



Dame Alice Owen's School  
The Dame Alice Owen Foundation - 1613

# MATERNITY LEAVE POLICY

Agreed by the Personnel and Remuneration Committee  
To be reviewed  
(*reviewed every 2 years*)

September 2020  
Autumn 2022

To be monitored by the Headteacher and the HR Manager

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## 1. Scope and objective

This policy sets out the entitlements to members of staff at Dame Alice Owen's School (the "School") to Maternity Pay and Leave under the statutory scheme and the contractual maternity scheme.

The difference in entitlements between the teaching and support staff scheme are a result of the different conditions of employment which are illustrated in the guidance note on Maternity Leave Pay Entitlements (available from the HR Manager).

## 2. Entitlement to Maternity Leave

Irrespective of the member of staff's length of service, they are entitled to take up to 52 weeks of Maternity Leave, consisting of 26 weeks Ordinary Maternity Leave (OML), plus 26 weeks of Additional Maternity Leave (AML) immediately following OML.

Under UK law the member of staff must take at least two weeks leave immediately following the birth of their baby (four weeks if they work in a manual handling environment).

## 3. Commencing Maternity Leave

The member of staff can start their Maternity Leave at any time once they have reached the 11th week before their baby is due. If the staff member has not already commenced their Maternity Leave when their baby is born, the member of staff's Maternity Leave will start automatically on the day after the date on which their baby is born.

However, if the member of staff is absent due to pregnancy related illness at any time during the four weeks before their Expected Week of Childbirth (EWC), they are legally

required to begin their Maternity Leave from the start date of the absence and cannot continue to work even if you want to. If the staff member is absent due to pregnancy-related illness but before the fourth week before your EWC, the absence is treated as sickness.

#### **4. Antenatal Appointments**

Members of staff have the right to reasonable paid time off for antenatal appointments, including GP and hospital appointments, and prescribed pregnancy-related treatments or classes, (usually between seven and ten appointments). Please notify the Headteacher as far in advance as possible and be prepared to show them your appointment record, if required.

Fathers and partners of pregnant women are entitled to unpaid time off to attend two antenatal appointments (time off is capped at six and a half hours for each appointment).

#### **5. Statutory Maternity Pay**

Unlike Maternity Leave, members of staff's legal entitlement to Statutory Maternity Pay (SMP) will depend on how long they have worked for the School and whether this is more than 26 weeks at the 15th week before their baby is due and their earnings are above the qualifying level.

The first six weeks is paid at the Higher Rate of SMP which is 90% of the staff member's average weekly earnings, plus a further 33 weeks at the Lower Rate of SMP, which is the standard rate of SMP or 90% of the member of staff's average weekly earnings, whichever is lower.

All payments are subject to deduction for National Insurance, Income Tax and Pension.

Payment of SMP cannot start earlier than the 11th week before the expected week of childbirth. SMP is not refundable to the School if the Return to Work obligation is not fulfilled.

#### **6. Maternity Pay and Leave Scheme**

The following scheme applies to all full-time and part-time staff in the School.

Members of staff will have a statutory right to continue to benefit from all their normal terms and conditions of employment, with the sole exception of pay. For the purposes of simplification, entitlements of teaching and support staff have been separated in the guidance note on Maternity Leave Pay Entitlements (available from the HR Manager).

If the baby is born prior to Maternity Leave commencing, the day after the day of childbirth should be regarded as the first day of Maternity Leave.

During Maternity Leave the member of staff must not work again, other than 'Keeping in Touch (KIT) Days' (see point 14), until the return date is agreed. An earlier return will bring your Maternity Leave to an end.

## **7. Notification of Pregnancy**

Members of staff should inform the Headteacher, as soon as possible of their pregnancy and the approximate date they intend to start their Maternity Leave. This notification must be before the 15th week of your Expected Week of Childbirth (EWC). This is in the member of staff's own interests, and ensures that the School can take any necessary steps to look after their health and safety and that of their baby. Early notice also allows the School to let the staff member know what their entitlements are to Maternity Leave and Pay.

If members of staff do not notify the Headteacher prior to the birth then it may impact their Maternity Pay.

If members of staff wish to change the date their Maternity Leave starts, they can do so by giving 28 days' notice of the change.

A staff member's Maternity Leave cannot start any earlier than the 11th week before the expected week of childbirth.

### **7.1. Application for Maternity Leave**

To provide formal notification of your intention to apply for Maternity Leave you should complete the Application for Maternity Leave Form, which is available from the HR Manager.

## **8. Expected return date**

Unless staff members inform the School otherwise, the School will assume that they will be taking the full entitlement of 52 weeks leave for which they are eligible.

Should the staff member wish to return before the end of their Maternity Leave, they must give 28 days' notice in writing of the change to the Headteacher.

If the staff member cannot return at the end of Maternity Leave because of illness, this will be treated as normal sick leave.

### **8.1. Teachers**

The payment of Occupational Maternity Pay, which is 12 weeks half pay as detailed in the guidance notes on Maternity Pay Entitlements, is dependent upon members of staff returning to their jobs after Maternity Leave for a period of 13 weeks. The period of 13 weeks is calculated on the basis that it equates to the working arrangement at the point Maternity Leave commenced. If the member of staff does not fulfil this obligation, they are

obliged to repay part or all of their Occupational Maternity Pay to the School.

The Application for Maternity Leave Form allows members of staff to choose to have the 12 weeks half pay withheld and to be paid as a lump sum on their Return to Work.

## **8.2. Support Staff**

The payment of Occupational Maternity Pay, which is 12 weeks half pay as detailed in the guidance notes of Maternity Leave Pay Entitlements, is dependent upon members of staff agreeing to return for at least three months to the School. If staff members do not fulfil this obligation, they are obliged to repay part or all of their Occupational Maternity Pay to the School.

The Application for Maternity Leave Form allows members of staff to choose to have the 12 weeks half pay withheld and to be paid as a lump sum on their Return to Work.

## **9. Health and Safety during Pregnancy**

The School wants members of staff to remain safe and healthy at work during their pregnancy. The School's site would not typically be considered as dangerous, but the School wants to ensure that anything that could pose a risk to a pregnant woman and/or an unborn child is identified and eliminated.

### **9.1. Risk Assessment**

Once members of staff have informed the HR Manager/Headteacher that they are pregnant, the Premises Manager will be informed so that a Pregnancy Risk Assessment can be completed as soon as possible, and appropriate action is taken to reduce any risks.

The Pregnancy Risk Assessment form should be kept under continuous review as risks may change throughout pregnancy. Staff members should talk to the HR Manager/Premises Manager immediately if they have any concerns about their work that could put the member of staff or their unborn child at risk. The vast majority of risks are easily minimised or eliminated with the right level of care and consideration.

## **10. Sickness Absence during Pregnancy**

Absence on account of illness which occurs before the four week period prior to the EWC is treated as ordinary absence on sick leave.

However, if at any time during the four weeks before your EWC, members of staff are medically unfit to carry out their duties and if the illness is associated with pregnancy, Maternity Leave must begin immediately. This includes illness during a holiday period. See point 3.

Any absence which is not pregnancy-related is treated as sickness absence.

### **10.1. Support Staff**

Support staff members who are covered by the 2012 Collective Agreement are entitled to up to 5 days paid leave if they experience pregnancy-related sickness. This can be used to cover the first 2 days of sickness absence which would otherwise be unpaid.

### **11. Premature Birth**

If a member of staff's baby is born prematurely before they have started their Maternity Leave, the birth of their baby will automatically trigger the start of their Maternity Leave on the day after the birth, even if this is more than 11 weeks before their baby was due. The member of staff should inform the Headteacher as soon as is reasonably practicable.

### **12. Miscarriage**

If a member of staff suffers a miscarriage before 24 weeks of pregnancy, they will not be legally entitled to Maternity Leave or Maternity Pay but the staff member will be entitled to sick leave in accordance with the School's policy.

### **13. Still birth**

If after the 24th week of pregnancy, a baby is stillborn or does not survive after being born, the member of staff will be legally entitled to Maternity Leave and Maternity Pay. The School will still need the MAT B1 Form from the staff member's GP/Midwife if this has not already been provided.

### **14. Keeping in Touch (KIT) days**

Members of staff may undertake 10 'Keeping in Touch Days' during their Maternity Leave. This allows staff members to work under their contract of employment for up to 10 days and receive payment, as agreed with the Headteacher, without bringing their Maternity Leave to an end. Please note any part of a day will count as one KIT day.

It is important to note that work is prohibited during compulsory Maternity Leave.

The KIT days are not limited to staff member's usual job; they could be used for training or other events.

Any KIT day must be agreed between the member of staff and the Headteacher. There is no obligation on the School to offer staff members KIT days or on members of staff to complete any KIT days offered.

## **15. Holiday Entitlement**

Staff member's holiday entitlement continues to be accrued at the rate provided under their contract whilst they are on Maternity Leave. This entitlement applies to all members of staff including term time only workers and teachers.

### **15.1. Teachers**

The Conditions of Service for School Teachers makes no reference to an entitlement to annual leave for teachers. There is however a statutory right to a minimum of 28 days per annum under UK law. Periods of school closure count towards this entitlement, consequently it is unlikely that teachers returning to their posts following a period of Maternity Leave will have acquired a right to additional annual leave. It is possible that teachers who resign their post and do not return could have an outstanding balance of annual leave payable.

## **16. Pension Plan**

Contributions to the Local Government and Teachers Pension Scheme will automatically continue to be deducted from staff member's actual pay if they are a member of the Scheme on paid Maternity Leave.

### **16.1. Local Government Pension Scheme member only**

If a member of staff takes unpaid Maternity Leave, they must decide whether to pay pension contributions for this period. On the staff member's return to work, they will be given the opportunity to purchase contributions for any period of unpaid Maternity Leave.

Contributions will be based on the pay staff members were receiving the day before unpaid leave started. Should they wish to purchase service for periods of unpaid Maternity Leave, members of staff must contact the LPP Local Government Pension Scheme Administration team on 0300 323 0260 within 30 days of their return to work.

## **17. Returning to Work from Maternity Leave**

Members of staff are entitled to return to work on the same terms and conditions as if they had not been on Maternity Leave.

No notification is necessary if staff members plan to return at the end of Maternity Leave; it is assumed that they intend to return on that date.

If members of staff wish to change the date of their return, they must give 28 days notice.

There is no provision for the School to postpone the return to work after Maternity Leave, unless the member of staff has failed to give the required 28 days' notice of a change to their return to work.

If a member of staff cannot return at the end of Maternity Leave because of illness, this will be treated as normal sick leave.

#### **18. Requests for extending Maternity Leave**

At the discretion of the Headteacher, you may be allowed extended Maternity Leave without pay in excess of the 52 week period. This would not constitute a break in the staff member's service. Any such request should be submitted at the earliest possible date but no less than eight weeks before the date indicated as the intended date of return at the start of the Maternity Leave.

#### **19. Dismissal Protection**

Where it is not practicable by reason of redundancy for the School to permit a member of staff to return to work in their job as defined above, the member of staff shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to the staff member and appropriate to the circumstances. In addition, the capacity and place in which they are to be employed and their terms and conditions of employment are not substantially less favourable to the member of staff than if they had been able to return to the job in which they were originally employed.

Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general reorganisation), which would have occurred if the member of staff had not been absent, would necessitate a change in the job in which they were employed prior to their absence. The work to be done should be suitable to the staff member and appropriate to the circumstances. The capacity and place in which the member of staff is to be employed and their terms and conditions of employment should not be less favourable to the staff member than if they had been able to return to the job in which they were originally employed.

The Headteacher and Governors should seek further advice from their HR Advisers.

#### **20. Flexible Working**

If a member of staff wishes to be considered for part-time hours, they must apply in writing by completing the Flexible Working form, prior to their return from Maternity Leave. The Headteacher has up to three months to consider a flexible working request. The Flexible Working form can be obtained from the HR Manager.

#### **21. Shared Parental Leave**

Shared Parental Leave enables members of staff to commit to ending their Maternity Leave and pay at a future date, and to share the untaken balance of leave and pay as Shared Parental Leave and pay with their partner, or to return to work early from Maternity Leave

and opt in to Shared Parental Leave and pay at a later date.

## **22. Pay Review whilst on Maternity Leave**

Members of staff are entitled to a Pay Review whilst on Maternity Leave in the same way that they would be if they were not on Maternity Leave.

If following a Pay Review, a member of staff becomes eligible for a pay rise between the start of the original calculation period and the end of the Maternity Leave, both the higher and standard rate of SMP and OMP will be recalculated to take into account the staff member's pay rise. This means that the member of staff's SMP and OMP will be recalculated and increased retrospectively. In some cases they may qualify for SMP or OMP if they did not previously. The member of staff will be paid a lump sum to make up any difference between SMP or OMP already paid and the amount payable as a result of the pay rise.

## **23. Failure to Return to Work**

If a member of staff fails to return to work on the dates agreed with the School, they may be subject to disciplinary action in the same way as any other member of staff who has failed to return to work following a period of absence.

## **24. Job Opportunities whilst on Maternity Leave**

Whilst on Maternity Leave, members of staff have the same opportunities to access job vacancies, promotion and development opportunities. All vacancies will be advertised on the school website.