



# **Maternity Policy** **Wincle CE Primary School**

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**Wincle CE Primary School**  
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[www.wincleprimaryschool.org](http://www.wincleprimaryschool.org)

**Version control**

Date updated:	Brief summary of changes:
January 2024	New policy written by HR.

**Our school's vision:**

*Wincle School creates an enriching and outstanding rural education, nurturing the whole individual: body, mind and soul, inspiring rounded, happy, courageous children who exhibit a passion for learning, a confident faith, a loving concern for community and an inclusive respect for all.*

We encourage our pupils to 'Shine like Stars' (Philippians 2:15) and to do this run with the following acronym:

<b>S</b>	<b>Service</b>	<p>★ No act of kindness, no matter how small, is ever wasted." Aesop</p> <p>★ We would like our pupils to have the confidence to know that they can make a difference: have hope for the future.</p> <p>★ We encourage our pupils to challenge injustice and inequality</p>
<b>T</b>	<b>Theology</b>	<p>★ Our principles are founded on the truth that we are loved by the Father, Saved by the Son and Sanctified by the Holy Spirit.</p> <p>★ We want to ignite passion and curiosity for learning, providing an exciting curriculum to inspire all learners to be the best they can be.</p>
<b>A</b>	<b>Attitude</b>	<p>★ We encourage our pupils to show integrity</p> <p>★ We would like our pupils to have the courage to fight for what is important</p> <p>★ When things are challenging, we would like our pupils to display perseverance and not give up.</p> <p>★ Learn from yesterday, live for today, hope for tomorrow" Albert Einstein</p>
<b>R</b>	<b>Relationships</b>	<p>★ We nurture the whole individual: body, mind and soul</p> <p>★ We encourage the pupils to respect every living creature and show compassion.</p> <p>★ We would like our children to treat other people as they would like to be treated following Jesus' example. We are all unique</p> <p>★ We help all children build trusting relationships</p> <p>★ Clothe yourselves with compassion, kindness, humility, gentleness and patience.' (Colossians 3:12)</p>
<b>S</b>	<b>Shine like stars</b>	<p>★ I am the Light of the world; he who follows Me will not walk in the darkness, but will have the Light of life." (John 8:12)</p> <p>★ We would like our pupils to shine in their behaviour, attitudes, relationships and learning.</p>

**Maternity Policy**

**SCOPE**

This policy and procedure is applicable to support staff of **Wincle CE Primary School** and does not apply to teachers and agency workers.

It does not form part of any employee's contract of employment and we may amend it at any time, consultation and negotiation on proposed changes will take place via the recognised trade union

**POLICY STATEMENT**

The purpose of this policy and procedure is to set out a general outline of statutory rights and responsibilities of employees who are pregnant or have recently given birth, and to give details of the arrangements for antenatal care, pregnancy-related illness, maternity leave and pay. It also sets out the statutory rights and responsibilities should they wish to return to work whilst breastfeeding.

We recognise that employees may have questions or concerns relating to their maternity rights and it is our policy to encourage open discussion to ensure that questions can be answered as quickly as possible.

We will seek to ensure that employees who are pregnant or have recently given birth are afforded their full statutory rights and to make their pregnancy and return to work as stress free as possible. We will also seek to protect the health and safety of all employees. In particular, employees who are pregnant or breastfeeding or who have recently given birth, have the right to be supported and protected against any risks to their health or safety.

## **WHAT AN EMPLOYEE CAN EXPECT FROM THE SCHOOL**

We will:

- Ensure that they are fully aware of their rights and responsibilities relating to maternity leave during their pregnancy and relating to breastfeeding on their return to work if applicable.
- Communicate regularly regarding updates and changes.
- Ensure that, whilst they are pregnant, have recently given birth or are breastfeeding, a health and safety risk assessment is completed, and any adjustments are made.
- Agree and maintain an appropriate amount of contact during a period of maternity leave.
- Allow the employee to take unpaid breaks for breastfeeding where required and provide them with a safe and healthy environment in which to breastfeed and rest.
- Seek to ensure that they will not be discriminated against or subjected to a detriment for taking leave in accordance with this policy.
- Respect the confidentiality of all information relating to maternity in line with the Data Protection Act 2018.

The Headteacher is key to enabling the school's commitment.

## **WHAT THE SCHOOL EXPECTS FROM EMPLOYEES**

We expect employees to:

- Ensure that they give the correct notification of pregnancy in writing and supply the relevant documentation.
- Agree and maintain an appropriate amount of contact during leave.
- Ensure that they notify the Headteacher if they will be returning to work whilst continuing to breastfeed and will need appropriate support for this.
- Participate wholly in risk assessments and raise any subsequent health and safety concerns throughout their pregnancy and on their return to work where appropriate.
- Comply with the requirements of the Maternity Procedure.

## **MATERNITY PAY AND LEAVE PROCEDURE**

### **Notification of Pregnancy**

Before the end of the qualifying week (the 15<sup>th</sup> week before the expected week of childbirth), or as soon as practicable afterward, the employee is required to notify the Headteacher in writing of:

- the fact that they are pregnant;
- the expected week of childbirth (EWC - the expected week due starting on a Sunday, provided by their doctor or midwife); and
- the date on which they intend to start their maternity leave.

They must also provide the MATB1 form supplied to them by their doctor or midwife confirming the date that their baby is expected. The MATB1 form is normally available from the 20th week of pregnancy, but maybe later depending on when they have their dating scan.

Maternity leave must be entered on the payroll system in advance of it being taken.

Should the employee wish to change the date, i.e., bring forward or postpone maternity leave, they may do so, by advising the Headteacher in writing at least 28 days before the new start date.

Within 28 days of notifying the Headteacher, they should receive written confirmation from the payroll provider, of their maternity leave and of the end date if the full 52 weeks entitlement is taken.

Failure to comply with the above notification requirements may affect their entitlement to maternity leave and pay.

### **Health and Safety**

People who are pregnant or who have recently given birth experience physical, biological and hormonal changes to their bodies, which could make them more prone to injury from activities normally carried out in the workplace. In addition, some hazards in the workplace may affect the health and safety of them or their child(ren). Therefore, working conditions normally considered acceptable may no longer be acceptable during pregnancy and whilst breastfeeding.

Someone who is pregnant or has recently given birth, has responsibility for their own health, safety and welfare at work and should inform the Headteacher in writing of their situation as soon as possible. They should keep them informed of any changes to their health, along with any recommendations made by their doctor or midwife with regard to their physical wellbeing at work.

Once notified that they are pregnant, have given birth in the last six months or are breastfeeding, the Headteacher should ensure that an individual risk assessment is undertaken, and any necessary adjustments made to eliminate or reduce any risks identified by:

- temporarily adjusting working conditions and/or hours of work;

- offering suitable alternative work (at the same rate of pay) if available; or
- removed from work on paid leave for as long as necessary to protect their health and safety and that of their child unless they have unreasonably refused suitable alternative work.

### **Time Off for Antenatal Appointments**

Once an employee has told the Headteacher that they are pregnant, they will be entitled to reasonable paid time off work to attend antenatal appointments. These appointments may include relaxation and parenting classes that their doctor, midwife or nurse has advised they attend, in addition to medical examinations, screening tests and any midwife appointments.

They should give the Headteacher as much notice as possible of their antenatal appointments.

Any individual who has a qualifying relationship with the employee (which includes their spouse, civil partner and the father of the expected child), has a statutory right to unpaid time off to accompany them to up to two antenatal appointments. They would need to contact their employer to request time off in these circumstances.

### **Maternity Leave**

The employee is entitled to take up to 52 weeks' maternity leave which is divided into 26 weeks' Ordinary Maternity Leave (OML) followed immediately by 26 weeks' Additional Maternity Leave (AML), regardless of the number of hours that they work or their length of service with the school/academy, provided that they comply with the notification requirements set out above.

They can decide how much maternity leave they wish to take. However, they are not permitted to work in the two weeks immediately following the birth of their child; this is called Compulsory Maternity Leave (CML).

### **Starting Maternity Leave**

The earliest they can start their maternity leave is the 11<sup>th</sup> week before the baby is due (unless the child is born prematurely before that date) and the latest is the day after the birth.

So, maternity leave will commence on one of the following dates – whichever is earliest:

- chosen start date;
- the day after they have given birth (if prior to the chosen date); or
- the day after they are absent for a pregnancy-related illness in the four weeks immediately before their expected week of childbirth. If this happens, they must let us know as soon as possible in writing.

## **Maternity Pay**

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

SMP is payable for up to 39 weeks if:

- they have 26 weeks' continuous employment by the Qualifying Week (the 15<sup>th</sup> week before the baby is due);
- average weekly earnings are not less than the lower earnings limit for NI contributions in the period from the 8 weeks prior to the Saturday at the end of the qualifying week;
- they are still pregnant 11 weeks before the start of the EWC; and
- they provide a MATB1 form stating their EWC and have given the correct notification of their pregnancy as detailed above.

For the first six weeks of SMP they will receive 90% of their normal week's pay, moving to the statutory rate or 90% of their average weekly pay (depending on which amount is lower) for up to a further 33 weeks.

SMP is treated as earnings and is therefore subject to deductions for PAYE and National Insurance deductions. SMP stops being paid when they return to work (except for Keeping in Touch (KIT) Days).

### **Maternity Allowance**

If the employee is not entitled to SMP (because their average weekly earnings are not sufficient), or they do not have the length of service to qualify, they may qualify for Maternity Allowance from the Government. More information about how to claim this allowance is available on the GOV.UK website ([www.gov.uk/maternity-allowance/how-to-claim](http://www.gov.uk/maternity-allowance/how-to-claim)).

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

In order to receive Occupational Maternity Pay (OMP), the employee must have completed at least one year's continuous service at the beginning of the 11<sup>th</sup> week before the expected week of childbirth (EWC). If they have not completed one year's continuous service at the beginning of the 11<sup>th</sup> week before the EWC, they will receive SMP or Maternity Allowance as above.

For OMP they will receive 12 weeks at half their normal pay after the initial six weeks of maternity leave (during this period they will receive either SMP or Maternity Allowance depending on their service and earnings as outlined above).

In summary, maternity is paid as follows:

- For the first 6 weeks, they will receive 90% of their week's normal pay offset against payments made by way of SMP (or Maternity Allowance where they are not eligible for SMP)
- If eligible for OMP and they declare in writing that they intend to return to work after their maternity leave (for a period of at least three months\*) they will subsequently receive 12 week's half their week's normal pay or alternatively the equivalent amount (i.e. 6 week's at their normal pay) may be paid over an

alternative period by mutual agreement, **plus** SMP (if eligible) at the prescribed rate which is set by the Government for the relevant tax year.

\*The 12 weeks half pay shall be made on the understanding that they will return for a period of at least three months. In the event the employee fails to do so; you will be required to refund the OMP sum paid to them. Any OML or unpaid leave taken will not be counted towards the three months period they are required to return if a payment of 12 weeks half pay has been made.

- Followed by up to 21 weeks lower rate SMP (if eligible)
- Followed by 13 weeks unpaid leave.

No combination of payments (i.e., OMP plus SMP) should exceed their normal full pay.

### **Multiple Births**

Leave entitlement and payment remains the same regardless of the number of children resulting from a single pregnancy.

### **Rights during Maternity Leave**

During maternity leave, employees will benefit from the contractual and implied terms and conditions which would have applied had they been at work, except for pay. Pay will be replaced with maternity pay (OMP and/or SMP) or they may be able to claim Maternity Allowance as previously outlined in this policy.

If an employee is a temporary or fixed term contract, please contact Education HR to check how this will affect their entitlement/pay during maternity leave.

### **Holiday entitlement (applicable to support staff only)**

#### Full year support staff

Employees will continue to accrue contractual annual leave as per their contract of employment during maternity leave including entitlement to bank holidays, which will be accrued pro rata to contracted hours.

Employees should take their full annual leave entitlement before maternity leave commences provided that:

- They intend to return to work, this should be stated at the time they apply for maternity leave;
- They are aware that if they do not return to work they will have to repay any leave they were not entitled to take;
- The leave is operationally convenient and agreed by the Headteacher; and
- If they subsequently decide not to return to work following maternity leave, then the date used to calculate leave entitlement is their last day of employment.

Employees should make every effort to take any outstanding leave prior to commencing maternity. All holidays must be taken in the year they are accrued and therefore if the holiday year is due to end during maternity leave, the employee should take the full entitlement before commencing maternity leave. A discretionary five days, leave may be carried over to the following leave year.

Where the employee is unable to take their leave entitlement before commencing maternity leave e.g., the leave year runs in line with their maternity leave, exceptions may be made to carry over policies to allow them to carry the remaining period of leave into the next leave year. These exceptions to carry over policies extend to annual leave only and does not include the carryover of any bank holiday entitlement from a previous year.

### Part year support staff

Part year staff will continue to accrue and be entitled to contractual annual leave as per their contract of employment during their maternity leave including entitlement to bank holidays, which will be accrued pro rata to their contracted hours. The accrued leave during a period of maternity can be given as time off in term time or pay in lieu. This will need to be agreed with the Headteacher.

N.B. annual salary incorporates the payment of annual leave and public holiday entitlement, and so they will receive a proportion of their holiday entitlement in their maternity pay. This will need to be taken into account when taking holiday entitlement during term time or pay in lieu, i.e., any leave already paid will need to be offset against pay in lieu, otherwise they will receive more than their entitlement.

### **Pension Contributions**

Employees in the Local Government Pension Scheme will continue to pay contributions in the normal way whilst on maternity leave. However, any period of maternity leave without pay will not count for pension purposes unless they elect to pay Additional Pension Contributions (APCs) to purchase the amount of pension lost in respect of the period of unpaid absence. If they wish to purchase the amount of lost pension and make the election within 30 days of their return, then the cost of the APC is split between the employee and the employer. This is known as Shared Cost Additional Pension Contract (SCAPC). The employee can pay these additional contributions in a one-off lump sum or through regular payments from their monthly salary upon their return.

If contributions are not paid retrospectively, their pension record will show a break in service.

### **Contact during Maternity Leave**

Regular contact should be maintained during maternity leave for the purpose of discussing issues such as plans for returning to work, flexible working arrangements or to update the employee on developments at work (changes in structures, promotion opportunities etc.) during their absence. It is recommended arrangements about such



contact should be agreed prior to the start of maternity leave, such as frequency of this contact and this discussion should be documented.

### **Keeping in Touch (KIT) Days during Maternity Leave**

Excluding the first two weeks after the birth of the baby, and with the agreement of the Headteacher, an employee may undertake up to 10 days paid work (or attend training) during their ordinary or additional maternity leave, without bringing their leave to an end and without loss of a week's SMP. These are known as "keeping in touch" days.

KIT days are optional. Any work undertaken on keeping in touch days is entirely a matter for agreement between the employee and Headteacher.

Any work carried out on a keeping in touch day will count as a whole KIT day and does not extend the statutory or maternity pay period.

### **Returning to work**

An employee is prohibited from working for two weeks after their baby is born (i.e., during CML) and this period is included within their maternity leave entitlement. Unless they notify the Headteacher otherwise, their return to work date will be the first working day after the end of their 52 weeks maternity leave.

If they would like to return earlier than this date, then they must give 8 weeks written notice of the date on which they wish to return. Note that failure to give the correct notice may result in the return to work date being postponed until they have given the correct notice.

If they wish to return later than the expected return date, they should either:

- request unpaid parental leave in accordance with the Ordinary Parental Leave Policy giving as much notice as possible; or
- request paid annual leave in accordance with their contract, which will be at the Headteachers discretion.

If they are unable to return to work due to sickness or injury, this will be treated as sickness absence and the sickness absence policy will apply.

If they decide they do not want to return to work following their maternity leave or are unsure, it is helpful if they discuss this as early as possible. If they decide not to return to work, they should give notice of resignation in accordance with their contract of employment.

If they wish to return to work on a different working pattern, they should discuss this with the Headteacher.

### **Rights when returning from maternity leave**

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

Employees are normally entitled to return to work in the position they held before starting maternity leave, on the same terms and conditions of employment.

## Returning after Additional Maternity Leave (AML)

Employees are normally entitled to return to work in the position they held before starting maternity leave, on the same terms and conditions of employment unless this is not reasonably practicable. In these circumstances, they may be offered another suitable and appropriate job on terms and conditions that are no less favourable.

## **SHARED PARENTAL LEAVE**

If an employee and their partner meet the eligibility and notice requirements, they may choose to end maternity leave and pay early and take shared parental leave instead. This enables parents to share the leave to care for a child or children.

Further information can be obtained from the Shared Parental Leave Policy and Procedure.

## **ORDINARY PARENTAL LEAVE**

Following a period of Ordinary Maternity Leave (OML), employees may request a period of Ordinary Parental Leave, details of which can be found in the Ordinary Parental Leave Policy and Procedure.

Should they take a period of Ordinary Parental Leave or unpaid leave following maternity leave where they qualified for Occupational Maternity Pay, this period of Ordinary Parental Leave will be excluded in calculating whether they have returned to work for at least three months.

## **MATERNITY SUPPORT LEAVE**

Maternity Support Leave (MSL) is an entitlement for nominated carers to take 5 working days paid leave at or around the time of the birth of a child, or children.

A nominated carer is the person named by the pregnant employee i.e., the mother, to assist them in the care of their child and to be the primary provider of support to them at or around the time of the birth. In most cases the father or partner would provide such care and support. However, a relative or someone who has a caring relationship with them and/or their child may otherwise fulfil the role.

Employees may qualify for both paternity leave and MSL, however **MSL is not paid in addition to paternity leave.**

Further information about Maternity Support Leave can be found in the Paternity Policy and Procedure.

## **FURTHER PREGNANCY DURING MATERNITY LEAVE**

It is possible that an employee may become pregnant again before returning to work. Whilst in theory they have the right to SMP, they may not qualify for it as their eligibility for it depends on their average earnings during the qualifying period if they are equal to or greater than the lower earnings limit during this period. They may need to apply for Maternity Allowance.

Occupational Maternity Pay would be paid in line with the first (or previous) pregnancy.

### **REDUNDANCY OR REORGANISATION DURING MATERNITY LEAVE**

Whilst on maternity leave employees can be contacted in the event of a redundancy or restructuring situation where there may be a loss of jobs and the Headteacher should ensure that they are kept up to date and consulted throughout the process. If a redundancy situation occurs, they should be offered a suitable alternative role if there is one available. They should be advised of the procedure and the support available.

### **PAY RISES DURING PREGNANCY OR MATERNITY**

Any pay rises that take effect during their maternity leave will be factored into their pay upon their return to work and back dated as appropriate. Any increase in salary that takes effect between the beginning of the qualifying period (the 15<sup>th</sup> week before the baby is due) and the end of the maternity leave will result in the higher rate of SMP being recalculated to take the rise into account, and any difference being paid.

### **STILLBIRTHS OR MISCARRIAGES**

If an employee suffers the tragic loss of their baby, please speak to Education HR to discuss any entitlements they may have.

Where a child is stillborn after 24 weeks of pregnancy, the entitlement to maternity leave and SMP payment remains.

Where a miscarriage occurs prior to 24 weeks, there is no entitlement to maternity leave or SMP, however should a period of absence follow, sick pay will be payable in line with their contract of employment.

Where a child is born and lives for a short period of time, the employee will retain their full rights to maternity leave and SMP remain irrespective of the timing of the birth.

Medical advice may be required to confirm their fitness for an early return to work.

Further information about leave entitlement should someone suffer the loss of their baby can be found in the Parental Bereavement Leave Policy.

### **BREASTFEEDING**

As early as possible, prior to returning to work, the Headteacher should be notified if the employee requires support and facilities for breastfeeding, including any recommendations that the GP has made in relation to their health and wellbeing.

We are dedicated to providing all possible support and facilities if they have returned to work after a period of maternity leave, to assist with their transition back to work. With this in mind the following should be considerations in terms of working arrangements:

## **Breaks for Breastfeeding**

Employees should be allowed reasonable flexibility in their working hours to breastfeed or express milk, although the times and lengths of these breaks should be agreed with the Head Teacher and will be unpaid.

## **Flexible Hours**

Should a request to temporarily change hours in order to continue breastfeeding; this request will not be refused without a good business reason.

## **Adverse Impact**

Any criterion, provision or practice that would have an adverse impact or prevent an employee from breastfeeding, e.g., the requirement to travel involving overnight stays should not be imposed.

## **CHILD CARE VOUCHER SCHEME**

Further information on the Government's tax-free childcare voucher scheme can be found here Tax-Free Childcare - GOV.UK ([www.gov.uk](http://www.gov.uk))

## **DATA PROTECTION**

When managing maternity leave and pay, **Wincle CE Primary School** processes personal data collected in accordance with its data protection policy. Data collected from the point at which the employee informs us that they are expecting a child is held securely and accessed by, and disclosed to, individuals only for the purposes of managing maternity leave and pay. Inappropriate access or disclosure of data constitutes a data breach and should be reported in accordance with the data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the disciplinary procedure.

## **EQUALITY**

**Wincle CE Primary School** is committed to promoting equal opportunities in employment. You (and any job applicants) will receive equal treatment regardless of age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, religion or belief, sex or sexual orientation or caring responsibility. This means that the application of the policy and procedure may need to be adjusted to cater for the specific needs of an individual including the provision of information in alternative formats where necessary.

## **MONITORING AND REVIEW**

We will monitor this policy and procedure to ensure that it is operating fairly, consistently and effectively. The policy will also be reviewed in the light of experience and/or changes in legislation.

Prepared by: Education HR Consultancy  
Date: January 2024