



# The Athelstan Trust

## Maternity Policy

### Maternity policy

#### Introduction

- 1 **Purpose:** This policy is intended to provide guidance on your statutory entitlements and the Trust's position in respect of maternity leave and pay.

#### Notification requirements

- 2 **Notification:** Please inform the Academy as soon as possible that you are pregnant. This is important as there may be health and safety considerations. Before the end of the 15th week before the Expected Week of Childbirth (**EWC**), or as soon as reasonably practicable afterwards, you must notify the Academy of the EWC and the date on which you wish to start your maternity leave. The Academy may require you to provide a MATB1 medical certificate.
- 3 **Information from the Academy:** Following receipt of your notification, the Academy will write to you within 28 days indicating the date on which your entitlement to maternity leave will end.

#### Health and safety

- 4 **The Trust's duty:** The Trust has a general duty to take care of the health and safety of all employees. The Trust is also required to carry out a risk assessment of the workplace risks to pregnant women, those who have given birth within the last six months and those who are still breastfeeding.
- 5 **Information:** The Academy will provide you with information regarding any risks identified in the risk assessment and any preventative and protective measures required. If it is considered that you would be exposed to health hazards in carrying out your normal work, the Academy will take such steps as are necessary to avoid those risks.

#### Maternity leave

- 6 **Informal discussion:** Before your maternity leave starts we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave. Unless you request otherwise, you will remain on circulation lists for internal news, job vacancies, training and work-related social events, please advise your Head of Department or line manager.
- 7 **Types of leave:** Your maternity leave is split into two separate periods:
  - 7.1 Ordinary Maternity Leave (**OML**). You may take up to 26 weeks OML;
  - 7.2 Additional Maternity Leave (**AML**). You may take up to 26 weeks AML immediately following OML.
- 8 **Commencement:** You are entitled to commence your OML at any time after the start of the 11th week before the EWC. Your maternity leave will usually start automatically if you are absent for a pregnancy related reason during the four weeks before the EWC. You can postpone or bring forward the intended start date of your maternity leave by informing the Academy in writing at least 28 days before the original intended start date, or if that is not possible, as soon as is reasonably practicable.



# The Athelstan Trust

## Maternity Policy

### Statutory Maternity Pay (SMP)

- 9 **General:** If you are entitled to SMP, this shall be paid for the first 39 weeks of your maternity leave. The remainder of your AML will be unpaid.
- 10 **Entitlement:** You will be entitled to SMP provided you have complied with the notification requirements above, you have been continuously employed by the Trust for 26 weeks at the end of the 15th week before the EWC and provided you make National Insurance contributions.
- 11 **Duration:** You will receive SMP for the first 39 weeks of your maternity leave period even if you do not intend to return to work.
- 12 **Commencement of SMP:** Your entitlement to SMP will begin when you commence your OML unless you are absent for a pregnancy related illness at any time after the start of the fourth week before the EWC, in which case your maternity leave and SMP will begin immediately. If you fulfil the entitlement criteria set out above, and you are employed by the Academy as at the 15th week before your EWC, you will be entitled to SMP even if your employment is subsequently terminated for whatever reason.
- 13 **Maternity allowance:** If you do not qualify for SMP, you may be eligible for Maternity Allowance for the first 39 weeks of maternity leave. You should contact your local Jobcentre Plus office for further details.
- 14 **Rates:** The first six weeks of your SMP is paid at 90% of your average weekly earnings calculated over the Relevant Period. This is your average weekly earnings during the eight weeks ending with the 15th week before your EWC. The remaining 33 weeks is paid at the prescribed rate set by the government for the relevant tax year.
- 15 **Pay rises:** If you become eligible for a pay rise before the end of your maternity leave, you will be treated for SMP purposes as if the pay rise had applied during the Relevant Period. This is your average weekly earnings during the eight weeks ending with the 15th week before your EWC. This means that your SMP will be recalculated and increased retrospectively. The Trust shall pay you a lump sum to make up the difference between any SMP already paid and the amount payable as a result of the pay rise.
- 16 **Benefits during maternity leave:** Whilst you are absent on maternity leave, you will continue to be entitled to receive the non-cash benefits provided under your contract of employment. For the avoidance of doubt, non-cash benefits do not include wages or salary.

### Enhanced maternity pay – teachers

- 17 Maternity pay will be paid in accordance with the Burgundy Book as set out below;
- 18 For staff with one year or more continuous service by 11<sup>th</sup> week before the expected week of childbirth, enhanced maternity pay will be paid as follows:
- full pay for the first four weeks of the leave period
  - 9/10 of full pay for the following two weeks



# The Athelstan Trust

## Maternity Policy

- half pay plus lower rate Statutory Maternity Pay (SMP) without deductions except by the extent to which the combined pay and SMP exceeds full pay for as long as applicable) for the following twelve weeks
  - the lower standard rate of SMP or full pay, whichever is lower, for the following twenty one weeks
  - 13 weeks unpaid
- 18.1 For staff with at least 26 weeks' but less than 1 years' continuous service by 15<sup>th</sup> week before the expected week of childbirth, statutory maternity pay will be paid as follows:
- 18.1.1 9/10 of full pay for six weeks
  - 18.1.2 the lower standard rate of SMP or full pay, whichever is lower, for 33 weeks
  - 18.1.3 13 weeks unpaid
- 18.2 For staff with less than 26 weeks' continuous service by 15<sup>th</sup> week before the expected week of childbirth there is no entitlement to maternity pay from the Federation, but it is possible that Maternity Allowance may be claimed from the Department for Work and Pensions.
- 18.3 In the case of staff with over a year's service who benefit from the enhanced maternity pay detailed above the difference between SMP and the enhancement will be re-payable in full (same for any payments made in the first 6 weeks of paid maternity leave) should you not return to work at the end of additional maternity leave or if you leave within 13 weeks of returning after additional maternity leave. The Trust may apply its discretion to waive the obligation of the employee to repay enhanced maternity pay where the employee is unable to return to work due to ill-health or other exceptional circumstances.

### Enhanced maternity pay - support staff

- 19 For support staff maternity pay will be in accordance with the Green Book.
- 20 The entitlement employees have completed 1 year's continuous local government service at the 11th week before the EWC shall be as follows:-
- (i) For the first six weeks of absence an employee shall be entitled to nine-tenths of a week's pay offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.
  - (ii) An employee who declares in writing that she intends to return to work will for the subsequent 12 weeks' absence receive half a week's pay plus SMP, where eligible, without deduction except by the extent to which the combined pay and SMP (or MA and any dependant's allowances if the employee is not eligible for SMP) exceeds full pay. Alternatively the equivalent amount (i.e. 6 weeks' pay) may be paid on any other mutually agreed distribution.

For the remainder of the maternity leave period the employee will receive their entitlement to SMP currently 39 weeks in total), where eligible.



# The Athelstan Trust

## Maternity Policy

(iii) For employees not intending to return to work payments during their maternity leave period following the first 6 weeks will be their entitlement to SMP (currently 39 weeks in total), where eligible.

(iv) Payments made by the authority during maternity leave under (ii) above shall be made on the understanding that the employee will return to work for a period of at least three months.

### Keeping in touch

- 21 **Keeping in touch days:** You may work (including attending training) for up to ten days during your maternity leave without bringing your maternity leave or SMP to an end. The arrangements, including pay, can be set by agreement between you and the Academy.
- 22 **Before you return:** Shortly before you are due to return to work, the Academy may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may include updating you on any changes that may have occurred, discussing any necessary training and any changes to working arrangements.

### Return to work

- 23 **Notification:** The Academy will notify you of the date on which your maternity leave will end within 28 days of you notifying the Academy of your intention to take maternity leave in accordance with paragraph 2.
- 24 **Returning early:** If you wish to return to work earlier than the end of the full period of leave to which you are entitled you must notify the Academy in writing of your intention to do so not less than eight weeks before you expect to return to work. You will not under any circumstances be allowed to return to work during the two weeks immediately following childbirth. Failure to notify the Academy of your intention to return early may mean that your return to work is postponed.
- 25 **Return from OML:** You will be employed in the same position upon your return to work from OML that you occupied before your leave period began. You will be entitled to return on the same terms and conditions as if you had not been absent.
- 26 **Return from AML:** You will normally be able to return to the same position upon your return to work from AML that you occupied before your leave period began. If this is not reasonably practicable, you will be redeployed to a job which is suitable and appropriate for you in the circumstances. You will be entitled to return on terms and conditions no less favourable than you would have been entitled had you not been absent and with your seniority, pension rights and similar rights as they would have been if the period of employment prior to your AML period was continuous with the period of employment following it.

### Deciding not to return

- 27 **Notification:** If you do not intend to return to work, or are unsure, it is helpful if you raise this as early as possible. If you decide not to return you should give notice of resignation in accordance with your employment contract. The amount of maternity leave left to run must be at least equal to your contractual notice period, otherwise you may be required to work for the remainder of the notice period. Once you have given notice, you cannot change your mind without our agreement. This does not affect your right to receive SMP.



# The Athelstan Trust

## Maternity Policy

### Returning to work part-time

- 28 **Requests:** The Academy will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave on case-by-case basis. There is no absolute right to insist on working part-time, but we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the organisation. It is helpful if requests are made as early as possible. The procedure for dealing with such requests is set out in our flexible working policy.

### Shared Parental Leave

- 29 **Shared parental leave (SPL):** Subject to eligibility requirements, you may be entitled to SPL and pay. If you opt into the SPL scheme, you will forgo any remaining rights or entitlements under this maternity policy. Please see the Trust's SPL policy for further details.