



**THIS POLICY COVERS ALL ACADEMIES/SCHOOLS WITHIN
ARDEN MULTI-ACADEMY TRUST**

Name of Policy	Maternity Policy (Teachers)	
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Governor Committee	Business & Personnel Committee	
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	26 th November 2019 – updates to childcare voucher scheme	



Preface

Looking forward to and looking after a new baby is a busy and exciting time. This booklet aims to guide you through your entitlements and responsibilities, in respect of the maternity leave you are entitled to, the maternity pay that you may be entitled to, keeping in touch days and your return to work.

The maternity scheme applies to all pregnant teachers, regardless of length of service or the number of hours worked per week.

Teachers who are contracted to work under the School Teachers' Pay and Conditions document have the National Maternity Scheme outlined within the Conditions of Service for School Teachers in England and Wales (the Burgundy book, revised edition).

The guidance directs employees to the respective rights that are applicable to them, and will ensure that no woman receives less favourable treatment on the grounds of being pregnant, during maternity leave or on return to work as a new mother.

HR will always be happy to help with any particular questions or queries you may have, and professional and trade associations are also able to offer support and information.

The latest information with regard to the current rate of Statutory Maternity Pay, Maternity Allowance, the Lower Earnings Limit and Maternity Rights can also be accessed at www.direct.gov.uk

Maternity definitions

The following outlines some of the terms that are used in this document:

EWC	Expected Week of Childbirth . This is the expected week the baby will be born.
OML	Ordinary Maternity Leave . The first 26 weeks of Maternity Leave (weeks 1-26)
AML	Additional Maternity Leave . The second 26 weeks of Maternity Leave (weeks 27-52)
SMP	Statutory Maternity Pay - this amount is set annually by the Government.
SSP	Statutory Sick Pay .
OMP	Occupational Maternity Pay
LEL	Lower Earnings Limit
KIT Day	Keeping In Touch day
MATB1 form	A Maternity certificate issued from your midwife or medical practitioner confirming that you are pregnant and your EWC. This is usually issued around the 20 th week before EWC.
Job	The nature of the work which you are employed to do and the capacity and place in which you are employed.
Childbirth	Childbirth means the birth of a living child, or the birth of a child whether living or dead after 24 weeks of pregnancy.
Average Weekly Pay	The amount payable to you under your current contract of employment. If there are significant variations in your salary, your average salary over the 12 weeks prior to the start of your maternity leave will be treated as a week's salary.
Qualifying week	15 th week before the Expected Week of Childbirth
Set Period	This is the last eight weeks pay before the Saturday of your qualifying week. This is used to calculate your average weekly pay for SMP purposes.
SMP1 form	Issued by HR if you are not entitled to SMP and for you to take to your local Job Centre Plus

Current statutory maternity rates can be found by following the link below

<https://www.gov.uk/employers-maternity-pay-leave>

Notification of pregnancy

From you

You are encouraged to notify Human Resources (HR) and your Associate Headteacher about your pregnancy, as soon as possible, but no later than the qualifying week (which is the 15th week before the Expected Week of Childbirth). This will allow you to establish what financial support you are entitled to and enable a risk assessment to be carried out to protect the health, safety and welfare of you and your unborn child.

The Trust also requires the following information and documents, otherwise your SMP (Statutory Maternity Pay) will be affected:-

- An **original** MATB1 form.
- A completed MSI Form (see Appendix 1) **at least 28 days** before you wish to start your maternity leave.

You will notice that the form asks about your choice of option with regards to the occupational maternity pay scheme. This is a scheme in which the Trust pays an additional 12 weeks at half pay on top of the statutory scheme. Page 8 of the Pay Policy explains this further and outlines the conditions that apply.

Please give your completed application form (MS1) and original MATB1 to the Associate Headteacher who will forward them onto the Trust's HR and payroll provider.

If you have chosen a maternity leave start date, but then you wish to change your mind, please let the Trust know at least 28 days before the revised start date or 28 days before the original date that you chose, whichever of these two dates is the earlier.

From Us

Within 28 days of receiving your MS1 form you will receive notification confirming your expected return date; this date will be 52 weeks from your maternity leave start date.

Data protection

When managing your maternity leave and pay, the Trust processes personal data that has been collected in accordance with its Data Protection Policy. Data collected from the point at which you inform the Trust that you are pregnant is held securely and accessed by, and disclosed to, individuals only for the purposes of managing your maternity leave and pay.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Trust's Data Protection Policy. It may also constitute a disciplinary offence, which will be dealt with under the Trust's disciplinary procedures.

Ante-natal considerations

Time off for ante-natal care

If it has been recommended by a medical practitioner, midwife or health visitor, you have the right to reasonable paid time off for ante-natal care, which may also include relaxation and parent-craft classes. Other than in the case of your first appointment, you must produce evidence of the appointments, if requested by your Associate Headteacher. You should give the school as much notice as possible of the appointments and try to arrange them as near to the start or end of the working day.

Health and safety

If there is a work activity, which could involve a risk to you or your baby, a risk assessment must be carried out by the Trust to identify and control these risks.

Adjustments may need to be made to your job but if this is not practicable, you may be offered alternative work. If this alternative work is not feasible and as long as you do not unreasonably refuse, you may be placed on leave on full pay until the risk has passed.

If you have issues which impact on your ability to work, your line manager can make an Occupational Health referral to obtain appropriate medical advice.

Rubella

If in the early months of pregnancy you are advised by an approved medical practitioner that you should be absent because of the risk of rubella, you will be granted leave with full pay, provided that you have not unreasonably refused work in another setting where there is no risk of infection.

Pregnancy related illness and miscarriage

If you are absent because of a pregnancy related illness, including a miscarriage which has happened before 24 weeks pregnancy, this will be treated as sickness absence which falls within the Sickness Absence Management Policy; absence of 8 calendar days or more will need to be covered by a doctor's note.

If, after the beginning of the 4th week before the EWC, you are sick for a **pregnancy related reason**, then your maternity leave and pay will start automatically. If this is the case, you should notify the Multi-Academy Trust in writing of this as soon as you can.

Leave considerations – all employees

You are entitled to 52 weeks maternity leave regardless of your length of service. Maternity leave is not treated as sick leave and will count towards your continuous service with Arden Multi-Academy Trust.

Maternity leave

The earliest you can start your maternity leave is 11 weeks before the EWC but you have the option to decide on your maternity leave start date, which can begin on any day of the week. SMP will start on that day.

If your baby is born **before** your chosen maternity leave date, your maternity leave and SMP will automatically start on the day after childbirth. You will need to notify the Academy Trust in writing as soon as is reasonably practicable to ensure that your pay will be accurate.

Premature birth

If your baby is born alive before 24 weeks of the pregnancy, the day after the childbirth will be the first day of the maternity leave. Even in the unfortunate situation where the baby subsequently does not survive, maternity leave including maternity pay will still apply as a live birth did take place, even though it was before 24 weeks. You will need to let the Academy Trust know of this as soon as is reasonably practicable.

Stillbirth

We recognise that the situation of stillbirth is upsetting for all those involved and if your baby is stillborn after 24 weeks of pregnancy, your maternity leave will begin on the day following the childbirth. If, however, your child is stillborn within the first 24 weeks of your pregnancy, you will not be entitled to maternity leave. In these circumstances normal sickness absence management will apply (please see the Trust's Sickness Absence Management Policy).

Late births

If your baby is born after the EWC, your Statutory Maternity Pay would start on the first day of your maternity leave.

Sickness

Sickness payments will automatically and immediately cease whenever Maternity Leave and Statutory Maternity Pay/Maternity Allowance commences.

Shared parental leave

You may wish to consider, depending on whether the eligibility criteria is met, to curtail your maternity leave and elect to convert it to shared paternity leave and pay which can be taken by both yourself and your partner. Details of the scheme are available on the shared area or from HR.

Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay with their partner, or to return to work early from maternity leave and opt in to share parental leave and pay at a later date.

Parental leave

There is also an opportunity, dependant on your length of service, for you to take advantage of the right to unpaid parental leave of up to 4 weeks at the end of the maternity leave; the parental leave scheme is on the shared area or from HR.

Pay

What is Statutory Maternity Pay?

Statutory Maternity Pay (SMP) is paid to you whether or not you decide to return to work after maternity leave, but is dependent on your earnings and length of service. The rate for SMP is a flat weekly rate and is adjusted by the government annually.

To be eligible for SMP you need to have

- Earnings of more than the lower earnings limit during the set period (current rates and definitions on page 2);
- Continuous service of more than 26 weeks with the Trust at the end of the qualifying week (i.e. 15 weeks before your baby is due);
- Informed the Trust following the guidelines set out in 'Notification of Pregnancy'.

If you are entitled to SMP, this is payable for a maximum of 39 weeks which can start on any weekday, but cannot start before the 11th week before the EWC, unless the baby is born prematurely.

There are two levels of SMP. There is a standard rate and a lower rate. If the standard rate is more than 90% of your weekly salary, your SMP will be 90% of your weekly pay and not the standard rate.

What if I am not entitled to SMP?

If you are not entitled to SMP, you will be issued with a SMP1 form by the Academy Trust's payroll provider. You should take the SMP1 with your MATB1 form to your local Job Centre Plus Office, as you may be able to claim for Maternity Allowance which is paid for by the government.

Does taking strike action affect my entitlement to SMP?

If you have 26 weeks continuous service at the end of the qualifying week, but have taken strike action during those 26 weeks, the week in which you take the action does not count towards you qualifying for SMP. Therefore, you will not be entitled to SMP. This will only affect recent employees.

What happens if I resign or am dismissed before my maternity leave?

If you resign or you are dismissed, after the 11th week before EWC, provided you are eligible, your SMP will start on the day after your job ends.

If you resign or you are dismissed between the 15th and 11th week before the EWC and if you are eligible to SMP, you will receive SMP when you reach the 11th week before the EWC.

The Trust's Occupational Maternity Scheme

If you have completed **one year or more continuous service with the Trust as a teacher 11 weeks before the EWC**, you are entitled to receive 12 weeks half pay on top of the statutory pay scheme. This is called the Occupational Maternity Scheme.

Even if you do not earn enough to receive SMP, as long as you have the relevant continuous service, you will be eligible for the Occupational Maternity Scheme.

The 12 weeks' half pay can be paid out in 2 options:

- **Option 1** Half pay lump sum on return to work.
- **Option 2** Half pay on weeks 7-18 and no balance on return to work.

Please be aware that if you choose option 2, the total of your SMP and half pay during weeks 7-18 must not add up to more than your normal weekly full rate of pay. If this is the case, the sum will be scaled down to 100%.

A qualifying condition to Occupational Maternity Pay, (OMP) is that you must return to your job for at least 13 calendar weeks (including periods of school/academy closure), otherwise all or part of the 12 weeks half pay must be refunded to the Trust. If you are unsure whether you will return to work, it might be wise to choose option 1.

NB. It is 13 calendar weeks, regardless of the number of days worked per week and does **not** include parental leave.

Schedule of pay for teaching staff

(In accordance with the Burgundy Book)

WEEKS 1-4	Full Pay
WEEKS 5-6	2 weeks at 90% average weekly pay (see 'definitions')
WEEKS 7-39	Statutory Maternity Pay
WEEKS 40-52	Unpaid Leave

**Plus Option 1 or 2
(see above)**

Statutory Scheme

- (i) If you have 26 weeks service but less than one year's continuous service by the 15th week before the EWC the statutory maternity entitlement is as follows:

WEEKS 1-6 6 weeks at 90% of average weekly pay

WEEKS 7-39 Statutory Maternity Pay

WEEKS 40-52 Unpaid Leave

- (ii) If you have less than 26 weeks continuous service by the 15th week before the EWC you will have an entitlement to:

52 weeks unpaid leave

You may be entitled to some benefits during this unpaid period. You should discuss this with your line manager or Associate Headteacher when you provide your completed application form, as they will forward the form to the Trust's Payroll Provider who will be able to confirm your eligibility.

Pension contributions

If you are a member of the Teachers' Pension Scheme (TPS) we will make employer pension contributions during any period of paid maternity leave. This will be based on the contribution rate effective at the time and will be based on the amount of maternity pay you are receiving.

With respect to the unpaid period of maternity leave, you should discuss this in further detail with Teachers Pension on 0845 6066166 or view their website on www.teacherspensions.co.uk

Contractual benefits

You are entitled to all normal contractual benefits during paid maternity leave (except normal pay/salary and sick pay – see 'Leave considerations'). The position during the unpaid period the contractual rights and obligations that will remain are those applicable as if you had exhausted occupational sick pay. The main requirements would be:

- Notice periods
- Redundancy payments
- Disciplinary and Grievance procedures
- Duty of trust and confidence
- Duty of good faith
- Leave (see 'Leave considerations')
- All statutory rights will be upheld

During maternity leave

Keeping in touch days

You can work for up to 10 mutually agreed days without bringing your maternity leave to an end. These days are known as “Keeping in Touch” (KIT) days. The 10 day maximum is the same regardless if you work on a full or part-time basis.

Work done in a KIT day is any work done under your contract of employment and may include training or any activity undertaken to “Keep in Touch” with the Trust. If, for example, you attend a three hour training session to “keep in touch”, you will have used one of your 10 KIT days.

You will receive your normal pay for KIT days on a pro rata basis, even during unpaid maternity leave. If you decide to attend a KIT day whilst you are receiving SMP and/or OMP, then this will be offset against your normal pay for the day. This should not add to more than full pay on any of these days.

KIT days can be worked either before or after the birth. However, there is a period of two weeks following the birth of your child where, by law, you are unable to carry out any work. This is called the compulsory maternity period.

If you work more than the allocated 10 days, you will lose your SMP for any work done in that week. Your HR Manager or Associate Headteacher must inform the Trust’s payroll provider if this situation arises.

Your line manager will need to send your KIT dates on an email to the Trust’s payroll provider so that your pay can be adjusted appropriately.

It would be good practice prior to starting maternity leave to have a conversation with your manager to investigate the opportunities and protocol that may arise for any opportunities for KIT days in the future.

What if you do not want to work a “Keeping in Touch” day?

There is no requirement for you to undertake work. Your Associate Headteacher cannot insist that you carry out any work and if they do, you are protected from suffering any detriment or being dismissed for refusing to do so. Equally, you cannot insist on being given any work to do if there is no appropriate work in your department. Any KIT day should therefore be through mutual agreement.

If you decide to work a KIT day this does not mean that your maternity leave will be extended.

Reasonable contact

You and your line manager, or designated member of staff, are actively encouraged to make reasonable contact during maternity leave to discuss such issues as your return to work, special arrangements to be made or update you on opportunities at work.

Reasonable contact does **not** constitute 'work', does not count towards the ten "Keeping in Touch" days and will not bring your maternity leave period to an end. Also, there is no reason why you should be available for reasonable contact at all times of your maternity leave.

Restructure/ reorganisation

If, whilst you are on maternity leave and your department is involved in any restructure or reorganisation, the Trust will inform you of this and give you the opportunity to become involved in the process in accordance with the Trust's Management of Change Policy.

Post maternity and returning to work**Returning to work**

It is for you to decide your return to work date, as long as it is not within two weeks of childbirth. Unless you choose an earlier return date, the Trust will assume that you will return to work on the first working day after the end of 52 weeks.

If, however, you intend to return before the end of the 52 weeks maternity leave, you must notify the Academy in writing at least 8 weeks before the intended return date. However, to assist operationally, as much notice should be provided. You can change your mind with respect to your return date as long as you provide similar notice.

If you return to work at the end of your Ordinary Maternity Leave, you are entitled to return to your original post as if you had not been absent, unless the job has been made redundant; you will, however, be offered a job on no less favourable terms and conditions.

If you return to work after Additional Maternity Leave, you are entitled to return to your original post. However, if it is not reasonably practicable, then a similar job on no less favourable terms and conditions must be offered.

Risk Assessment

A further risk assessment will be undertaken if you return to work within six months of birth, or are breastfeeding. If you continue breastfeeding beyond six months then notify your line manager so that any risks can be assessed and thus avoided.

If you are unable to return to work for medical reasons

If you are unable to attend work at the end of your maternity leave because of sickness, then you will need to produce a medical certificate and normal reporting and contractual arrangements for sickness absence will apply (see Sickness Absence Management Policy).

Part-time and flexible working

Employees who have worked for Trust for more than 26 weeks at the time of application, have the right to request flexible working. This request must be in writing, identify the proposed hours, work pattern or working arrangement and the intended start date of this new work pattern.

However, it is not an automatic right for you to work flexibly as there can be circumstances where your school cannot accommodate your desired working arrangement.

The aim of the request is to facilitate discussion and encourage both yourself and your Associate Headteacher to consider flexible working patterns and find a solution that suits you both.

If you are considering requesting a change to your working hours when you return from maternity leave, then it is recommended that you speak to your HR manager or Associate Headteacher and complete the flexible working form as soon as you possible. It can take up to six weeks to consider your request and to make a decision, so it is important to plan ahead.

The flexible working policy and form is available from the HR.

Childcare Vouchers / Tax-Free Childcare scheme

The government closed the Childcare Vouchers scheme to new entrants on 4th October 2018 and so employees are no longer able to join the Edenred scheme. Existing members will continue to receive childcare vouchers as they do now as long as their child remains eligible*, they stay with the same employer, and they have had a salary sacrifice adjustment to their pay and received vouchers within any 12 month period.

**Eligibility will end 1st September after the child's 15th birthday, or 1st September after their 16th birthday if they are disabled.*

For existing members of the Edenred scheme, information on the scheme can be found on www.childcarevouchers.co.uk in the parent section or by contacting the Edenred helpdesk by calling 0800 247 1233.

For new parents or parents who did not join the voucher scheme, the government offer a form of childcare funding support for working parents, called **Tax-Free Childcare (TFC)**.

For further information please visit www.gov.uk/tax-free-childcare.

Non-return to duty and resignations

If you have received the Trust's Occupational Scheme (12 weeks' half pay), but have decided not to return to your job, or you return to your job and then wish to resign, if the last day of your employment is less than 13 calendar weeks from your return date, you will be required to repay all of your half pay. If you decide to resign, you must give the relevant contractual notice.

If you return to work on reduced hours following a flexible working request, you will still need to complete 13 calendar weeks, based on your new hours.

(NB. you do not have to repay any Statutory Maternity Pay that may have been paid to you.)

APPENDIX 1

MS1

ARDEN MULTI-ACADEMY TRUST -
NOTIFICATION OF MATERNITY LEAVE FORM

Surname:	Forenames:	School:	Employee No:
Address:		Work Tel No:	
Home Tel No:		Work Email:	
Home Email Address:		School Start Date:	

Thank you for informing Arden Multi-Academy Trust that you are expecting your baby. Please complete this form and return it to me as soon as possible, **but at least 28 days before starting maternity leave**, in order to establish your entitlements.

- I wish to confirm that I am taking leave of absence to have my baby and will commence my maternity leave on (maternity leave can commence on any day of the week):

Day:	Month:	Year:
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- My expected date of childbirth is:

Day:	Month:	Year:
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- I enclose an **original** copy of a certificate giving the expected date of my childbirth as issued by my doctor/midwife (MATB1)

Yes	No
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Note: If you are not sending the certificate at this time, please forward it as soon as possible.

- Will you have 12 months continuous service 11 weeks before the date at (2) above? **If YES, please read and complete this section. If NO, go to (5) overleaf.**

You appear to qualify for the AMAT occupational maternity scheme, which provides for half pay on top of your statutory maternity pay between weeks 7 and 18 (inclusive) of your paid maternity leave. You must return to work for 13 weeks following paid or unpaid maternity leave; otherwise you will have to repay the extra salary paid. You have two options as to how this pay is received. Please tick the appropriate box.

Tick	Option
	One – To receive the half pay as a lump sum payment on your return to work
	Two – To receive half pay between weeks 7 and 18 of paid maternity leave with no balance due on your return to work

Note: if you fail to tick one of the above options, the Trust will pay you the Option One arrangement.

- The Trust will assume you will be returning to work after 52 weeks maternity leave
- If you wish to return to work before the expiry of your leave, please inform HR 21 days before your intended start date.
- Maternity leave is compulsory for the 2 weeks immediately after the child is born.
[Now, sign the employee declaration below]

5. Will you have less than 12 months continuous service 15 weeks before the date at (2) above?
If YES, please indicate which of the below categories you fall into)

(a) Less than 12 months but more than 6 months []

You appear to qualify for the Statutory Maternity Scheme if your earnings are more than the lower earnings limit for National Insurance.

(b) Less than 26 weeks []

Employees with less than 26 weeks continuous service may be ineligible for SMP.

To find out your eligibility for **5a** and **5b** above, please complete and return this form along with your **original** MATB1 form to Human Resources.

- The Trust will assume you will be returning to work after 52 weeks maternity leave.
- If you wish to return to work before the expiry of your leave, please inform HR 21 days before your intended start date.
- Maternity leave is compulsory for the 2 weeks immediately after the child is born.
[Now, sign the employee declaration below]

6. Are you currently in receipt of Childcare vouchers issued via the school (Edenred). This is **not** the Government Childcare scheme.

Yes No

If yes, would you like the childcare deductions from your salary to continue to be taken during your maternity leave?

Yes No

Employee declaration

I wish to apply for maternity leave starting on the date as in Section 1 above.

Your signature _____ Date _____

If you need further help or explanation, please contact the HR Department. Please advise us immediately if any of your circumstances change.

We will acknowledge your request and write back confirming your entitlements within 28 days.

Signed _____ for Arden Multi-Academy Trust

Date _____