



Zest Academy Trust

Maternity policy

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Person Responsible: COO/Consultant

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Statement of Policy and Purpose of Policy

Zest Academy Trust recognises and respects the rights of expectant and recent mothers to take time away from work in connection with their maternity and childbirth. No one will be subjected to any detriment for exercising their right to take maternity leave in accordance with this policy or for seeking to do so.

The purpose of this policy is to ensure that staff and managers are clear about entitlements to maternity leave, the process that should be followed for arranging leave and the terms that apply during and after maternity leave.

This policy is intended to summarise your statutory rights, except for the paragraphs dealing with the Employer's enhanced maternity pay. If there is a contradiction between any other section of this policy and the statutory maternity leave entitlements that apply at any time, this policy shall be deemed to be amended, as necessary, to comply with legislative requirements.

This is a statement of policy only and does not form part of your contract of employment. We may amend this policy at any time, in our absolute discretion.

Definitions

In this policy we will use the following definitions:

Expected Week of Childbirth: the week, starting on a Sunday, in which your doctor or midwife expects you to give birth.

Qualifying Week: the fifteenth week before the Expected Week of Childbirth.

What is maternity leave and who is eligible to take it?

Maternity leave is the right, for qualifying employees, to take up to 52 weeks of leave in connection with their pregnancy and/or birth of their child. Pregnant employees also have the right to paid time off work for antenatal appointments.

Eligibility

To be eligible for maternity leave you must:

- be an employee (not a contractor or consultant);
- be pregnant at the Qualifying Week; in general, comply with the notification requirements set out in this policy.

The right to take maternity leave is not dependent on your length of service or contracted hours, although to qualify for statutory maternity pay, you must have at least 26 weeks continuous service with the Academy at the date you are Qualifying Week.

Giving notice of your pregnancy

We request that you tell us soon as you feel able that you are pregnant and no later than 15 weeks before the expected week of birth, so that we can ensure that we comply with any health and safety requirements.

You must tell us before the end of the Qualifying Week, or as soon as reasonably practical afterwards, that you are pregnant, the dates of your Expected Week of Childbirth and when you would like your maternity leave to start.

You must also confirm your Expected Week of Childbirth by providing us with a certificate from a doctor or midwife (this will usually be on a MAT B1 form).

Antenatal appointments

During pregnancy, you may take time off from work to attend antenatal care classes on the advice of a registered medical practitioner, registered midwife or registered health visitor. You will be paid as normal. Please give us as much notice as you can of your intention to take time off. If you haven't already given us a certificate of your pregnancy from your midwife, doctor or health visitor then we will ask you to provide this and an appointment card for any classes you wish to attend, except for the first appointment.

Health and safety during your pregnancy

As well as the normal health and safety responsibilities to all our staff, we will assess workplace risks specific to pregnant women and those who have recently become mothers and/or are breastfeeding. When you tell us that you are pregnant, we will inform you of any relevant risks that we have identified along with the measures that you and we must take to help protect against those risks. In some cases, we may need to take steps to protect you and/or your child against health hazards that may include having to:

- change your working arrangements;
- offer you suitable alternative work, on terms and conditions that are the same or not substantially less favourable; or
- suspend you from duties on full pay (or if you have unreasonably refused suitable alternative work, without pay).

Sickness

If you are absent from work because of pregnancy-related sickness, including absence on account of miscarriage then your entitlement to payment will be as for any other period of sickness absence and subject to the same limits and conditions governing such leave, as set out in your contract of employment provided it is covered by a doctor's statement. Pregnancy related sickness absence will not be taken into account for the purpose of attendance management; however, management may wish to meet with you to see if there is any support that can be offered to assist.

Other Absences

If in the early months of your pregnancy you are advised by an approved medical practitioner to be absent yourself from the Academy because of the risk of rubella (there being an outbreak at the Academy), you will be granted leave with full pay, provided that you do not unreasonably refuse to work at another academy/school where there is no risk.

Sick pay

You will not qualify for sick pay while you are on maternity leave.

Starting maternity leave

As noted above, you must formally notify us of the date on which you want to start maternity leave before the end of the Qualifying week.

Your maternity leave cannot start earlier than 11 weeks before the Expected Week of Childbirth (unless you give birth prematurely before then). Within 28 days of receiving your notice, we will confirm to you in writing the last date by which you must return from maternity leave.

You can change the start date for your maternity leave by giving us written notice. You must give the notice at least 28 days before the earlier of (i) the new start date or (ii) the original start date. If it is not possible to give that much notice then you must notify us as soon as reasonably practicable.

Your maternity leave will start on the date notified to us in accordance with this policy unless:

- you give birth before then, in which case your leave will start on the day after the birth (and you must give us written notice of the date of birth as soon as possible);
- you are absent from work for a pregnancy-related reason during the four weeks immediately before the Expected Week of Childbirth (in which case you must tell us as soon as possible in writing and leave will start on the day following the first day of that absence unless we agree otherwise)

Maternity leave will, however, be automatically triggered if you are absent, wholly or partially because of your pregnancy, in the four weeks before your expected date of child birth or if you have your baby before you planned to start your maternity leave.

You may not work during the two weeks immediately after giving birth, by law, so your maternity leave period must include these two weeks.

Near the time when your leave is due to start, we will discuss the arrangements for your maternity cover and the arrangements for keeping in touch with us during your leave, if you

wish to do so. During your leave you will continue to receive certain internal communications, like job vacancies, social events, training and similar news unless you tell us that you would prefer not to receive these.

Maternity pay

The maternity pay you will receive depends on your terms and conditions of employment and length of service. For all staff, local government service is defined as employment with a recognised body e.g. another school or Academy and the date of continuous service will be shown on your contract.

In addition during your maternity leave, qualifying employees will be entitled to receive statutory maternity pay (**SMP**) for up to 39 weeks. To qualify, you must:

- still be employed and have at last 26 weeks of continuous employment at the end of the Qualifying Week;
- provide us with a doctor's or midwife's certificate (MAT B1 form) confirming the date of your Expected Week of Childbirth;
- have average earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) of at least the lower earnings limit set by the Government; and notify us of your intention to take maternity leave at least 28 days in advance or, if that is not possible, give us as much notice as you can.

SCHEME 1 More than 12 months continuous service

| ALL STAFF |
|--------------------------------------|
| 4 weeks at full pay |
| 2 weeks at 90% of pay |
| 12 weeks at half pay (optional OMP) |
| 21 weeks at SMP |

SCHEME 2 Less than 12 months continuous service but more than 26 weeks

| |
|-----------------------|
| ALL STAFF |
| 6 weeks at 90% of pay |
| 33 weeks at SMP |

Occupational Maternity pay (OMP), if you are eligible under the qualifying conditions as stated above, is paid in addition to SMP without any deductions, unless the combined pay exceeds full pay. This is paid on the understanding that you will return to work either at the Academy for the required period.

SMP will stop being payable if you return to work (except where you are simply keeping in touch in as described in the "During maternity leave" section below).

If you leave employment after the start of the Qualifying Week you will still be eligible for SMP from the later of (i) the week following your final week of employment or (ii) the 11th week before the Expected Week of Childbirth.

All staff must return to work with for a period of 13 weeks (including periods of academy closure) as a qualifying condition to occupational maternity pay.

Where the Principal/Headteacher agrees, a full time member of staff may return to work on a part-time basis for a period which equates to 13 weeks full –time service. Similarly, a part-time member of staff 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 you return, on the date that you return to work during the academy holiday or the date that you are declared medically fit to be available for work.

Sickness absence during the 13 week period will not count as a return to work; annual leave will.

Failure of staff member to return to work and continue in employment

The Academy may reclaim the whole or part of any Occupational Maternity Pay (OMP) element over and above Statutory Maternity Pay (SMP) if the member of staff does not return to work at the end of the maternity leave and subsequently continue in employment for at least 13 weeks.

Maternity allowance (MA)

If you are not entitled to Statutory Maternity Pay, you may be able to claim Maternity Allowance or other benefits from Job Centre Plus. Employees who receive MA must inform the Business Manager.

Pensions

Local government Pension Scheme

If you pay into the Local Government pension scheme you will have to pay contributions on your pay.

You will not accrue pension benefits during any unpaid periods of maternity leave. However you can choose to pay additional pension contributions (APCs) to make up those benefits.

For further information on APC's visit the local government Pension scheme website

www.yourpensionservice.org.uk

Teachers' Pension Scheme

If you are a Teacher, you will continue to pay pension contributions during the paid period of your maternity leave.

Contributions will not be made during any period of unpaid maternity leave. You may however apply to the teacher's pension scheme to make additional pension contributions. For further information contact the Teacher Pension Agency

During maternity leave

Whilst you are on maternity leave, your normal terms of employment will continue to apply, except for your entitlement to pay. In particular, benefits in kind shall continue and you will

continue to accrue holiday. The effect of your maternity leave on your pension arrangements depends on your choice of whether you wish to pay contributions during your unpaid period. For further information on this, speak to the Business Manager.

Although we will respect your absence during your maternity leave, we may need to make contact with you from time to time. You will continue to have access to the Academy network and we will continue to send you copies of information to your Academy email address; however, it will be your choice to access them. We will make contact shortly before your maternity leave ends to arrange a discussion with you about your return to work including any training needs, proposed changes to your working arrangements or just to update you on developments in your absence. If you have any concerns regarding this, you should speak with the Business Manager.

Keep in touch days

In addition, if you would like to attend work for training or other agreed reasons during your maternity leave, you can do so for up to ten days by prior agreement with us; you are under no obligation to do this. Attending work on this basis will not end your maternity leave or your entitlement to maternity pay. These days should be planned in advance and have a defined purpose. Where an employee works for less than a full day, this will still count as one keeping in touch day for the purposes of the 10 days maximum, although payment will only be made for actual hours worked. If you would like to discuss this option further, you should speak with the Business Manager.

Expected return date

As noted above, we will confirm to you the date on which you are expected to return to work after maternity leave within 28 days of your notifying your pregnancy and leave start date to us. If your maternity leave start date changes for any reason then we will confirm the revised return to work date to you within 28 days of the start of your maternity leave.

If you plan to come back to work on the return date that we have notified to you then you are not obliged to do anything further, although we would be grateful if you would help us plan ahead by confirming during your leave that you will return as expected.

If you wish to return to work earlier than the date that we have notified to you then you will be required to give us at least four weeks' prior notice of the new date and we request that you do this in writing. If you don't give us four weeks' notice then we may postpone your return until the sooner of four weeks from the date of your notice or the date that you were originally expected to return.

If you wish to return later than the date we have notified to you then you should either:

- request parental leave, in accordance with our Parental leave policy, by giving us at least 28 days' notice;
- request to take holiday in accordance with your contract (for support staff).

If sickness absence prevents you from returning on the planned date then the normal rules relating to sickness absence will apply.

In any other case, late return will be treated as unauthorised absence. If you decide not to return to work at all then you must give notice of resignation in accordance with your contract of employment. If your maternity leave is due to end during the currency of your notice period then you may be required to return to work until your notice period expires.

When you return to work

In general, you will return to work in the same job and on the same terms as if you had not been absent. However, in some cases where you have taken more than six months' leave or any period of parental leave in conjunction with your maternity leave then we may offer you another suitable role, on terms and conditions that are not less favourable than those that applied before your leave.

If you wish to change your working patterns when you return to work then you should make a request for flexible working in line with set procedures. Flexible working requests take time to deal with so it's important that you make your request as soon as possible, otherwise you may have to return to work on the basis of your prior working patterns until the process of dealing with the request has finished.

Annual Leave

Full year support staff

All annual leave should be taken normally between 1st of September to the 31st of August. You can take your leave at the beginning or at the end of your maternity leave period but not at the same time. You should follow the normal procedures to book this leave.

If you have taken a full 12 months of maternity leave you will continue to accrue your contractual leave plus bank holidays. Any leave not already used, must be taken within 12 months of your return from maternity leave.

Term-time only support staff

You will continue to accrue your full contractual annual leave and bank holidays while on maternity leave; however your salary already includes payment for holidays and bank holidays. The Business Manager will calculate how much leave and bank holidays you will receive whilst on the paid period of your maternity leave and the balance owing, which you will need to take at the end of your maternity leave.

Teachers

The annual leave year for teacher is the 1st of September to the 31st of August. You will be allowed to take any outstanding statutory leave entitlement during term time (within that leave year) if there are insufficient academy closures to accommodate your leave in that year. If you return very close to the end of the leave year and there are insufficient academy closures to accommodate your leave you will be allowed to carry your leave over to the next year to be taken during academy closures. Any 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. Whilst 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.

Shared Parental Leave

This will be applied in accordance with the statutory provision.

Review

This policy will be biennially and reviewed in consultation with the ECC and the GJCNC. Any amendment to it will be notified to employees in writing by the Academy and, as such, written advice will inform employees as to the date when any amendment comes into effect. This may be by means of the Academy's intranet or via use of notice boards.

1. Please use BLOCK CAPITALS and ensure you read the Maternity Scheme before completing this application form
2. You must send this completed form to us 28 days before your intended maternity leave start date.

| Employee Details | | | | | | | |
|---------------------------|--|--|------------|--|--|-------|--|
| Surname | | | First Name | | | Title | |
| Job Title | | | | Employee Number (This can be found on your payslip) | | | |
| Hours worked if part-time | | | | | | | |
| Contact Number | | | | Line Manager | | | |
| Date Started Employment | | | | Continuous Service Date | | | |

| Schemes | |
|---|---|
| I wish to apply for Scheme 1 - <input type="checkbox"/> | I wish to apply for scheme 2 - <input type="checkbox"/> |

| Dates | |
|---|------------------------------------|
| When is your Baby due to be Born: | When do you expect to finish work: |
| Do you intend to return to work? YES / NO | When do you think you may return? |

| Pension – please tick one of the following | |
|--|--------------------------|
| If you decide to pay pension contributions for your unpaid maternity leave then on your return to work a deduction for the full amount will be taken from your first salary. | |
| I wish to pay pension contributions during the full period of my absence including any unpaid leave. | <input type="checkbox"/> |
| I do not wish to pay pension contributions during the unpaid period of my absence | <input type="checkbox"/> |
| I do not pay into the pension scheme | <input type="checkbox"/> |

| |
|---|
| You must send in your MAT B1 or MAT B2 as soon as you get it, we will not process your application until we receive this form. MAT B1/MAT B2 forms signed by your Doctor/Midwife earlier than 20 weeks before the EWC will not be accepted. |
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I understand that to keep the contractual maternity pay I have to return to work for at least 13 weeks. If I do not return to work with a recognised employer, or do not complete the 13 week period in full (based on my current working hours, I will repay the Academy all relevant money paid to me in respect of contractual maternity pay

Employees Signature

Signature

Name (Please Print)

Contact No

Date

Manager accepting the form

Date

Please return to: Mrs N Lea, HR Manager