

Ninestiles Academy Trust Mission Statement

Ninestiles Academy Trust will be nationally and internationally acknowledged as a high achieving, innovative and exciting group of schools which recognise and respect the richness and diversity of their communities. The trust will be structured and resourced to meet the needs of 21st century students and pupils. Within a caring environment, we will develop and reinforce the values, skills and attributes which promote good citizenship and lifelong learning. Parents, directors and councillors, and the wider community will work in partnership with our committed, appropriately skilled workforce and our students and pupils, to ensure that high quality learning takes place.

Outcomes will be outstanding.

Policy title	Maternity Policy for Teaching Staff
Rationale	<p>The Ninestiles Academy Trust values its staff. It recognises that looking forward to and looking after a new baby is a busy and exciting time. This policy aims to guide you through what can appear complex and explain what maternity leave you are entitled to, information on maternity leave and your return to work.</p> <p>The maternity scheme applies to all pregnant teachers, regardless of length of service or number of hours worked per week.</p> <p>Nothing in this guidance shall be construed as providing less favourable terms than statutory rights and will ensure that no woman receives less favourable treatment on the grounds of being pregnant, during maternity leave or on return to work as a new mother.</p>
Policy statement	<p><u>Notice required from you</u></p> <p>You should supply a MAT B1 and a letter confirming the date you intend to commence maternity leave. This needs to be done by the end of the 15th week before the expected week confinement in order for you to qualify for Statutory Maternity Leave.</p> <p>The notice required to be given to receive Statutory Maternity Pay (SMP) is 28 days and you must comply with this to receive the state benefit.</p> <p>It will be possible to change the date your leave commences provided you give 28 days' notice.</p>

You must notify us of the following at least 28 days before your absence begins.

- That you are pregnant
- The expected week of childbirth (EWC)
- The date you want your ordinary maternity leave to start (in writing if requested). This cannot be earlier than the 11th week before the EWC.

Occupational Maternity Leave and Pay

The Burgundy Book currently provides that only 21 days' notice needs to be provided. However, in order to be able to claim SMP there is a requirement for 28 days' notice to be given wherever possible

Therefore to receive your leave and pay under the Maternity Leave Scheme you only need to give a minimum notice of 21 days, in writing of the following

- That you are pregnant
- The expected week of childbirth (EWC)
- The date you want your ordinary maternity leave to start. This cannot be earlier than the 11th week before the EWC.

Following receipt of your MAT B1 Form and the letter stating the date on which you intend to start your maternity leave we will write to you to confirm the date we would expect you to return from maternity leave.

Time off for ante-natal care

If it has been recommended by a medical practitioner, midwife or health visitor, you have the right to reasonable paid time off for ante-natal care, which may also include relaxation and parent-craft classes. Other than in the case of your first appointment, you must produce evidence of the appointments, if requested by your Principal. You should give the school as much notice as possible of the appointments and try to arrange them near to the start or end of the working day.

Health and safety

If there is a work activity, which could involve a risk to you or your baby, a risk assessment must be carried out to identify these risks. Adjustments may need to be made to your job but if this is not practicable, you may be offered alternative work. If this alternative work is not feasible and as long as you do not unreasonably refuse, you may be placed on leave on full pay until the risk has passed.

If you have issues which impact on your ability to work, your Principal can make an Occupational Health referral to obtain appropriate medical advice.

Rubella

If, in the early months of pregnancy you are advised by an approved medical practitioner that you should be absent from school because of the risk of rubella, you will be granted leave with full pay, provided that you have not unreasonably refused to work in another school or location where there is no risk of infection.

Pregnancy Related Illness and Miscarriage

If you are absent because of a pregnancy related illness, including a miscarriage which has happened before 24 weeks pregnancy, this will be treated as sickness absence which falls within the Sickness Absence Management policy; absence of 7 calendar days or more will need to be covered by a Doctor's note.

Maternity Leave Entitlement

Statutory Maternity Leave

Provided an employee complies with the notification procedures - since April 2007, all female employees, regardless of length of service, are entitled to both Ordinary and Additional Maternity Leave – one year's leave in total. (The qualifying service required for adoption leave (both Ordinary and Additional) remains at 26 weeks by the end of the notification week.)

Occupational Maternity Leave

Under the Ninestiles Trust Maternity Leave policy if a teacher has at least six months continuous service, special leave of absence immediately following the fifty-two weeks of statutory maternity leave may be granted without pay up to a maximum period of eighteen weeks (making total leave of seventy weeks) at the discretion of the Principal. The right to return is limited to the contractual right to return at the end of the agreed, extended period of absence (unless the teacher has exercised in the meantime the statutory right to return early on a date within the statutory maternity leave period by giving 8 weeks' notice).

Start of Maternity Leave

Employees can choose when to start their maternity leave, but not earlier than the 11th week before the EWC. If maternity leave has not already started it will be automatically triggered by either the birth of the child or a pregnancy-related absence from the beginning of the 4th week before the EWC. In the case of a premature birth, maternity leave will start the day after the birth. In the case of a pregnancy related absence, maternity leave will start after the first day of absence.

Maternity Pay Entitlement

Employees with less than 6 months continuous service at the 11th week before the EWC.

Not entitled to Occupational Maternity Pay (OMP)

To be entitled to SMP an employee must have 26 weeks' service by the end of the 15th week before the EWC, and average earnings in the 8 weeks ending with the 15th before the EWC must be equal to the lower earnings limit. If you are not entitled to SMP then you will be given an SMP1 so that you can claim Maternity Allowance from the Benefit Agency.

Employee with at least 6 months' service but less than one years' service at the 11th week before the EWC

The employee will qualify for Occupational Maternity Pay (OMP) of 18 weeks at ½ pay.

Plus one of the following depending on service:

EITHER

- i) If the employee has 26 weeks' continuous service at the 15th week before the EWC, the employee will qualify for SMP in addition to 18 weeks OMP at half pay. In these circumstances pay will be:

Weeks 1- 18 = ½ pay plus SMP, (if applicable) without deduction, except where ½ pay plus SMP (or MA, where eligible) exceeds full pay. (Employee cannot receive any more than full pay).

Weeks 19-39 = SMP only at the current rate per week (or 9/10ths if this is less) (if applicable)

OR

ii) If the teacher has less than 26 weeks continuous service at the 15th week before the EWC, the employee will not be eligible for any SMP and her pay will be OMP only.

Employee with at least 1 years' continuous service at the 11th week before the EWC

Weeks 1- 8 = Full Pay (offset against SMP payments or MA)

Weeks 9-18 = ½ pay plus SMP, without deduction, except where ½ pay plus SMP (or MA) exceeds full pay. (You cannot receive any more than full pay).

This is paid on the understanding that you have declared in writing that you intend to return to work, and that you actually return to a trust school's employment for at least 13 weeks.

For employees not intending to return, payment will be the employee's entitlement to SMP only.

Weeks 19-39 = SMP only at £124.88 per week (or 9/10ths if this is less).

Keeping in Touch days

Keeping in touch (KIT) days are intended to facilitate a smooth return to work for women returning from maternity leave. Before going on leave, the employer and the employee should discuss and agree any voluntary arrangements, for keeping in touch during the employee's maternity leave. An employee may work for up to 10 KIT days during OML or AML without bringing her maternity leave to an end. An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby.

The work can be consecutive or not, and can include training or other activities which enable the employee to keep in touch with the workplace. Any such work must be by agreement and neither the employer nor the employee can insist upon it.

Authorities are recommended to adopt policies for KIT days that have regard to DTI guidance (Maternity Entitlements and Responsibilities: A guide – babies due on or after 1 April 2007) and therefore should include arrangements for payment for working on these days.

Returning to work

A teacher who wishes to return before the end of her maternity leave period as notified to her by her employer shall give her employer, in writing, not less than 8 weeks' notice of the date on which she intends to return. If she wishes subsequently to vary this original return date she must also give 8 weeks' notice of the proposed variation. If the teacher attempts to return earlier than the end of her maternity leave period without giving appropriate notice, her employer can postpone her return date to secure 8 weeks' notice, but not beyond the end of the maternity leave period.

If a teacher takes special leave after the 52 weeks statutory maternity leave she is expected to return on the date agreed with the school. She has no right to alter any return date which falls after the 52 weeks but may reach mutual agreement with the school.

	Should a teacher returning to work wish to vary their contract, eg return on a part-time basis, agreement must be requested from the Principal and any such decision is at their discretion taking into account the needs of the school. It should be noted that if a part-time contract is agreed this will follow a thirteen week qualifying period or if implemented immediately on return from maternity leave will operate from the start of maternity leave and therefore maternity pay will also be calculated on a pro-rata basis. It is likely that any contractual changes could only be agreed with effect from the start of an academic year.
Monitoring and review	Director of Operations, Principals, Business Managers
Links	Sickness policy, Leave of Absence policy
Staff responsible	Principals, HR management
Committee responsible	Board of Directors
Date approved	June 2015
Review date*	June 2017

**Please note that should any further national guidance be issued by external agencies that are relevant to this policy, it will be updated accordingly prior to the review date shown above and referred to the next academy council meeting*