



# PLYMSTOCK SCHOOL

**Governors Committee:**

**Lead officer:**

**Date for Review:**

**Personnel**

**Headteacher**

**Revised 5.4.15 to incorporate legislative changes**

## **Maternity Leave, Pay & Return to Work**

### **A Guide for Employees**



# MATERNITY LEAVE, PAY AND RETURN TO WORK

## Contents

1. Introduction
2. I have just found out I'm pregnant what do I need to do?
3. What entitlement to leave do I have?  
Maternity Leave (Ordinary and Additional Maternity Leave)  
Compulsory Maternity leave
4. When can my maternity leave begin?
5. What other rights do I have? Ante natal appointments /Scans
6. What if my baby is born early?
7. What happens in the event of the death of a baby or a still birth?
8. What is the status of my employment contract whilst I am on maternity leave?
9. Keeping in touch days
10. What if I do not want to return to work?
11. What if I want to return part time?
12. Health and Safety
13. What other legislation is there to help me balance family and work life?  
Paternity Leave, Flexible Working Requests, Time off for dependants, please see the relevant policy for this information

Please note: This booklet sets out maternity rights as laid out in current employment legislation and is therefore your statutory minimum entitlement. National arrangements as set out in the 'Burgundy Book' for teaching staff and the 'Green book' for support staff must be read in conjunction with this booklet.

If you have any queries with regard to these details or require further support please contact the Academy's Business Manager, HR Officer or Personnel Assistant.



# MATERNITY LEAVE, PAY AND RETURN TO WORK

## 1. Introduction

Maternity leave and pay entitlement are complex areas. The table provided with this booklet gives a summary of the different entitlements and the qualifying requirements.

## 2. I have just found out I am pregnant what do I need to do?

You do not need to do anything immediately. However, the Academy will need to conduct a special risk assessment for you to ensure that appropriate safety arrangements are in place during your pregnancy, so early notification of your pregnancy will assist us to keep you safe.

You must inform your manager at least 15 weeks before the expected week of childbirth of:-

- The fact that you are pregnant
- Your expected week of childbirth
- The date on which you expect to commence your maternity leave.

You will be provided with form MATB1 by your midwife after 21 weeks of pregnancy which you must send to the Academy's HR Manager to confirm your pregnancy. This confirms the date your baby is due.

## 3. What entitlement to leave do I have?

### Maternity Leave

All pregnant employees are now entitled to 52 weeks maternity leave regardless of length of employment. This comprises 26 weeks Ordinary Maternity Leave (OML) and a further 26 weeks Additional Maternity Leave (AML).

If you aren't planning to take your full maternity leave you must let your employer know when you will be coming back. You can change your mind later on as long as you give 8 weeks notice of the change. If you change your mind to come back later you must give 8 weeks notice before the original earlier date. In accordance with the Burgundy Book, teachers are eligible to provide 3 weeks' notice if they wish to return to work early.

A summary of the entitlements and obligations to maternity leave for all pregnant staff is set out in the table provided with this booklet.

### Compulsory Maternity Leave

You have to take a minimum of 2 weeks from work immediately following the date of childbirth and cannot therefore return prior to this period.



## MATERNITY LEAVE, PAY AND RETURN TO WORK

### 4. When can my maternity leave begin?

Your maternity leave cannot begin earlier than the beginning of the 11<sup>th</sup> week before the expected week of childbirth (EWC). You may continue to work beyond the 11<sup>th</sup> week if you wish and still qualify for maternity pay but you must not remain at work if medically unfit to do so.

You must inform your employer of your intended start date at the latest by the 15<sup>th</sup> week before your baby is due. You can change your mind about the date you start your maternity leave but you must give your employer 28 days' notice of the change.

If you are off work because of your pregnancy in the 4 weeks before your baby is due, your employer may start your maternity leave and pay at this stage.

### 5. What other rights do I have? Ante Natal Appointments and Scans

You are entitled to paid time off to attend ante-natal appointments and classes which are advised by your midwife or medical practitioner. Your employer can ask for evidence of your appointments from the 2<sup>nd</sup> appointment onwards.

If you are the baby's father, the expectant mother's spouse or civil partner or in a long term relationship with the expectant mother then you can take unpaid leave to accompany a pregnant woman to 2 antenatal appointments.

You're also entitled to leave for antenatal appointments if you're expecting a child through surrogacy, as long as you intend to become the child's legal parent.

There is no qualifying period to apply if you are a permanent employee, however if you are an agency worker then you need to have been doing a job for 12 weeks before you qualify.

### 6. What if my baby is born early?

If your baby is born prematurely you should ensure that your employer is informed at the earliest opportunity. If you are still at work at this time your maternity leave will start immediately.

### 7. What happens in the event of the death of a baby or a still birth?

All employees in these most difficult circumstances would be treated with the utmost sympathy during this time. If the baby dies or is stillborn after 24 weeks pregnancy the provisions of the relevant scheme apply. Where this occurs before 24 weeks (miscarriage) consideration will be given to the needs of the employee and medical advice.

### 8. What is the status of my employment contract whilst I am on maternity leave?

You continue to be an employee throughout your whole 52 weeks of maternity leave.

Whilst on maternity leave, your entitlement to benefits from the terms and conditions of your employment remain unless these benefits fall under remuneration i.e. salary.



## **MATERNITY LEAVE, PAY AND RETURN TO WORK**

If you return to your post during or at the end of ordinary maternity leave you are entitled to return to the same job on the terms and conditions (e.g. salary, hours and the seniority of job) as if you haven't been away. If you take additional maternity leave you are entitled to return to the same job on the same terms and conditions, however if that isn't reasonably practicable, you are entitled to return to a suitable alternative position on terms and conditions which are no less favourable.

### **9. Holiday**

Entitlement continues to accrue throughout your maternity leave period where applicable. The holiday year commences in 1 April for support staff and 1 September for teaching staff. Arrangements should be made to ensure all leave is taken in the current leave year as no carry over will be allowed prior to the commencement of maternity leave.

### **10. Pension**

The Academy will pay our employers contributions to your pension when you are on ordinary maternity leave but will only pay contributions during additional maternity leave when you are receiving statutory or occupational maternity pay. Any unpaid period does not count towards pensionable service however you can elect to pay contributions for these periods. Please speak to the Academy's Business Manager or Personnel Assistant if you would like additional information.

### **11. Childcare Vouchers**

If you are already in receipt of these you may need to review your salary sacrifice arrangements whilst on maternity leave to ensure that you are in receipt of adequate income. Any changes will require a new salary sacrifice form to be signed off by the Business Manager so that the correct deductions can be made without incurring a debt that would need to be reimbursed. No changes can be made during the maternity leave period.

If you would like information on the scheme we offer childcare vouchers via salary sacrifice with our provider Computershare. Please visit their website for further details on how the scheme works.

### **12. Contact during Maternity Leave**

Before your maternity leave begins, the school will discuss the arrangements to keep in touch during your leave. The school reserves the right in any event to maintain reasonable contact with you from time to time during your leave period. This may be to discuss the plans to return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence. You will continue to have access to your school email to ensure you remain aware of any possible promotion opportunities or keep abreast of news and developments and it is advisable to look at this from time to time as we recognise that 39 or 52 weeks away from work is a long time in terms of communication.



## MATERNITY LEAVE, PAY AND RETURN TO WORK

### 13. Keeping in Touch days

As well as staying in contact with your employer during your maternity leave, if you and your employer both agree you can do up to 10 days' work during your maternity leave. These are known as 'Keeping in Touch Days'. They aren't limited to your usual job – they could be used for training or other events. You may want to use some of these days to ease your return to work. You and your employer must both agree that you will work these days and agree the arrangements including what you will be doing and how you will be paid.

These are working days so whilst we would love to see you and the baby they are not meant to be used for social visits. You are also not obliged to use them at all if you do not want to, nor is the employer obliged to offer them. KIT days will not extend the maternity leave period.

### 14. What if I do not want to return to work?

If you decide not to return to work you must give your employer at least the amount of notice for leaving your job under your contract. It would help your employer if you let them know as soon as you are sure of your intentions.

If you are eligible to receive Statutory Maternity Pay (SMP) or Maternity Allowance (MA) you are entitled to receive this for up to 39 weeks even if your employment ends, so long as you don't start work again.

Please note that if you have received Occupational Maternity Pay (OMP) you may have to pay this element of pay back. Please contact the Academy's Payroll department as a matter of urgency in these circumstances and they will confirm the amount which needs to be repaid.

### 15. What if I want to return part time?

Current employment legislation allows employees the right to ask for flexible working. Under this legislation you are allowed to make one application every 12 months to vary your contract with regard to:-

- Times you are required to work
- Hours of work
- Where you are required to work

The School will consider any proposal that is made carefully, taking into consideration any impact a change of hours might have on the School and its students.

**Please refer to our Flexible Working Policy and follow those procedures.**

### 16. Health and Safety

As soon as you advise your employer the School will conduct a risk assessment and remove risks or make alternative arrangements to protect your safety, and your baby's safety, when you are at work and upon your return to work after taking maternity leave.



## MATERNITY LEAVE, PAY AND RETURN TO WORK

### 17. What other Legislation is there to help me balance family and work life?

There are a number of current initiatives designed to support you in balancing work and family life. Full details of these policies can be found on the staff section of the school website under policies. These include:

Paternity leave – A right to 2 weeks off with Statutory Paternity Pay (SPP)

Parental leave – 4 weeks unpaid leave per year for children up to 18 years old.

Time off for Dependents - The right to unpaid time to deal with emergencies.

Adoption Leave – The right to time off for adoptive parents.

Shared Parental Leave - Parents can apply to share leave entitlement