St. Mary's R.C. Primary School

'We care, we pray, we work, we play, in Jesus' way…'

Maternity Policy

This Maternity Policy has been approved and adopted by the Governing Body on Thursday 21st November 2024. It will be reviewed in October 2025.

Signed by Chair of Governors:L. Gillies

Signed by Headteacher:D. Hayes

01 April 2024

Version Control

Current version	Previous version	Summary of changes made
01 Apr 24	9 Jan 23	Updated in line with Protection from Redundancy (Pregnancy and Family Leave) Act 2023 Added equality and data protection paragraphs
09 Jan 23	16 Jan 18	Appendix A updated, Appendix B and Appendix C added
16 Jan 18	26 Jul 17	Amended paragraph 2.2 to reference maternity leave.
26 Jul 17	04 Nov 14	Updates regarding shared parental leave and statutory maternity payments. Formatting of paragraphs, headings and appendices standardised.

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1 Introduction

1.1 This document gives employees information about these rights:

- Notification of maternity
- Maternity leave
- Maternity pay
- Links to shared parental leave.
- Keeping in touch ('KIT') days
- Return to work.

1.2 The school is fully committed to creating a culture where equality, diversity and inclusion are integral to everything we do. Our policies and processes form part of our infrastructure to support an environment where people from all groups and our diverse communities feel included, supported, and are treated fairly in accessing all opportunities.

1.3 All employees of the school handling personal data must comply with current data protection legislation together with the associated policies and procedures which are available from the school.

2 Employee rights

2.1 Continuous service rights accrue during maternity leave.

2.2 All contractual benefits, apart from remuneration, continue throughout maternity leave. In accordance with HM Revenue and Customs guidance, non-cash benefits (such as childcare vouchers) will continue whereas cash benefits (such as first aid allowances) will not be paid. Essential car user allowance provided under the NJC for Local Government Services is not considered as simply cash that is a transferrable benefit (i.e. insurance, road tax) and therefore will continue to be paid.

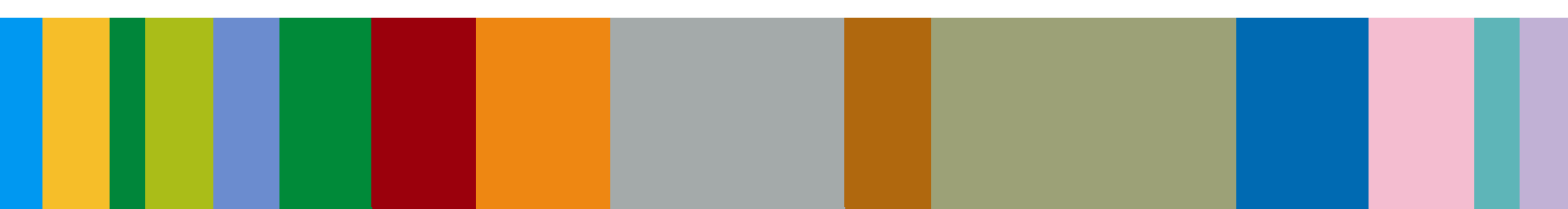
2.3 A pregnant employee is entitled to reasonable time off for antenatal care.

2.4 From 1 October 2014 an expectant secondary care giver/partner of a pregnant employee can take unpaid time off to attend up to two antenatal appointments (up to six and a half hours per appointment).

2.5 The school will assess the risks to pregnant and breastfeeding employees and do what is reasonably practicable to control these risks.

2.6 An employee who returns during or at the end of ordinary maternity leave is entitled to return to the same job on the same terms and conditions.

2.7 On their return during or at the end of additional maternity leave, the employee has the right to return to the same job on the same terms and conditions, or, if this is not reasonably practicable (for a reason other than redundancy) to a job that is both suitable and appropriate for the employee. The new job must itself be on terms and conditions no less favourable than those which would have applied had the employee not been absent.



2.8 The pregnant employee may choose to exchange up to 50 weeks maternity leave and up to 37 weeks Statutory Maternity Pay ('SMP') for shared parental leave and pay. They will need to give the school a leave and pay curtailment notice giving eight weeks' notice of the date on which maternity leave and pay is to end; or 21 days' notice of a return to work. Further information, the curtailment notice and Shared Parental notification form is contained within the Shared Parental Leave Pay Policy.

2.9 Employees may request flexible working arrangements on their return to work.

2.10 An employee loses the right to maternity leave if they resign or are dismissed before the pre-notified start date. They will still be entitled to SMP if they are employed after the 15th week before the Expected Week of Childbirth ('EWC').

2.11 Should a redundancy situation arise, the employee should be consulted, along with other employees in their team. The Head Teacher should be aware that, under Protection from Redundancy (Pregnancy and Family Leave) Act 2023 employees who are on maternity, adoption or shared parental leave and who are made redundant have the right to an offer of a suitable alternative post, where one is available, without competition, even if there are other suitably qualified or better qualified candidates.

3 Maternity leave

3.1 All pregnant employees are entitled to up to 52 weeks maternity leave regardless of length of service. This leave consists of:

- 26 weeks ordinary maternity leave ('OML'); and
- 26 weeks additional maternity leave ('AML')

3.2 An employee may decide how much maternity leave they wish to take up to the maximum of 52 weeks. The assumption will be made that an employee will take the full 52 weeks unless they inform the Head Teacher otherwise.

3.3 The law requires a two-week minimum period of compulsory maternity leave is taken immediately after the baby is born.

3.4 AML, if taken, must follow immediately after OML.

4 Notification of maternity leave

4.1 To claim maternity leave, an employee should inform the Head Teacher at least 28 days before their absence begins or as soon as is reasonably practicable.

- that they are pregnant
- the expected week of childbirth
- when they want the maternity leave to start

4.2 This notification should be done using the form at Appendix A. The Head Teacher should send this notification to the School's HR team as soon as possible after receipt, as HR has to notify the employee of the end date of their maternity leave within 28 days of the original notification.

4.3 If the employee decides to start their maternity leave earlier than originally notified, they must give as much notice as is reasonably practicable.

4.4 An employee could lose their right to start maternity leave on their chosen date if they do not give the Head Teacher the proper notice of their preferred start date. The school will consider each case individually should it not be reasonably practicable for the employee to give notice any earlier.

4.5 Maternity leave can start no earlier than the beginning of the 11th week before the EWC. It starts automatically the day after the birth if the employee gives birth early.

4.6 Maternity leave and maternity pay start on the same day which can be any day of the week.

4.7 An employee should provide the original certificate (‘MATB1’) from their healthcare provider which states the EWC. The MATB1 is invalid if issued before the 20th week before the EWC.

4.8 Please note that during your maternity leave you should log into your Oracle account at least every 60 days to access your payslip or your account will be disabled.

Changing the start date of maternity leave

4.9 The start date of maternity leave can be changed as long as the employee notifies the Head Teacher either 28 days before the original start date or 28 days before the new start date, whichever is the earlier.

4.10 The employee does not have to give this much notice if it is not reasonably practicable, for example if the baby is born early. In these circumstances the employee should give as much notice as possible. The notification should be in writing if requested by the Head Teacher.

Confirmation by the employer of the end date of maternity leave

4.11 After receiving notice of the intended start date, the Head Teacher should inform the School’s HR team who will arrange to write to the employee to notify them of the date on which the maternity leave will end. This must be done within 28 days. Unless otherwise notified the end date is normally the first working day 52 weeks from the start of maternity leave.

4.12 An employee should provide eight weeks written notice of the date in which they intend to return to work.

4.13 If an employee does not receive notification of the end date and subsequently does not return to work on time, they may be protected from victimisation and dismissal. In addition, if they wish to change their return dates, they may not be obliged to comply with the notice requirements if the employer had not told them when the leave should end.

5 Maternity pay

5.1 Statutory maternity pay ('SMP') and occupational maternity pay ('OMP') are payable subject to qualifying conditions, described below.

5.2 Employees are advised to contact Exchequer Services for advice on the implications for their pensions.

5.3 An employee **must** complete and submit the Maternity Notification Form (Appendix 1) at least 28 days before their leave begins, selecting whether they wish their Occupational Maternity Pay (OMP) to be paid throughout their maternity leave or on their return to work. If they do not submit this form within the timescale above, their OMP will be withheld. If they subsequently decide that they wish to receive this, it will be paid at the next available payroll opportunity after receipt of their written notification to this effect. To avoid delay, this form should be sent directly to the HR Schools Team.

Statutory maternity pay.

5.4 SMP is paid for up to 39 weeks.

5.5 To qualify for Statutory maternity pay ('SMP') an employee must have;

- At least 26 weeks continuous Bolton Council service up to the end of the 15th week before the EWC.
- Average earnings at least equal to the lower earnings limit in the eight weeks prior to the end of the 15th week before the EWC.

5.6 If you do not qualify to receive SMP from Bolton Council you may wish to contact your previous employer to check if you met the eligibility criteria whilst working for them.

5.7 Employees who are not entitled to SMP but meet qualifying conditions based on their recent employment and earnings may claim up to 39 weeks' maternity allowance ('MA') which is paid directly by the Department for Work and Pensions.

5.8 If you don't have 26 weeks service, you may still be entitled to OMP and be able to claim SMP from the Government.

5.9 SMP is;

- 90% of average weekly earnings for the first six weeks followed by 33 weeks at the current rate; or
- 90% of average weekly earnings for 39 weeks, if less than the current rate of SMP.

5.10 Only SMP is paid if an employee does not intend to return to work.

5.11 An employee is not required to repay SMP if they decide not to return to work at the end of their maternity leave.

Occupational maternity pay

5.12 To qualify for OMP an employee must;

- Have at least one year's continuous local government service at the beginning of the 11th week before the EWC.
- Declare in writing that they intend to return to work for at least three months following the end of the maternity leave or parental leave if this follows on immediately after maternity leave. If they subsequently decide not to return to work, they must repay the half pay period of occupational maternity pay.

5.13 For officers or support staff, the total amount of OMP payable is;

- Weeks 1 to 6: 90% of normal weekly earnings inclusive of SMP
- Weeks 7 to 18: Half normal pay plus SMP or MA (up to a maximum of full pay)
- Weeks 19 to 39: SMP only

5.14 For teaching staff, the total amount of OMP payable is;

- Weeks 1 to 4: Full pay
- Weeks 5 to 6: 90% of normal weekly earnings
- Weeks 7 to 18: Half normal pay plus SMP or MA (up to a maximum of full pay)
- Weeks 19 to 39: SMP only

6 Keeping in touch days

6.1 An employee can work for up to ten days during their maternity leave, subject to agreement with the Head Teacher. These are known as Keeping in Touch ('KIT') days. Working for part of a day counts as one day.

6.2 There is no obligation or automatic right for an employee to work these days.

6.3 The KIT days can be worked at any stage during the maternity leave apart from during the first two weeks after the baby is born.

6.4 The type of work undertaken during KIT days should be agreed between the Head Teacher and the employee and should be work normally carried out under the terms of the contract. These days can be particularly useful, for example when they involve training or attendance at a team meeting.

6.5 The employee will be paid at their hourly rate (or at an average based on the most recent 12 weeks' pay if the rate of pay varies) for the hours actually worked. The employee is still entitled to SMP, if applicable, for the week in which any KIT day is worked.

6.6 Working KIT days does not extend the maternity leave period.

6.7 If more than ten KIT days are worked, the employee will lose SMP for the week in which they do the additional work.

7 Return to work

Returning to work early

7.1 An employee is entitled to change their original return to work date. They must however return to work no later than 52 weeks after the start of the maternity leave.

7.2 If an employee wishes to change their return to work date, they are required to give 21 days' notice to the Head Teacher.

7.3 The Head Teacher may postpone the return for 21 days or until the pre-notified end date, whichever is the earlier, if the employee attempts to return to work earlier than expected or if they have not given 21 days' notice of their return.

Employees not wishing to return to work or not returning for three months

7.4 An employee who does not wish to return to work after their maternity leave should give the Head Teacher the notice specified in their contract of employment.

7.5 If they have been paid OMP and does not return to work, the employee will be required to repay the half pay period of OMP in full.

7.6 If the employee returns for part of the three month period, they will be required to repay the appropriate proportion of OMP.

8 Relationship between maternity leave and sickness or annual leave

8.1 An employee's maternity leave can only be triggered by pregnancy-related absence from the beginning of the fourth week before the expected week of childbirth. Where pregnancy-related sickness occurs during this period, maternity leave will start on the day following the first day of the absence. SMP also starts on this day. Employers do not have to trigger the start of maternity leave, for example if the absence is short term and the employee wishes to continue working.

8.2 For a non-pregnancy related illness the maternity leave will not start until the date the baby is born, unless the employee has notified you that they wish their maternity leave to commence earlier.

8.3 OML and AML are regarded as continuous service. Annual leave and bank holidays continue to accrue during both OML and AML.

8.4 If an employee is unable to return to work on the pre-notified day because of sickness, their absence will be covered by the school's sickness scheme in the normal way.

8.5 Annual leave can be taken before maternity leave or after it has ended. If a baby is born while the employee is taking annual leave then the maternity leave starts the day after the baby is born. The employee must notify the school that their baby has been born early.

8.6 Annual leave and bank holidays accrue during maternity leave

8.7 You have a number of options for taking this accrued leave. You could take:

i. some of your holiday entitlement in the months leading up to your maternity leave and some in the months after you return to work;
ii. all of your holiday for the year before you start maternity leave;
iii. some of your holiday before you go on maternity leave and then add some to the end of your maternity leave so you have more time off and get holiday pay instead for that time;
iv. most of your holiday when you return from maternity leave. Whether you carry over any holiday to the next leave year could depend on how far through the current holiday year you are when you return to work after maternity leave.
v. Any leave carried forward must be taken by the end of the following leave year.

9 Health and well-being

9.1 A pregnant employee is entitled to time off to attend antenatal appointments made on the advice of a healthcare provider.

9.2 The Head Teacher may ask for evidence of antenatal appointments, such as appointment cards.

9.3 Employers must conduct a specific risk assessment on receipt of written notification from an employee that they are pregnant, has given birth in the last six months or is breastfeeding. The line manager is responsible for providing the employee with the Risk Assessment form contained at Appendix 2, ensuring it is completed, then undertaking a review.

9.4 If any risks are identified then the Head Teacher must take action to remove, reduce or control the risk. Advice may be sought from Occupational Health and /or the Health and Safety Team another health professional involved in the employee's care.

9.5 If the risk cannot be removed the Head Teacher must discuss the matter with a School's HR Adviser before deciding on one of the following courses of action;

- Temporarily adjust the working conditions or hours of work; or if not possible
- Offer suitable alternative work (at the same rate of pay) if available; or if not feasible.
- Suspend the employee from work on paid leave for as long as necessary to protect their health and safety and that of their child. The employee will be kept in regular contact if this is a necessary action.

9.6 The Head Teacher will be able to provide information about available facilities should an employee wish to return to work whilst breastfeeding. Any time off required may be accommodated within the Flexible Working arrangements.

10 Maternity support leave

10.1 The purpose of maternity support leave is to allow an employee leave where they are the main support for the mother, as a 'nominated carer'. The role of the nominated carer is to assist in the care of the child and to provide support to the mother at or around the time of the birth.

10.2 Maternity support leave is five days (one working week) with pay granted at or around the time of birth.

10.3 Maternity support leave is not granted in addition to paternity leave. Details of paternity leave entitlements can be found in the Leave Policy.

10.4 If the parent taking maternity leave is not a Bolton Council employee, the council may ask for a confirmation letter from them that they have requested the support of the Bolton Council employee, along with a copy of the MATB1.

APPENDIX A
Maternity Notification Form - Officers

Bolton Council

Personal information

Full name: _____

Address: _____

Post Code _____

Department: _____

Workplace: _____

Post title: _____

Employee number: Hours worked per week: _____

Start date with Bolton Council: _____

Previous service in Local Government:

Date started: Date finished:

Maternity information

1. The expected week of my baby's birth is the week beginning Sunday:
   ..... (enter date)
2. I wish to start my maternity leave on: .....(enter date)
3. I enclose my Maternity Certificate MATB1 **or** MATB1 to follow ***(delete as applicable)***

Maternity Pay

4. I wish to return to work following my maternity leave and I wish to be paid Occupational Maternity Pay. ***Please see Maternity Policy for qualifying conditions.*** Tick if appropriate ☐

   I understand that if I subsequently decide not to return to work, or if after returning to work I do not complete three months service, then I will be liable to refund to the Council part or all of the payments made to me under the Occupational Maternity Pay scheme. Tick to confirm understanding ☐

5. If you have indicated above that you would like to be paid Occupational Maternity Pay, please select one of the following two options.

   Option 1: Please pay my Occupational Maternity Pay over a period of 12 weeks with entitlement of standard rate SMP. Tick if appropriate ☐

Option 2: Please pay my Statutory Maternity Pay <u>only.</u> I would like the half pay portion of my Occupational Maternity Pay to be withheld until I return to work at the end of my maternity leave.

Tick if appropriate ☐

PLEASE NOTE: If you have not selected an option and submitted this form to the HR Schools Team at least 28 days before your leave begins, your OMP will be withheld. If you subsequently decide that you wish to receive this, it will be paid at the next available payroll opportunity after receipt of your written notification to this effect.

Completed forms should be sent directly to the HR schools Team, 2nd Floor, Bolton Town Hall, BL1 1RU to avoid any delay in receipt/payment.

Signed: ..... Date: .....

Please note that payments made to you under the Statutory Maternity Pay scheme will not have to be refunded.

For Office Use Only

Maternity Details			
Name		**Pay No**	
Address			
Contractual Hours		**Start Date**	
Organisation Name			
Expected Delivery Date			
Qualifying Week (Commencing)			
Date Maternity Leave to Commence			

Option 1: Payment of Occupational & Statutory Maternity Pay	
6 Weeks @ 90%	
12 Weeks @ ½ Pay + SMP	
21 Weeks @ SMP Only	

Option 2: Payment of Statutory Maternity Pay Only	
6 Weeks @ 90%	
33 Weeks SMP Only	

Additional Information	
MATB1 (Attached)	

Authorised			
Signed		**Date**	
Team			
Contact			

Appendix B
Maternity Notification Form - Teachers

Bolton Council

Personal information

Full name: _____

Address: _____

Post Code _____

Department: _____

Workplace: _____

Post title: _____

Employee number: _____ Hours worked per week: _____

Start date with Bolton Council: _____

Previous service in Local Government:

Date started: _____ Date finished: _____

Maternity information

6. The expected week of my baby's birth is the week beginning Sunday:
   ..... (enter date)
7. I wish to start my maternity leave on: .....(enter date)
8. I enclose my Maternity Certificate MATB1 **or** MATB1 to follow ***(delete as applicable)***

Maternity Pay

9. I wish to return to work following my maternity leave and I wish to be paid Occupational Maternity Pay. ***Please see Maternity Policy for qualifying conditions.*** Tick if appropriate ☐

   I understand that if I subsequently decide not to return to work, or if after returning to work I do not complete three months service, then I will be liable to refund to the Council part or all of the payments made to me under the Occupational Maternity Pay scheme. Tick to confirm understanding ☐

10. If you have indicated above that you would like to be paid Occupational Maternity Pay, please select one of the following two options.

    Option 1: Please pay my Occupational Maternity Pay with my entitlement of standard rate SMP. Tick if appropriate ☐

Option 2: Please pay my Statutory Maternity Pay only. I would like my Occupational Maternity Pay to be withheld until I return to work at the end of my maternity leave.

Tick if appropriate ☐

PLEASE NOTE: If you have not selected an option and submitted this form to the HR Schools Team at least 28 days before your leave begins, your OMP will be withheld. If you subsequently decide that you wish to receive this, it will be paid at the next available payroll opportunity after receipt of your written notification to this effect.

Signed: ..... Date: .....

Please note that payments made to you under the Statutory Maternity Pay scheme will not have to be refunded.

For Office Use Only

Maternity Details			
Name		**Pay No**	
Address			
Contractual Hours		**Start Date**	
Organisation Name			
Expected Delivery Date			
Qualifying Week (Commencing)			
Date Maternity Leave to Commence			

Option 1: Statutory & Occupational Maternity Pay	
4 Weeks @ Full Pay	
2 Weeks @ 90%	
12 Weeks @ ½ Pay + SMP	
21 Weeks @ SMP only	

Option 2: Statutory Maternity Pay Only	
6 weeks @ 90%	
33 Weeks SMP Only	

Additional Information	
MATB1 (Attached)	

Authorised			
Signed		**Date**	
Team			
Contact			

Appendix C
Maternity Risk Assessment Form

Health and safety legislation requires risk assessments are undertaken for new and expectant mothers to establish whether there are any additional risks to their health and safety arising out of their condition. Completion of this self assessment should assist in the identification of any issues that should be considered during the review of the relevant risk assessments.

This form should be completed and forwarded to your manager / assessor prior to the risk assessment interview. This questionnaire has been designed to help the process of collating information for your Risk Assessment and will assist your manager in the review process.

The risk assessment should be constantly reviewed throughout the duration of the pregnancy. The interval between reviews should be reduced as the pregnancy progresses. Generally it is ideal to hold review meetings after any ante-natal appointments, so that medical feedback can be considered. This form should also be completed if you have returned to work within 6 months of the birth of your child or if you are still breastfeeding.

When answering the questions, please can you give some thought to whether you consider that any item affects your ability to work. Please enter a ✓in the corresponding box or column, e.g., Yes or No, as appropriate. If you require any further information, please discuss this with your manager, departmental risk assessor or contact the Occupational Safety and Health Shared Service on extension 1210.

Name:	**Date of assessment:**
Signature:	**Work address:**
Post title:	
Work contact no.:	
Department:	**Division:**
Manager:	**Work contact no.:**

1	**Aspects of pregnancy** **This box only applies to expectant mothers**	**Yes**	**No**	**Affects work?**	
				Yes	**No**
1.1	Are you experiencing sickness?				
1.2	Are you experiencing backache or back problems?				
1.3	Have you developed varicose veins since becoming pregnant or have existing ones been aggravated?				
1.4	Have you developed haemorrhoids since becoming pregnant or have existing ones been aggravated?				
1.5	Do you have to visit the toilet frequently?				
1.6	Do you feel excessively tired at any time?				
1.7	Do you suffer with dizzy spells?				
1.8	Is this aggravated by:				
	Standing?				
	Atmosphere e.g. heat?				
	Other?				
1.9	Are you suffering with swollen joints?				
	Ankles?				
	Hands?				

	Other?				
1.10	Are you comfortable at your workstation?				
	Is there sufficient space around your workstation to accommodate you as your pregnancy progresses?				
1.11	Are you suffering with impaired vision specifically related to your pregnancy?				
	If yes, is this affecting:				
	Inputting of data onto your display screen?				
	Reading?				
	Driving?				
	Other duty?				
1.12	Are you having any difficulties with:				
	Dexterity?				
	Agility?				
	Co-ordination?				
	Speed of movement?				
	Reach?				

Note: Questions from Box 2 onwards relate to both expectant & new mothers

2	**Working conditions**	**Yes**	**No**	**Affects work?**	
				Yes	**No**
2.1	Do you deal with the public?				
2.2	Do you feel stressed when dealing with a customer?				
2.3	Do you handle cash?				
2.4	Are you worried about the safety of your unborn child when handling cash?				
2.5	Does your job require you to work outside your normal work location?				
2.6	Are you worried about the safety of your unborn child during visits outside your normal work location?				
2.7	Do you work outside normal office hours?				
2	**Working conditions (cont.)**	**Yes**	**No**	**Affects work?**	
				Yes	**No**
2.8	Do you do call out / standby duty?				
2.9	Do you sit / stand etc. for long periods of time?				
2.10	Does your job involve any lifting, bending, stretching and climbing?				
2.11	Do you use display screen equipment?				
3	**Biological / Chemical Agents**	**Yes**	**No**	**Affects work?**	
				Yes	**No**
3.1	Do you come into contact with chemicals?				
3.2	Do you use protective equipment?				
3.3	Are various sizes available?				
3.4	Do you come into contact with animals?				
3.5	Are you at risk of infection / disease whilst carrying out inspections / site visits, etc?				
3.6	In carrying out your work do you experience extremes of cold and heat?				
4	**Personal considerations**				

4.1	The space below is provided to allow you the opportunity to write down any other points you feel need consideration during your pregnancy or your return to work after the birth of your child. (Remember to keep your points related to the workplace)		
4.2	Bearing in mind a sense of reasonableness, do you feel that you will not be able to carry out the duties of your job description during your pregnancy?		
	Yes, I am able to continue with my current duties		
	No , I am unable to continue with my current duties		
	If No, please state the reasons for this: -		
4.3	If you have returned to work within 6 months of the birth or you are still breastfeeding, are there any issues that you feel may affect your ability to carry out your full range of duties?		
	Date of birth of child		
	Yes, I have some concerns.		
	No, there are no issues affecting my ability to work.		
	If Yes, please explain:		
4.4	If you are still breastfeeding, are you able to find a private location for expressing milk? (Facilities will be provided if practicable)	Yes	No