



**MULTI
ACADEMY
TRUST**

The Queen Katherine School Multi Academy Trust

MATERNITY POLICY

This policy does not form part of any employee's contract of employment and we may amend it from time to time.

Committee	MAT Board
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Document control sheet

The information in the table below details earlier versions of this document with a brief description of each review and how to distinguish amendments made since the previous version date (if any)

Version	Amended by	Purpose	Approved by Trustees (date)
I	Tracy Houlden	Review	April 2022

Maternity Leave, Pay and Return to Work - A Guide for Employees

Please note: This booklet sets out maternity rights as laid out in current employment legislation and is therefore your statutory minimum entitlement. National arrangements as set out in the 'Burgundy Book' for teaching staff and the 'Green Book' for support staff must be read in conjunction with this booklet.

Separate tables showing levels of entitlement to pay and leave are available for teaching and support staff from the Trust's HR Manager on request.

If an employee has any queries with regard to these details or requires further support (s)he should contact the Trust's HR Manager.

1. INTRODUCTION

Maternity leave and pay entitlement are quite complex areas. The relevant table, available from the HR Manager, gives a summary of the different entitlements and the qualifying requirements. Entitlements for teaching and support staff are different in some respects.

2. AN EMPLOYEE HAS JUST FOUND OUT THAT SHE IS PREGNANT, WHAT DOES SHE NEED TO DO?

The employee does not need to do anything immediately. However, the Trust will need to conduct a special risk assessment for the employee to ensure that appropriate safety arrangements are in place during her pregnancy, so early notification of pregnancy will assist the Trust to keep the employee safe.

However, a pregnant employee must inform her line manager at least 15 weeks before the expected week of childbirth of:-

- The fact that she is pregnant
- Her expected week of childbirth (the EWC) and
- The date on which she would like to start her maternity leave.

A pregnant lady will be provided with a form MATBI by her midwife after 21 weeks of pregnancy. The MATBI must be sent to the Trust's HR Manager to confirm the pregnancy. This also confirms the date on which the baby is due.

3. HEALTH AND SAFETY

The Trust must conduct a risk assessment and remove risks or make alternative arrangements to protect the safety of a pregnant employee and her baby, when she is at work.

As mentioned above, employees are under no obligation to advise the Trust of a pregnancy until 15 weeks before the EWC. However, the earlier that a pregnant employee speaks to the Trust about her pregnancy, the earlier the Trust can start to take steps to ensure that appropriate measures are put in place to safeguard her wellbeing and that of her baby.

4. WHAT IF AN EMPLOYEE IS ILL DURING PREGNANCY?

Periods of pregnancy related sickness absence will be recorded separately from other sickness records and will be disregarded in any future discussions about levels of absence. However, the normal contractual provisions in relation to sick pay will be applied.

5. ANTENATAL APPOINTMENTS

An employee is entitled to paid time off to attend ante-natal appointments and classes which are advised by a midwife or medical practitioner. The Trust can ask for evidence of an employee's appointments from the second appointment onwards.

The baby's father or the spouse or partner of a pregnant woman may take unpaid time off to accompany an employee to two ante-natal appointments which have been made on the advice of a registered medical practitioner, registered midwife or registered nurse. Evidence of each appointment will be required.

6. WHAT ARE AN EMPLOYEE'S MATERNITY LEAVE ENTITLEMENTS?

Compulsory Maternity Leave

Any employee who gives birth will have to take a minimum of 2 weeks' leave from work immediately following the date of childbirth. The employee cannot return to work before the end of this 2 week period.

Maternity Leave

All pregnant employees are entitled to 52 weeks maternity leave (the 2 compulsory weeks mentioned above plus 50 weeks of optional maternity leave) regardless of length of employment. This comprises 26 weeks Ordinary Maternity Leave (OML) and a further 26 weeks Additional Maternity Leave (AML).

If a Trust employee is not planning to take the full 52 week entitlement to maternity leave she must let the Trust know when she will be coming back. The employee can change her mind later on as long as she gives notice of the date on which she would like to return. If the employee wants to come back earlier than originally indicated then she must let us know at least 8 weeks before the new date on which she wants to return. If the employee decides that she wants to come back later than she had originally indicated then, at least 8 weeks before the date on which the employee had expected to return, she must contact the Trust to advise that she wants to take more of her maternity leave entitlement and to confirm the date on which she now intends to return.

A summary of the entitlements and obligations to maternity leave for all pregnant staff are set out in the tables available from the Trust's HR Manager.

7. WHEN CAN MATERNITY LEAVE BEGIN?

Maternity leave cannot begin earlier than the beginning of the 11th week before the EWC. Pregnant employees may continue to work beyond the 11th week if they wish and still qualify for maternity pay but they must not remain at work if medically unfit to do so.

A pregnant employee must inform the Trust of the date on which she intends to start her maternity leave by the 15th week before the baby is due at the latest. The employee can change her mind about the start date but must give 28 days' notice of the change.

If a pregnant employee is off work for pregnancy related reasons in the 4 weeks before the baby is due, the Trust may start the employee's maternity leave and pay at this stage.

8. WHAT OTHER RIGHTS DO TRUST EMPLOYEES HAVE?

Green Book and Burgundy Book and STPCD terms and conditions apply throughout pregnancy and maternity leave.

9. WHAT IF THE BABY IS BORN EARLY?

If the baby is born prematurely the employee, or her partner, should ensure that the Trust is informed at the earliest opportunity. If the employee is still at work at this time her maternity leave will start immediately.

10. WHAT HAPPENS IN THE EVENT OF THE DEATH OF A BABY OR A STILL BIRTH?

All employees in these most difficult circumstances will be treated with the utmost sympathy.

Where the miscarriage or stillbirth occurs in the first 24 weeks of pregnancy, the employee will not be entitled to maternity leave as such but will be able to take a period of sickness absence should she wish to do so.

If the baby dies or is stillborn after 24 weeks pregnancy the employee will still be entitled to take all of the available maternity leave and pay. In such circumstances, although the employee will be required to take the 2 weeks of compulsory maternity leave, if the employee who has lost the baby decides that she would like to return to work before the end of the 52 weeks of maternity leave, the employee will need to give 8 weeks' notice of the date on which she would like to start back at work.

11. WHAT IS THE STATUS OF THE EMPLOYMENT CONTRACT WHILST THE EMPLOYEE IS ON MATERNITY LEAVE?

An employee continues to be an employee throughout the whole 52 weeks of maternity leave. In the case of maternity leave occurring during a temporary contract of employment, the maternity policy will apply until that employment contract expires.

The Employment Rights Act provides that a woman is entitled to all her terms and conditions during both ordinary and additional maternity leave (OML and AML), apart from remuneration (i.e. salary), as though she was at work. Therefore, whilst on maternity leave, the employee's entitlement to benefits from the terms and conditions of her employment set out in the Green Book / Burgundy Book / STPCD remain unless these benefits are classed as remuneration.

Holiday entitlement continues to accrue throughout maternity leave. Women employed on Green Book terms and conditions continue to accrue leave including Bank holidays. Teachers do not have defined leave arrangements, so will accrue the statutory minimum of 28 days paid holiday. In all cases, any leave taken, including school closure periods, during the relevant leave year(s) that the maternity leave spans will count towards entitlement to accrued leave, so pregnant employees should discuss entitlements with the Trust's HR Manager as soon as they know the dates that they intend to take maternity leave.

The Trust will pay its employers contributions to pension when an employee is on OML but will only pay contributions during AML when the employee is receiving statutory or occupational maternity pay. Any unpaid period does not count towards pensionable service however an employee can elect to pay contributions for these periods. Employees with concerns or queries about this should speak to the Trust's HR Manager.

12. KEEPING IN TOUCH DAYS

As well as staying in contact with the Trust during maternity leave, if an employee and her manager both agree, an employee can do up to 10 days work during maternity leave. These are known as 'Keeping in Touch Days'. They aren't limited to an employee's usual job – they could be used for training or other events. An employee who has been absent on maternity leave may want to use some of these days to ease her return to work.

The employee on maternity leave and her manager must both agree to an employee making use of KIT days and should also agree the arrangements including what will be done on each day and how the employee will be paid.

Any amount of work done on a KIT day counts as one complete KIT day. Therefore, if an employee comes in for a one hour meeting and does no other work on that day, the employee will have used a complete KIT day. Payment for KIT days is on the basis of days/hours actually worked and under no circumstances can it exceed normal hourly/daily rates, inclusive of any entitlement to maternity pay.

13. RETURNING TO WORK

If an employee returns to her post during or at the end of OML the employee is entitled to return to the same job on the same terms and conditions (e.g. salary, hours and the seniority of job) as if she hadn't been away.

If an employee takes AML she should return to the same job on the same terms and conditions, however if that isn't reasonably practicable, the employee is entitled to return to a suitable alternative position on terms and conditions which are no less favourable.

14. WHAT IF AN EMPLOYEE DOES NOT WANT TO RETURN TO WORK AFTER MATERNITY LEAVE?

If an employee decides not to return to work after maternity leave, the employee will need to resign in the normal way. The employee must give the Trust at least the amount of notice for leaving her job as she would normally be required to give under her contract of employment. It would help the Trust to plan for recruitment if an employee who is thinking of not returning after maternity leave could contact the Trust's HR Manager as soon as that decision has been made.

An employee who is eligible to receive Statutory Maternity Pay (SMP) or Maternity Allowance (MA) will be entitled to receive this for up to 39 weeks even if her employment ends, so long as she doesn't start work again for the Trust or anyone else until the end of the SMP/MA period.

Please note that if an employee has received Occupational Maternity Pay (OMP) the employee may have to pay this element of pay back if she does not return to work. Please contact the Trust's HR Manager as a matter of urgency in these circumstances and (s)he will confirm the amount which needs to be repaid.

15. WHAT IF AN EMPLOYEE WANTS TO RETURN PART-TIME AFTER MATERNITY LEAVE?

Current employment legislation allows employees who have 26 weeks continuous employment with their employers the right to ask for flexible working.

Under this legislation employees are allowed to make one application every 12 months to vary his/her contract with regard to:-

- Times the employee is required to work
- Hours of work
- Where the employee is required to work

The Trust has a duty to consider each request carefully and will follow the process set out in the Flexible Working Policy to which an employee should refer if (s)he is interested in making a flexible working request.

Employees are encouraged to discuss thoughts on flexible working with their line manager at the earliest opportunity, prior to the start of maternity leave where possible.

In all circumstances we recommend that an employee who has taken maternity leave contacts her line manager at the earliest possible opportunity to discuss her plans for her return to work whether she is planning to return on the same basis or not.

16. WHAT OTHER LEGISLATION IS THERE TO HELP EMPLOYEES BALANCE FAMILY AND WORK LIFE?

There are a number of initiatives designed to support employees in balancing work and family life. These include:

Paternity leave – A father’s right to 2 weeks off with Statutory Paternity Pay (SPP) after the birth, subject to qualifying criteria. The Trust provides enhanced pay in the first week of paternity leave if the qualifying criteria are met.

Shared Parental leave – This is the right to choose how to share time off work after a child is born or placed for adoption. This could mean that the mother or adopter shares some of the leave with her partner, perhaps returning to work for part of the time and then resuming leave at a later date. An employee who wants to take Shared Parental Leave must be willing to give up some of her maternity or adoption leave to move on to Shared Parental Leave and needs to give at least 8 weeks’ written notice that (s)he wishes to end her maternity or adoption leave and to opt into the shared parental leave scheme instead.

Please refer to the Shared Parental Leave Policy for full details.

Shared Parental Leave should not be confused with Parental Leave:

Parental Leave – This is unpaid leave for dealing with emergencies relating to a child’s welfare. 18 weeks of unpaid leave is available for each child but the leave must be taken before the child’s 18th birthday. Please refer to the Parental Leave Policy for full details.

Leave of Absence Policy - The right to unpaid time off to deal with emergencies.

Adoption Leave – The right to time off for adoptive parents.

If you would like information on any of the above please contact the Trust’s HR Manager who will be able to provide you with further details.