



Diocese of Norwich
Education and
Academies Trust

Hope Federation of Church of England Primary Academies

Maternity and Maternity Support (Paternity Leave) Policy and Procedures

Policy Type:

Trust Core Policy

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Person Responsible:	Head of Human Resources

Summary of Changes

The model policy has been revised to reflect these changes to the statutory guidance as outlined below.

Page Ref.	Section	Amendment	Date of Change
9	5.2	Included reference to Shared Parental Leave policy	June 2020
9	7.2	Additional section on pregnancy-related illness	June 2020
9	7.5	Clarification of dismissal protection	June 2020
13	13	Included reference to Shared Parental Leave policy	June 2020
9	5.1	Change of Parental Leave from 5 days to 1 or 2 weeks as per Government guidelines	May 2022
6	4.4	Summary of Maternity Pay Entitlement Table	August 2022

The Diocese of Norwich Education and Academies Trust (DNEAT) is accountable for all policies across its Academies. All policies whether relating to an individual academy or the whole Trust will be written and implemented in line with our ethos and values as articulated in our prospectus. We are committed to the provision of high quality education in the context of the Christian values of service, thankfulness and humility where individuals are valued, aspirations are high, hope is nurtured, and talents released.

A Scheme of Delegation for each academy sets out the responsibilities of the Local Governing Body and Principal / Head Teacher. The Principal / Head Teacher of each academy is responsible for the implementation of all policies of the Academy Trust.

All employees of the Academy Trust are subject to the Trust's policies.

CONTENTS

Page:

4	Introduction
5	Entitlement to Maternity Leave
9	Detailed Provisions <ul style="list-style-type: none">• Maternity Support Leave• Adoption Leave
9	Miscellaneous Provisions <ul style="list-style-type: none">• Antenatal Care• Premature Birth• Death or stillborn infant• Keeping in Touch days• IVF treatment leave
10	Health and Safety <ul style="list-style-type: none">• Risk Assessment• Period of Protection
11	Administration of Maternity Leave Return to work after Maternity Leave
12	Pensions
14	Appendix 1 – Support Staff Maternity Entitlements Support Staff Application Form for Maternity Leave and Pay
16	Appendix 2 – Teaching Maternity Entitlements Teachers Application Form for Maternity Leave and Pay

Glossary of acronyms

AML – Additional maternity leave
EWC – Expected week of childbirth
OML – Ordinary maternity leave
OMP – Ordinary maternity pay
SMP – Statutory maternity pay
CMP – Contractual maternity pay

1. Introduction

1.1 Maternity leave and pay entitlement can be complex issues. The tables overleaf give a summary of the different entitlements and the qualifying requirements. Statutory entitlements are those provided for by employment law; contractual entitlements are part of the employee's contract of employment. This policy contains a summary of maternity leave and pay for all categories of staff.

1.2 The contract of employment

The status of the employee's contract of employment during the maternity leave period is treated as if she is temporarily absent from work. This means that all contractual benefits, except pay, must continue as normal. Annual leave entitlement will accrue as normal.

2. Entitlement to Maternity Leave and pay for all categories of staff with less than 26 weeks service with their current employer (and no qualifying continuous service) as at the 15th week before the Expected Week of Childbirth (EWC)

2.1 All employees are entitled to take up to one year (52 weeks) maternity leave from day one of employment. The 52 weeks leave consists of 26 weeks Ordinary Maternity Leave (OML) followed continuously by 26 weeks Additional Maternity Leave (AML).

2.2 There is a requirement to give the employer at least 28 days' notice of the date on which the absence will begin. If the employee wishes to resign their employment the normal contractual notice period applies.

2.3 In all cases schools are advised to request notification as early as possible although the statutory requirement is for the employee to notify the employer of the intention to take maternity leave by 15 weeks before the EWC. The employer is required to respond to the request within 28 days of the request being made. There is a possible entitlement to be paid Statutory Maternity Allowance (MA), depending on the employee meeting certain conditions and they will be supplied with an SMP1 form from the payroll team

2.4 To Qualify for MA you need to have been:

- employed or registered as self-employed for at least 26 weeks
- earning (or classed as earning) £30 a week or more in at least 13 weeks - the weeks do not have to be together

2.5 The woman is not required to give notice of her intention to return to work following maternity leave unless she returns before the end of the 52 week period, in which case she must give 4 weeks' notice of her intention to return.

3. Entitlement to Maternity Leave and pay for all categories of staff with more than twenty-six weeks service with their current employer as at the 15th week before the EWC but less than 1 years' service (and no qualifying continuous service) as at the 11th week before the EWC.

3.1 In addition to the maternity entitlement for employees set out above, for those with more than twenty-six weeks service as at 15 weeks before the EWC there is a possible entitlement to be paid Statutory Maternity Pay (SMP), depending on the employee meeting certain conditions.

3.2 To qualify for SMP the following conditions must be met:

The Employee must have been continuously employed by their current employer for at least 26 weeks by the beginning of the 15th week before the expected week of childbirth. This 15th week is called the qualifying week.

The employee must have average weekly earnings in the calculation period (which is the 8 weeks or 2 months before the end of the qualifying week) at or above the lower earnings limit for payment of National Insurance contributions. The lower earnings limit is reviewed in the April of each year.

The employee must still be pregnant at the 11th week before the expected week of childbirth or have had the baby by that time.

4. Entitlement to Maternity Leave and Pay for all categories of staff with more than one year's service with their current employer as at the 11th week before the EWC

4.1 For those employees with more than one year's service as at the 11th week before the EWC, in addition to the above maternity leave and pay entitlements there is an entitlement to receive contractual maternity pay in line with the conditions of service for either teaching staff or support staff.

4.2 Contractual maternity pay will cease to be paid to employees whose employment ends during the period of maternity leave (i.e. employees on fixed term contracts), however SMP will continue to be paid in line with the conditions set out in section 3.2.

4.3 A summary of the entitlements and obligations to maternity leave and pay for all categories of staff with **more than one year's service** as at the 11th week before the EWC is in the table below

4.4 Summary of Maternity Pay Entitlement

Length of service with current employer by 15th Week before EWC	
Less than 26 weeks	MA ONLY
26 weeks but less than 1yr (as at 11 weeks before EWC)	SMP if conditions met or MA
Over 1yr (as at 11 weeks before EWC)	CMP and SMP if conditions met
Length of continuous service at any maintained school by 15th Week before EWC	
Less than 26 weeks	MA ONLY
26 weeks but less than 1yr (as at 11 weeks before EWC)	SMP if conditions met or MA
Over 1yr (as at 11 weeks before EWC)	CMP & MA or SMP depending on length of service at current employer as long as conditions met

Example of Contractual Maternity Pay with SMP

Teachers

- 4 weeks at full pay
- 2 weeks at 90% of average earnings
- 12 weeks at 50% (Payment conditional on a return to work) and lower rate SMP
- 21 weeks at lower rate SMP

Support Staff

- 6 weeks at 90% of average earnings plus 1/10th of pay for the same period
- 12 weeks at 50% pay and lower rate SMP
- 21 weeks at lower rate SMP
- Payment of the 1/10th of pay and 12 weeks at 50% will only be paid if you return to work for a minimum of 3 months and can be paid in the following ways:
 - 1/10th of pay to be paid over the first 6 weeks and the 12 weeks 50% pay to be paid over the following 12 weeks
 - The total value paid in equal instalments over 33 weeks
 - In one lump sum at the beginning of the Maternity pay period
 - In one lump sum on the return to work

All Statutory Payments subject to National Insurance Contributions

SMP- Service for SMP is continuous service with the current employer only and is only payable if employed during the 8 week period 15 weeks before the expected week of childbirth, subject to the qualifying period

Summary of Obligations	
Notice to be given by employee to employer of intention to take maternity leave	By 15th week before EWC if not earlier
Notice to be given by employee to employer of the date maternity absence will begin	28 days prior to absence start date
Notice to be given by employee to employer of intention to return to work	None unless returning before 52 weeks, then 4 weeks

5. Maternity Support Leave (Paternity Leave)

5.1 There is provision for a one week or two week period of maternity support leave with full pay for the child's father (or the partner or nominated carer of an expectant mother) at or around the time of the birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at that time. Employees who wish to take advantage of this provision should provide a copy of the mother's maternity certificate (the MAT B1). Any temporary staff cover costs for this will have to be met by schools, or insurance can be arranged through the Trust sickness Insurance Scheme. Additionally headteachers would normally be expected to agree similar leave in cases of adoption (see also Discretionary Leave of Absence policy).

5.2 There is also provision for shared parental leave outlined in the Trust Shared Parental Leave policy.

6 Adoption Leave

The employer may, at its discretion, grant adoption leave depending on the age of the child in question and the circumstances of the member of staff concerned. Please refer to the Trust Adoption policy for further information.

7 Miscellaneous Provisions

7.1 Ante-natal care

A pregnant employee has a right to reasonable time off paid at the normal rate of pay to attend ante-natal care appointments. She should produce evidence of appointments if requested to do so.

7.2 Pregnancy Related illness

If a pregnant employee is absent from work due to a pregnancy-related illness in the 4 weeks before the EWC, then the period of maternity leave will commence automatically

7.3 Premature Birth

Where a baby is born prematurely the employee should ensure that the Headteacher is informed. Discretion should be used as to whether it is appropriate to extend the maternity leave period or take any other special action as necessary.

7.4 Death of a Baby and Still Birth

If the baby dies or is still born after 24 weeks' pregnancy the provisions of this policy as in tables 1 and 2 apply. Where this occurs before 24 weeks (miscarriage) consideration as to the circumstances should be made and where necessary special leave or sick leave should be granted. The decision should be made with consideration given to the needs of the employee and medical advice

7.5 Dismissal Protection

The law protects an employee against dismissal when she is pregnant or on maternity leave regardless of hours worked or length of service. Only when a dismissal would have occurred, regardless of the fact that the employee is pregnant or on maternity leave, would a dismissal not be automatically unfair.

7.6 Keeping in Touch Days

Employees may, by agreement with their employer, do up to ten days' work – known as “Keeping in Touch days” - under their contract of employment during the maternity leave period. Such days are different to the reasonable contact that employers and employees may make with one another, as during Keeping in Touch Days employees can carry out work for the employer, for which they may be paid at their normal rate of pay. The employer will inform the payroll provider when an employee carries out a Keeping in Touch Day.

Any work done on any day during the maternity pay or maternity leave period will count as a whole Keeping in Touch Day, up to the 10-day maximum. In other words, if an employee comes in for a one-hour training session and does no other work that day, she will have used one of her Keeping in Touch days.

The type of work that the employee undertakes on Keeping in Touch days is a matter for agreement between the two parties. They may be used for any activity which would ordinarily be classed as work under the woman's contract.

7.7 Fertility Treatment Leave

Please see the Trust Policy for Discretionary Leave of Absence

8 Health and Safety

Pregnant employees must be given specific health and safety protection under UK Health and Safety Legislation. The main provisions are set out below.

8.1 Risk Assessment

Employers must assess all workplaces for risks to the health and safety of their employees and others affected by their work activities. (See HS14 Risk Assessment for Pregnant Women)

In particular, they must consider if there are specific or enhanced risks for new and expectant mothers who are defined as “an employee who is pregnant, who has given birth or miscarried within the previous six months, or who is breast feeding”. Such risks would include exposure to certain harmful substances or microbial agents/infectious diseases; extremes of heat and cold; noise; movement and posture; lifting/handling loads; and potential exposure to violence (including verbal abuse).

Where an unacceptable risk is identified the employer must take any protective or preventative measures required by other health and safety legislation to remove it. Where this would not prevent the employee from being at risk, a hierarchy of measures should be followed, seeking mutual agreement where possible:

- if it is reasonable to do so, working conditions or hours of work should be altered to avoid (or minimise) the risk;
- if this is not possible, or the risk cannot be avoided by this, the employee should be offered suitable alternative employment on existing, or not substantially less favourable, terms and conditions;
- if no suitable alternative work is available, the employee should be given leave of absence with full pay. If the employee refuses an offer of suitable alternative work, the leave may reasonably be unpaid.

8.3 Period of Protection

These provisions apply from the time the school receives written notification that the employee is pregnant until 6 months after the date of childbirth, or until the employee stops breast feeding if she continues to do so beyond this six month period. The paid leave of absence provisions will not apply during the maternity leave period. The employee will receive whatever maternity pay she is entitled to as normal.

9 The Administration of Maternity Leave

When the employee notifies the Headteacher (or other designated person) that she is pregnant she should be given the appropriate maternity leave application form.

9.1 The school is advised to make it clear that it is the responsibility of the employee to notify the school by, at the latest, the 15th week before the expected week of childbirth, of the intended date maternity leave is to commence. Should the employee decide she intends to commence maternity leave at an earlier date, she is required to give a minimum of 28 days' notice of the revised date.

9.2 When the Headteacher has received formal confirmation of an employee's intention to take maternity leave, the completed maternity application form should be forwarded to the Human Resources Officer immediately to enable a response to be sent to the employee within, the statutory required, 28 days. The HR Team will provide a schedule of maternity leave pay for the employee.

10 Returning to work after maternity leave

An employee who wants to come back to work before the end of ordinary or additional maternity leave must give her employer 28 days' notice.

10.1 No further notification is required for employees intending to return to work at the end of the ordinary maternity leave. Where an employee qualifies for additional maternity leave, she should let her employer know when the baby is born so that she and her employer can plan for her return.

10.2 In the case of **additional maternity leave**, the employer may write out to an employee no earlier than 21 days before the end of the ordinary maternity leave period to confirm her child's date of birth, and ask her whether she is intending to return to work after her additional maternity leave. The letter must explain to the employee how she works out when her additional maternity leave period will end and that she may be penalised for failing to respond to the letter. The employee must reply within 21 days of receiving the letter. If she does not, her employer may decide to take disciplinary action against her.

10.3 If the employee chooses to return before the end of the 52 weeks maternity leave period, she is required to give a minimum of 28 days' notice of the revised return date, in writing, to the Headteacher.

10.4 When the employer has been informed of the above, the designated HR Officer for the academy should be notified in order that any maternity cover arrangements may be terminated, and the employee's full pay re-commenced as appropriate.

10.5 Support Staff are required to return to work for a minimum of 3 months to secure an entitlement to OMP. If they do not, then the half pay entitlement must be repaid (SMP is not refundable). They may choose to have the half pay paid as it falls due, as

a lump sum on return to work or as a lump sum after they have returned to work for three months.

Teachers are required to return to work for a minimum period of 13 weeks (or pro rata equivalent) to secure an entitlement of OMP. If they do not, then the half pay entitlement must be repaid (SMP is not refundable). The employee may choose to have the OMP paid as it falls, as a lump sum on return to work or as a lump sum after they have returned to work for three months.

Please note that employee must return to contracted work in order to secure the entitlement to OMP. Supply and casual contracts do not count as contracted work. For further worked examples see Appendices 1&2

11. Pensions

For those employees who are members of either the Local Government Pension Scheme or the Teachers' Pension Scheme, contributions will continue to be deducted from any maternity pay received during maternity leave.

These deductions will be based on the usual percentage employee contribution rate but multiplied by the amount of maternity pay the employee is actually receiving (rather than normal pay), so when normal pay reduces, the contributions the employee makes will be less.

Regardless of the employee contributions paid, benefits under the pension scheme will accrue at the normal rate for any paid maternity leave and any period of unpaid Ordinary Maternity Leave (OML). – In other words, the employees' pension will be worth the same as if they were on their usual salary during their period of maternity leave.

Pension is not accrued during any period unpaid Additional Maternity Leave (AML). However, arrangements are in place for making up pension, if wished.

12. Monitoring and review

This policy will be reviewed every three years or earlier in line with changes in relevant legislation and subject to trade union consultation

13. Links to other policies

- Adoption
- Staff discretionary leave of absence
- Health and Safety
- Shared Parental Leave

Support Staff Maternity Entitlements

What service do I have?	What options are available to me?	Maternity leave entitlement	Maternity Pay entitlement
Less than 26 weeks service (with current employer) as at the 15th week before the EWC and no qualifying continuous service	A) I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the EWC	SMP 1 from payroll and apply to the Benefits Agency for Statutory Maternity Allowance
	B) I would like to resign	Not Applicable	SMP 1 from payroll and apply to the Benefits Agency for Statutory Maternity Allowance
26 weeks service (with current employer) or more as at the 15th week before the expected week of childbirth and less than 1 years service as at the 11th week before the expected week of childbirth and no qualifying continuous service	C) I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the EWC	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	D) I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the EWC	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	E) I would like to resign	Not Applicable	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP

At least 1 years continuous service as at the 11th week before the expected week of childbirth	F) I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the EWC	6 weeks at 90% of contractual full pay plus an additional 1/10th of pay for the same period, followed by 12 weeks half pay. Payment of the additional 1/10th of pay and 12 weeks half pay can be paid as follows: 1. the 1/10th of pay to be paid over the first 6 weeks and the 12 weeks half pay to be paid in equal instalments spread over the following 12 week period; 2. in equal instalments spread over 33 week lower rate SMP period; 3. in one lump sum at the beginning of the maternity pay period; 4. in one lump sum on the return to work. Plus, depending on salary and average earnings:- 33 weeks lower rate SMP to be paid alongside the 12 weeks at half pay You must return to work for a minimum of 3 months otherwise the 6 weeks additional 1/10th of pay and 12 weeks half pay must be repaid
	D) I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the EWC	Depending on salary and average earnings:- 6 weeks at 90% of full pay followed by 33 weeks lower rate SMP and the remainder unpaid. 6 weeks additional 1/10th of pay along with the 12 weeks at half pay will only be paid if you return to work for a minimum of 3 months
	E) I would like to resign	Not Applicable	Depending on salary and average earnings:- 6 weeks at 90% of full pay followed by 33 weeks lower rate SMP.

Teacher Maternity Entitlements

What service do I have?	What options are available to me?	Maternity leave entitlement	Maternity Pay entitlement
Less than 26 weeks service (with current employer) as at the 15th week before the EWC and no qualifying continuous service	A) I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the EWC	SMP 1 from payroll and apply to the Benefits Agency for Statutory Maternity Allowance
	B) I would like to resign	Not Applicable	SMP 1 from payroll and apply to the Benefits Agency for Statutory Maternity Allowance
26 weeks service (with current employer) or more as at the 15th week before the expected week of childbirth and less than 1 years service as at the 11th week before the expected week of childbirth and no qualifying continuous service	C) I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the EWC	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	D) I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the EWC	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	E) I would like to resign	Not Applicable	Depending on salary and average earnings:- Six weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP

At least 1 years continuous service as at the 11th week before the expected week of childbirth	F) I would like to return to work	Up to 52 weeks absence in total including up to 11 weeks before the EWC	4 weeks at full pay and 2 weeks at 90% of full pay, followed by, 12 weeks half pay. You must return to work for a minimum of 13 weeks otherwise the 12 weeks half pay must be repaid.Plus, depending on salary and average earnings:-33 weeks lower rate SMP to be paid alongside the 12 weeks at half pay
	G) I would like to keep my options open as I may choose to resign or to return to work	Up to 52 weeks absence in total including up to 11 weeks before the EWC	4 weeks at full pay and 2 weeks at 90% Plus depending on salary and average earnings:- 33 weeks lower rate SMP and the remainder unpaid. The 12 weeks at half pay will only be paid if you return to work for a minimum of 13 weeks
	H) I would like to resign	Not Applicable	4 weeks at full pay and 2 weeks at 90% Plus depending on salary and average earnings:- 33 weeks lower rate SMP

Teacher Application for Maternity Leave and Pay

Please read the *Notes of Guidance* and the table overleaf, then complete and return the form below to the school office during or before the 15th week before your expected week of childbirth.

Name: _____	Payroll Number: _____
Home Address: 	
School: _____	

Expected Week of Childbirth (EWC): _____ The MATB1 certificate is available from your midwife from the 20 th week of pregnancy onwards (<i>please tick</i>)
<input type="checkbox"/> I enclose my MATB1 certificate with this form
<input type="checkbox"/> I will forward my MATB1 certificate to the school as soon as possible and understand that I will not receive any maternity pay until I provide this

Maternity Options: Please circle one option below

(Refer to table overleaf)

Options A B C D F G
My first date of Maternity Leave is: _____ (I understand this date can be altered and I must give at least 28 days notice of the revised date maternity leave is to commence)

Options B E H
I do not intend to return to work and thereby wish to formally terminate my contract of Employment to take effect from (<i>please tick</i>) <input type="checkbox"/> _____(date)
The end of my maternity pay period _____

To be completed by all Teachers:

I have read and understand the accompanying *Notes of Guidance*, which I have retained.

Signed: _____ Date: _____

NB. If you are intending to take a period of unpaid absence during your maternity leave you should be aware that you will not pay contributions during this period. You are advised to contact Teachers Pensions to seek advice on the effect that a period of unpaid maternity leave will have as well as any options available to enhance your pension www.teacherspensions.co.uk

Keeping in Touch Days

You are entitled to “keep in touch” with the workplace for up to a maximum of 10 days during your maternity leave without affecting your entitlement to statutory or contractual maternity pay. The exact arrangements for “keeping in touch” must be discussed with your headteacher/line manager.

- I wish to discuss with my headteacher/line manager arrangements for “keeping in touch” days.
- I do not wish to discuss arrangements for “keeping in touch” days but reserve the right to discuss this with my headteacher/line manager at a later date during my maternity leave.

Completed form received by Headteacher:

I confirm that an assessment to identify hazards that could be a risk to any new, expectant, or breastfeeding mothers has been or will be undertaken and I have discussed “keeping in touch” days with the employee if requested.

Signed: _____ Date: _____

Please return this completed form to EPM as soon as possible to enable a response to be provided to the employee within 28 days of this form being returned to the school office.

Please return to:

EPM Ltd, St John’s House, Spitfire Close, Ermine Business Park, Huntingdon, Cambs, PE29 6EP