



MATERNITY SCHEME FOR TEACHERS AT RUSH COMMON SCHOOL

In this policy as in all documents of Rush Common Academy Trust (“RCAT”) any reference to Governors of Rush Common School or Trustees of RCAT is a reference to the Board of Directors of RCAT and any reference to the Headteacher of Rush Common School is a reference to the Chief Executive Officer of RCAT.

Introduction

This scheme applies to all pregnant teachers working at Rush Common School. School support staff have their own scheme. It should be read in conjunction with the relevant terms and conditions and other relevant policies of Rush Common School. Advice and support on the application of this policy is available from the Head of Business and Finance at Rush Common School.

Working while pregnant

1. Health and Safety

- 1.1 Employees should inform the Headteacher as soon as possible to let them know they are pregnant. The Headteachers/phase leader must carry out a risk assessment and this should be kept under review throughout the pregnancy and on return to work after the birth. The assessment should include agreeing timing and frequency of breaks and identifying somewhere for the pregnant employee to rest, if required.
- 1.2 Most teaching jobs do not present a risk to pregnant employees or their babies. However, special care must be taken when a job involves manual handling, a high level of physical activity, night work or contact with hazardous substances.

2. Time off for ante-natal appointments

All pregnant employees have the right to paid time off for their ante-natal care. Employees may be asked to provide an appointment card or other evidence of appointments.

3. Sickness absence

- 3.1 Sickness absence that is pregnancy related must be reported in the usual way, but will not be counted for the purpose of monitoring sickness absence under the School's Policy for Managing Sickness Absence of School Employees.
- 3.2 If employees become ill while they are pregnant they will be entitled to sick pay in the normal way. However, if they are absent from work after the beginning of

the fourth week before the week in which the baby is due, and the reason is related to their pregnancy, maternity leave will normally be considered to have started at that point.

Maternity Leave

4. The amount of maternity leave available

- 4.1 Employees are entitled to 52 weeks' statutory maternity leave after the birth of their baby, regardless of their length of service. Maternity leave is made up of:
- Ordinary Maternity Leave - first 26 weeks
 - Additional Maternity Leave - last 26 weeks
- 4.2 Additional Maternity Leave must follow straight after Ordinary Maternity Leave.
- 4.3 Mothers don't have to take 52 weeks maternity leave, but it is compulsory for them to take two weeks' leave after the baby is born.
- 4.4 Employees are not entitled to Statutory Maternity Leave if they have a child through surrogacy but may be eligible for unpaid Parental Leave or Adoption Leave.

5. Start date for maternity leave and early births

- 5.1 The earliest an employee can choose to start their maternity leave is 11 weeks before the expected week of childbirth. This means employees have a total of 63 weeks maternity leave available to them - up to 11 weeks before the expected date of childbirth and up to 52 weeks after.
- 5.2 If they are medically fit to do so, employees can decide to carry on working up until the date the baby is due (the date given by the GP or midwife on the MAT B1 certificate).
- 5.3 Leave will also start:
- the day after the birth if the baby is early
 - automatically if the employees is off work for a pregnancy-related illness in the four weeks before the week (Sunday to Saturday) that their baby is due.

Maternity Pay

6. Pay for up to 39 weeks of maternity leave may be available to employees depending on certain eligibility criteria including continuous service. Pay while on maternity leave can include:
- a) Statutory Maternity Pay (SMP) or Maternity Allowance
 - b) Teacher's Occupational Maternity Pay

7. Continuous service

Continuous service is when an employee has worked for one employer without a break.

8. Statutory Maternity Pay (SMP)

8.1 To qualify for SMP employees must:

- earn on average at least £111 a week
- have worked for the School continuously for at least 26 weeks up to the 15th week before the expected week of childbirth
- give the required notice to the Headteacher
- provide a MAT B1 certificate giving proof of their pregnancy

8.2 SMP is paid for up to 39 weeks. Employees get:

- 90% of their average weekly earnings (before tax) for the first six weeks
- Flat rate SMP or 90% of their average weekly earnings (whichever is lower) for the next 33 weeks

9. Maternity Allowance (MA)

9.1 If an employee does not qualify for SMP, they can claim MA. MA is paid at a flat rate (or 90% of average weekly earnings if this is less) for 39 weeks.

9.2 The School's payroll service will write to the employee letting them know if they are not entitled to SMP and will provide an SMP1 form for the employee to claim MA from Job Centre Plus.

10. Occupational Maternity Pay (OMP)

10.1 In addition to statutory maternity payments, teachers may qualify for OMP in accordance with the Conditions of Service for School Teachers in England and Wales ('the Burgundy Book').

To qualify teachers must have completed 26 weeks continuous **local authority service** by the beginning of the 11th week before the week in which the baby is due.

10.2 Teachers who qualify for OMP will be paid:

- Full pay for the first four weeks of maternity leave followed by
- 90% of normal pay for the next two weeks and
- 12 weeks at half pay normal pay

10.3 OMP of 12 weeks at half pay is made on condition that the teacher returns to duty after their maternity leave for a period of at least three months on a continuous contract; otherwise they will be required to repay this sum. Employees do not have to return to the same hours or to the same school, but they must return to the same employer.

10.4 If employees are undecided about coming back to work, they can opt to be paid this as a lump sum if they do return.

10.5 If half pay plus SMP entitlement is more than the employee's normal pay, it will be reduced accordingly.

11. Payment of maternity pay

11.1 Maternity pay including statutory maternity payments are paid by the School in the same way as an employee's salary on a monthly basis. Tax and National Insurance is deducted.

11.2 Maternity pay will start on the same day that the employee has chosen to start their maternity leave or:

- automatically if the employee is off work for a pregnancy-related illness in the four weeks before the week that their baby is due or
- the day following the birth if this is earlier than the date notified by the employee.

11.3 Once entitlement to maternity pay is exhausted (usually after 39 weeks), maternity leave is unpaid.

11.4 Where an employee works variable hours each week, maternity pay will be calculated using the average pay earned in the 12 weeks preceding the date on which the last complete week ended. This will exclude any week in which no pay was earned.

Giving notice to take maternity leave

12. At least 15 weeks before the baby is due, employees must notify the Headteacher of the date their baby is due and when they want to start their maternity leave. Maternity leave can start any day of the week. Employees can change their mind about the date they want their maternity leave to start, but must give the Headteacher 28 days' notice of the revised date.

13. Employees must fill in an Application Form for Maternity Pay and Leave (Annex 1), attaching the MAT B1 certificate (issued by their GP or midwife), and send this to the Headteacher.

14. The Headteacher must send the form on to the School's payroll service, at least 21 days before maternity leave is due to start. The payroll service will write to the employee within 28 days, confirming the date maternity leave will start and end and their entitlement to maternity pay.

15. Employees are asked to give an indication of the date they intend to return to work. This helps the School plan cover arrangements. If no return date is given by the employee, it will be assumed that they intend to take their maximum leave entitlement and this will be confirmed to them in writing.

Early births, still-births and the death of a baby

- 16.** Employees can still get Statutory Maternity Leave and SMP if their baby:
- is born early
 - is stillborn after the start of their 24th week of pregnancy
 - dies after being born.

Leave for fathers and partners

- 17.** For children born before 5 April 2015, it may be possible for any unused statutory maternity entitlement to be passed over to the father/partner for Additional Paternity leave and pay once the mother has returned to work. See the Paternity Scheme for Staff at Rush Common School.
- 18.** For children born after 5 April 2015, mothers can (subject to eligibility) choose to bring their maternity leave to an end early and create Shared Parental Leave to enable them to share the care of their baby with their partner.

Appraisal objectives

- 19.** When planning for maternity leave appraisal objectives should be revised in advance to take account of the period when the teacher will be absent. If the teacher returns to work outside of the start of the academic year it may also be necessary to adjust objectives compared to colleagues as well. Any concerns which may impact on pay progression should normally be communicated before maternity leave commences.

Employment rights when on maternity leave

20. Terms and conditions of employment

- 20.1** Employees taking maternity leave have the right to return to the job in which they were employed, under their original contract of employment and on terms and conditions no less favourable than those which would have applied, had they not been absent. 'Job' for this purpose means the nature of the work which they are employed to do and the capacity and place in which they were employed.
- 20.2** Where this is not practicable, by reason of redundancy, the employee is entitled to be offered a suitable alternative vacancy, where one exists.

21. Keeping in touch days

- 21.1** Employees and the Headteacher or their line manager should remain in regular contact during maternity leave and agree at the outset how best to do this. The Headteacher may make a reasonable amount of contact with employees, for example to let them know about changes at school, job vacancies, training opportunities or staff events. Employees can be invited to school events but are under no obligation to attend.

- 21.2 Employees on maternity leave will be kept informed and consulted about any changes at school that may affect their job.
- 21.3 Employees can work up to 10 days during their maternity leave (but not within the first two weeks after the birth). These days are called 'Keeping In Touch days' (KIT days). KIT days are optional - both the employee and Headteacher need to agree to them.
- 21.4 KIT days can be used for employees to work or attend events such as training or their appraisal meeting.
- 21.5 The employee is entitled to be paid for the work they do on KIT days. This can be at their normal rate of pay or at another rate agreed between the manager and the employee. The type of work and the pay should be agreed before the employee comes into work.
- 21.6 A part day worked is counted as one KIT day but the employee is only paid for the hours worked.
- 21.7 The employee's right to maternity leave and maternity pay is not affected by KIT days.
- 21.8 KIT days can be used as a single days or in blocks. If the employee continues to work once the 10 KIT days have been used, it will affect their entitlement to statutory maternity pay.

22. Annual Leave

- 22.1 Annual leave entitlement continues to accrue during maternity leave. For teachers, any accrued entitlement is included in normal school closure periods.
- 22.2 No pay in lieu of days owed is payable.

23. Pension

Pension contributions only continue during paid periods of maternity leave for as long as the statutory payment is made. The Teachers' Pension Scheme does not allow service during periods of unpaid leave to be purchased but there is provision for Additional Pension to be purchased when returning to paid teaching service. Full details are on the Teachers' Pensions website. For information contact the School's payroll provider.

Returning to work

24. Changing the return to work date

- 24.1 Employees will be expected back at work on the date given on the maternity leave notification form. If a date was not given, it will be assumed that the maximum leave entitlement is being taken.

- 24.2 Employees must give the Headteacher at least eight weeks' notice if they want to change their return to work date. If this notice period is not given, their return may need to be delayed by up to eight weeks.
- 24.3 If an employee returns to work before exhausting their full entitlement to statutory maternity pay or leave, they and their partner may be eligible for Shared Parental Leave/Pay.
- 24.4 If an employee decides not to return to work, they should resign in writing in the normal way, giving at least the amount of notice specified in their contract of employment.
- 24.5 Where an eligible employee has opted to receive payment of occupational maternity pay (12 weeks half pay) and subsequently decides not to return work, (see paragraph 10 for full terms), they will be required to repay this sum unless exceptional circumstances apply.

25. Right to request flexible working

While there is no obligation to agree to requests for flexible working, the Headteacher will carefully consider all requests, ensuring that the needs of the School can be met before agreeing to any new arrangements. See the Flexible Working Policy for Rush Common School.

26. Health and Safety for new and breastfeeding mothers

- 26.1 A new mother is defined as someone who has given birth within the last six months or who is breastfeeding.
- 26.2 It is advisable to revisit the risk assessment when an employee returns to work following maternity leave.
- 26.3 There is a legal requirement to provide somewhere for breastfeeding employees to rest.

Child Care Voucher Scheme

27. Most schools participate in a childcare voucher scheme. Under this scheme childcare vouchers may be paid for via the payroll from the employee's salary, before tax and national insurance deductions. Go to www.kiddivouchers.com and quote scheme reference S423378V.
28. An employee in receipt of childcare vouchers may choose to opt out during a period of maternity leave. Where an employee does not choose to opt out, the vouchers will continue to be paid from any contractual pay received during the maternity leave, including any lump sum received at the end.



Annex 1

Application Form for Maternity Pay and Leave for Teachers at Rush Common Academy Trust

Name:

Address:

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Name of School:

Date of Appointment:

The expected date of childbirth is:

I attach to this application the original MAT B1 (or Doctor's Statement) confirming the expected week of childbirth.

I wish my maternity leave and pay to commence on:

I shall return to work on:

I understand that if I do not return to duty at the end of maternity leave for a period of at least 13 weeks, I shall be required to refund such sum as Rush Common Academy Trust may determine.

I wish my 12 weeks' half pay to be paid:

(a) during my maternity leave, over a 12 week period at the normal pay dates

(b) after I return from my maternity leave

(c) over a mutually agreed period. Please give details of your request.

(Delete as appropriate)

Signed:

Date:

This form should be completed and handed to the Headteacher no later than by the end of the 11th week before the expected week of childbirth.