

The Good Shepherd Multi Academy Trust

Maternity Policy



**The Good Shepherd
Multi Academy Trust**

Date of Adoption	Jan 2016
Reviewed	Dec 2017
Date of Next Review	Dec 2020

Values

Every member of the Trust family of schools will be valued and encouraged to fulfil their potential. In our Trust we believe:

- Everyone has something to offer
- Trust, honesty, empathy and social responsibility are the Christian values that frame our work
- We are here for the whole person, spiritually, morally, educationally and socially
- In working with transparency and openness

1. Purpose

The purpose of this policy is to set out the maternity provisions available to new and expectant mothers and to explain the processes to be followed by both employees and line managers in relation to these.

2. Background

The Work and Families Act 2006 (and consequent regulations) extend the statutory maternity provisions for new and expectant mothers, where the Expected Week of Childbirth is on or after 1 April 2007. This policy reflects these changes and complies with this and other relevant legislation.

The general information within the policy covers all Trust staff with two occupational maternity schemes relevant to Teachers and Support Staff (NJC) being detailed within **section 8**.

The Trust schemes provide benefits over and above the statutory provisions, including enhanced maternity pay.

3. Scope

This policy applies to female employees, whether full or part time and is not dependent on the number of hours worked.

The schemes also apply in the case of a miscarriage or stillbirth after a pregnancy lasting at least 24 weeks.

Related Policies

Other policies and procedures that are relevant to this scheme include:

- Adoption, Paternity and Parental Leave Policy
- Applications for Changes to Working Arrangements
- Time off Work
- Risk Assessment for New and Expectant Mothers at Work

4. Responsibilities

Employees are expected to:

- Follow the procedures and timescales for notifying their manager of the start of their maternity leave, any changes that occur and any changes to their return date
- Maintain a reasonable level of contact with their manager during maternity leave and attend any 'Keeping In Touch' days that are agreed
- Keep themselves informed of work developments as appropriate e.g. keeping up to date with job vacancies

Managers are expected to:

- Ensure that employees are aware of this scheme
- Follow the procedures and timescales

- Make arrangements for covering the employee's post as appropriate
- Ensure that the necessary risk assessments are completed
- Ensure that an employee is not subjected to unfair treatment as a result of pregnancy or maternity
- Maintain a reasonable level of contact with the employee during maternity leave, keeping the employee informed of any significant developments or changes at work
- Keep a note of any Keeping in Touch (KIT) days that the employee undertakes and ensure that payroll are notified appropriately
- Seek advice from central HR support service as required
- Ensure that the necessary employee records are kept and maintain confidentiality throughout the procedure and in accordance with the Data Protection Act

5. Support Services

Advice on the health aspects of pregnancy/maternity and supporting staff during their pregnancy can be obtained by managers through the Strictly Education HR advice service.

Counselling may be available in particular circumstances (e.g. a miscarriage or still birth), Please refer to your line management in the first instance.

6. Policy

The Trust employs a large number of female employees and values the essential contribution that they make. The Trust aims to provide the opportunity for female employees to combine the development of a career with family responsibilities. Female employees are encouraged to return to work following maternity leave and the Trust makes provision where possible for flexible working arrangements.

The Trust also recognises that planning, including making arrangements for cover during the period of maternity leave, as well as communication are important to make the process as smooth as possible, for both parties..

7. Maternity Rights

New and expectant mothers have a number of rights under their Conditions of Service and statutory maternity provisions. In summary, these are a right to:

- Reasonable time off for antenatal care
- Special consideration of their health and safety needs
- Not to receive unfair treatment because of their pregnancy
- Maternity leave
- Maternity pay

The level of maternity leave and pay that you are entitled to depends upon your length of continuous service at the qualifying week i.e. the beginning of the 11th week before the expected week of confinement. It is important to note that neither your length of continuous service nor the hours you work each week affect the amount of leave you are entitled to.

7.1. Antenatal Care

Expectant mothers have a right to reasonable paid time off to attend appointments for antenatal care prescribed by a doctor, midwife or health visitor. To qualify for this they must provide written confirmation of their pregnancy and evidence of their medical appointments such as their appointment card.

Employees are requested to bear in mind the requirements of their post when arranging appointments. Although time off will not be unreasonably refused, a line manager has the right to request a change of date/time if the absence will cause undue disruption to the school/ Trust.

7.2. Health and Safety

Pregnant employees should not carry out any work that involves a risk to their health and safety or that of their baby. Risk Assessments need to be carried out to identify any such risks and the relevant protective measures put in place (**Pregnant Worker Risk Assessment** - provides the guidance and documentation to undertake this). If an employee feels that they or their baby are still at risk from the work that they do, then they should bring it to the attention of their manager without delay.

In certain circumstances, the Trust has the right to place an employee on paid maternity suspension if their continued attendance at work would be detrimental to their own or their baby's health. This would only be done as a last resort if no other suitable alternative work were available.

Under Health and Safety Regulations, an employee who is on maternity leave must not work during the 2 weeks beginning with the date of the birth of the baby. This 2-week period is called the 'compulsory maternity leave period'.

7.3. Fair Treatment

Employees have the right not to be dismissed or be subjected to unfavourable treatment on the grounds of pregnancy, childbirth or maternity. The existing legislation covers 'new and expectant mothers', which includes mothers who are breastfeeding.

The contract of employment continues throughout the maternity period, so entitlement to periods of notice, holidays and sick leave are not broken by maternity leave. An employee also has the right to return to work after the birth. The employee has the right to return to their own post following Ordinary Maternity Leave, or to a suitable alternative role if this is not practicable, following Additional Maternity Leave.

If an employee's post becomes redundant while they are on maternity leave, they have the right to be given first consideration for any other suitable alternative employment where it exists.

8. Maternity Leave and Maternity Pay

NB: Maternity Leave and Maternity Pay are separate entitlements. The tables within this section give an outline of what each entitlement is and explains the qualifying criteria for the entitlement.

8.1 Maternity Leave

There are 2 types of maternity leave, **Ordinary Maternity Leave (OML)** and **Additional Maternity Leave (AML)**. Each lasts for 26 weeks, giving up to 52 weeks maternity leave in total. There are no requirements for employees to have a minimum length of service or to work a minimum number of hours, so all new and expectant mothers are eligible to take this leave. It is up to the employee to decide how much of the 52 weeks leave they wish to take (as long as the minimum 2-week compulsory leave period is taken).

Maternity Leave		
Benefit	Amount of Entitlement	Qualifying Conditions
Ordinary Maternity Leave & Additional Maternity Leave	<ul style="list-style-type: none"> • 26 weeks leave. • A further 26 weeks leave to be taken immediately after Ordinary Maternity Leave. 	<ul style="list-style-type: none"> • No minimum length of service requirement. • Employee must be employed at the beginning of the 11th week before their Expected Week of Childbirth (EWC). • Employee must provide notification of their pregnancy, Expected Week of Childbirth and Leave requested, at least 28 days before they wish to start their leave.

8.2 Statutory Maternity Pay

There are 2 types of maternity pay, **Statutory Maternity Pay (SMP)** and **Occupational Maternity Pay (OMP)**.

Statutory Maternity Pay is payable for 39 weeks – 6 weeks at 90% of earnings and 33 weeks at the standard SMP rate (or 90% of earnings, whichever is lower). SMP is worked out by looking at gross earnings in the eight week period up to and including the 15th week before the expected week of childbirth. This is known as the **qualifying period**.

Occupational Maternity Pay rates differ according to whether you are a teacher or a member of support staff. It should be noted that there are also different qualifying conditions for OMP, details of which can be found within the sections outlining the OMP (Teachers) and OMP (Support Staff).

The qualifying conditions for SMP are outlined in the table below.

Statutory Maternity Pay	
Amount of Entitlement	Qualifying Conditions
<ul style="list-style-type: none"> • 39 weeks' pay as follows: • 6 weeks at 90% of weekly earnings – often referred to as 'Higher-rate' SMP. • 33 weeks Statutory Maternity Pay (*SMP), (or 90% of weekly earnings if this is less than the SMP amount) – 	<ul style="list-style-type: none"> • Employee needs a minimum of 26 weeks continuous service by the 15th week before their Expected Week of Childbirth (EWC). • Earnings in the 8 weeks up to the 15th week before the EWC must be equal to or above the Lower Earnings Limit (i.e. roughly speaking, the employee should have paid National Insurance on their

<p>often referred to as 'Lower-rate' SMP.</p> <ul style="list-style-type: none"> If employee does not qualify for SMP they may qualify for Maternity Allowance instead. 	<p>earnings for those 8 weeks).</p> <ul style="list-style-type: none"> Employee must still be pregnant at the 11th week before their Expected Week of Childbirth. Employee must provide notification of their pregnancy, their Expected Week of Childbirth and their Leave requested, at least 28 days before they wish to start their leave. NB To qualify for both leave AND pay, the employee must remain in post until at least the beginning of the 11th week before their Expected Week of Childbirth.
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Employees who take 39 weeks maternity leave to coincide with the period of SMP should be aware that this automatically takes them into the Additional Maternity Leave period which has different 'notification of return' periods.

If an employee does not qualify for SMP, they may be entitled to **Maternity Allowance**. This is a statutory benefit paid by Jobcentre Plus offices and the amount a person receives will depend on their earnings. If an employee does not qualify for SMP, they will receive a form from the Trust, which will explain why SMP cannot be paid and who they should contact to claim Maternity Allowance. In the first instance, an employee should contact their manager if they have any queries about this.

Maternity Pay is subject to deductions (tax, NI, pension etc.) in the same way that an employee's normal pay would be. Employees are advised to contact their line manager if they want to request further details about how much maternity pay they will receive.

Employees on maternity leave will continue to be members of the pension scheme and the employee's pension contributions will continue to be deducted according to the total amount of pay received. If an employee takes unpaid maternity leave, they have the option of paying pension contributions for this period, so that it will count in full for pension purposes. Employees should seek advice regarding this directly from either Your Pension Service or from Teachers Pensions depending on which scheme they contribute to.

8.3 Teachers Occupational Maternity Pay

Occupational Maternity Pay is paid under the Teachers Scheme and is **in addition** to SMP.

SUMMARY OF ENTITLEMENTS - Teachers

Qualifying Service	Amount of unpaid/paid leave
Not less than 1 years recognised continuous teaching service at the beginning of the 11 th week before the expected week of childbirth with the intention of returning after the birth	52 weeks maternity leave 39 weeks statutory maternity pay (SMP) (6 weeks at 90%, 33 weeks flat rate SMP) 18 weeks occupational maternity pay (OMP) (4 weeks at full pay, 2 weeks at 90% of full pay, 12 weeks at ½ pay + flat rate SMP) Remainder unpaid <i>* OMP + SMP must not exceed your normal full pay</i>
Not less than 1 years recognised continuous teaching service at the beginning of the 11 th week before the expected week of childbirth with the intention of NOT to return after the birth	52 weeks maternity leave 39 weeks statutory maternity pay (SMP) (6 weeks at 90%, 33 weeks flat rate SMP) 6 weeks occupational maternity pay (OMP) (4 weeks at full pay, 2 weeks at 90% of full pay) <i>* OMP + SMP must not exceed your normal full pay</i>
Minimum 26 weeks recognised continuous service at the 15 th week before the expected week of childbirth with the intention of returning to work after the birth	52 weeks maternity leave 39 weeks statutory maternity pay (SMP) (6 weeks at 90%, 33 weeks flat rate SMP) Remainder unpaid
Minimum of 26 weeks recognised continuous service at the 15 th week before the expected week of childbirth with the intention of NOT returning to work after the birth	52 weeks maternity leave 39 weeks statutory maternity pay (SMP) (6 weeks at 90%, 33 weeks flat rate SMP)
Less than 26 weeks continuous service at the 15 th week before the expected week of childbirth regardless of whether you intend to return to work or not	52 weeks unpaid maternity leave, maternity allowance may be payable by the DFWP (providing qualifying conditions apply)

*SMP is reviewed annually by the government. The current amount can be found on the gov.uk website.

Subsequent obligations on the Teacher

Should you qualify for OMP you have an obligation to return to work for **at least** 13 weeks (including periods of school closure) in order to retain the additional 12 weeks half pay OMP as outlined in the table above.

Where your Line Manager agrees, a full time Teacher may return to work on a part time basis which equates to 13 weeks of full time service. Similarly a part time Teacher may return to work on a different part time basis for a period which equates to 13 weeks part time service relating to her previous contract.

8.4 Support Staff Occupational Maternity Pay (OMP)

Occupational Maternity Pay for Support Staff is in addition to SMP. OMP is 6 weeks at full pay paid over a period agreed with the line manager. If taken, the earliest this can start is the 7th week of maternity leave.

SUMMARY OF ENTITLEMENTS – Support Staff

Amount of Entitlement	Qualifying Conditions
<p>In addition to the SMP entitlement an amount equivalent to 6 weeks of full pay, spread over a period agreed with the manager (where the pay + SMP does not exceed normal full pay) eg's:</p> <ul style="list-style-type: none"> • 12 weeks (50% of weekly pay) + SMP <li style="text-align: center;">or • 20 weeks (30% of weekly pay) + SMP <li style="text-align: center;">or • 33 weeks (approx 18% of weekly pay) + SMP <li style="text-align: center;">or <p>Receive the amount as a lump sum on returning to work (NB: this will be subject to a deduction for 6 weeks' SMP already received)</p> <p>Note: OMP plus SMP payments must not exceed normal full pay.</p>	<ul style="list-style-type: none"> • Employee must have a minimum of 1 YEAR'S continuous service by the 11th week before their Expected Week of Childbirth. • The further 6 weeks full pay amount is only payable if the employee has declared in writing that they are returning to work and they complete at least 3 months service on their return. If not, the employee will be required to repay the OMP. • If the employee is not returning to work, they will only receive the SMP entitlement. • If the employee is unsure if they are returning or not, they can defer the payment of the 6 weeks full pay amount until they have decided whether or not they intend to return.

*SMP is reviewed annually by the government. The current amount can be found on the gov.uk website.

8.4.1 Full Year Support Staff only- Maternity Leave and Annual/ Bank Holiday Leave

Employees continue to accrue both statutory (bank holidays) and any contractual holiday entitlement during both the 26 weeks' ordinary maternity leave period and 26 weeks' additional maternity leave period.

An employee who requests maternity leave should be advised to take any outstanding leave entitlement accrued prior to the commencement of maternity leave before commencing their ordinary maternity leave. The above also applies to any outstanding flexi time accrued.

Where it is not possible to take the outstanding leave before the commencement of maternity leave, for instance in the case of early confinement, the line manager should agree the employee can carry the leave forward and take it on their return to work after their maternity leave period ends.

Existing Trust terms on annual leave only allow employees to carry forward a maximum of 5 days leave into the following leave year, however this may be waived in these circumstances.

Outstanding leave carried forward or leave accrued during the ordinary maternity leave/ additional maternity leave periods should be taken after the ordinary maternity/additional maternity leave period ends. Leave taken cannot break a period of ordinary

maternity/additional maternity leave. This gives the employee a number of options when considering using up any outstanding leave, these include:

- a) bringing forward the official return from maternity/additional maternity leave date by the number of outstanding leave days, this would mean the employee regains full pay whilst being on leave up until their original official return to work date.
- b) Keep the previously agreed return to work date from maternity/additional maternity leave then take all carried over/accrued leave entitlement in one block, so that they are paid in full from their previously agreed return to work date to their actual return to work
- c) Keep the original return to work date and allow the employee to retain any leave carried forward/accrued and take the remaining entitlement as they wish, following agreement with the line manager

All leave scenarios for employees in these circumstances will differ depending on the individual's leave year commencement date (anniversary of appointment). Where an employee's new leave year is due to commence shortly after the agreed return to work date it would be useful to considering using up any carried over/accrued leave prior to the commencement of the new leave year. In circumstances where timescale does not allow leave to be taken, leave entitlement may be carried forward.

Line managers should discuss all options available to the employee with them at the earliest opportunity. Any agreement made regarding outstanding leave entitlement will be dependent on business need at the time and may result in a change to the originally agreed return to work from maternity leave date.

If an employee decides not to return to work and resigns, they are entitled to annual leave pro-rata for the months that they have been employed, including both their paid and (if applicable) unpaid maternity leave periods.

8.4.2 Term Time Only Support Staff - Maternity Leave & Annual/ Bank Holiday Leave

Term-time only employees have a leave year which will be specified in their contract of employment. They are required to take their annual leave during school closure periods; however no specific time within these 13 weeks is allocated as annual leave. School closure periods can be said to be either annual leave or non-working time. The amount of annual leave / bank holiday that they are entitled to is set out in the contract itself and specified in the calculation of the employee's pay.

Under the Green Book, employees accrue contractual annual leave / bank holiday entitlements throughout both ordinary and additional maternity leave.

A term-time only employee who takes maternity leave must be able to take the annual leave / bank holiday due to them for that period of time either before or after their maternity leave. No part of the maternity leave period can be treated as annual leave or bank holiday entitlement.

Annual leave / bank holiday entitlement can be offset by any period of school closure that occurs in the leave year in question i.e. both before and after the maternity leave period.

A term-time only employee should be reminded of their annual leave entitlement and of the policy regarding how this is taken before their maternity leave commences.

If, on a term-time only employee's return from maternity leave, there are insufficient school closure periods to accommodate the employee's outstanding annual leave / bank holiday entitlement the employee must be allowed to take any remaining leave during term time.

Where there is not enough time on the employee's return before the end of the annual leave year for them to take the remaining annual leave / bank holiday entitlement, they must be allowed to carry over their annual leave / bank holiday to the next leave year. An employee can be required to take this during the remaining periods of school closure after the employee's annual leave entitlement for that leave year has been accommodated. The employee should receive pay for the annual leave / bank holiday carried over.

However, outstanding annual leave / bank holiday should be taken in the leave year if there is sufficient time to take it in school closure periods or in term time. Under the Working Time Regulations annual leave / bank holiday entitlement should be taken in the leave year in which it accrues if possible.

Where employment is continuing, a term-time only employee cannot insist on having payment in lieu of untaken annual leave. In general, it is not possible to pay in lieu of statutory annual leave, except on termination of employment.

The payroll provider will help the term time employee by providing a calculation of the annual leave / bank holiday entitlements based on their specific annual leave year and maternity leave periods

8.5 Childcare Vouchers

Employees who are in receipt of childcare vouchers under a salary sacrifice scheme are entitled to continue to receive them during the whole of their maternity leave period. However it should be noted that because the statutory maternity pay (SMP) calculation is based on the amount of salary received during the qualifying period, and the amount of salary sacrificed on childcare vouchers is not included in this calculation, the amount of SMP due to be paid will be reduced.

This means that between the 12th and 16th week of pregnancy employees who are in the childcare voucher scheme need to calculate and consider whether they will be better off:

- a. staying in a salary sacrifice scheme and receiving (a) lower Statutory Maternity Pay and (b) continuing to receive childcare vouchers for up to 52 weeks, or
- b. leaving the salary sacrifice scheme prior to the start of the qualifying period for Statutory Maternity Pay in order to receive higher SMP. In this case they may qualify for the childcare element of Working Tax Credit.

Employees should consider this at the earliest opportunity. This will allow them to decide whether they wish to continue to receive childcare vouchers, and if they do whether they wish to reduce the amount they currently receive. To ensure changes are made prior to the qualifying week, the service centre/HR and Payroll provider must be informed of any amendments or cancellations by the 17th week of pregnancy.

9. Procedure

Appendix 1 contains a flowchart that summarises the processes that should be followed by employees and managers.

9.1 Notification – Start of Maternity Leave

To be eligible for maternity leave and pay, an employee must confirm the following information to their manager as soon as possible, giving at least **14 week's** notice:

- That they are pregnant
- When their expected week of childbirth (EWC) is - providing a medical certificate which states this (this will usually be a MAT B1 (Maternity Certificate), which is issued by a doctor or midwife approximately 14 – 20 weeks before the EWC).
- The date when they wish to start their maternity leave (N.B. an employee can choose to start their maternity leave any time after the beginning of the 11th week before the expected week of childbirth).

Employees can confirm this information by completing the Maternity Notification Form and submitting it with form MAT B1 to their manager (***the Maternity Notification Form is attached as Appendix 2***).

If an employee wishes to change their start date, they will need to provide 28 days notice of the change, as far as is possible.

It is advisable for an employee and their manager to have discussions at an early stage, to ensure that the employee is aware of their entitlements. It also provides the opportunity to discuss any potential workplace changes that may occur during the maternity leave period and any plans the employee has for their return, especially if they are considering requesting a change to their working arrangements.

9.2 Trigger Points

In the case of an employee giving birth early (i.e. before they have given notification or commenced leave), maternity leave and pay will be triggered from the day following the birth. The employee should contact their manager as soon as is reasonably possible and advise the manager of the birth date.

Maternity leave and pay will also be triggered if an employee is absent with pregnancy-related sickness during the last four weeks of pregnancy. Employees should notify their manager as soon as possible if they are absent either wholly or partly because of their pregnancy, confirming the date that their absence began.

9.3 Letter of Confirmation

Within 28 days of receiving the notification and MAT B1, a letter should be sent to the employee, which confirms the maximum amount of maternity leave, the pay the employee is entitled to and the date by which the employee is expected to return to work. This will be dependent on the information supplied by the employee when they provide their notification.

(An example letter for managers, which can be amended as necessary, is attached as Appendix 3).

9.4 Contact During Maternity Leave

Reasonable contact between the employer and employee is allowed and expected during maternity leave and it is recommended that employees and managers make arrangements to maintain this. Contact is important for example, to allow managers to

keep employees informed about important developments at work or about any events or activities that it may be beneficial for the employee to attend (see 'Keeping in Touch days' below). If the employee is considering a change to their working arrangements on their return, this should also be discussed so that there is sufficient time to consider the request and put any plans in place if appropriate. It is also important that employees are aware of any changes (e.g. to structures) in their school/ Trust and of any possible job vacancies or promotion opportunities. Employees should also make sure that they keep themselves informed as appropriate.

What is 'reasonable' contact will obviously depend on the circumstances. Some employees will be happy to have regular and frequent contact, while others will prefer to keep contact to a minimum. It is therefore important that managers and employees discuss this prior to the maternity leave commencing.

9.5 Keeping in Touch (KIT) Days

Employees and managers can agree up to 10 Keeping in Touch days during the maternity leave. During these days an employee may attend work, for example to take part in learning and development, attend a course or attend a team event or meeting. An employee or a manager can suggest a Keeping in Touch day but they are optional and can only take place by agreement between both parties (i.e. neither party can insist that a KIT activity takes place). Contact or meetings between the manager and employee as part of general reasonable contact would not be classified as a KIT day.

Attending work for Keeping in Touch Days does not bring to an end an employee's entitlement to maternity leave or pay. However, nor does it extend the statutory or occupational maternity pay or leave period (i.e. employees do not receive a day in lieu for a KIT day). An employee's pay will be 'topped up' to their normal full pay for any hours that they work on a KIT day (pay will be inclusive of any SMP or OMP that they are receiving). Attending work for part of a day will count as a full day in terms of the 10 day maximum, although full pay will only be paid for actual hours worked.

9.6 Returning to Work

Employees should return to work on the date indicated in the letter they receive. If an employee wishes to return earlier than this, they will need to provide at least 7 days notice (if returning from OML) or at least 21 days notice (if returning from AML) of their intention to return. If an employee does not provide the appropriate notice, their return may be postponed by up to 7 or 21 days (although not beyond the end of their maternity leave).

An employee does not need to notify their manager if they are returning on the expected date that was indicated in the letter confirming their leave.

The earliest point that an employee can return from maternity leave is 2 weeks after the birth of their baby.

9.7 Changing Working Arrangements

Employees do not have an automatic entitlement to change their working arrangements on return from maternity leave. However, the Trust aims to be a flexible employer and wishes to retain the skills and experience of employees who have been on maternity leave. Serious consideration will be given to all requests and the Trust will seek to accommodate requests where possible. An employee who wishes to change their working arrangements (e.g. number of hours worked, the times worked, the place of work) should notify their manager as soon as possible, using the form in the **Changes to Working Arrangements Policy**.

10. Records

Records should be kept on the individual's personal file in relation to maternity leave and any requests or changes that occur. These records are to be kept confidential and retained in accordance with the Data Protection Act 1998.

11. Review of Procedure

This procedure will be reviewed periodically in the light of developments in the law, employee relations practice and changes in the needs of the Trust in order to ensure its continuing effectiveness and relevance.

SUMMARY OF THE PROCESS

NOTIFICATION – START OF LEAVE

- Employee finds out when their baby is due
- Employee to notify manager using Employee Notification of Maternity :Leave and Pay form:
 1. That they are pregnant
 2. When their baby is due
 3. When they wish to start their maternity leave
- Employee to also provide their manager with a copy of the MAT B1 form.
- Employee should notify their manager as soon as possible but must give at least 14 week's notice if a teacher and 28 days notice if support staff before starting maternity leave (Employee should also give 28 days notice (where possible) if they wish to change their start date).

The manager and employee should have a meeting at an early stage to discuss entitlements, any arrangements for keeping in touch and any plans (if applicable) for the employee's return.

Manager's Actions

- Upon receipt Line Manager to send Employee Notification of Maternity Leave and Pay Form and MAT B1 to the central office.
- A letter to be sent to the employee within 28 days of notification, confirming:
 1. The employee's entitlement to maternity leave
 2. The employee's entitlement to maternity pay
 3. The date the employee is expected to return to work based on the information they have provided
- Arrange for a risk assessment to be carried out as soon as possible
- Make arrangements as necessary to cover the maternity leave period.

DURING MATERNITY LEAVE

- Manager and employee to maintain reasonable contact as arranged, to cover:
 - Any significant changes or developments in the workplace
 - Any appropriate vacancies/promotion opportunities
 - Any plans for the employee's return (e.g. change to work arrangements)
 - Any change to the employee's return date
- Employee to attend Keeping in Touch days as arranged.

RETURN FROM MATERNITY LEAVE

- Employee should return to work on the date indicated in their letter.
- If the employee wishes to change their return date they must provide:
 - 7 days notice if returning from Ordinary maternity leave
 - 21 days notice if returning from Additional maternity leave
- If the employee wishes to change their working arrangements on return they should complete an application to request this (if not already done so).

NOTIFICATION FORM

EMPLOYEE NOTIFICATION OF MATERNITY LEAVE & PAY

EMPLOYEE INFORMATION																	
Surname:	Forename(s)																
Place of Work	Occupation:																
DFES ref no (teachers only):	No. of Hours worked per week:																
Home Address:																	
Date Continuous service commenced with the Trust: <table border="1" data-bbox="124 817 719 907"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>							N.I No: (see Payslip) <table border="1" data-bbox="847 817 1385 907"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>										
Expected date of childbirth: (please attach a copy of the MAT B1 certificate confirming this) <table border="1" data-bbox="124 1055 719 1144"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>							Intended date of commencing maternity leave: (NB: at least 28 days notice must be given to qualify for maternity leave and pay) <table border="1" data-bbox="783 1055 1378 1144"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>										
MATERNITY LEAVE																	
<p>All employees are entitled to 26 weeks Ordinary Maternity Leave (OML) and 26 weeks Additional Maternity Leave (AML), giving 52 weeks in total. Qualifying employees are also entitled to 39 weeks Statutory Maternity Pay. It is up to each employee to decide how many weeks maternity leave they wish to take (the minimum is 2 weeks, the maximum is 52 weeks).</p> <p>I intend to take <table border="1" data-bbox="376 1429 596 1503" style="display: inline-table; vertical-align: middle;"> <tr> <td></td> </tr> </table> weeks maternity leave</p> <p>I understand that:</p> <ul style="list-style-type: none"> I will receive a letter indicating my entitlement and the date on which I am expected to return to work It will be assumed that I am taking the number of weeks indicated above unless I give 7 days notice (if returning from OML) or 21 days notice (if returning from AML) in writing of an earlier return date. 																	

OCCUPATIONAL MATERNITY PAY

Support Staff - Qualifying employees are entitled to Occupational Maternity Pay, which is an amount equivalent to 6 weeks of full pay, spread over a period agreed with their manager (

Teachers – Qualifying employees are entitled to 18 weeks Occupational Maternity Pay (OMP) (4 weeks at full pay, 2 weeks at 90% of full pay, 12 weeks at ½ pay)

In both instances OMP+ SMP must not exceed normal full pay. Employees should check their OMP entitlements and the details of the qualifying conditions in the Maternity Policy.

I understand my entitlement to Occupational Maternity Pay. I understand that one of the qualifying conditions is that I must return to work for a minimum period of 13 weeks or part time for a period which equates to 13 weeks of full time service (for teachers) or 3 months service (for support staff), or the gross amount must be repaid. I understand that I can defer the payment of OMP at this stage if I am unsure whether or not I will be returning to work.

I intend return to work (delete as applicable):

YES / NO / UNSURE

Employees who have confirmed that they are returning to work should complete the following section:

POTENTIAL CHANGE TO WORKING ARRANGEMENTS

I understand that I am able to request a change to my working arrangements, to take effect when I return from maternity leave and I should raise this with my manager as soon as possible. At this stage, my interest is indicated as below:

I wish to consider changing my working arrangements when I return from maternity leave (delete as applicable):

YES / NO

I understand that my answer is not binding and I can change my mind at a later date:

APPLICANT DECLARATION

I declare that the details given above are correct to the best of my knowledge. I understand that knowingly making a false declaration is a serious disciplinary matter, which could result in dismissal. I consent to the Trust processing, by means of a computer database or otherwise, any information which I provide to them for the purpose of maternity monitoring or statistical returns.

Signed:

Date:

MANAGER'S SIGNATURE

HR ADMINISTRATION

I have checked and noted the information provided

Signed:

Date

On completion this form should be sent to the central Trust office.

DRAFT LETTER TO ACKNOWLEDGE NOTIFICATION OF MATERNITY LEAVE

Date:

Dear [name of employee],

Thank you for informing me of your pregnancy and the date that your baby is due. I am writing to you about your maternity leave and pay.

As has been discussed, you are eligible for 52 weeks' maternity leave (26 weeks' Ordinary maternity leave plus 26 weeks' Additional maternity leave).

You have confirmed that you would like to begin your maternity leave on **[insert date]**. If you want to change this date you must provide written notification of the change at least 28 days before the new intended start date, or if that is not possible, as soon as is reasonably practicable.

You have told me that you intend to return to work and I will expect you to return at the end of your maternity leave entitlement. Given your chosen start date and the period of maternity leave that you intend to take, your return date will be **[insert date]**.

If you decide to come back to work before this date you must provide written notification of the change at least **[delete as applicable dependent on whether in OML or AML]** 7 / 21 days before the new intended start date, or if that is not possible, as soon as is reasonably practicable. If you do not provide this notice, your return may need to be postponed until **[delete as applicable]** 7 / 21 days from the date that you confirmed that you would like to return early.

As has been discussed, you are eligible for 39 weeks Statutory Maternity Pay / not eligible for Statutory Maternity Pay **[delete as applicable]**.

Your Statutory Maternity Pay (SMP) entitlement is:

6 weeks at 90% of your weekly earnings

33 weeks SMP at £ **add in SMP rate** per week (or 90% of your weekly earnings if this is less than £ **add in SMP rate** per week)

NB: SMP is only payable if your earnings are equal to or above the National Insurance Lower Earnings Limit.

[If employee qualifies/does not qualify for occupational maternity pay, use the appropriate paragraph below]

As you do not have at least 1 year's continuous service, your maternity pay will be SMP only:

Teachers options

As you have at least 1 year's continuous service as a teacher and you have indicated that you are returning to work after your maternity leave, your Occupational Maternity pay entitlement (in addition to your SMP entitlement) will be:

18 weeks OMP consisting of an amount equivalent to 4 weeks full pay and 2 weeks at 90% of full pay and 12 weeks at half pay. This amount + SMP must not exceed your normal full pay in any week.

or

As you have at least 1 year's continuous service as a teacher and you have indicated that you are **not** returning to work after your maternity leave, your Occupational Maternity pay entitlement (in addition to your SMP entitlement) will be: 6 weeks OMP consisting of an amount equivalent to 4 weeks full pay and 2 weeks at 90% of full. This amount + SMP must not exceed your normal full pay in any week.

Support Staff Options

As you have at least 1 year's continuous service as a member of support staff and you have indicated that you are returning to work after your maternity leave, your Occupational Maternity pay entitlement (in addition to your SMP entitlement) will be: An amount equivalent to 6 weeks of full pay, spread over a period agreed with their manager

or

As you have at least 1 year's continuous service and you have indicated that you are **not** returning to work after your maternity leave, your maternity pay will be SMP only.

[If employee does not qualify for maternity pay]

As you do not qualify for Statutory Maternity Pay, you will receive form SMP1, which explains why you do not qualify for Statutory Maternity Pay. You may however be entitled to Maternity Allowance. If you take the SMP1 form to the Jobcentre Plus or Social Security office, they will discuss your entitlements with you.

During your period of maternity leave you should keep in touch with **[me/contact name]** so that you are aware of any changes in the workplace and to discuss any plans for your return. During this contact, you will also be able to discuss with **[me/contact name]** if it is appropriate to use any 'Keeping In Touch' day(s). This could be for example, to undertake learning and development, attend a particular meeting or event, or to carry out a particular piece of work. This would not affect your SMP and would not end your maternity leave. You would receive your normal pay (including any SMP) for any hours worked on a KIT day.

If you wish to discuss the above or any other aspects of your maternity entitlements, please contact **[me/contact name]**.

Yours sincerely,