



# STEP Academy Trust

## Support Staff Maternity/Paternity Leave Policy

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The STEP Academy Trust Board of Trustees has agreed this Policy and as such, it applies to all Academies within the Trust.

## 1. INTRODUCTION

This guidance provides basic information on maternity leave, including the right to time off for antenatal care, the two week period of compulsory maternity leave after the birth and the maternity health and safety suspension provisions.

*Please note that the term ‘the employer’ has been used to refer to STEP Academy Trust.*

## 2. GLOSSARY OF TERMS

This is an explanation of some of the terms and abbreviations used in this guidance.

### **Ordinary Maternity Leave (OML)**

This entitlement is called Ordinary Maternity Leave (OML) which is the first 26 weeks of maternity leave. OML cannot start before the 15<sup>th</sup> week of the Expected Week of Childbirth (EWC).

### **Additional Maternity Leave (AML)**

AML will start immediately after the 26 weeks OML and continue for a further 26 weeks i.e. employees will be entitled to leave of 52 weeks in total. You can choose to return before the end of your maternity leave period.

### **Expected Week of Childbirth (EWC)**

This starts on the Sunday of the beginning of the week in which your baby is due and will be shown on the Medical Statement (MATB1), which you will get from your doctor or midwife at about 14 weeks’ before the date your baby is due.

### **Qualifying Week (QW)**

This is used primarily in order to assess your continuous service. The Qualifying Week is calculated as the week beginning 15 weeks’ before your Expected Week of Childbirth (EWC).

### **Maternity Pay Period (MPP)**

The Maternity Pay Period is the period throughout which Statutory Maternity Pay (SMP) is payable. It is a period of 39 weeks, which starts on the day you commence your maternity leave. This cannot be earlier than the 11<sup>th</sup> week before your Expected Week of Childbirth (EWC).

### **Statutory Maternity Pay (SMP)**

This is the pay you are entitled to receive from the Government if you have worked for the Trust continuously for at least 26 weeks by the 15<sup>th</sup> week before your baby is due. SMP will start on the day that maternity leave commences. SMP is paid to you by the school during your Maternity Pay Period and the school will then reclaim part of it back from the Government.

### **Statutory Maternity Pay**

If you have at least 26 weeks’ continuous service with the Trust at the Qualifying Week, you will receive SMP at the higher rate for the **first 6 weeks**. The higher rate SMP is 9/ 10ths (90%) of your average weekly earnings.

### **Occupational Maternity Pay (OMP)**

If you have at least one year’s continuous service at the 11<sup>th</sup> week before EWC you can receive 12 weeks’ half pay, providing you make a declaration that you intend to return and you return to work for at least 3 months.

Please note: If you fail to return to work or return but do not remain in post for 3 months then

you will be required to repay any OMP you have received.

### **Maternity Allowance (MA)**

This may be payable if you are not entitled to receive Statutory Maternity Pay. To qualify you must have been working and paying National Insurance Contributions for at least 26 weeks in the 66 weeks' ending with the week before EWC. Payments are made by the Department for Work and Pensions.

### **Average or Weekly Pay**

This is your average gross pay calculated over the 8 weeks' period counting back from the last pay day before 15 weeks' before your expected date of childbirth. Because it is the average of your gross pay it will include any pay awards and other ad-hoc payments you received during these 8 weeks.

## **3. RIGHTS OF EXPECTANT MOTHERS**

**All women employees**, regardless of hours worked or length of service, who are expecting a baby acquire certain rights. These are:

- 52 weeks' Maternity Leave;
- right to return to work at any time during either ordinary maternity leave or additional maternity leave (except during the first two weeks from the day of childbirth);
- to return to work in the same or similar job;
- paid time off for antenatal care;
- the offer of suitable alternative safe work or suspension on full pay where the health of a woman or her child may be endangered as a result of work;
- retain contractual rights during maternity leave (except for pay);

## **4. MATERNITY LEAVE AND PAY**

Please refer to the earlier table for the options available to you depending on your length of continuous service and length of service with a STEP Academy Trust Academy.

Entitlement to Statutory Maternity Pay will depend on:

- 26 weeks' service with the Trust as at the 15th week before the expected week of childbirth;
- average weekly earnings at or above the lower earnings limit.

If you are not entitled to receive Statutory Maternity Pay, you may be entitled to Maternity Allowance. There is an obligation on you to both claim and declare any entitlement from the Department for Work and Pensions.

## **5. NOTIFICATION REQUIREMENTS**

To qualify for maternity rights you must be continuously employed by STEP Academy Trust, whether or not you are at work, until the end of the 15th week before the Expected Week of Childbirth (EWC). In addition you must inform your line manager:

- that you are pregnant by the 15<sup>th</sup> week before the EWC or as soon as is reasonably practicable;
- the intended start date of your maternity leave period by the 15<sup>th</sup> week before the

- EWC or as soon as is reasonably practicable;
- the EWC and produce a maternity certificate (MAT B1) from either a doctor or midwife, this is available after the 14<sup>th</sup> week before the EWC;
- the date on which you intend to return to work. If this is earlier than the end of your maternity leave period you must give your manager and HR provider 28 days' notice.
- the intention to exercise your right to the 26 weeks' Additional Maternity Leave period (if you are entitled);
- the date of childbirth if you have given birth early;
- of absence from work from the 4<sup>th</sup> week before the EWC if you are unable to come to work for pregnancy-related reasons;
- If you wish to change the notified date of the start of your maternity leave you will need to give your manager 28 days' notice of the change of date.

## **6. COMMENCEMENT OF MATERNITY LEAVE**

You can start your maternity leave any time from the 11th week before the Expected Week of Childbirth (EWC) up to the expected date of childbirth (unless her child is born prematurely before that date in which case it will start earlier). If you are absent from work for a pregnancy-related illness during the four weeks before your EWC then this will automatically trigger maternity leave (regardless of when you said you actually wanted your maternity leave to start).

You are required to give at least 28 days' notice of the date that you want your statutory maternity pay to begin. If it is not possible for you to give 28 days' notice, for example if the baby arrives early, you should tell your employer as soon as reasonably practicable. You can bring forward your maternity leave start date for other reasons, provided that you advise your employer in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. Your employer may also postpone your maternity leave start date, provided that you advise them in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

Your employer will formally respond in writing to your notification of your leave plans within 28 days, confirming the date on which you are expected to return to work if you take your full 52-week entitlement to maternity leave.

## **7. HEALTH AND SAFETY**

Each STEP Academy has a duty to take care of the health and safety of all employees. The Academy are also required to carry out a risk assessment to assess the workplace risks to you during your pregnancy:

- where you have recently given birth or are breastfeeding;
- where the work is of a kind that could involve a risk of harm or danger to your health and safety or
- the health and safety of your baby and the risk arises from either processes, working conditions or physical, chemical or biological agents in the workplace.

If applicable, the Academy will provide you with information as to any risks identified in the risk assessment. If the risk assessment reveals that you would be exposed to health hazards in carrying out your normal job duties, the Academy will take such steps as are reasonably necessary to avoid those risks, such as altering your working conditions. In some cases, this may mean offering your suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

## **8. OCCUPATIONAL MATERNITY PAY (OMP) AND RETURN TO WORK**

If you have one year or more continuous service and you have indicated at the beginning of your absence that you wish to return to work and receive occupational maternity pay of 12 weeks at half pay, you will be required to return to work for a period of at least 13 weeks (or part-time equivalent).

You will have the choice whether to be paid your half-pay during your maternity leave or when you return to work. When paid during maternity leave, the half pay will normally be paid over 12 consecutive weeks, starting from the seventh week of maternity leave. Alternatively, the same sum (equivalent to 6 weeks full pay) may be spread over a different period by mutual agreement. If you wish to make alternative arrangements you should seek advice from STEP's HR provider

You are entitled to return to the job in which you were employed before your absence, on terms and conditions not less favourable than those, which would have applied if you had not been absent. (Please note this may not be practicable for reasons such as redundancy).

## **9. RETURN TO WORK AND NOTIFICATION**

You may return to work at any time during ordinary maternity leave or additional maternity leave, provided that you give the appropriate notification. Alternatively, you may take your full period of maternity leave entitlement of 52 weeks and return to work at the end of this period. If you wish to return before the full period of maternity leave has elapsed, you must give at **least eight weeks' notice** in writing to the Academy of the date on which you intend to return. (Please note that you **cannot** return to work in the two weeks' following childbirth).

Failure to return to work by the end of maternity leave will be treated as an unauthorised absence unless you are sick and produce a current medical certificate before the end of the maternity leave period. The normal sickness provisions will apply from the date you were due to return. Therefore if you comply with the normal rules of the sickness scheme, you will be entitled to sick pay from the notified date of return or expiry of the maternity leave period if no date was notified.

## **10. RETURN TO WORK ON A PART TIME OR JOB SHARE BASIS**

If you would like to return to work on a part time or job share basis, you should discuss the possibility with your headteacher or line manager as soon as possible and preferably before you start your maternity leave. Please see the Trust's Flexible Working Policy for details of how to make a formal request for flexible working., including the timescales involved.

## **11. RESIGNATION**

You can resign in accordance with the terms of your contract of employment when you start your maternity leave, after the baby is born, or anytime before the end of the maternity leave period, without affecting your entitlement to statutory maternity pay. However, if you have been paid occupational maternity pay you may have to repay it, at your employer's discretion, if you do not return to work for at least 13 weeks after your maternity leave. You would need to confirm this in writing to your headteacher / line manager.

**Please note:** If you indicate on your MLP Form that you do not intend to return to work, this is merely an expression of intention that is not binding on you and therefore, if you are certain that you will not return then you will still need to submit a resignation letter and the school will then need to submit a completed Leaver Form in the normal way.

*Following a return to work, normal resignation procedures will apply.*

## **12. ANTENATAL CARE**

You are entitled to receive paid time off for antenatal care during working time. The paid time off

will be plus any regular additional payments if applicable. You should let your headteacher/ line manager know that you have an antenatal appointment and request time off. You should also let your headteacher/line manager see your appointment card after your first visit.

### **13. PREMATURE BIRTH**

If your baby is born prematurely you should notify your Academy as soon as it is practical.

### **14. DEATH OF A BABY AND STILLBIRTH**

Allowance is made for the rare occasions when a baby dies or is stillborn after 24 weeks' pregnancy and the maternity leave and pay scheme will apply. Where a miscarriage occurs before 24 weeks' of pregnancy sympathetic consideration will be given to granting special leave or sick leave where appropriate on the basis of the individual circumstances.

### **15. SICK LEAVE AND OTHER ABSENCES**

You are entitled to paid sick leave if you are ill before the start of your maternity leave. However, if you are ill wholly or partly because of pregnancy after the beginning of the 4th week prior to the expected week of childbirth, your maternity leave will begin automatically.

If in the early months of pregnancy you are advised by an approved medical practitioner to be absent from your work location because of the risk of rubella, you will be granted leave with full pay, provided you have not unreasonably refuse to serve in another work location where there is no such undue risk.

### **16. PENSION**

If you are in the Local Government Pension Scheme you must pay pension contributions on the occupational and statutory maternity pay you are entitled to receive during **paid** maternity absence whenever it is paid. This means that if you defer receipt of your half pay until you return to work, you will pay the same pension contributions as someone who receives half pay when it falls due. Whilst you are on unpaid maternity leave, you will have the option of paying pension contributions. For further details please contact the Local Government Pensions Team.

### **17. WORKING DURING MATERNITY LEAVE (“KEEPING IN TOUCH DAYS”)**

You can work for up to 10 days during your maternity leave on a “keeping –in-touch” \*(KIT) day without bringing the maternity leave to an end or losing SMP. Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the work place.

KIT days do not need to be worked as consecutive days and may be worked at any time during the maternity leave, except for within two weeks after the birth of the child. In counting the number of KIT days worked, part of a day will count as a whole day.

KIT days are worked by mutual agreement between the line manager / headteacher and the employee. Line managers / Headteachers cannot insist that you work during maternity leave and whilst on maternity leave you cannot insist on being given any work to do.

You will receive your normal pay for the hours worked on KIT days minus any entitlement to SMP or half-pay. The total duration of the maternity leave period remains at 52 weeks regardless of whether or not KIT days are worked.

### **18. SHARED PARENTAL LEAVE**

From 1 December 2014, an employee is not entitled to take ordinary paternity leave in respect of

a child if he or she has taken any shared parental leave in respect of the child.

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 as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

### **19. SALARY SACRIFICE**

Salary sacrifice is when an employee voluntarily gives up the right to some of their earnings in return for some form of benefit from their employer e.g. childcare vouchers.

If you are a part of a salary sacrifice scheme, SMP will be assessed on those lower earnings - that is, no account will be taken of the salary you have given up or the value of the benefit you receive in its place. This will reduce your entitlement to SMP or may mean that you will not be entitled to SMP as your earnings are too low.

### **20. ANNUAL LEAVE**

The statutory annual leave entitlement is 28 days (5.6 weeks) reduced pro rata for part-time teachers. This should be taken either before or after your maternity leave period, during school closure periods. On return from maternity leave, you will only be allowed to take any outstanding leave during term time during that leave year if there are insufficient school closures to accommodate your leave in that leave year.

Where the return from maternity leave is so close to the end of the leave year that there is not enough time to take all your annual leave entitlement, you will be allowed to carry over any balance of your leave to the following year. You will be required to take this during the remaining periods of school closure after the 28 day's annual leave for that leave year has been accommodated.

### **21. WHAT TO DO NOW?**

There is a form that you need to complete in order to notify your Academy of your pregnancy and your intended start date of your maternity leave (Form MLP Appendix 2), which should be submitted to your Academy as soon as possible.

Please refer to notification requirements in point 5 above. When you are 26 weeks' pregnant you should ask your doctor or midwife for a maternity certificate (MAT B1). This form will not normally be issued earlier than 26 weeks' into your pregnancy. The original certificate must be submitted to your Academy.

Once the Academy has received both the completed MLP form and MATB1 they will forward them to the Payroll Provider for processing.

If you have any further queries regarding your maternity leave or pay, please do not hesitate to contact your School Business Manager in the first instance.

## **PATERNITY LEAVE AND PAY (BIRTH)**

### **22. ELIGIBILITY**

#### **Entitlement to ordinary paternity leave**

An employee is entitled to ordinary paternity leave for the purpose of caring for the child or supporting the child's mother if he:

- has been continuously employed for 26 weeks or more by the end of the 15th week before the mother's expected week of childbirth (or would have satisfied that condition but for the fact that the child was born before the end of that 15th week, was stillborn after 24 weeks of pregnancy or has died);
- is the child's biological father and has (or expects to have) responsibility for the child's upbringing, or is the mother's husband, civil partner or partner (but not the child's biological father) and has or expects to have the main responsibility (apart from any responsibility of the mother) for the child's upbringing; and
- has formally notified his employer of the date on which he intends to take his paternity leave and, where applicable, has produced evidence supporting his claim for paternity leave.

For these purposes, "partner" in relation to a child's mother, means a person (whether of the same or the opposite sex) who lives with the mother and the child in an enduring family relationship, but is not the mother's father, mother, grandfather, grandmother, sister, brother, aunt or uncle.

Please note an employee is not entitled to take ordinary paternity leave in respect of a child if he or she has taken any shared parental leave in respect of the child.

An employee may take just one period of ordinary paternity leave per pregnancy, regardless of the number of children born as a result of the pregnancy.

### **23. LENGTH AND TIMING OF ORDINARY PATERNITY LEAVE**

Ordinary paternity leave must be taken in a single block of one or two consecutive weeks' leave. There is no provision in the Regulations for employees to take their ordinary paternity leave in instalments.

Paternity leave can be taken between:

- the date of the baby's birth or any day of the week following the birth, and
- within 56 days of the baby's birth date.

### **24. NOTICE OF INTENTION TO TAKE ORDINARY PATERNITY LEAVE**

An eligible employee intending to exercise their right to ordinary paternity leave and must inform their employer of their intention by the end of the 15th week before the mother's expected week of childbirth (EWC). In doing so, they must specify:

- the mother's EWC (or, if birth has already occurred, the date of the child's birth);
- whether they wish to take one or two weeks' leave; and
- when they want the period of leave to start.

Employees giving notice of their intention to take ordinary paternity leave must complete the self-certificate PL Form in Appendix 3.



The employee must inform the employer of the intention to take paternity leave by the end of the fifteenth week before the baby is expected. The employee must provide the following details:

- the start date of the leave to be taken;
- the week the baby is expected;
- the duration of leave to be taken.

## **25. STATUTORY PATERNITY PAY**

During paternity leave, most employees will be entitled to Statutory Paternity Pay (SPP). SPP will be paid for either one or two consecutive weeks as the employee has chosen. The rate of SPP will be the same as the standard rate of Statutory Maternity Pay. This is a flat-rate which is revised each year (see HR handbook chapter 27 for current rate). If average weekly earnings are lower than the set rate, SPP will be paid at 90% of average weekly earnings.

Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes will not qualify for SPP.

## **26. ADDITIONAL PATERNITY LEAVE**

The introduction of Shared Parental leave abolished the right to take additional paternity leave.

## **27. SELF-CERTIFICATE**

Employees will have to give their employers a completed self-certificate as evidence of their entitlement to SPP. A model self-certificate is attached at Appendix 3.

A completed self-certificate will also be required as evidence of entitlement to paternity leave. The self-certificate must include a declaration that the employee meets certain eligibility conditions and provide the information specified above as part of the notice requirements. By providing a completed self-certificate, employees will be able to satisfy both the notice and evidence conditions for paternity leave and pay.

## **28. CONTRACTUAL BENEFITS**

Employees are entitled to the benefit of their normal terms and conditions of employment (other than wages or salary) throughout their paternity leave.

## **29. RETURN TO WORK AFTER PATERNITY LEAVE**

Employees will be entitled to return to the same job following paternity leave on the same terms and conditions of employment as if he/she had not been absent.

## **30. PROTECTION FROM DETRIMENT AND DISMISSAL**

Employees will be protected from suffering unfair treatment or dismissal for taking, or seeking to take, paternity leave. Employees who believe they have been treated unfairly will be able to complain to an Employment Tribunal.

## Maternity Entitlements Table

Qualifying Service	Entitlement to Maternity Leave	Entitlement to Maternity Pay
Women with less than 26 weeks' continuous service as at 15th week before the Expected Week of Childbirth (EWC).	26 weeks' Ordinary Maternity Leave (OML) plus 26 weeks Additional Maternity Leave (AML)	<b>No entitlement to Statutory Maternity Pay (SMP) or Occupational Maternity Pay (OMP)</b> May be entitled to receive a Maternity Allowance (MA) for 26 weeks from the Benefits Agency.
Women with at least 26 weeks' continuous service with the Trust at the 15th week before the EWC but less than one year's continuous service.	26 weeks' OML plus 26 weeks Additional Maternity Leave (AML)	<b>SMP only:</b> 6 weeks 9/10ths pay  33 weeks SMP at lower rate.
Women with one year's continuous service at the 11th week before the EWC <u>who do not wish to return to work.</u>	26 weeks' OML plus 26 weeks Additional Maternity Leave (AML)	<b>SMP &amp; OMP:</b> 6 weeks 9/10ths pay  33 weeks SMP at lower rate.
Women with one year's continuous service at the 11th week before the EWC <u>who do wish to return to work and have declared their intention to return.</u>	26 weeks' OML plus 26 weeks Additional Maternity Leave (AML)	<b>SMP &amp; OMP:</b> 6 weeks 9/10ths pay 12 weeks half pay and SMP provided total does not exceed full pay.  33 weeks SMP at lower rate.

**APPENDIX 2  
MATERNITY LEAVE AND PAY CLAIM FORM (MLP)**

You must complete this form and send it to your line manager at least 28 days before your maternity leave commences.

You should enclose your **original** certificate of expected childbirth form (MATB1) if you have already received it from your doctor or midwife. If not, it should be forwarded to the school as soon as possible **by no later than the 15<sup>th</sup> week** before the expected week of childbirth. Please note that your claim for Maternity Leave and/ or Maternity Pay will not be processed until **both** this form and the MATB1 are received.

**PERSONAL & EMPLOYMENT DETAILS** (Please complete in capitals)

Surname		First Name	
Employee Number		Academy	
Position			
Date commenced continuous employment with STEP Academy Trust			
Date commenced continuous employment with local government (if different from above)			
Expected Date of Childbirth			
Date you wish your maternity leave to start (please note that this <b>cannot</b> be earlier than 11 weeks before your Expected Week of Childbirth (EWC).			
MATB1	<input type="checkbox"/> Is attached <input type="checkbox"/> Will be forwarded		

**MATERNITY LEAVE**

	Circle to indicate your choice below		
I wish to return to work after my 26 weeks' Ordinary Maternity Leave	YES	NO	NOT DECIDED
I wish to reserve my right to return to work after my Additional Maternity Leave.	YES		NO
I do not wish to return to work after my Additional Maternity Leave and my last day of service will be:	.....(Enter date)		

**MATERNITY PAY**

I have/will have at least 1 year of continuous service at the beginning of the 11 <sup>th</sup> week before the EWC. Please tick the appropriate box.	<input type="checkbox"/> Yes <input type="checkbox"/> No
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**Statutory Maternity Pay (SMP) – Please tick the box that applies:**

- a) I had 26 weeks continuous service at the end of the 15<sup>th</sup> week before the EWC and claim my entitlement to SMP. I undertake to inform you immediately should I be taken into legal custody, commence work for another employer or leave the area of the European Economic Area.
- b) I am NOT eligible for SMP because I did not have 26 weeks continuous service at the 15<sup>th</sup> week before the EWC

**Occupational Maternity Pay (OMP) – Please tick the box that applies**

- c) I am NOT eligible for OMP (half pay) because:
- i) I do not intend to return to work
- Please note:** If you indicate that you do not intend to return to work, this is merely an expression of intention that is not binding on you and therefore, if you are certain that you will not return you will still need to submit a resignation letter
- ii) I did not have 1 year of continuous service at the 11<sup>th</sup> week before the EWC
- d) I am eligible for OMP (half pay) and intend to return to work after my maternity leave. I wish my half pay to be paid:
- i) during my maternity leave as 12 weeks half-pay starting from the 7<sup>th</sup> week of my maternity leave
- ii) as set out below

In making this claim I agree that if for any reason the monies paid to me with respect to either occupational or statutory maternity pay are in excess of what is due to me under the terms and conditions of employment, I shall refund the excess to my employer.

Signed		Date: .....
Daytime Telephone Number		
Work Location		



**Section 2** - if you can tick either box, you are eligible for only 1 week's leave (average pay).

I am the mother's partner or the child's father, but did not have 26 weeks continuous employment by the 15<sup>th</sup> week before the EWC.

I am the nominated carer of the expectant mother

*If nominated carer, please explain your relationship with the mother and the reason for being the "primary provider" of support to the mother:*

I confirm that I will be taking the time off to care for the child, and the child's mother or adopter has started working again and any relevant pay has stopped.  
I confirm that the child's mother has been entitled to one or more of the following - Statutory Maternity Leave, Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Leave or Pay.  
I confirm that I have not nor intend to take any Shared Parental Leave in respect of this birth  
In making this claim I agree that if for any reason the monies paid to me with respect to paternity pay are in excess of what is due to me under the terms and conditions of employment, I shall refund the excess to my employer.

Signed		Date: .....
Daytime Telephone Number		
Work Location		