



ATLAS Multi Academy Trust

MATERNITY LEAVE POLICY

Updated version of whole policy taken from HCC Model policy

Trust sub-committee: Standards Committee

Co-ordinator: ATLAS Executive Team

Last Reviewed: Spring 2021

Next Review: Spring 2023

St Albans Girls' School : Beech Hyde Primary School and Nursery : The Adeyfield Academy

Signed by:
Margaret Chapman
Executive Head Teacher

Signed by:
Rachael Kenningham
Chair of ATLAS Board of Directors

1.	SCOPE AND OBJECTIVE
	<p>This policy sets out your entitlements as an employee of ATLAS Trust to maternity pay and leave under the statutory scheme and the contractual maternity scheme.</p> <p>The difference in entitlements between the teaching and non-teaching scheme are a result of the different conditions of employment which are illustrated in the guidance note in Appendix 1.</p>
2.	ENTITLEMENT TO MATERNITY LEAVE
	<p>Irrespective of your length of service, you 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.</p> <p>Under UK law you must take at least two weeks' leave immediately following the birth of your baby (four weeks' if you work in a manual handling environment).</p>
3.	COMMENCING MATERNITY LEAVE
	<p>You can start your Maternity Leave at any time once you have reached the 11th week before your baby is due. If you have not already commenced your Maternity Leave when your baby is born, your Maternity Leave will start automatically on the day after the date on which your baby is born.</p> <p>However, if you are absent due to pregnancy related illness at any time during the 4 weeks' before your Expected Week of Childbirth (EWC), you are legally required to begin your Maternity Leave from the start date of the absence and cannot continue to work even if you want to. If you are absent due to pregnancy related illness but before the 4th week before your EWC, the absence is treated as sickness.</p>

4.	ANTE-NATAL APPOINTMENTS
	<p>You 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 7 and 10). Please notify your Head Teacher/Principal as far in advance as possible and be prepared to show them your appointment record, if required.</p> <p>Fathers and partners of pregnant women are entitled to unpaid time off to attend two ante-natal appointments (time off is capped at six and a half hours for each appointment).</p>
5.	STATUTORY MATERNITY PAY
	<p>Unlike Maternity Leave, your legal entitlement to Statutory Maternity Pay (SMP) will depend on how long you have worked for the Trust and whether this is more than 26 weeks at the 15th week before your baby is due and your earnings are above the qualifying level.</p> <p>The first 6 weeks is paid at the Higher Rate of SMP i.e. 90% of your average weekly earnings, plus a further 33 weeks at the Lower Rate of SMP, which is the standard rate of SMP or 90% of your average weekly earnings, whichever is the lower.</p> <p>All payments are subject to deduction for National Insurance, Income Tax and pension.</p> <p>Payment of SMP cannot start earlier than the 11th week before expected week of childbirth. SMP is not refundable to the Trust if the return to work obligation is not fulfilled.</p>
6.	MATERNITY PAY AND LEAVE SCHEME
	<p>The following scheme applies to all full-time and part-time employees in the Trust.</p> <p>You will have a statutory right to continue to benefit from all your normal terms and conditions of employment, with the sole exception of pay. For the purposes of simplification, entitlements of teaching and non-teaching staff have been separated in Appendix 1.</p> <p>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</p> <p>During maternity absence you must not work again, other than 'Keeping in Touch Days' (see point 15), until the return date agreed. An earlier return will bring your maternity leave to an end.</p>
7.	NOTIFICATION OF PREGNANCY
	<p>You should inform your Head Teacher / Principal, as soon as possible of your pregnancy and the approximate date you intend to start your Maternity Leave. This notification must be before the 15th week of your Expected Week of Childbirth (EWC). This is in your own interests, and ensures that we can take any necessary steps to look after your health and safety and that of your baby. Early notice also allows us to let you know what your entitlements are to Maternity Leave and pay.</p> <p>If you do not notify your Line Manager or Head Teacher prior to the birth then it may impact Maternity pay.</p> <p>If you wish to change the date your maternity leave starts you can do so by giving 28 days' notice of the change.</p> <p>Your maternity leave cannot start any earlier than the 11th week before the expected week of childbirth.</p>

	7.1	Application for maternity leave
		<p>To provide formal notification of your intention to apply for Maternity Leave you should complete the Notification for Maternity Leave Form, in Appendix 2. The form requires you to provide the following information:</p> <ul style="list-style-type: none"> • Your EWC • The date on which you intend to start your maternity leave • The original MATB1 certificate <p>This form must be completed by you, signed by your Headteacher/Principal and submitted to the Trust’s payroll provider for processing.</p>
8.		EXPECTED RETURN DATE
		<p>Unless you inform the School otherwise, we will assume that you will be taking the full entitlement of 52 weeks’ leave for which you are eligible.</p> <p>Should you wish to return before the end of your maternity leave you must give 28 days’ notice in writing of the change to your Head Teacher / Line Manager.</p> <p>If you cannot return at the end of maternity leave because of illness, this will be treated as normal sick leave.</p>
	8.1	Teachers
		<p>The payment of occupational maternity pay (i.e. 12 weeks half-pay) as detailed in Appendix 1, is dependent upon you returning to your job 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 you do not fulfil this obligation you are obliged to repay part or all of your occupational maternity pay to your employer.</p> <p>The notification form allows you to choose to have the 12 weeks half-pay withheld and to be paid as a lump sum on your return to work.</p>
	8.2	Non-teaching
		<p>The payment of occupational maternity pay (i.e. 12 weeks half-pay) as detailed in the guidance notes of Maternity Pay Entitlements is dependent upon you agreeing to return for at least 3 months to the Trust. If you do not fulfil this obligation you are obliged to repay part or all of your occupational maternity pay to your employer.</p> <p>The notification form allows you to choose to have the 12 weeks half-pay withheld and to be paid as a lump sum on your return to work.</p>
9.		HEALTH AND SAFETY DURING PREGNANCY
		<p>We want you to remain safe and healthy at work during your pregnancy. The Trust’s site would not typically be considered as dangerous, but we want to ensure that anything that could pose a risk to a pregnant woman and/or an unborn child is identified and eliminated.</p>

9.1	Risk assessment
	<p>Once you have informed your Head Teacher/Principal that you are pregnant, a Risk Assessment will be completed and signed by both you and the Head Teacher/Principal as soon as possible, and appropriate action taken to reduce any risks.</p> <p>Examples of steps we may take to avoid any risks include:</p> <ul style="list-style-type: none"> • Changing your working conditions or hours of work • Offering you suitable alternative work on terms and conditions that are the same or not substantially less favourable • Suspending you from duties, which will be on full pay unless you have unreasonably refused suitable alternative work. <p>The Risk Assessment form should be kept under continuous review as risks may change throughout pregnancy. For example, morning sickness may cease to be a problem after early pregnancy. You should talk to your Line Manager/Head Teacher immediately if you have any concerns about your work that could put you or your unborn child at risk. The vast majority of risks are easily minimised or eliminated with the right level of care and consideration.</p>
10.	SICKNESS ABSENCE DURING PREGNANCY
	<p>Absence on account of illness which occurs before the 4th week period of EWC is treated as ordinary absence on sick leave.</p> <p>However, if at any time during the 4 weeks before your EWC, you are medically unfit to carry out your duties and if the illness is associated with pregnancy, maternity leave must begin immediately. This includes illness during a holiday period. See point 3.</p> <p>Any absence which is not pregnancy related is treated as sickness absence.</p> <p>Non-Teaching Staff</p> <p>Employees 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. (For Trusts outside of the HCC Collective Agreement this is optional)</p>
11.	PREMATURE BIRTH
	<p>If your baby is born prematurely before you have started your Maternity Leave, the birth of your baby will automatically trigger the start of your Maternity Leave on the day after the birth, even if this is more than 11 weeks' before your baby was due. You should inform your Head Teacher/Principal as soon as is practically possible.</p>
12.	MISCARRIAGE
	<p>A miscarriage can be a very distressing experience. If you suffer a miscarriage before 24 weeks of pregnancy you will not be legally entitled to Maternity Leave or Maternity Pay but you will be entitled to Sick Leave in accordance with the Trust's policy.</p> <p>The UK Miscarriage Association provides support and information and can be contacted via www.miscarriageassociation.org.uk. You can also contact the Trust's Employee Assistance Provider, on 0800 197 0655.</p>

13.	STILL BIRTH
	<p>If a baby is stillborn or does not survive after being born, after the 24th week of pregnancy you will be legally entitled to Maternity Leave and Maternity Pay. We will still need the MAT B1 Form from your GP / Midwife if this hasn't already been provided. SANDS (The Stillborn and Neonatal Death Society) are a charity set up to help grieving parents. They can be contacted through www.sands.org.uk. You can also contact the Trust's Employee Assistance Provider, on 0800 197 0655.</p> <p>In these circumstances please refer to the Parental Bereavement Policy</p>
14.	REASONABLE CONTACT
	<p>While you are on Maternity Leave, we would like to keep you up to date with what is going on at work and give you the opportunity to get in touch with the Trust if needed. This is known as 'Reasonable Contact' and simply formalises good communication practices between Head Teacher/Principal and Employees on Maternity Leave. You should agree with your Head Teacher/Principal before starting your Maternity Leave the level of contact which will be maintained during your Maternity Leave.</p>
15.	KEEPING IN TOUCH (KIT) DAYS
	<p>You may undertake ten 'Keeping in Touch Days' during your maternity leave. This allows you to work under your contract of employment for up to ten days and receive payment as agreed with your Head Teacher, without bringing your maternity leave to an end. Please note any part of a day will count as one KIT day.</p> <p>It is important to note that work is prohibited during compulsory maternity leave</p> <p>The KIT days are not limited to your usual job; they could be used for training or other events. You may also wish to use some of your KIT days to ease your return to work.</p> <p>Any KIT day must be agreed between you and the Head Teacher. There is no obligation on the Trust to offer you KIT days or on you to complete KIT days offered.</p> <p>Please refer to Appendix 3 for further guidance.</p>
16.	HOLIDAY ENTITLEMENT
	<p>Your holiday entitlement continues to be accrued at the rate provided under your contract whilst you are on Maternity Leave. This entitlement applies to all employees including term time only workers and teachers.</p>
	16.1 Teachers
	<p>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.</p>
	16.2 Term time only workers
	<p>In order to calculate the entitlement to annual leave it is necessary to carry out a 'Balance of Salary' calculation at the start of the maternity leave period and a second calculation at the end of your leave period. This calculation takes into account your start date with the Trust and the number of completed weeks of the academic year up to the point you start</p>

	<p>your maternity leave. The proportion of completed weeks will then be compared to the salary you have been paid for the same period. In most cases this results in a payment of a balance of salary, however, there may be instances where the salary paid exceeds the weeks which have been worked and a recovery of salary is necessary.</p> <p>Once you return to work, a second calculation is carried out to identify whether you are entitled to a payment in respect of annual leave you have accumulated whilst on maternity leave.</p> <p>Please note: The date on which you start and end your maternity leave can significantly affect the balance of salary calculation.</p>
17.	PENSION PLAN
	<p>Contributions to the Local Government and Teachers Pension Scheme will automatically continue to be deducted from your actual pay if you are a member of the Scheme on paid maternity leave</p> <p>Local Government Scheme member only.</p> <p>If you take unpaid maternity leave you must decide whether to pay pension contributions for this period and on your return to work you will be given the opportunity to purchase contributions for any period of unpaid maternity leave.</p> <p>Contributions will be based on the pay you were receiving the day before unpaid leave started. Should you wish to purchase service for periods of unpaid maternity leave, you must contact the LPP Local Government Pension Scheme Administration team on 0300 323 0260 within 30 days of your return to work.</p>
18.	RETURNING TO WORK FROM MATERNITY LEAVE
	<p>You are entitled to return to work on the same terms and conditions as if you had not been on Maternity Leave.</p> <p>No notification is necessary if you plan to return at the end of maternity leave; it is assumed that you intend to return on that date.</p> <p>If you wish to change the date of your return you must give 28 days' notice.</p> <p>There is no provision for the employer to postpone the return to work after maternity leave, unless you have failed to give the required 28 days' notice of a change to your return to work.</p> <p>If you cannot return at the end of maternity leave because of illness, this will be treated as normal sick leave.</p>
19.	REQUESTS FOR EXTENDING MATERNITY LEAVE
	<p>At the discretion of the Head Teacher/Principal you may be allowed extended maternity leave without pay in excess of the 52-week period. This would not constitute a break in your service. Any such request should be submitted at the earliest possible date but no less than 8 weeks before the date indicated as the intended date of return at the start of the maternity leave.</p>
20.	DISMISSAL PROTECTION
	<p>Where it is not practicable by reason of redundancy for the Trust to permit you to return to work in your job as defined above you 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 you and appropriate to the circumstances. In addition, the capacity and place in which you are to be employed and your terms and conditions of employment are not substantially less favourable to you than if you had been able to return in the job to which you were originally employed.</p>

	<p>Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g. a general reorganisation), which would have occurred if you had not been absent, necessitate a change in the job in which you were employed prior to your absence. The work to be done should be suitable to you and appropriate to the circumstances and the capacity and place in which you are to be employed and your terms and conditions of employment should not be less favourable to you than if you had been able to return to the job in which you were originally employed.</p> <p>Head Teachers and governors should seek further advice from their HR Advisers.</p>
21.	CHILDCARE VOUCHER SCHEME
	<p>Participation in the Childcare Scheme will not affect your Maternity Pay and will continue during your Maternity Leave period. The Childcare Voucher Scheme enables you to exchange part of your salary for Childcare Vouchers which are exempt from Tax and National Insurance. For a basic rate taxpayer this could mean a saving of over £500 per year. Please seek further advice from the Payroll Team.</p>
22.	FLEXIBLE WORKING
	<p>Prior to or when you return from Maternity Leave if you wish to be considered for part-time hours, you must apply in writing under the Flexible Working Policy. Please see Flexible Working Policy.</p>
23.	SHARED PARENTAL LEAVE
	<p>Shared parental leave enables employees 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.</p> <p>For more information please see Shared Parental Leave Policy.</p>
24.	PAY REVIEW WHILST ON MATERNITY LEAVE
	<p>Employees are entitled to a pay review whilst on maternity leave in the same way that they would be if they weren't on maternity leave.</p> <p>If following a pay review the employee 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 account of the employee's pay rise. This means that the employee's SMP and OMP will be recalculated and increased retrospectively. In some cases she may qualify for SMP or OMP if she did not previously. The employee 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.</p>
25.	FAILURE TO RETURN TO WORK
	<p>If you fail to return to work on the dates agreed with the Trust you may be subject to disciplinary action in the same way as any other employee who has failed to return to work following a period of absence.</p>
26.	JOB OPPORTUNITIES WHILST ON MATERNITY LEAVE
	<p>Whilst on maternity leave you have the same opportunities to access job vacancies, promotion and development opportunities. Before you commence your maternity leave you should discuss with your employer how you would like to be notified of any opportunities that arise that you wouldn't otherwise be aware of from other publicised sources, e.g. Teach in Herts.</p>

Appendix 1: Maternity Leave Entitlements

TEACHING STAFF

Eligibility Criteria	Entitlement	Pay
Less than 26 weeks continuous service with ATLAS		52 weeks unpaid leave
26 weeks or more continuous service with ATLAS at the beginning of the 15 th week before the expected week of childbirth	26 weeks ordinary maternity leave, which includes maternity pay, paid as follows	Teachers with less than one year continuous service with ATLAS: <ul style="list-style-type: none"> ● 6 weeks SMP at 9/10 week's salary ● 20 weeks SMP at the lower rate Teachers with one year or more continuous service with ATLAS: <ul style="list-style-type: none"> ● 4 weeks full pay ● 2 weeks at 9/10 weeks salary ● 12 weeks half pay plus SMP at the lower rate ● 8 weeks SMP at the lower rate
	26 weeks ordinary maternity leave plus additional maternity leave of 26 weeks , in total, up to 52 weeks leave. During this time you will also receive pay made up as follows:	Teachers with more than 26 weeks but less than one year continuous service with ATLAS: <ul style="list-style-type: none"> ● 6 weeks SMP at 9/10 week's salary ● 33 weeks SMP at the lower rate ● 13 weeks unpaid leave Teachers with one year or more continuous service with ATLAS: <ul style="list-style-type: none"> ● 4 weeks full pay ● 2 weeks at 9/10 weeks salary ● 12 weeks half pay plus SMP at the lower rate ● 21 weeks SMP at the lower rate ● 13 weeks unpaid leave
Teachers with less than 26 weeks service with ATLAS, but with 1 year or more continuous service with ATLAS.	Entitled to up to 52 weeks maternity leave. 18 weeks maternity pay, to be paid as follows:	4 weeks at Full Pay 2 weeks at 9/10 12 weeks at half pay 21 weeks unpaid leave (No Statutory Maternity Pay will be payable)

NON TEACHING

Eligibility criteria	Entitlement	Pay
For employees with less than 26 weeks continuous service with ATLAS		52 weeks Unpaid leave
For employees with 26 weeks or more continuous service with ATLAS at the beginning of the 15th week before the expected week of childbirth	26 weeks' ordinary maternity leave, which includes maternity pay, paid as follows:	<p>Staff with less than one year continuous service with ATLAS:</p> <ul style="list-style-type: none"> -6 weeks SMP at 9/10 week's salary -20 weeks SMP at the lower rate <p>With one year or more continuous service with ATLAS:</p> <ul style="list-style-type: none"> -6 weeks at 9/10 weeks salary -12 weeks half pay plus SMP at the lower rate -8 weeks SMP at the lower rate
	26 weeks ordinary maternity leave plus additional maternity leave of 26 weeks, in total, up to 52 weeks leave.	<p>Staff with more than 26 weeks but less than one year continuous service with ATLAS:</p> <ul style="list-style-type: none"> -6 weeks SMP at 9/10 week's salary -33 weeks SMP at the lower rate -13 weeks unpaid leave <p>With one year or more continuous service with ATLAS:</p> <ul style="list-style-type: none"> -6 weeks at 9/10 weeks salary -12 weeks half pay plus SMP at the lower rate -21 weeks SMP at the lower rate -13 weeks unpaid leave
For employees with 26 weeks or more continuous with ATLAS but less than 26 weeks with ATLAS at the beginning of the 15th week before the expected week of childbirth	26 weeks ordinary maternity leave plus additional maternity leave of 26 weeks, in total, up to 52 weeks leave.	<ul style="list-style-type: none"> -6 weeks at 9/10 week's salary -12 weeks half pay <p>(Statutory Maternity Pay is not payable)</p>

Appendix 2: Notification of Maternity Leave

On completion please hand this form to your Head Teacher/Principal.

Personal Details

Preferred title.....

Full name.....

Home Address.....

..... Post Code

Home Telephone Number.....

National Insurance Number.....

School.....

Post Held.....

Expected date of childbirth

Date of the beginning of 11th week before childbirth.....

Date on which maternity leave is expected to start

Must not be earlier than 11th week date

Please tick if you would like us to withhold 12 weeks half pay until you return to work.

Please tick if you would like to have 12 weeks of half pay paid over weeks 7 to 26.

Date service commenced in ATLAS

If less than 26 weeks from the beginning of the 15th week before the EWC

Date when continuous service began

Declaration

I, the above named, wish to inform you that I am pregnant and wish to take maternity leave. I understand that the occupational maternity pay is conditional on returning to work as detailed in the Maternity Policy. If I do not fulfil this obligation I am obliged to repay part or all of my occupational maternity pay to my employer. I confirm that I have read the Maternity Policy. The information provided in this application is true and accurate.

Signed Date

Authorisation

Signed Date

Head Teacher/Principal

Appendix 3

Keeping in Touch Days Guidance

Introduction

There are 10 optional keeping in touch days available to staff on maternity or adoption leave (known as KIT days). Staff taking shared parental leave are also entitled to 20 keeping in touch days each (known as SPLIT days).

KIT and SPLIT days provide the opportunity for staff to undertake a limited amount of work and training without affecting their statutory pay. This may help ease an eventual return to work and benefit both parties.

For the purposes of this guidance any reference to keeping in touch days (KIT days) shall refer to both KIT and SPLIT days, unless stated otherwise.

What arrangements do I need to make?

It is good practice for managers to hold pre-maternity-leave meetings with employees to discuss matters such as the amount and type of contact that they would like during their leave and whether they want to undertake any work during their leave.

A manager may wish to make some provisional arrangements for work to be undertaken during the leave period, for example asking if the employee would like to come into work for specific meetings, or company events or training courses. Alternatively, keeping-in-touch days can be arranged at a later date, for example some days in the office could be agreed closer to the employee's return to work. Managers should seek to be flexible about the timing of KIT days, as the employee may need some flexibility to make suitable child care and travel arrangements.

An employer may need to consider what practical arrangements need to be made to enable an employee to work during their leave. For example, if maternity leave is being covered by a maternity locum, another workstation may be required.

Managers should check with their employee whether they will need access to breastfeeding/expressing facilities.

How can I make good use of the employee's time on a KIT day?

In order for both parties to get the most out of a KIT day it is good practice to agree in advance how the employee's time will be spent on the day. Keeping-in-touch days are useful for:

- Updating or refreshing the employee's knowledge and skills, if she is invited to training sessions and continuous professional development events;
- Engaging the employee in major organisational change discussions, if she is invited to meetings or other forums in which such issues are discussed;
- Finalising the employee's return-to-work plan;
- Ensuring that the employee is up to speed with any changes in standard operating procedures, policies and practices or new ways of working; and
- Maintaining or re-establishing the employee's relationships with key clients and colleagues; and
- The KIT day location is on site of the usual place of work

Does an employee get paid for a KIT day?

The relevant legislation does not specify how employers should deal with contractual pay for an employee who works a KIT day whilst receiving statutory pay. The Trust's policy is as follows:

- If an employee is receiving full contractual maternity pay at the time they work a KIT day they will continue to receive their normal pay for that work – they will not receive any additional pay for the KIT day.
- If the employee is receiving statutory pay at the time they work a KIT day the Trust will top up their statutory pay so that the employee receives a normal day's pay for the KIT day.
- If the employee is on unpaid maternity leave, they will receive their normal pay for the KIT day.

How to request an employee is paid for a KIT day

To get paid for the KIT day, the employee needs to complete the relevant form which can be collected from the HR Department.

When can an employee work a KIT day?

KIT days can only be taken where both the employee and the manager agree that it would be beneficial; neither party can insist that KIT days are worked. There are no restrictions on when KIT days can be used although maternity leave regulations prohibit any work for two weeks after childbirth. KIT days can be taken in a block or separately, as agreed between the employee and their manager.

Can KIT days be taken as half days?

In theory yes, but payment for the day is not pro-rated so the expectation is that the employee works their normal hours for the day. A partial KIT day worked still counts as one full day in terms of the total number of KIT days available to the employee.

Are the number of KIT days pro-rated for part-time employees?

The number of keeping in touch days available for part-time employees are not pro-rated. For example, an employee who normally works only a three day week is still entitled to ten keeping in touch days.