



Community First Academy Trust

MATERNITY LEAVE PROCEDURE FOR EMPLOYEES

ADOPTED AT THE MEETING OF DIRECTORS

HELD ON 23rd March 2018

CHAIR OF BOARD: Mr J Pugh

This is a Trust-wide policy adopted and reviewed by either the Trust Board or Finance Committee and relates to all schools that are partners within the Trust.

Specific Academy policies, e.g. curriculum policies will be found on the individual school websites.

This policy was written in March 2018 and is to be reviewed in line with statutory change or every three years.

Contents

Introduction	3
Purpose.....	3
Scope.....	3
Notification	3
Risk assessment.....	3
Ante-natal care.....	4
Maternity leave.....	4
Starting maternity leave	4
Maternity pay	4
Statutory maternity pay (SMP)	5
Occupational maternity pay (OMP)	5
Maternity allowance (MA).....	6
Keep in touch days	6
Ending maternity leave.....	6
Shared parental leave	6
Pension	6
Sickness.....	7
Annual leave	7
Salary sacrifice schemes	8
Applying for other jobs	8
Returning to work.....	8

Appendix 1- Maternity scheme flowchart

Appendix 2 - Local Family Information Service

This procedure has been adopted by the Board of Trustees of Community First Academy Trust.

This procedure supersedes any procedure previously in place at any of our partner schools either formally or through custom or practice

Introduction

Community First Academy Trust recognises the importance of balancing work and family life and is committed to supporting employees who are pregnant at work, during their maternity leave and on their return to work.

All women expecting the birth of a child are entitled to 52 weeks maternity leave regardless of their length of service.

Expectant parents may also be eligible for Shared Parental Leave which gives them the option to share the remainder of their leave with their partner. Employees should refer to the separate Shared Parental Leave Policy which sets out the criteria for eligibility, notice and pay.

Purpose

This policy aims to provide managers and employees with further information on maternity leave including the notification requirements and the statutory and contractual entitlements in respect of pay and leave.

Scope

This policy applies to all trust employees. Where the policy refers to the manager for schools this may be the Headteacher or the person who has delegated management responsibility for employees.

Notification

Employees should inform their manager of their pregnancy and expected due date as soon as possible. This will enable managers to take account of any workplace risks to the employee and plan for the employee's absence.

Employees must also ensure they follow the correct notification requirements:

- ✓ Notify their manager of their pregnancy as soon as possible and no later than the 15th week before the expected week of child birth.
- ✓ Submit their signed MatB1 to their manager. This will be given to the employee by the GP or midwife no sooner than 20 weeks before the expected week of child birth.
- ✓ Submit the completed application form, along with a copy of the MatB1, to trust central payroll team at least 28 days before they wish to start their leave.

Risk assessment

Employers must take account of health and safety risks to pregnant employees when assessing risks in work activity. If a risk is identified and cannot be avoided, managers will take steps to remove the risk or offer the employee suitable alternative work, with no less favourable terms and conditions. If no suitable work is available, the employee will be suspended on full pay for as long as necessary to protect their health and safety and their baby's.

Ante-natal care

Employees will receive time off with pay to attend ante-natal care made on the advice of a registered medical practitioner, registered midwife or registered health visitor.

Ante-natal care is not restricted to medical appointments and may include nonmedical appointments such as relaxation classes and parenting classes. Nonmedical appointments should be arranged outside of working hours however where this is not possible, paid time off will be given where the employee has provided proof of the appointment and that this has been made on the advice of a registered medical practitioner, midwife or health visitor.

Maternity leave

All employees are entitled to 52 weeks of maternity leave, regardless of their length of service or contracted hours. This is made of 26 weeks ordinary maternity leave and 26 weeks additional maternity leave.

Starting maternity leave

Employees can start maternity leave any time in the 11th week period before their expected date of child birth, providing they have followed the correct notification requirements.

It will, however, be triggered automatically if:

- An employee is absent wholly or partly because of pregnancy in the four weeks before, or for teachers six weeks before, their expected date of child birth; or
- If an employee has their baby before they planned to start their maternity leave.

Maternity pay

The type of maternity pay an employee will receive depends on the employees own individual terms and conditions of employment and length of service. For teachers, service is defined as employment as a qualified teacher with one or more schools. In addition, statutory maternity pay is dependent upon an employee's average earnings being above the lower earnings limit set by the government.

Scheme 1 – More than 12 months' continuous service with the Community First Academy Trust.	
NJC staff	Teachers
6 weeks at 90% of pay 12 weeks at half pay 21 weeks at SMP	4 weeks at full pay 2 weeks at 90% of pay 12 weeks at half pay 21 weeks at SMP

Scheme 2 – Less than 12 months’ continuous service with the Community First Academy Trust but more than 26 weeks.

NJC staff	Teachers
6 weeks at 90% of pay 33 weeks at SMP	6 weeks at 90% of pay 33 weeks at SMP

Statutory maternity pay (SMP)

Statutory maternity pay will be paid to employees who have at least 26 weeks service at the 15th week before the expected week of child birth and who have average earnings above the lower limit set by the government.

For teachers service must be as a teacher with one or more local authority schools. For school support staff, service must be with the Trust.

SMP is paid to employees whether they intend to return to work or not and is made up of the following elements:

- 6 weeks at 90% of full pay
- 33 weeks at flat rate SMP

Occupational maternity pay (OMP)

Occupational maternity pay will be paid to employees who have at least 12 months local government continuous service 11 weeks before the expected week of child birth. For teachers this must be continuous service as a teacher with one or more local authority schools. Occupational maternity pay is paid in addition to statutory maternity pay without any deductions, unless the combined pay exceeds full pay.

OMP is made up of the following elements:

- 12 weeks at half pay

In addition to the above, teachers will receive the first 4 weeks of their maternity leave at full pay.

Employees may choose to be paid the 12 weeks half pay differently. This could be, for example, spread evenly over the first 20 weeks of flat rate SMP, or over the full 33 week flat rate SMP period or as a lump sum. A lump sum can only be paid on or after the 18th week of maternity pay which is the last week on which the 12 weeks half pay would have been paid.

Support staff must return to work for at least 3 months. If they do not, arrangements will be made for the 12 weeks half pay to be recovered.

Teachers must return to their job for at least 13 weeks (including periods of school closure) as a qualifying condition to occupational maternity pay. This requirement may be reduced at the discretion of the manager. Where the manager agrees, a full time teacher may return to work on a part time basis for a period which equates to 13 weeks of full time service. Similarly, where the manager agrees, 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. The 13 week period, or

part time equivalent, starts from the date the teacher returns to work or the date during the school holiday on which the teacher is declared medically fit to be available for work.

Sickness absence during this 3 month will not count as a return to work. Annual leave will count.

Maternity allowance (MA)

Employees who are not entitled to Statutory Maternity Pay may be able to claim Maternity Allowance (MA) or other benefits from Job Centre Plus. Employees who receive MA must inform HR Employment Service Centre.

Keep in touch days

Managers and employees may agree for an employee to work or attend training on up to 10 days during the maternity leave period. These are known as keep in touch 'KIT' days and can be useful in helping employees stay up to date with any changes at work.

The manager and employee must both agree to working these days and also agree to arrangements including what work will be carried out and how payment will be arranged.

Ending maternity leave

Employees who wish to return before the end of their maternity leave must provide the trust will at least 21 days' notice of their return date. Notification should be submitted to their manager who will forward to HRESC to make sure the employee is paid correctly on their return to work.

The trust may delay an employee's return if they do not provide 21 days' notice.

Employees who are not able to return to work due to sickness must follow their usual sickness reporting procedure. Managers will follow the Sickness Management Policy.

Employees who do not wish to return to work at the end of their maternity leave must notify their manager of their resignation.

Shared parental leave

Employees who are eligible have the option to curtail their maternity leave and convert to shared parental leave. Shared parental leave means parents can share up to 50 weeks of leave and 37 weeks of pay if they meet the necessary eligibility criteria. Employees can find further information in the Shared Parental Leave Policy for which sets out the eligibility criteria and notification requirements.

Pension

Local Government Pension scheme

Employees who pay into the Local Government Pension Scheme will have to pay contributions on their actual pay.

Employees will not accrue pension benefits during any unpaid periods of maternity leave. Employees can however choose to pay additional pension contributions

(APCs) to make up those benefits. Further information on APCs can be found on the Greater Manchester Pension Fund website www.gmpf.org.uk. Telephone 0161 301 7000.

Teachers' Pension scheme

Teachers will continue to pay pension contributions during the paid part of their maternity leave.

Contributions will not be made during any unpaid period of maternity leave. Teachers may however apply to the teachers' pension scheme to make additional pension contributions.

Sickness

Maternity leave is regarded as service for the purposes of sick pay.

Employees who become sick during their pregnancy must follow the usual sickness absence reporting arrangements.

Maternity leave will be triggered automatically for employees who are absent wholly or partly because of pregnancy in the four weeks before, or for teachers six weeks before, their expected date of child birth.

If, in early months of pregnancy, a school employee is advised by an approved Medical practitioner to absent herself from school because of the risk of rubella, she will be granted leave with full pay, provided that she does not unreasonably refuse to work in another school where there is no such risk.

Employees who are unable to return to work following their maternity leave should follow their usual sickness absence reporting arrangements. Managers will follow the Sickness Management Policy.

Annual leave

Full year employees

All annual leave should be taken between 1st April and 31st March. It can be taken at the beginning or at the end of the maternity leave period but not at the same time. All leave must be booked following usual procedures.

Employees who take 12 months maternity leave will still accrue their full contractual leave entitlement plus bank holidays. Any leave not already used, must be taken within 12 months of the employee's return from maternity leave.

Term-time only employees

Employees will continue to accrue full contractual annual leave and bank holidays during their maternity leave, however salary for term-time only employees includes payment for annual leave and bank holidays. The Trusts Central Team will calculate how much annual leave and bank holidays employees will receive in their salary whilst on the paid part of their maternity leave and any balance owing will be taken as leave at the end of their maternity leave period. Managers will be notified of any balance owing to employees at the start of their maternity leave.

Teachers

The annual leave year for teachers is 1 September to 31 August. Teachers must be allowed to take any outstanding leave during term time (within that leave year) if there are insufficient school closures to accommodate their leave in that leave year. In cases where a teacher returns from maternity leave so close to the end of the leave year that there is not enough time to take all annual leave, they will carry the balance to the following leave year (taken during school closures).

Untaken annual leave will not be paid.

Salary Sacrifice Schemes

If you have taken out a salary sacrifice agreement, under the terms and conditions of the scheme you will continue to make payments whilst you are receiving occupational maternity pay. When you are only receiving statutory maternity pay, or are on unpaid maternity leave, payments will be suspended and the missed months will be added to the end of your hire agreement.

Applying for other jobs

Employees can still apply for other jobs during their maternity leave.

They must however be aware of the following obligations in order to keep any contractual maternity pay received.

- School support must return to work for a period of three calendar months.
- Teachers must return to their job for a period of 13 weeks (including school closures).

Returning to work

Employees must provide the trust with at least 21 days' notice if they intend to return to work earlier than the end date of their maternity leave. Employees who do not provide 21 days' notice may have their return date delayed.

Employees are not obliged to notify the trust if they are returning at the end of their full maternity leave but it is advisable to ensure they are paid correctly on their return to work.

Employees who wish to change their return to work date must provide at least 21 days' notice.

Employees who choose to return to work have the right to return to their original job. Where this is not possible, the employee will be offered an alternative position with no less favourable terms and conditions of employment.

Employees who are on maternity will be included in consultation on organisational change processes which affect their job.

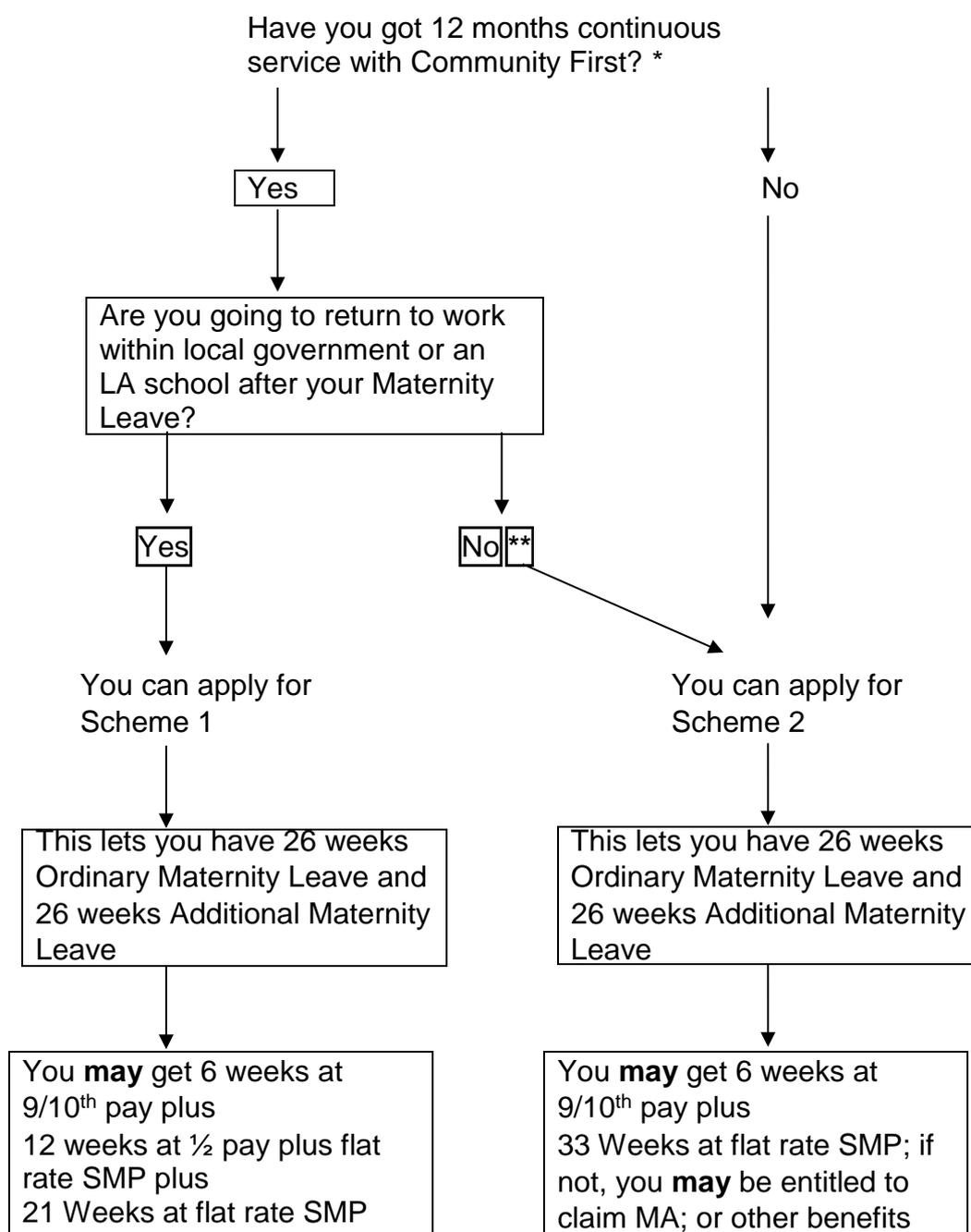
If an employee wishes to return on a different working pattern, including reduced hours, they may submit a request under either the Trust's Flexible Working Policy.

Each request will be seriously considered. Subject to business reasons or service requirements, requests may be refused or an alternative arrangement proposed.

Employees who choose not to return to work must notify their manager in writing of their resignation.

Which maternity scheme?

Support staff

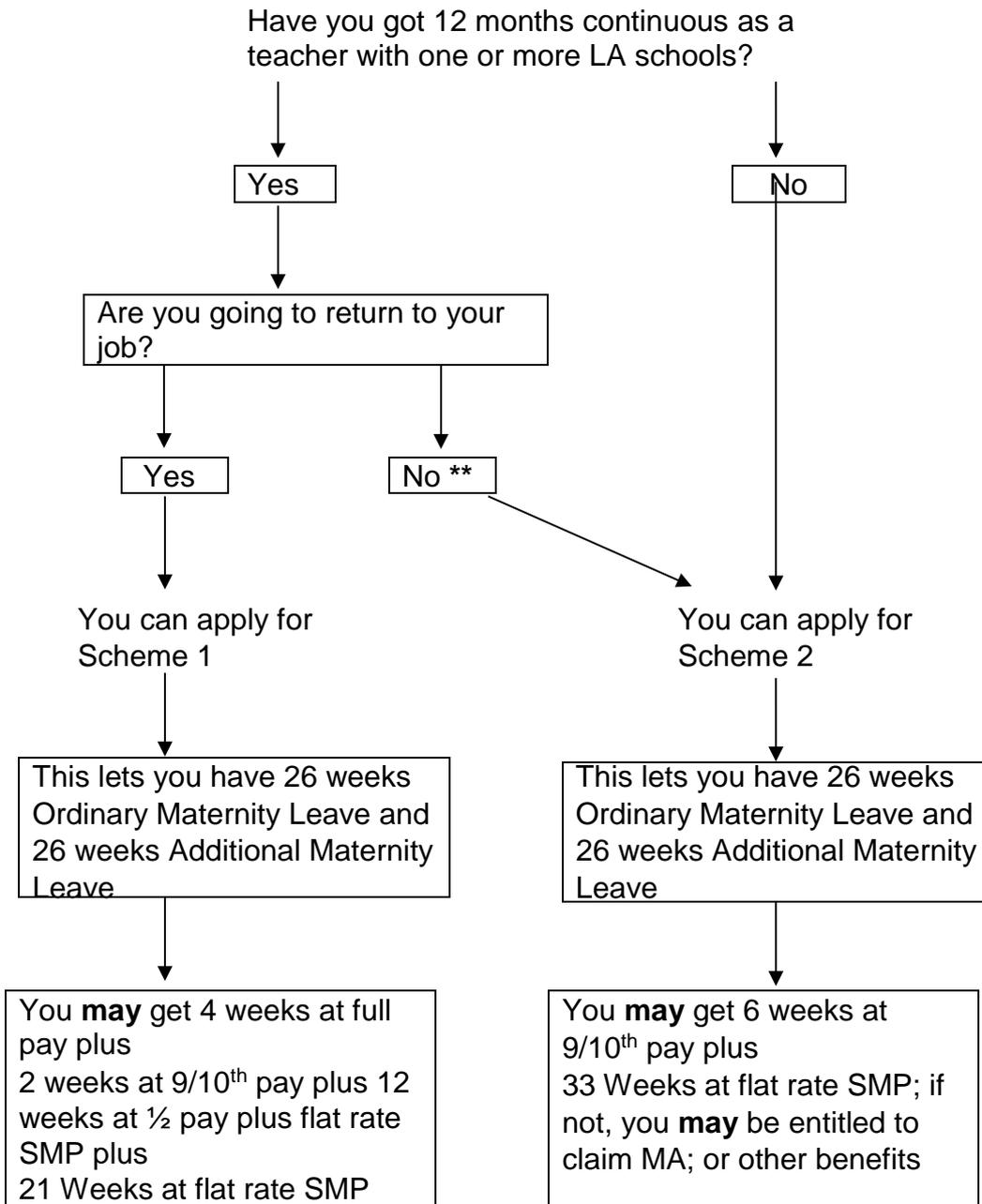


Please note that payment of Statutory Maternity Pay depends on your level of earnings, National Insurance contributions and a minimum of 26 weeks service with the trust at the 15th week before the baby is due.

* 12 months service – the 12 months service is counted back from the 11th week before the week the baby is due.

** If you later choose to return to work, you can claim the 12 weeks ½ pay by writing to the Trusts Central Payroll Team. This means scheme 1 will apply.

Teachers



Please note that payment of Statutory Maternity Pay depends on your level of earnings, National Insurance contributions and a minimum of 26 weeks service as a teacher with a local authority school.

* 12 months service – the 12 months service is counted back from the 11th week before the week the baby is due.

** If you later choose to return to work, you can claim the 12 weeks ½ pay by writing to the Trusts Central Payroll Team. This means scheme 1 will apply.

Local Family Information Service

What is the Family Information Service?

Our Platt Bridge Start Week Family Centre may also be able to provide you with further information.

The Family Information Service or FIS (previously called the Children's Information Service) provides parents and carers with a range of free, impartial advice and information.

This includes details of registered childcare and early years' provision in the Wigan borough area.

It also provides advice on how to select the most appropriate kind of care for your child and gives information to help you decide on a particular provider.

If you need financial help towards the cost of childcare, the FIS can provide information and advice about how to apply for tax credits.

You can ring the helpline on 01942 828644 or extension 3644– Monday to Friday the line is available from 8 am until 6 pm, and on Saturday from 8 am until 12.30 pm.

You can visit the website at www.wigan.gov.uk/familyinformationservice.

You can also email for information fis@wigan.gov.uk.

You will also find parenting advice for children aged 0-19 years, or up to 24 years if the person has a disability, in the Family Service Directory. This is available through the FIS or at www.wiganfis.org.uk.