></p>
<p>I will have less than 6 months continuous service with the school/local authority by the beginning of the 11th week before the EWC*</p>	<p>You are not eligible for maternity pay under the school's <b>maternity scheme</b> or Statutory Maternity Pay (SMP).</p> <p>You may be able to claim <a href="#">Maternity Allowance - GOV.UK</a>. The Finance/HR team will notify you and send you a claim form.</p>
<p>I will have worked for the same employer continuously for at least 6 months by beginning of the 11th week before the EWC*</p>	<p>You qualify for school's maternity pay but not Statutory Maternity Pay:</p> <ul style="list-style-type: none"> <li>▪ 90% of normal pay for the first six weeks</li> <li>▪ 12 weeks at half pay normal pay, if you intend to return to work for at least three months after maternity leave</li> </ul>
<p>I will have worked for the same employer for at least 26 weeks by the beginning of the 15th week before the *EWC</p>	<p>You are eligible for Statutory Maternity Pay (SMP), as long as your weekly pay is above the <a href="#">National Insurance Lower Earnings Limit</a> and the school's maternity pay. You will be paid:</p> <ul style="list-style-type: none"> <li>▪ 90% of normal pay for the first six weeks (this includes SMP) and</li> <li>▪ 12 weeks at half pay normal pay, if you intend to return to work for at least three months after maternity leave</li> <li>▪ in addition to half pay, from week 7 and for the remaining 33 weeks –flat rate <a href="#">Statutory Maternity Pay</a> or 90% of your average weekly earnings (whichever is lower)</li> </ul>

## Maternity Leave Request Form

Please complete and return this form to your HR/Finance Officer by no later than the 15<sup>th</sup> week before the expected week of childbirth (EWC).

### Your details (Please complete all fields)

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Name:	Job title:
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School/Site:

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Start date (continuous service):	Start date (Local Government):
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### Pregnancy details (Please complete all fields)

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Expected week of confinement (EWC) (Please specify the Sunday before the expected date of birth):

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The MATB1 Certificate is:      Enclosed:       To follow:

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### Maternity leave details (Tick as appropriate)

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I intend to take only the first 26 weeks Maternity Leave (OML):       I intend to take the full 52 weeks Maternity Leave (OML + AML):

Other:  please specify:

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I wish to start my Maternity Leave on:

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I intend to take outstanding annual leave prior to my Maternity Leave (not applicable to term time only or teaching staff):	Yes: <input type="checkbox"/>	How many days:
	No: <input type="checkbox"/>	

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### Occupational Maternity Pay (OMP) (Tick as appropriate)

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

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

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

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A. I would like my 12 week's half pay to be paid in full as it becomes due	<input type="checkbox"/>
B. I would like the 12 weeks at half pay to be paid when I return to work	<input type="checkbox"/>

*\*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 have not ticked either box, Option B will be assumed.*

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### Return to work details (Tick as appropriate)

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I intend to return to work following my Maternity Leave:	Yes: <input type="checkbox"/>	No: <input type="checkbox"/>
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I intend to return to work on:

I intend to return to work on a date to be advised:

**Note:** If you intend to delay your return to work date, you must give your Headteacher 8 weeks' notice of the revised date (paragraph 56)

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### Comments (Add any comments as appropriate, and sign and date the form)

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Comments:

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I have completed this form to the best of my knowledge and fully understand the terms and conditions.

Employee's Signature:		Date:	
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