



MATERNITY PROVISIONS
FOR
GIRLS' LEARNING TRUST STAFF

April 2023

GUIDE TO MATERNITY LEAVE AND BENEFITS

When you find out you are pregnant

You must formally inform your Headteacher and Human Resources Team when you find out you are pregnant as soon as possible or as is reasonably practical:

- When the expected week of childbirth will be
- When you are intending for your maternity leave to start (this can change as long as 28 days notice is given if not due to pregnancy related illness)

When you are approximately 26 weeks pregnant your doctor or midwife will give you a maternity certificate, form **MATB1**, which shows the week it is expected that your baby will be born.

Once you receive your MATB1 certificate you must send it to your Human Resources Team. This will confirm your expected week of childbirth (**EWC**). You will also need to confirm in writing when you intend to commence maternity leave providing at least 28 days notice. The earliest start date for you to commence your maternity leave is 11 weeks before your expected week of childbirth.

What will happen next

Once you have informed your Head Teacher and Human Resources Manager of your intention to take maternity leave you will be asked to complete a 'Risk Assessment for New and Expectant Mothers' and you will be notified by your HR Team of the date that they would expect you to return to work.

Risk assessment:

Your Headteacher / Line Manager will need to complete a risk assessment with you to ensure your health and well being. They will inform HR if they need to take further advice from Occupational Health in order that advice can be given to both you and your Head Teacher to enable appropriate support during the course of your pregnancy. The risk assessment will be reviewed throughout your pregnancy and when you return. If a risk is identified and could place either yourself or your baby at risk then arrangements will be made to remove the risk or, if this is not possible, your duties may be reorganised or you may be relocated for a temporary period.

Ante-Natal Care

You are entitled to time off without the loss of pay to attend ante-natal appointments. You must inform your Headteacher in advance of your appointments and produce an appointment card as proof of appointment after your first appointment. Please give your immediate Headteacher as much notice as possible of your appointments and wherever possible try to arrange them as near to the start or end of the working day.

Your right to maternity leave

All employees are entitled to both *ordinary maternity leave (OML)* and *additional maternity leave (AML)* which means you can take up to 52 weeks maternity leave. Maternity leave can start up to 11 weeks before your baby is due. (2 weeks from the date of childbirth will be compulsory maternity leave for all employees).

If your baby arrives earlier than expected

If your baby is born before the date you have notified your Headteacher (or before any notification), the maternity leave period starts automatically and you must give your Headteacher notification as soon as is reasonably practicable.

Pregnancy related sickness

If you are absent from work due to a pregnancy related reason during the 4 weeks before your EWC, your maternity leave will start automatically regardless of when you have actually stated you wish the maternity leave to start. In this situation you will not receive sick pay whilst in the maternity pay period.

Stillbirth and Miscarriage

'Childbirth' is defined as a live birth or a still birth after 24 weeks of pregnancy.

In the event that your child is still born after the end of the 24th week of pregnancy, you will receive the national contractual maternity entitlements as set out in the National Agreement on Pay and Conditions of Service of the National Joint Council for Local Government Services (green book). This means Maternity leave and pay will apply.

If you miscarry before the end of 24 weeks of pregnancy your absence from work will be regarded as sick absence and will be paid as sick pay.

Health and Safety

Current Health and Safety law requires a risk assessment of your work tasks and work environment to ensure that your health and that of your unborn baby are not put at risk. To ensure that this is carried out you should tell your line Headteacher that you are pregnant as soon as possible.

Your Headteacher will need to ensure that you are not exposed to any significant risk to your health and safety in the workplace. They will therefore undertake a *pregnancy risk assessment*. Risks include those to the unborn child or child of a woman who is still breastfeeding, not just risks to the mother herself. If you or your Headteacher have any health and safety concerns, please contact your HR Team

Your Entitlement to Maternity Pay

The amount of continuous service you have will affect your maternity pay entitlement.

Less than 1 years Continuous Service

You will qualify if you have worked for your employer continuously for at least 26 weeks continuing into the 'qualifying week' - the 15th week before the expected week of childbirth. This payment is for 39 weeks. The amount currently payable for SMP is **£172.48** (*Statutory Maternity Pay is paid by employers to women who qualify*)

If you do not qualify for SMP

You will be given a form **SMP1** “*Why I cannot pay you SMP*” and this must be sent to your Benefits Agency Office. You may be entitled to Maternity Allowance (MA) from the Department of Social Security (DSS). You will still need to forward your MATB1 to the Human Resources Schools Team.

More than 1 years Service but not returning to work after Maternity leave

Employees who have completed at least one years continuous local government service at the 11th week of EWC who do not intend to return to work are entitled to Statutory Maternity Pay (SMP), subject to the qualifying conditions. This will be paid as 6 weeks pay at 9/10ths pay, followed by a further 33 weeks pay at basic rate SMP.

More than 1 years Service and intending to return to work after Maternity leave

Employees with one year’s continuous local government service at the beginning of the 11th week before their EWC are entitled to SMP and Occupational Maternity Pay as long as they return to work for 13 weeks following their maternity absence.

Occupational Maternity Pay

Occupational Maternity Pay is paid in addition to your SMP entitlement and is 12 weeks of half pay (6 weeks full pay equivalent), which can be paid over a longer period of time if this is wished.

You will need to confirm on **Form A** how you want to receive your maternity pay in writing to your Headteacher and HR Team as soon as possible using the form in this guide.

Statutory Maternity Pay	Occupational Maternity Pay	GLT Maternity - SUPPORT
6 weeks at 90% 33 weeks at £172.48 per week	12 weeks at ½ pay	6 weeks at 90% * 12 weeks at 50% and SMP (£172.48) 21 weeks at SMP only (£172.48)
Basis on which payment is made		GLT Maternity - TEACHERS
Average weekly earnings at qualifying week (23 rd – 15 th week)	You must return to work for at least 3 months at the end of your maternity leave period	4 weeks at 100% 2 weeks at 90% *12 weeks at 50% and SMP (£172.48) 21 weeks at SMP only (£172.48)

* This should not exceed full pay.

Pension Contributions

During any period of paid maternity leave (including any period when only Statutory Maternity Pay is paid), and during any unpaid maternity leave during the 18 week Ordinary Maternity Pay period, you must continue to pay pension contributions on the actual pay, if any, you are receiving. Benefits will continue to accrue as if you were working normally on full pay.

If you have a right to return to work, you can choose to pay contributions for any period of unpaid maternity leave beyond the 18 week Ordinary Maternity Pay period so that the period of absence will count in full for pension purposes. The contributions will be calculated on the rate of pay (or reduced pay) that you were receiving immediately before you commenced the period of unpaid maternity leave. If, before going on maternity

leave, you were paying additional contributions to increase your membership, these remain payable. They are calculated on the rate of pay you would have received if you were not on maternity leave. The additional membership continues to accrue in full.

Trade Union Subscriptions

If you are a member of a Trade Union your subscriptions will continue to be deducted whilst you are still receiving payment. For further information you should contact your Trade Union representative who will advise you with regards to any questions you may have concerning your payments when you are on unpaid maternity leave.

Maternity Leave

All employees are entitled to 26 weeks **ordinary maternity leave** and 26 weeks **additional maternity leave**. This immediately follows ordinary maternity leave.

To benefit from this scheme you must tell your HR Team:

- a) that you are pregnant;
- b) the date you intend to start your maternity leave. This date can be altered provided you give 28 days notice, in writing.

The earliest date that you can start your maternity leave is the beginning of the 11th week before the expected week of childbirth. You may commence your maternity leave / benefits any day of the week. You can choose to start your maternity leave later than this provided you comply with (b) above.

HR Team must respond to your notice of intention to take maternity leave, in writing, within 28 days, informing you of the date you will be expected to return to work following your maternity leave.

Returning to Work after Maternity Leave

It is **compulsory** for all employees to take a **minimum of 2 weeks** maternity leave from the date of childbirth.

If you intend to return to work on the date given to you by the HR Team, you are not required to give any further notice of this. However, if you wish to return to work before the end of your maternity leave you are required to give **at least 8 weeks notice** to your Headteacher of the date that you want to return.

You will need to complete **Form B**

Right to Return to Your Job

- i) Subject to paragraph ii) below, your right to return to work is a right to return to the job in which you were employed under your original contract of employment and on terms and conditions not less favourable than those which would have been applicable to you if you had not been absent.
- ii) Where it is not practicable by reason of redundancy for the Governing Body to permit you to return to work in your job 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, and that the capacity and place of the new job and the terms to and conditions of employment are not substantially less favourable than the original job.

If you do not wish to return to work after maternity leave

If you decide not to return to work you can resign at any time, either before you finish work or after your baby is born, or you can wait until the end of the maternity period without affecting your statutory maternity pay. However, if you have been in receipt of occupational maternity pay (OMP) you will need to repay this amount.

If you are unable to return to work due to sickness

If you are unable to return to work on the expected day due to sickness, the absence will be covered by the sickness scheme and a medical certificate will be required

Part-time Working / Job Share

If you would like to return to work on a part-time or job-share basis, you should discuss the possibility with your Headteacher at the earliest possible opportunity.

If there is any aspect of this guidance that is unclear to you or you require further information, please contact your HR Team who will be pleased to help you.

Flexible Working

If you wish to return to work after maternity leave, on different hours than you work now, you have a right to request a variation of your contract under the Flexible Working (Procedural Requirements) Regulations 2002.

You will need to set out, in writing, the working pattern you want and how it could be made to work. The school should arrange a meeting of the governors within 28 days to consider the request and write back within 14 days either (a) accepting the request, (b) confirming any compromise offered or (c) rejecting the request with a short explanation of the business reasons for doing so and the appeals procedure to be followed.

Annual Leave for Employees

If you are employed on an all-year-round contract you are entitled to your full annual leave entitlement if you intend to return to work.

If you are employed on a term time only contract you will continue to receive payment for your annual leave as part of your equated pay.

Working during Maternity Leave/'Keeping in touch' Days

Statutory Maternity leave regulations now provide that you are able to work **up to 10 days** during your maternity leave without bringing your maternity leave to an end. Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

Your Headteacher cannot insist you attend or carry out any work, similarly as you cannot insist on your Headteacher to give you work.

You will be paid for the days you attend or carry out work but if you are in receipt of maternity pay, the SMP element may be offset from the payment.

Please remember that you cannot carry out any work during the first two weeks following the birth of the child.

Whilst you are on Maternity Leave there should be reasonable contact between your Headteacher and yourself. This does not constitute work and will not count towards your 10 days. Apart from discussing your return to work your Headteacher can inform you of any job vacancies, significant workplace developments and training opportunities.

KIT Days Form is attached with this guide.

Shared Parental Leave

Shared Parental Leave (SPL) is a statutory right available to employees who have a new baby or a newly adopted child on or after 5th April 2015. It gives them the option of sharing up to 50 weeks of leave and 39 weeks of pay if they meet the necessary eligibility criteria. The parents can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child

Full policy on Shared Parental Leave can be obtained from HR

REQUEST FOR MATERNITY LEAVE**To:** (Head Teacher).....

(Address).....

From: (Name – block capitals).....**Job Title:****I wish to begin my maternity leave on:**

I intend to resume work following maternity leave. I understand that this is not binding, should I later change my mind and wish to resign, but at present I wish a job to be held open for me.

I attach my form MATB1/ I will send my MATB1 in due course (Please delete as necessary)

If you are entitled to receive Occupational Pay and intend to return to work please delete as applicable*

* Please pay my Occupational Pay during my maternity leave

* Please hold my Occupational Pay until I return from maternity leave

I understand that if I do not to return to work for a total period of 13 weeks (or the equivalent if I work part time) after the end of my maternity leave, I will have to repay the Occupational Maternity Pay (OMP) which I have received. I also understand that by signing this form, I am giving my consent for any deductions for the overpayment of OMP to be taken from any salary owed to me. I confirm that the total amount will be repaid to the Trust either on or before my last day of employment . In the event of me not being in receipt of any salary, I confirm that any overpayment of OMP will be repaid either on or before my last day of employment.

Signed.....**Date**.....**FOR THE HEADTEACHER / HR TO COMPLETE**

Please sign below acknowledging receipt of this form and MATB1 confirming the employee's pregnancy and maternity leave request.

Sign.....**Print Name**.....**Date**.....

RETURN TO WORK AFTER MATERNITY LEAVE**To:** (Head Teacher)

(Address).....

From: (Name – block capitals).....**Employee Number:** (see payslip)**Job Title:**

I am writing to inform you that I wish to return to work on/...../.....
(Insert day, date, and month).

I wish to extend my maternity leave beyond my previously agreed date.
I now wish to return on...../...../..... (Insert day, date, and month).

(You must give the required amount of notice if you are returning to work earlier than originally agreed. Details of the notice periods are contained in the Maternity Guide)

Signed.....**Date**.....

FOR HEADTEACHER / HR TO COMPLETE

Please sign below acknowledging receipt of this letter and its contents.

I agree to the return date as given above.

Signed.....**Print Name**.....**Date**.....



KIT Form

Keep in Touch Days - DETAILS

Employee

Approved by Headteacher

Employee Name:

Name:

Position:

Signature:

Contact No:

Application Date	KIT Day Date	Balance Available	Employee's Signature	Headteacher's signature	Manager's signature

IMPORTANT: You may not exceed 10 KIT days during maternity/adoption leave