

Pears Family School London.

(Keeping a child's mind in mind)

Maternity Policy

Date Approved by Governors	March 2022
Review Date	March 2025
Coordinator	Matthew Hillman
Principal Signature	<i>M.Hillman</i>

At the heart of all policies at The Family School are the following principles:

- Every young person in our school, whatever his or her personal circumstances can learn and achieve.
- Every young person in our school, whatever his or her self-perception and previous experiences, has academic and creative potential to become a valuable member of society.
- The key to learning at The Family School lies within the quality of the relationships between pupils, family members, staff and the intermediate agencies with whom we work.
- The success of our school is based on high expectations, mutual trust, caring for each other and taking responsibility.
- Every young person in our school is capable of becoming an agent for change in his or her local community.
- We have carefully considered the impact of this policy on equality and the possible implications for pupils with protected characteristics, as part of our commitment to meet the Public Sector Equality Duty (PSED) requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.

Our vision is to provide our pupils with the confidence, academic progress, and ambition to take the next steps towards a successful and productive life and to be able to contribute positively within their local community and wider society.

Rationale for Maternity Leave Policy

In February 2022 our Maternity and Paternity leave policies were reviewed in order to bring our offer in line with Local Authority Schools in the borough of Islington. This reflects our commitment as a school to put equity and diversity at the heart of our practice. We recognise that paid maternity or paternity leave is an investment in our staff team and their futures and that this investment increases the chances of a talented and experienced staff team remaining with us over time. In aligning our policies with the offer available in our locality, we reaffirm our commitment to inclusive practice.

Foreword

This guide seeks to provide you with information about the maternity provisions and the entitlements introduced as a result of European and UK legislation.

Whilst on maternity leave your earnings will be reduced and therefore you need to plan in advance how you will manage your expenditure. Having read this guide, you should notify your manager/headteacher of your pregnancy.

Eligibility

The maternity scheme for Teaching Staff applies to all permanent Teaching and Support Staff both full time and part time. The scheme does not apply to:

- Agency Staff Sessional
- Casual Staff Consultants
- Self Employed

Temporary staff are entitled to these provisions dependent on length of service. However, in the case of an employee on a fixed term contract which is due to expire (which is not renewed) while pregnant or on maternity leave, there may be a reduced entitlement to maternity pay/leave.

If you require any further advice or guidance when you have read this, please contact our School Business Manager.

1. INTRODUCTION

These guidelines will explain your entitlements to the statutory and contractual provisions during your maternity period. It also outlines the support which is available to you.

2. HEALTH AND SAFETY: INFORMING YOUR MANAGER

Not all people will want to make their pregnancy public in the early stages. However, it is important, to raise the matter with your manager at the earliest possible time. This is so that your manager can make any necessary arrangements to ensure your health and safety during your pregnancy, as the laws, which protect you at work, only apply once your employer knows you are pregnant.

2.1 Risk assessment

You should discuss with your manager whether a risk assessment needs to be done in order to identify any potential difficulties early so that appropriate action can be taken.

Your manager/headteacher, having taken advice from Occupational Health and the Health and Safety department, will assess risks to the health and safety of new, expectant and breastfeeding mothers and their babies. Every reasonable and practical step will be taken to avoid exposure to such risks and, if this is not possible, will offer suitable alternative work where this is available.

2.2 Medical suspension

If, after a risk assessment is completed, it is recommended that you are temporarily redeployed, a search for suitable alternative work will be undertaken.

If there is no suitable alternative work available, you may be suspended on full pay for as long as the risk exists (unless an offer of suitable alternative employment has been made and unreasonably refused, in which case you may be suspended on no pay, this would be done as a last resort).

3. ANTE NATAL CARE

All pregnant employees are entitled to time off without loss of pay for antenatal care including medical examinations. Relaxation classes and parent craft classes such as yoga should be taken as annual or flexi leave unless instructed to attend by your doctor on health grounds.

You must let your line manager know in advance of your appointments. You must show your appointment card and doctor's/midwife's/registered health visitor's certificate of pregnancy in all cases after the first appointment. A photocopy may

be taken to record your time off. Time off must take account of any necessary travelling arrangements.

4. AUTOMATIC COMMENCEMENT OF MATERNITY LEAVE

Where you have a maternity related sickness at any time from the fourth week before your due date, your maternity leave will start automatically and therefore, you will not be allowed to return to work before your due date.

5. NOTIFICATION TO EMPLOYER

Entitlement to these maternity rights is dependent upon you providing appropriate relevant information. It would be helpful to give your headteacher/manager as much notice as possible however:

(a) You must tell your employer you are pregnant by the 15th week before your baby is due (this means you will be around 25 weeks pregnant).

(b) You should also supply the original MAT B1 form. This is a certificate provided by a registered medical practitioner or certified midwife stating the expected week your baby is due. This is usually issued from the 22" week of pregnancy.

(c) You must notify your manager/Headteacher of when you want your maternity leave and pay to start. This can be any time from 11 weeks before your baby is due. You can change your mind about the date you start your maternity leave but you must give your employer at least 28 days notice of the change.

(d) Within 28 days of receiving the notice, the manager/Headteacher (or School Business Manager on the manager's behalf) must inform you in writing of your expected date of return should you take your full entitlement.

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 to come back later but you must give at least eight weeks' notice before the original earlier date.

6. ENTITLEMENTS TO MATERNITY PAY AND LEAVE

All employees are entitled to 52 weeks maternity leave, regardless of length of service.

Your maternity pay will depend on your length of service, but no distinction is made between full-time and part-time employees (no matter how many hours worked).

7. STATUTORY PAYMENTS

To be eligible for Statutory Maternity Pay (SMP) you must have had 26 weeks continuous service at the 15th week before the expected week of childbirth.

The expected week of childbirth means the week beginning midnight between Saturday and Sunday, in which it is expected that the baby will be born.

SMP will start any day you choose once you have stopped work to have your baby.

Statutory Maternity Pay - is paid by employers for a maximum of 39 consecutive weeks.

The scheme applies regardless whether the contract is permanent or fixed term and covers part time and full time employees.

Maternity Allowance (MA) - is paid by the Department for Work and Pensions to women who are not eligible for SMP and who have recently been employed or self-employed.

MA is also paid for a maximum of 39 weeks.

A Statutory Maternity Pay form (SMP1) will be sent out to you to allow you to apply for MA. You will need to give this form to the Department for Work and Pensions.

8. OCCUPATIONAL MATERNITY SCHEME

The occupational maternity scheme only applies to employees who have a minimum of six months continuous employment at the beginning of the 15th week before the expected week of childbirth.

You should only opt for this scheme if you intend to return to work for at least three months after your maternity leave ends.

For employees with less than 6 months service at the beginning of the 15th week before the expected week of childbirth the occupational scheme will not apply.

The scheme applies to all eligible employees regardless of hours worked per week or whether the contract is temporary or fixed term.

Pay is considered to be contractual and will not include overtime.

9. OCCUPATIONAL MATERNITY PAY

If you are eligible for the Occupational scheme there are two maternity pay options

Maternity Leave

A minimum of 39 weeks maternity leave up to a total of 52 weeks which includes the week of the birth.

MATERNITY PAY OPTION 1

6 weeks at 9/10ths inc SMP followed by

30 weeks half pay plus SMP

followed by 3 weeks SMP only then

13 weeks at nil pay

MATERNITY PAY OPTION 2

6 weeks at 9/10ths inc SMP followed by

15 weeks at full pay inc SMP followed by

18 weeks SMP only then

13 weeks at nil pay

10. NOT RETURNING TO WORK:

If you do not intend returning to work after the period of maternity leave you will be paid on the following basis: 6 weeks at 9/10ths; followed by 33 weeks @ SMP only

11. STILLBIRTH

In the unfortunate event of your baby dying or being stillborn after the 24th week of pregnancy, the provisions of the national local government maternity scheme will apply.

If miscarriage should occur before the 24th week of pregnancy, the employer will consider sympathetically any request for special leave, or sickness absence as appropriate. You should let your line manager know as soon as possible.

12. PREMATURE BIRTHS

The Maternity leave and SMP pay period starts on the day after the date of birth. You should provide a MAT B1, Maternity Certificate or a birth certificate as evidence of the date of birth.

13. EARLY RETURN TO WORK

If you intend to return on a date other than that agreed and notified to your manager you should give 8 weeks notice of the new date. Your manager has the right to postpone the return date, however, it must not be postponed to a date later than the original return date

14. KEEPING IN TOUCH DAYS

Employees have an option to return to work periodically up to a maximum of 10 days without losing SMP. These are called Keeping In Touch Days (KITD). These days are not limited to their usual job; they could be used for training or other events i.e. work events occurring in their absence.

KITD are not compulsory and your employer cannot demand that you go into work at any time during your maternity leave period nor can you be penalised for refusing to take up a Keeping In Touch Day.

KITD however cannot be taken during the two week compulsory leave period immediately following childbirth, during which employees may not legally work.

Arrangements for KITD should be made and agreed with your line manager and communicated to the School Business Manager. These days attract pay at the employee's daily rate.

15. OCCUPATIONAL MATERNITY SCHEME - RETURN TO WORK

If you are entitled to Occupational Maternity Pay you must return to work by the end of your 52 weeks maternity leave for at least three months to keep your Occupational Maternity Pay.

If you do not return (or work for less than three months) you will normally have to repay the Occupational Maternity Pay. If there is a good reason for you not returning (e.g. baby born with a medical problem which requires you to remain at home), it may be possible in exceptional circumstances to waive the requirements for you to repay. You should communicate in writing with your headteacher about this.

16. GUARANTEED PAYMENTS

If you have been working for Pears Family School for more than one year at 11 weeks before your baby is due, you are entitled to keep the first six weeks pay, whether or not you return to work. If you qualify for SMP, this will be paid whether or not you return to work and the same is true if you qualify for MA.

17. SICKNESS AT THE TIME OF THE EXPECTED RETURN

If you are ill at the time you are due to return to work, this is still classed as a return to work and the period of sickness should be notified and certified in the same way as for any other period of sickness.

18. MAKING A REQUEST TO WORK IN A FLEXIBLE PATTERN

There is no automatic right to change from full-time to part-time work or to further reduce your hours, however you have a statutory entitlement to make a request in writing asking for flexible working hours to be considered. For more information on flexible working please contact your manager/headteacher/School Business Manager.

If your manager agrees to reduce your working hours at the end of your maternity leave you will have to return to work for longer than three months to keep your Occupational Maternity Pay. The length of time you have to be at work will depend on your new hours. For example, if you come back part time from full-time, you will have to work for at least six months.

19. REDUNDANCY DURING MATERNITY LEAVE

An employee's post can be subject to organisational change whilst they are on maternity leave. This may result in the employee being directly assimilated, going through a competitive assimilation or ring fence selection process or being made redundant. Arrangements for the competitive assimilation or ring-fenced process will take into account the employee's availability for interview.

In some cases it may be appropriate to postpone the process until after return from maternity leave but this will depend on the exigencies of the service.

If there is no suitable post for the employee to be assimilated into or she is unsuccessful in any ring fenced interview then she will be given her contractual notice in the normal way.

The council will search for a suitable redeployment vacancy during the notice period. If a suitable vacancy is identified and the employee on maternity leave is appointable, then she must be offered that post in priority to any other appointable

redeployee. If no suitable vacancy is found by the time that the notice period expires then the employee will be dismissed on redundancy grounds.

You will be consulted on any reorganisation or redundancy situation which arises during your maternity leave. If you are at risk of dismissal on the ground of redundancy during your maternity leave, provided there is a suitable available vacancy, you will be offered that vacancy in the school or service area in which you work (whichever is applicable) in priority to any employee who is not on maternity leave.

The Headteacher, in discussion with your line manager, will search for a suitable vacancy during the remainder of the maternity leave period. If no suitable vacancy has been found by the time that you are due to return to work, then every effort will be made to find suitable alternative work during the period of your notice, this is in accordance with the redundancy and redeployment procedures.

20. PENSIONS

If you contribute to the Teachers Pension Scheme, your contributions will continue to be deducted from your pay. Your employer will also continue to make contributions during the leave towards your pension.

Pension contributions will only be deducted on the basis of the pay which you receive during maternity leave. If you return to work, you will have the option to make up your contributions for the periods you are on reduced or no pay. If you decide not to make this contribution, your period on no pay will not count towards your length of service for pension purposes.

If you decide later in your career to make up the lost pension rights by extra contributions, it will then be more expensive because the school will not be liable for contributing its share.

For further information please contact the Teachers Pensions on 0845 6066 166.