

### **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.

<b>Policy title</b>	<b>Maternity Policy for Non-Teaching Staff</b>
<b>Rationale</b>	<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 non-teaching members of staff, 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>
<b>Policy statement</b>	<p><b><u>Notice required from you</u></b> You must notify your Principal about your pregnancy, as soon as possible, but no later than the qualifying week (which is the 15<sup>th</sup> week before the Expected Week of Childbirth). This will allow you to establish what financial support you are entitled to and enable a risk assessment to be carried out to protect the health, safety and welfare of you and your unborn child.</p> <p>The trust also requires you to submit your MATB1 form to avoid your SMP (Statutory Maternity Pay) being affected.</p> <p>If you have chosen a maternity leave start date, but then you wish to change your mind, please let your Principal know at least 28 days before the revised start date or 28 days before the original date that you chose, whichever of these two dates is the earlier.</p>

### **Occupational Maternity Leave and Pay**

- (a) All employees are entitled to 26 weeks' ordinary maternity leave followed by 26 weeks' additional maternity leave, giving a total of 52 weeks' continuous leave 'the maternity leave period'.
- (b) Maternity leave shall commence no earlier than 11 weeks before the EWC or from the day following childbirth if that is earlier.

Within 28 days of receipt of the initial notification the employing authority will write to the employee informing them of the last day of their maternity leave and the expected date of return.

### **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.

### **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.

### **Maternity Leave Entitlement**

You are entitled to 52 weeks Maternity Leave regardless of your length of service. Maternity leave is not treated as sick leave and will count towards your continuous service with The Trust.

### **Maternity leave**

The earliest you can start your maternity leave is 11 weeks before the EWC but you have the option to decide on your maternity leave start date, which can begin on any day of the week. SMP will start on that day.

If your baby is born **before** your chosen maternity leave date, your maternity leave and SMP will automatically start on the day after childbirth. You will need to notify HR in writing as soon as is reasonably practicable to ensure that your pay will be accurate.

### **Premature birth**

If your baby is born alive before 24 weeks of the pregnancy, the day after the childbirth will be the first day of the maternity leave. Even in the unfortunate situation where the baby subsequently does not survive, maternity leave including maternity pay will still apply as a live birth did take place, even though it was before 24 weeks. You will need to let HR know of this as soon as is reasonably practicable.

### **Stillbirth**

We recognise that the situation of stillbirth is upsetting for all those involved and if your baby is stillborn after 24 weeks of pregnancy, your maternity leave will begin on the day following the childbirth. If, however, your child is stillborn within the first 24 weeks of your pregnancy, you will not be entitled to maternity leave. In these circumstances normal sickness absence management will apply. If your baby is born after the EWC, your Statutory Maternity Pay would start on the first day of your maternity leave.

### **Annual leave**

Annual leave entitlement will continue to accrue at the rate provided under your contract.

It is important that you discuss your holiday plans with your line manager/ head member of staff in good time before starting your maternity leave.

You are encouraged to take any outstanding holiday due to you before the commencement of maternity leave.

If your maternity leave continues into the next holiday year, any holiday entitlement that cannot be reasonably taken before starting your maternity leave can be carried forward to the new leave year, as an exceptional circumstance, but must be taken immediately before returning to work from maternity leave or unless otherwise agreed with your line manager/ head member of staff.

If you give birth whilst you are on annual leave, your annual leave will cease and your maternity leave will start on the day following the childbirth. Any annual leave days that you have been unable to take, can be taken after your maternity leave ends.

Where it has been agreed that you return to work on the basis of reduced hours or a job share working, you will be entitled to annual leave on a pro-rata basis with effect from the date you return to reduced hours.

**Sickness**

Sickness payments will automatically and immediately cease whenever Maternity Leave and Statutory Maternity Pay/ Maternity Allowance commences.

**Maternity Pay Entitlement**

Payments for employees who have less than 1 year's continuous local government service at the beginning of the eleventh week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP) where eligible.

Payments for employees who have completed not less than 1 year's continuous local government service at the eleventh week before the EWC shall be as follows:-

- (i) For the first six weeks of absence an employee shall be entitled to nine-tenths of a week's pay, offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.
- (ii) An employee who declares in writing that she intends to return to work will for the subsequent 12 weeks' absence receive half a week's pay plus SMP, where eligible, without deduction except by the extent to which the combined pay and SMP (or MA and any dependant's allowances if the employee is not eligible for SMP) exceeds full pay. Alternatively the equivalent amount (i.e. 6 weeks' pay) may be paid on any other mutually agreed distribution.

For the remainder of the maternity leave period the employee will receive their entitlement to SMP (currently 39 weeks in total), where eligible.

- (iii) For employees not intending to return to work, payments during their maternity leave period following the first 6 weeks will be their entitlement to SMP (currently 39 weeks in total), where eligible.
- (iv) Payments made by the authority during maternity leave under (ii) above shall be made on the understanding that the employee will return to local authority employment for a period of at least three months, which may be varied by the local authority on good cause being shown and, in the event of her not doing so, she shall refund the monies paid, or such part thereof, if any, as the authority may decide. Payments made to the employee by way of SMP are not refundable.

**Returning to work**

A member of staff 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 member of staff 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 member of staff 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 member of staff 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.
<b>Monitoring and review</b>	Director of Operations, Principals, Business Managers
<b>Links</b>	Sickness policy, Leave of Absence policy
<b>Staff responsible</b>	Principals, HR management
<b>Committee responsible</b>	Board of Directors
<b>Date approved</b>	June 2015
<b>Review date*</b>	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*