

The Auriga Academy Trust

Maternity Leave Policy for Support Staff

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1. Scope

This policy applies to all support staff employed by the Trust who are pregnant.

The recognised trade unions have been consulted.

2. Policy Purpose

This policy sets out Maternity Leave and Pay entitlements and the relevant procedure for employees (support staff) seeking to take maternity leave.

3. Statutory Maternity Leave

All pregnant employees are entitled to take up to 52 weeks' maternity leave regardless of length of service and number of hours worked.

3.1 Ordinary Maternity Leave (OML)

- Employees are entitled to take 26 weeks' OML.
- Employees can choose to start maternity leave any time from the 11th week before the expected week of childbirth (EWC)
- If the baby is born earlier than the 11th week before the EWC or before the date notified as the intended start date of maternity leave, then maternity leave will automatically start the day after the birth of the baby
- Maternity leave will also start automatically if the employee is off work for a pregnancy related illness in the 4 weeks before the EWC irrespective of what has been previously notified or agreed with the employer. Where this is the case, maternity leave will automatically start the day after the first day of sickness absence.

3.2 Additional Maternity Leave (AML)

- In addition to OML, employees are entitled to take 26 weeks' AML
- This will start immediately after OML ends i.e., there cannot be a gap between OML and AML.

3.3 Compulsory Maternity Leave (CML)

- Employees are not allowed to work for the 2 weeks immediately after the birth of their baby. It is compulsory to have that time off.

3.4 Keeping in Touch (KIT) Days

- Except during the first 2 weeks of compulsory maternity leave, employees may, by agreement with the school, work for up to 10 days during their maternity leave without losing maternity benefits (KIT days)
- The KIT days do not have to be consecutive and may be used for an activity, which would normally be classed as work under the contract of employment, for which employees would be paid. This can include training events and attending meetings etc.
- Any work and the type of work undertaken during the leave period must be by mutual agreement with the Trust / school; there is no obligation on the Trust / school to offer work or for the employee to accept it
- Part-days worked will count as whole days and employees will be paid their normal daily rate of pay for days worked offset by any SMP that may be due to them.

The template forms at **Appendix H and I** can be used to record KIT days and to submit for payment respectively.

3.5 Reasonable Contact during Maternity Leave

The employee's manager is allowed to make reasonable contact with the employee during their maternity leave to discuss such matters as their return to work arrangements. This is also useful in order to keep the employee informed of other matters such as job vacancies, significant developments in the

workplace and training opportunities. This does not constitute 'work' and will not therefore count towards the 10 KIT days.

Employees should agree beforehand how they wish to be kept updated.

4. Maternity Pay

4.1 Statutory Maternity Pay (SMP)

SMP Eligibility:

To qualify for SMP, employees have to meet conditions based on length of service and level of earnings as below:

- Employees must have at least 26 weeks' continuous service with their employer as at the 15th week before the EWC
- Their earnings must be equal to or above the lower limit for National Insurance Contributions – refer to [GOV.UK](https://www.gov.uk) for the prevailing Lower Earnings Limit (LEL).

SMP Entitlement:

SMP will be paid at:

- 90% of employee's average weekly earnings (higher rate) or
- Prevailing Statutory Maternity Pay rate (lower rate), (whichever is lower).

SMP is payable for 39 weeks. For the first 6 weeks it is paid at 90% of the average weekly earnings. The following 33 weeks will be paid at 90% of the average weekly earnings or at the prevailing SMP rate per week (whichever is lower).

SMP is paid by the employer in the same way, time and frequency as the employee's normal salary and is subject to deductions for Income Tax and National Insurance Contributions.

SMP cannot be paid earlier than the 11th week before the EWC except where the baby is born before the start of the 11th week, in which case SMP will be paid from the day after the birth of the baby.

Payment of SMP is not conditional upon the employee returning to work and it is not refundable if the employee decides not to return to work after the end of maternity leave.

4.2 Maternity Allowance (MA)

If the employee does not qualify for SMP, they may be eligible to claim Maternity Allowance (MA) from their local Job Centre Plus Office, provided they satisfy the National Insurance Contribution conditions based on their previous employment or self-employment. Eligibility for MA will be assessed and paid by the local Job Centre Plus Office.

MA payments are made weekly for a maximum period of 39 weeks and are paid out at the same rate as SMP (see paragraph 4.1.2 above).

If the employee has been assessed as not being entitled to SMP, they will be sent a SMP1 Form from the Trust's payroll provider giving reasons why SMP cannot be paid to them. The SMP1 Form is required for an application for MA.

MA is not refundable if the employee does not return to work after the end of maternity leave.

4.3 Occupational Maternity Pay (OMP):

Entitlement to occupational maternity pay set out in this policy is in accordance with the National

Joint Council (NJC) for Local Government Services – National Agreement on Pay and Conditions of Service ("Green Book").

OMP Eligibility:

To qualify for OMP, the employee must meet conditions based on length of service and level of earnings as below:

- The employee must have not less than 52 weeks' continuous *local government* service as at the 11th week before the EWC and
- The employee must return to work for 13 weeks, or an equivalent extended period if returning on reduced hours, at the end of the maternity leave.

OMP Entitlement:

OMP is paid at equivalent to 50% of the employee's salary for a period of 12 weeks.

Employees can choose to receive this payment as follows:

- Spread over a period of 12 weeks following the first 6 weeks' at SMP or MA (and concurrent with the lower rate SMP)
- Spread over the 33 weeks following the first 6 weeks' at SMP or MA (and concurrent with the lower rate SMP)
- When they return to work at the end of their maternity leave period when it will be paid to them as one lump sum.

In the event the employee does not return to work for the specified equivalent period after the end of their maternity leave, and OMP has been paid to them during their maternity leave, they will be required to repay the OAP element of the maternity pay including the corresponding National Insurance Contributions.

4.4 Maternity Payments - Summary

Entitlement to maternity pay and the corresponding qualifying criteria is set out below and in the Maternity Leave & Pay Chart at **Appendix A**.

Support Staff with 52 weeks' continuous service/locally recognised service at the 11th week before the EWC, and who meet the qualifying criteria for SMP as stated above, will receive maternity pay as follows:

- 6 weeks at 90% of salary (offset against payments made by way of SMP)
- 12 weeks at 50% of salary (OMP) plus lower rate SMP
- 21 weeks at lower rate SMP or 90% of salary whichever is the lower amount.

The remaining period of maternity leave i.e. 13 weeks will be on an unpaid basis.

Support Staff with 52 weeks' continuous service/locally recognised service at the 11th week before the EWC, but who do not meet the qualifying criteria for SMP as stated above, will receive maternity pay as follows:

- 6 weeks at 90% of salary (offset against payments made by way of MA if eligible)
- 12 weeks at 50% of salary (OMP) plus MA if eligible
- There is no entitlement to SMP
- There may be an entitlement to MA.

Support Staff with less than 52 weeks' continuous service/locally recognised service at the 11th week before the EWC but who meet the qualifying criteria for SMP as stated above, will receive maternity pay as follows:

- 6 weeks at 90% of salary (offset against payments made by way of SMP)
- 33 weeks at lower rate SMP or 90% of salary whichever is the lower amount
- There is no entitlement to OMP.

The remaining period of maternity leave i.e. 13 weeks will be on an unpaid basis.

5. Antenatal Care

Pregnant employees can request time off to attend antenatal care appointments. Antenatal care includes routine doctor/midwife appointments and relaxation/parent craft classes. Time off for appointments will be paid when recommended by a doctor, nurse, or midwife.

Employees wishing to take time off for these appointments should endeavour to give their Headteacher/Line Manager as much notice as possible.

Employees who are expectant fathers and partners of the expectant mother are also entitled to take paid time off during working hours to accompany her to antenatal appointments (see **Paternity/Partner Leave Policy**).

Request for antenatal appointment time off should be made using EveryHR under My Portal > My Leave > + Request General Absence > Reason for Absence = Antenatal Appointment.

6. Stillbirths and Early Births

Employees still qualify for maternity leave and pay if their baby:

- i. Is born early
- ii. Is stillborn after the start of the 24th week of pregnancy
- iii. Dies soon after being born.

Schools may wish to consider support for the employee through confidential counselling via their employee assistance programme.

In ii and iii above, the employee may be entitled to **Statutory Parental Bereavement Leave** or **Special Leave**, please refer to the appropriate Trust policy.

In the event of miscarriage before or during the 24th week of pregnancy an employee will not be able to claim statutory or contractual maternity benefits.

7. Notification of Pregnancy

It is in the employee's best interest to notify the Trust / school of their pregnancy as soon as possible so that the Trust / school can carry out a risk assessment to identify any risk to the employee and/or their baby.

Formal written notification of the pregnancy and intention to take maternity leave must be given by the 15th week before the EWC using the Maternity Leave Request Form at **Appendix E**.

If the employee later wishes to change the intended start date, they will need to give at least 28 days' written notice before the amended start date, using the Notification of Change Form at **Appendix F**.

If the employee fails to give the required notifications within the specified time limits, they may lose their right to maternity pay and to start maternity leave on the intended start date.

The Step-by-Step Notification Process and procedure is given at **Appendix C**.

8. Return to Work

8.1 Returning to work after OML:

Employees are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent unless this is not reasonably practicable due to a restructuring/redundancy situation.

8.2 Returning to work after AML:

Employee are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent. However, where a restructuring/redundancy situation has occurred or there is some other reason why it is not reasonably practicable for the employee to return to the same job, they are entitled to return to another job that is both suitable and appropriate for them to do in the circumstances. This must be on terms and conditions that are no less favourable that would have applied had they not been absent.

8.3 Return to work – Notice Requirements:

If the employee intends to return to work at the end of the full maternity leave period (i.e. after 52 weeks), they will not be required to give any further notification of their return to work.

If the employee wishes to return to work from maternity leave earlier than the date originally agreed, they must give the school at least 21 days' notice of the revised date of return to work. The Notification of Early Return to Work Form at **Appendix J** can be used. Failure to give the appropriate notice may result in the return being delayed.

If the employee does not intend to return after their maternity leave, they are required to give the school notice of resignation in accordance with the terms and conditions of their contract of employment.

Where the employee does not return to work (or returns to work for a period which is less than 13 weeks), any OMP which has been paid to them during their maternity leave, will have to be repaid including the corresponding National Insurance Contributions.

8.4 Flexible working upon a return to work:

If the employee wants to request returning to work on a different work pattern prior to their return, they can make a request using the Trust's **Flexible Working Policy**.

9. Rights During Maternity Leave

Maternity leave is regarded as continuous service and does not constitute a break in service. All contractual terms and conditions (except for normal remuneration) should continue throughout a period of maternity leave including the accrual of annual leave. During this period, the employee will continue to be bound by the terms of their contract of employment including the implied term of trust and confidence and any terms as to notice of termination by them.

10. Local Government Pension Scheme (LGPS) Members – Buying 'Lost' Pension

If the employee is a member of the Local Government Pension Scheme (LGPS), any paid part of their maternity leave will count as pensionable service. This means that deductions will be made from all maternity pay they receive from the employer. Any period of unpaid leave under this Policy will not count for pension purposes. Members of the Local Government Pension Scheme can elect to pay Additional Pension Contributions (APCs) to buy back the 'lost' pension.

Where unpaid leave has been approved, [Trust HR](#) will inform the employee of the effect of the unpaid leave on their pension and their right to choose to buy 'lost' pension. The model letter at **Appendix K** can be used for this purpose. The employee can then apply, if they wish to do so, using the model letter at **Appendix L**.

If the member makes their election to buy the 'lost' pension within 30 days of returning to work from the authorised unpaid leave, the cost of buying the 'lost' pension is shared between the member and the employer with the member paying 1/3rd of the total cost and the employer paying 2/3rds of the total cost. This is known as a Shared Cost Additional Pension Contract (SCAPC).

11. Responsibilities: Employee and Headteacher / Line Manager

Please see **Appendix B** for specific responsibilities of the employee and those of the Headteacher/Line Manager.

12. Protection from Detriment or Dismissal

An employee has the right not to be subjected to detrimental treatment or be dismissed because they are exercising their rights under this policy in taking or seeking to take maternity leave.

Appendix A: Maternity Leave & Pay Chart – Support Staff

At least 52 weeks' continuous service/locally recognised service with employer at the start of the 11 th week before EWC	At least 26 weeks' continuous service/locally recognised service with employer into the 15 th week before EWC	Entitlement to Maternity Pay	Entitlement to Maternity Leave
Yes	Yes	<ul style="list-style-type: none"> 6 weeks at 90% of salary 12 weeks at 50% of salary (OMP) plus SMP 21 weeks at lower rate of SMP. 	26 weeks' OML 26 weeks' AML
Yes	No	<ul style="list-style-type: none"> 6 weeks at 90% of salary 12 weeks at 50% of salary (OMP) + MA if eligible No entitlement to SMP May be entitled to MA. 	26 weeks' OML 26 weeks' AML
No	Yes	<ul style="list-style-type: none"> 6 weeks at 90% of salary 33 weeks at the lower rate of SMP No entitlement to OMP. 	26 weeks' OML 26 weeks' AML
No	No	<ul style="list-style-type: none"> No entitlement to SMP No Entitlement to OMP May be eligible for MA. 	26 weeks' OML 26 weeks' AML
<p>SMP Rate: 6 weeks at the higher rate (90% of your salary) 33 weeks at the prevailing Statutory Maternity Pay rate (lower rate) or 90% of your salary whichever is the lower</p> <p>Eligibility to MA will be assessed and paid by your local Job Centre Plus Office.</p>			

Key:

- SMP: Statutory Maternity Pay
- MA: Maternity Allowance
- OMP: Occupational Maternity Pay
- OML: Ordinary Maternity Leave
- AML: Additional Maternity Leave
- EWC: Expected Week of Childbirth

Appendix B: Responsibilities of Employees and Headteacher / Line Manager

EMPLOYEES	HEADTEACHER / LINE MANAGER
<p>Employees have specific responsibilities they need to fulfil in order to be entitled to the appropriate maternity benefits:</p> <ul style="list-style-type: none"> • To inform the Headteacher of her pregnancy in order that any work-related risks can be fully assessed as early as possible • Where possible, to give as much notice as possible of antenatal care appointments. Requests should be made through Every HR. • To give formal notification to the school of her intention to take maternity leave by the 15th week before the expected week of childbirth • To provide 28 days' notice if she wishes to change her maternity leave start date from an earlier notified date • To provide the original of the Maternity Certificate MAT B1 to the school. (This certificate is issued by the GP or midwife around the 20th week of pregnancy) • To inform the Headteacher of the child's birth date as soon as is practicable • To provide 21 days' notice of her intention to return to work from maternity leave if this is earlier than the original notified date • To provide notice in accordance with the terms of their contract of employment, if they do not intend to return to work after the period of maternity leave. 	<p>The Headteacher/Line Manager have a special duty of care towards employees who are pregnant, have recently given birth or are breast feeding:</p> <ul style="list-style-type: none"> • Headteacher/Line Manager to undertake a risk assessment with the pregnant employee in order to identify any risks to the employee and/or her baby • Headteacher/Line Manager to make any necessary adjustments as soon as possible following the assessment, and regular reviews must take place as necessary depending on the level of risk • Headteacher/Line Manager to allow the employee to take paid time off to attend antenatal appointments/parent craft classes • Headteacher/Line Manager to ensure the employee does not return to work for the first 2 weeks following childbirth • Headteacher/Line Manager to keep in touch with the employee on a reasonably regular basis during the course of her leave so that she remains informed about developments at work • Headteacher/Line Manager to agree and arrange with the employee any necessary KIT days during the course of their leave. (The school will also liaise with Trust HR to ensure appropriate salary payments are made for KIT days) • To allow the employee to return to the same job on the same terms and conditions (subject to what is stated in Section 8 of this policy) • Headteacher/Line Manager to carry out a return-to-work interview with the employee.

Appendix C: Step-by-Step Notification Process and Procedures

STEP 1: Employee advises manager of pregnancy

Although this is left to the employee's discretion it is in their best interest to do this as soon as possible so that a risk assessment can be undertaken to identify any risk to them and/or their baby.

STEP 2: Employee formally requests maternity leave by the 15th week before Expected Week of Childbirth

Employees can use the Maternity Leave Request Form at **Appendix E** and send it to the school copying Trust HR (aurigaacademytrust.org.uk).

Please attach the original of the Maternity Certificate MAT B1 if available (if not, this must be forwarded as soon as possible and by the 11th week before EWC at the latest as SMP cannot be paid without this).

Failure to comply with this step could prejudice your entitlement to maternity benefits.

STEP 3: Trust HR writes to the Employee within 28 days of receipt of written notification

Trust HR will confirm to the employee in writing their entitlement to maternity pay and leave and their expected date of return.

STEP 4: If the employee wishes to change the start date of their maternity leave from a date notified earlier, minimum 28 days' notice required before start date of revised date

If the employee wishes to change their maternity leave start date, from a date they have notified earlier, they must notify the [Headteacher](#) and Trust HR in writing. They can use the form at **Appendix F**.

STEP 5: Notification of actual birth date of your baby, as soon as possible after birth

The employee needs to notify the [Headteacher](#) and Trust HR in writing of the actual birth date of their baby and send a copy of the birth certificate. **See Appendix G.**

STEP 6: Notification of Early return from Maternity Leave, 21 days' notice prior to the revised return date

If the employee wishes to return to work earlier than the agreed date, they must notify the school in writing 21 days before the revised return date. Failure to give appropriate notice may result in the return being delayed. See **Appendix J**.

STEP 7: Return to Work

On return date, the employee's manager is required to carry out a return to work interview and a risk assessment with them.

Appendix D: Request for Time Off to Attend Antenatal Care Appointment Form

Request for time off should be made using EveryHR under My Portal > My Leave > + Request General Absence > Reason for Absence = Antenatal Appointment.

Appendix E: Maternity Leave Request Form

EMPLOYEE DETAILS:

Name:	
School and Job Title:	
Telephone Number:	
Email:	

PREGNANCY DETAILS:

Expected week of childbirth (EWC):	<i>(dd/mm/yyyy)</i>
I would like to start my maternity leave on:	<i>(dd/mm/yyyy)</i>
Maternity Certificate (MAT B1) attached:	YES / NO* <i>*(if NO, please forward separately as soon as available)</i>

OCCUPATIONAL MATERNITY PAY:

Occupational Maternity Pay (OMP) represents payment equivalent to 12 weeks at 50% of salary. It is paid subject to your returning to work for a minimum of 13 weeks, or an equivalent extended period if returning on reduced hours, after your maternity leave.

If you qualify for Occupational Maternity Pay, please select one of the following options:

- I intend to return to work after my maternity leave, and I would like OMP to be paid monthly, as half pay for 12 weeks following the 6 weeks at SMP/MA
- I intend to return to work after my maternity leave, and I would like OMP to be spread over the 33 weeks following the 6 weeks at SMP/MA
- I intend to return to work but cannot commit at this stage, and I would prefer for OMP to be paid to me as a lump sum on my return to work
- I **DO NOT INTEND** to return to work following my maternity leave and am therefore not entitled to OMP.

Declaration: I understand in the event that I do not return to work and have elected to have OMP paid to me during my maternity leave, I will be required to repay this element of the maternity pay and corresponding National Insurance Contributions.

Signed:

Date:

Please return the request form to Headteacher AND forward a copy to Trust HR (HR@aurigaacademytrust.org.uk). Your written request for maternity leave must be received by the 15th Week of EWC or you may lose the right to maternity pay and to start maternity leave on the intended date.

Appendix F: Notification of Change in Maternity Leave Start Date

EMPLOYEE DETAILS:

Name:	
School and Job Title:	
Telephone Number:	
Email:	

START DATE of MATERNITY LEAVE:

I wish to change the start date of my Maternity Leave.

The leave was due to start on:	<i>(dd/mm/yyyy)</i>
The revised start date of my Maternity Leave will be:	<i>(dd/mm/yyyy)</i>

Signed:

Date:

Please return the request form to Headteacher AND forward a copy to Trust HR (HR@aurigaacademytrust.org.uk). Notification of change to the start date of your maternity leave must be received at least 28 days before the intended start date of your Maternity Leave. Failure to give the required notice period may result in loss of your right to Maternity Pay and to start Maternity Leave on the intended date.

Appendix G: Notification of Birth Date of Baby

EMPLOYEE DETAILS:

Name:	
School and Job Title:	
Telephone Number:	
Email:	

BIRTH DETAILS:

My baby was born on:	<i>(dd/mm/yyyy)</i>
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Please tick as appropriate:

- This date was earlier than my due date. *Please confirm whether this affects my return to work date and let me know the revised date if appropriate*
- This date was on or after my due date. My return to work date is unchanged from the date previously notified to me.

Signed:

Date:

Please return this form to Headteacher AND forward a copy to Trust HR (HR@aurigaacademytrust.org.uk).

Appendix H: Keeping in Touch (KIT) Days Record Form

EMPLOYEE DETAILS:

Name:	
School and Job Title:	
Telephone Number:	
Email:	

KIT DETAILS:

This form should be used to record Keeping in Touch (KIT) days worked by an employee on Maternity Leave. You may not exceed 10 KIT days during Maternity Leave.

Start Date	End Date	Balance	Employee's Signature	Manager's Signature

Appendix I: Keeping in Touch (KIT) Days Payment Form

EMPLOYEE DETAILS:

Name:	
School and Job Title:	
Telephone Number:	
Email:	

DETAILS of KIT DAYS for PAYMENT:

Start Date	End Date	Total		
TOTAL TO BE PAID				
			Employee's Signature	Manager's Signature

Please send the completed signed form to Trust HR (HR@aurigaacademytrust.org.uk) in the month in which any KIT Days are worked so that payment can be made to the employee. Payment will be made at the employee's normal daily rate of pay prior to starting maternity leave.

Appendix J: Notification of Early Return to Work

EMPLOYEE DETAILS:

Name:	
School and Job Title:	
Telephone Number:	
Email:	

RETURN to WORK:

This is to notify you that I will be returning to work from maternity leave earlier than the previously notified date of:	<i>(dd/mm/yyyy)</i>
The revised date of my return to work from maternity leave will be:	<i>(dd/mm/yyyy)</i>

Signed:

Date:

Please return the request form to Headteacher AND forward a copy to Trust HR (HR@aurigaacademytrust.org.uk). You must give at least 21 days' notice if you are returning to work earlier than the previously agreed return date. Failure to give the required period of notice may result in your return to work being delayed.

Appendix K: Local Government Pension Scheme Member – Buying ‘Lost’ Pension

I refer to your notification to take leave under the Trust's Maternity Leave & Pay Policy for the period from *(insert date)* to *(insert date)*.

The leave is authorised and will be **unpaid**. Any period of authorised **unpaid** leave of absence will not count for pension purposes. You can however elect to pay Additional Pension Contributions (APCs) to buy back the ‘lost’ pension. If you elect to buy the ‘lost’ pension within 30 days of returning to work from your period of unpaid leave, the school will pay 2/3rds of the total cost of buying the ‘lost’ pension and the remaining 1/3rd of the total cost of buying the ‘lost’ pension will be paid by you by way of a deduction from your salary.

If you are interested in buying the ‘lost’ pension, please complete and sign the form at **Appendix L - Request for Total Lost Pensionable Pay during Period of Unpaid Leave** and return it to *(insert name of designated person)* prior to going on leave or as soon as possible following your return to work from your period of unpaid leave.

The Trust will provide you with details of the total lost pensionable pay for the period of the unpaid leave on your return to work from your period of unpaid leave, or as soon as possible thereafter. This information will enable you to obtain a quote from the Local Government Pension Scheme website (<https://www.lgpsmember.org/more/apc/lost.php>) showing the total cost of buying the ‘lost’ pension and allow you to apply to buy ‘lost’ pension should you choose to do so.

Yours sincerely

Trust HR

Appendix L: Request for Total 'Lost' Pensionable Pay during Period of Unpaid Maternity Leave

I have been granted authorised unpaid leave from *(insert date)* to *(insert date)*.

I am aware that this period will not count for pension purposes unless I make an election to pay Additional Pension Contributions to buy back the 'lost' pension.

I am aware that if I elect to buy the 'lost' pension within 30 days of returning to work from the period of the unpaid leave, 2/3rds of the total cost of buying the 'lost' pension will be paid by the school and I will be responsible for paying 1/3rd of the total cost of buying the 'lost' pension.

I am aware that my share of the payment will be deducted from my salary.

I am interested in buying the 'lost' pension and would like to request details of total lost pensionable pay for the period of unpaid leave so that I can obtain a quote for the total cost of buying 'lost' pension.

Name:

Position:

Signature:

Date:

Please return this request to Trust HR (HR@aurigaacademytrust.org.uk).