# Applecroft School



# Maternity Leave Policy

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| **Review Cycle:** | **Annually** |
| **Person Responsible:** | **Finance & Business Manager** |
| **Date of Issue:** | **October 2026** |
| **Review Date:** | **October 2027** |

***The Professional Associations and/or Trade Unions have been consulted on this policy, and the school has adopted the contents based on HFL Education recommendation.***

# Maternity Leave Policy

## 1) Introduction:

**School Vision:**
'To be a positive and inspiring community that nurtures each individual and empowers leaders for life'.

**School Mission Statement:**
'Nurturing Potential, Inspiring Minds, Changing Lives'.

**School Values:**

- Ambition and Leadership
- Kindness and Supportiveness
- Respect and Honesty
- Determination and Resilience.

## 2) Scope:

This policy sets out the entitlements of employees of Applecroft School in respect of maternity pay and leave under both the statutory and contractual schemes.

The difference in entitlements between the teaching and non-teaching schemes are a result of the different conditions of employment.

This policy has been subject to consultation with Trade Unions. It does not form part of anybody's contract of employment and may be varied.

## 3) Entitlement to maternity leave:

Irrespective of length of service, employees 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.

Under UK legislation, employees must take at least two weeks' leave immediately following the birth of their baby (four weeks' if they work in a manual handling environment).

## 4) Commencing maternity leave

Once the pregnancy has reached the 11th week before the due date, maternity leave can commence at any time. If maternity leave has not already commenced by the time the employees' baby is born, maternity leave will automatically commence on the day after the date the baby is born.

If you are absent due to a pregnancy related illness at any time during the 4 weeks before the 'Expected Week of Childbirth' (EWC), your employer is legally required to commence maternity leave from the start date of the absence and cannot continue to work even if they want to.

If you are absent due to pregnancy related illness before the 4th week prior to the EWC, the absence will be treated as sickness.

## 5) Ante-natal appointments

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). You must notify the Headteacher/Line Manager as far in advance as possible and be prepared to show them a record of their appointment, if required.

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).

## 6) Statutory Maternity Pay

Unlike maternity leave, there are criteria which determine entitlement to Statutory Maternity Pay (SMP).

This depends on how long an employee has worked for the school and whether this is more than 26 weeks at the 15th before the due date, and if their earnings are above the qualifying level.

- the first 6 weeks of SMP is at the higher rate i.e., 90% of average weekly earnings
- plus, a further 33 weeks of SMP at the lower rate i.e., standard SMP rate or 90% of average weekly earnings – whichever is the lower amount.

All payments are subject to deductions for national insurance, income tax and pension.

Payment of SMP cannot start earlier than the 11th week before the expected week of childbirth.

SMP is not refundable to the school if the return-to-work obligation is not fulfilled.

**7) Maternity pay and leave scheme**

The following scheme applies to all full-time and part-time employees.

You have a statutory right to continue to benefit from their normal terms and conditions of employment, with the sole exception of pay. For the purposes of simplification, entitlements of teaching and support staff have been separated in Appendix 1 "guidance note on Maternity Leave Pay Entitlements".

If your 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.

During maternity absence you must not work again, other than 'Keeping in Touch Days' (see point 15), until the agreed return to work date. An earlier return will bring maternity leave to an end.

**8) Notification of pregnancy**

You should inform your line manager or Headteacher, as soon as possible of their pregnancy and the approximate date they intend to start maternity leave. This notification must be before the 15th week[1] 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 the health and safety of both you and your unborn baby. Early notice also enables us to inform you of your entitlement to maternity leave and pay.

If you do not notify your line manager or Headteacher prior to the birth, then it may impact maternity pay.

If an employee wishes to change the date maternity leave starts, they can do so by giving the following periods of notice.

- For a Teacher this is 21 days' notice to change a date
- For support/ non-professional teaching staff this is 28 days' notice to change a date

Maternity leave cannot start any earlier that the 11th week before the expected week of childbirth.

**8.1 Application for maternity leave**

To provide formal notification of the intention to apply for maternity leave you should complete a 'Notification for Maternity Leave Form' which is available from your HR Department. The form requires the following information to be provided:

- the expected week of childbirth (EWC)
- the date intended for maternity leave to start
- the original MATB1 certificate.

This form must be completed by the employee and signed by your Line Manager/Headteacher and submitted to our payroll provider for processing.

**9) Expected return date**

Unless you inform us otherwise, we will assume that the full entitlement of 52 weeks' will be taken.

[1] The Burgundy book states not later than 14 weeks .

Should you wish to return before the end of maternity leave, you must give us 28 days' notice in writing to the Headteacher / line manager.

If you cannot return to work at the end of maternity leave because of illness, this will be treated as normal sick leave.

**9.1 Teachers**

The payment of occupational maternity pay (i.e., 12 weeks half-pay) (as detailed in the guidance note on 'Maternity Leave Pay Entitlements') is dependent upon an employee returning to their 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. For example, if an employee worked on a full-time basis at the commencement of maternity leave, and returns on a 0.5FTE basis, they will be required to return to work for a period of 26 weeks. If they do not fulfil this obligation, they are obliged to repay occupational maternity pay.

The notification form allows employees to choose to have the 12 weeks half-pay withheld and to be paid as a lump sum on their return to work.

**9.2 Support Staff**

The payment of occupational maternity pay (i.e. 12 weeks half-pay) (as detailed in the guidance note of 'Maternity Leave Pay Entitlements') is dependent upon the employee agreeing to return to work for at least 3 months to Hertfordshire County Council, another local government or associated employer or a new employer following a TUPE in the same post (but excluding new employment with an Academy or Free School).

If they do not fulfil this obligation, they are obliged to repay part, or all of their occupational maternity pay.

The notification form allows employees to choose to have the 12 weeks half-pay withheld and to be paid as a lump sum on their return to work.

**10) <u>Health and safety during pregnancy:</u>**

We want employees to remain safe and healthy at work during their pregnancy. Whilst the site would not typically be considered as dangerous, we want to ensure that anything that could pose a risk to a pregnant woman and/or an unborn baby is identified and eliminated.

**10.1 Risk Assessment**

Once you have informed your line manager/ Headteacher that you are pregnant, a Risk Assessment will be completed and signed by both the employee and line manager as soon as possible, and appropriate action taken to reduce any risks.

Examples of steps we may take to avoid any risks include:

- changing working conditions or hours of work
- offering suitable alternative work on terms and conditions that are the same or not substantially less favourable
- suspension from duties, which will be on full pay unless an employee unreasonably refuses suitable alternative work.

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.

Employees should talk to their line managers/ Headteacher immediately if they have any concerns about their work that could put them or their unborn child at risk. The vast majority of risks are easily minimised or eliminated with the right level of care and consideration.

**11) <u>Sickness absence during pregnancy</u>**

Absence on account of illness which occurs before the 4th week period of EWC is treated as an ordinary absence or sick leave.

However, if at any time during the 4 weeks before the EWC, an employee is medically unfit to carry out their duties and if the illness is associated with pregnancy, maternity leave must begin immediately. This includes illness during a holiday period (see paragraph 3).

Any absence which is not pregnancy related is treated as sickness absence.

**11.1 Support staff**

Employees who are covered by the 2012 Collective Agreement are entitled to up to 5 days paid leave if they experience pregnancy related sickness.

**12) Premature birth**

If a baby is born prematurely before maternity leave has started, the birth will automatically trigger the start of maternity leave on the day after the birth, even if this is more than 11 weeks before the baby was due. Employees should inform their line manager / Headteacher as soon as is practically possible.

**13) Miscarriage**

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 will be entitled to sick leave in accordance with the schools Staff Absence policy.

The UK Miscarriage Association provides support and information and can be contacted via www.miscarriageassociation.org.uk.

**14) Still birth**

If a baby is stillborn or does not survive after being born, after the 24th week of pregnancy, an employee is legally entitled to maternity leave and maternity pay.

We will require the MAT B1 certificate from a 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.

In these circumstances, please refer to the Parental Bereavement Policy.

**15) Reasonable contact**

Whilst 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 if needed. This is known as 'reasonable contact' and simply formalises good communication practices between yourself and your respective line managers/Headteacher. You should agree with your line manager/Headteacher before starting maternity leave, the level of contact which will be maintained during maternity leave.

**16) Keeping in touch (KIT) days**

You may undertake ten 'Keeping in Touch Days' during maternity leave. This allows you to work under their contract of employment for up to ten days and receive payment, as agreed with the Headteacher, without bringing maternity leave to an end. Please note any part of a day worked will count as one KIT Day.

It is important to note that work is prohibited during compulsory maternity leave (the 2 weeks immediately after the birth of the baby).

The KIT days are not limited to an employees' usual job and could be used for training or other events or to ease the return to work.

Any KIT Day must be agreed with the Headteacher. There is no obligation on us to offer you KIT days or by that token, for you to complete KIT days.

**17) Holiday entitlement**

Holiday entitlement continues to be accrued at the rate provided under the contract of employment during maternity leave. This entitlement applies to all employees including term time only workers and teachers.

**17.1 Teachers**

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 legislation. Periods of 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.

**17.2 Term-time only workers**

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 the leave period. This calculation takes into account the start date with the school and the number of completed weeks of the academic year up to the point maternity leave starts. The proportion of completed weeks will then be compared to the salary 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.

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 accumulated whilst on maternity leave.

Please note: the date on which maternity leave starts and ends can significantly affect the balance of salary calculation. Please contact Hertfordshire Payroll Transactions Team to establish how this is likely to affect you.

**18) Pension plan**

Contributions to the Local Government and Teachers Pension Scheme will automatically continue to be deducted from actual pay if employees are members of the scheme on paid maternity leave.

**18.1 Local Government Pension Scheme member only.**

If you take unpaid maternity leave, you must decide whether to pay pension contributions for this period and upon your return to work. You will be given the opportunity to purchase contributions for any period of unpaid maternity leave.

Contributions will be based on the pay they were receiving the day before unpaid leave started. Should you wish to purchase service for periods of unpaid maternity leave, you should contact the LPP Local Government Pension Scheme Administration team on 0300 323 0260 within 30 days of their return to work.

**19) Returning to work from maternity leave**

You are entitled to return to work on the same terms and conditions, and the same or equivalent role, as if they had not been on Maternity Leave.

No notification is necessary if you plan to return at the end of maternity leave; it is assumed you intend to return on that date.

If you wish to change the date of return, you must give notice as outlined above.

There is no provision for you to postpone the return to work after maternity leave, unless you have failed to give the required 28 days' notice of a change to the return to work.

If you cannot return at the end of maternity leave because of illness, this will be treated as normal sick leave.

**20) Requests for extending maternity leave**

At our discretion, you may be granted extended maternity leave without pay in excess of the 52-week period. This would not constitute a break in 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.

**21) Dismissal protection**

Where it is not practicable by reason of redundancy for us to permit a return to work in the substantive post, you shall be entitled to be offered a suitable alternative vacancy where one exists, on a first refusal basis, provided that the work to be done in that post is suitable and appropriate to the circumstances. In addition, the capacity and place you are to be employed and the terms and conditions of employment should not be substantially less favourable, than if they were able to return in the job as originally employed.

Suitable alternative employment may also be offered if exceptional circumstances other than redundancy (e.g., a general reorganisation), which would have occurred if employees 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 and appropriate to the circumstances and the capacity and place 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.

The protected period will cover pregnancy alongside 18 months from the first day of expected week of childbirth.

**22) Financial Support for Childcare**

**22.1 Childcare voucher scheme**

The Childcare Voucher Scheme, which is now closed to new applicants, enables you to exchange part of your salary for Childcare Vouchers which are exempt from Tax and National Insurance. Participation in the Childcare Scheme will not affect maternity pay and will continue during the maternity leave period.

**22.2 Government Tax-Free Childcare**

Tax-Free Childcare allows eligible working families to claim 20% of their childcare costs, up to £2,000 per child per year (or £4,000 for a child with a disability), from the Government. Employees cannot open a Tax-Free Childcare account for a newborn child until 31 days before the return to work. However, employees can have Tax-Free Childcare accounts for any older children while on maternity leave for the newborn. You will be able to retain and pay into those accounts during the maternity leave period.

**23) Flexible Working**

Prior to or when an employee returns from maternity leave, if you wish to be considered for part-time hours, they must apply in writing under the Flexible Working Policy.

**24) Shared Parental Leave**

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 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.

For more information, please see Shared Parental Leave Policy (Birth).

**25) Pay Review whilst on maternity leave**

Employees are entitled to a pay review whilst on maternity leave in the same way that you would be if you weren't on maternity leave.

If following a pay review, you become 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 your SMP and OMP will be recalculated and increased retrospectively. In some cases, you may qualify for SMP or OMP if you did not previously. You 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.

**26) No return to work**

If you do not return to work on the agreed date, they 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.

**27) <u>Job Opportunities whilst on maternity leave</u>**

Whilst on maternity leave you have the same opportunities to access job vacancies, promotion, and development opportunities. Before commencing maternity leave, you should discuss with the school how they 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.

**Appendix 1**

# Guidance on maternity pay entitlements

## 1. Teaching Staff

### 1.1. Payments

Statutory Maternity Pay (SMP) - the first 6 weeks: 90% of average weekly earnings (AWE) before tax; the remaining 33 weeks: the current rate of SMP or 90% of their AWE (whichever is lower).

Occupational Maternity Pay (OMP) – the first 4 weeks at full pay, the next 2 weeks at 90% (AWE) pay, the following 12 weeks at half pay. Payments of OMP are inclusive of SMP where applicable. OMP is also conditional on the employee returning to work, please see full details within the policy.

### 1.1. Qualifying Service

Statutory Maternity Pay (SMP) – to be eligible to SMP you must have been continuously employed by Hertfordshire County Council for at least 26 weeks in the 15th week before the expected week of childbirth (EWC).

Occupational Maternity Pay (OMP) – to be eligible for OMP you must have been continuously employed by a local authority for one year or more in the 11th week before the expected week of childbirth (EWC).

| | **Service with Hertfordshire in the 15th week before EWC** | **Service with local authority in the 11th week before EWC** | |
|---|---|---|---|
| Option 1 | Less than 26 weeks | Less than 1 year | Unpaid* |
| Option 2 | 26 weeks or more | Less than 1 year | SMP only |
| Option 3 | Less than 26 weeks | 1 year or more | OMP only* |
| Option 4 | 26 weeks or more | 1 year or more | SMP & OMP |

**Option 1**

Employees are entitled to 52 weeks maternity leave
No entitlement to SMP or OMP, the entire period of maternity leave will be unpaid

**Option 2**

Employees are entitled to 52 weeks maternity leave
Employees are entitled to SMP only which is broken down as:

- Weeks 1 – 6 90% of their average weekly earnings (AWE) before tax
- Weeks 7 – 39 Standard rate of SMP or 90% of their AWE (whichever is lower)
- Weeks 40 – 52 Unpaid

Payments are subject to tax & NI

**Option 3**

Employees are entitled to 52 weeks maternity leave
Employees are entitled to OMP only which is broken down as:

- Weeks 1 – 4 Full pay
- Weeks 5 – 6 90% pay
- Weeks 7 – 18 Half pay
- Weeks 19 – 52 Unpaid

Payments are subject to tax & NI

**Option 4**

Employees are entitled to 52 weeks maternity leave
Employees are entitled to SMP and OMP which is broken down as:

- Weeks 1 – 4 Full pay
- Weeks 5 – 6 90% pay
- Weeks 7 – 18 Half pay
- Weeks 19 – 39 SMP
- Weeks 40 – 52 Unpaid

Payments are subject to tax & NI

## 2. Non- Teaching Staff

### 2.1 Payments

Statutory Maternity Pay (SMP) - the first 6 weeks: 90% of average weekly earnings (AWE) before tax; the remaining 33 weeks: the current rate of SMP or 90% of their AWE (whichever is lower)

Occupational Maternity Pay (OMP) – the first 6 weeks at 90% pay (this is inclusive of SMP where applicable), and either the next 12 weeks at half pay or the next 20 weeks at 30% pay (plus SMP where applicable as except where this would exceed full pay). OMP is also conditional on the employee returning to work, please see full details within the policy.

### 2.2 Qualifying Service

Statutory Maternity Pay (SMP) – to be eligible to SMP you must have been continuously employed by Hertfordshire County Council for at least 26 weeks in the 15th week before the expected week of childbirth (EWC)

Occupational Maternity Pay (OMP) – to be eligible for OMP you must have been continuously employed by a local authority for one year or more in the 11th week before the expected week of childbirth (EWC)

| | **Service with Hertfordshire in the 15th week before EWC** | **Service with local authority in the 11th week before EWC** | |
|---|---|---|---|
| Option 1 | Less than 26 weeks | Less than 1 year | Unpaid* |
| Option 2 | 26 weeks or more | Less than 1 year | SMP only |
| Option 3 | Less than 26 weeks | 1 year or more | OMP only* |
| Option 4 | 26 weeks or more | 1 year or more | SMP & OMP |

**Option 1**

Employees are entitled to 52 weeks maternity leave
No entitlement to SMP or OMP, the entire period of maternity leave will be unpaid

**Option 2**

Employees are entitled to 52 weeks maternity leave
Employees are entitled to SMP only which is broken down as:

- Weeks 1 – 6 90% pay
- Weeks 7 – 39 Standard rate of SMP or 90% of their AWE (whichever is lower)
- Weeks 40 – 52 Unpaid

Payments are subject to tax & NI

**Option 3**

Employees are entitled to 52 weeks maternity leave
Employees are entitled to OMP only which can be taken as one of the following two options:

Option 3a

- Weeks 1 – 6 90% pay
- Weeks 7 – 18 Half pay
- Weeks 19 – 52 Unpaid

Payments are subject to tax & NI

Option 3b

- Weeks 1 – 6 90% pay
- Weeks 7 – 26 30% pay
- Weeks 27 – 52 Unpaid

Payments are subject to tax & NI

**Option 4**

Employees are entitled to 52 weeks maternity leave

Employees are entitled to SMP and OMP which can be taken as one of the following two options:

Option 4a

- Weeks 1 – 6 90% pay
- Weeks 7 – 18 Half pay plus SMP (providing this does not exceed full pay)
- Weeks 19 – 39 SMP

- Weeks 40 – 52 Unpaid

Payments are subject to tax & NI

Option 4b

- Weeks 1 – 6 90% pay
- Weeks 7 – 26 30% pay plus SMP (providing this does not exceed full pay)
- Weeks 27 – 39 SMP
- Weeks 40 – 52 Unpaid

Payments are subject to tax & NI

*If you do not qualify for SMP you may be eligible for Maternity Allowance. You will be provided with an SMP1 form from payroll which explains why you are not eligible for SMP.
You can then use this and your MATB1 to make an application for Maternity Allowance.