

Bishop Vaughan Catholic School

Maternity Leave Policy

Maternity Leave Policy



Bishop Vaughan Catholic School follows the LA's policy on Maternity Leave. It is reproduced here in full.

Copies of this policy are available on our website, in policy folders on the school network and can be made available on request.

MATERNITY LEAVE POLICY

MATERNITY LEAVE POLICY

CONTENTS

| POLICY | | Page |
|------------------------------|---|-------------|
| 1. | Policy Statement | 3 |
| 2. | Scope | 3 |
| 3. | Definitions Relating to Maternity Rights | 3-4 |
| 4. | Entitlements to Maternity Pay and Maternity Leave | 5-6 |
| 5. | Pensions | 6-7 |
| APPLICATION PROCEDURE | | |
| 6. | Employee Responsibilities | 7-8 |
| 7. | Line Manager / Headteacher Responsibilities | 8 |
| 8. | Before Birth: Time-Off for Ante-Natal Appointments / IVF Treatments | 8-9 |
| 9. | Maternity Leave | 9 |
| 10. | Annual Leave | 10 |
| 11. | Salary Increments | 10 |
| 12. | Keeping In Touch | 10 |
| 13. | Rights to Return to Work After Maternity Leave | 10-12 |
| 14. | Breastfeeding Support | 12 |
| 15. | Swansea Family Information Service, (FIS) | 12 |
| 16. | Policy Monitoring | 13 |
| APPENDICES | | |
| 1. | Maternity Provisions Form, (ML1) for Central and Support Staff | 14 |
| 2. | ML1 Form for Teachers | 15 |

MATERNITY LEAVE POLICY

1.0 POLICY STATEMENT

- 1.1 The purpose of this Maternity Leave policy is to inform employees who are pregnant of their statutory maternity rights and entitlements. This is to support them to make informed choices that promote equality of opportunity and to help to retain the skills and knowledge of our workforce, which is the Council's most important asset.
- 1.2 This policy ensures that employees or potential employees are not discriminated against or treated less favourably because they are pregnant, absent on Maternity Leave, or for any other reasons connected with their pregnancy or maternity.
- 1.3 This policy also highlights special consideration under current Health and Safety Legislation that is afforded to those employees who are pregnant, who have recently given birth, or who are breastfeeding.

2.0 SCOPE

- 2.1 This policy applies to all pregnant employees, including those employed in educational establishments, who, regardless of their length of service or hours worked, are entitled to some Statutory Maternity Rights.

3.0 DEFINITIONS RELATING TO MATERNITY RIGHTS

- 3.1 The following table explains some of the common technical terms and abbreviations relating to Maternity Rights:

| TERM / ABBREVIATION | DEFINITION |
|---|---|
| CHILDBIRTH | This refers to the birth of a living child, or the birth of a child, whether living or deceased, after 24 weeks of pregnancy. |
| EMPLOYEE | This refers to the employed person eligible for Maternity Leave. |
| PARTNER | This refers to the person an employee is in a relationship with, and who they consider to be their spouse, partner, civil partner, unmarried partner, significant other, etc. The term 'partner' is used to exemplify the Council's recognition that people have a diversity of relationships, and that the term/s they apply to them are a personal choice. |
| EXPECTED WEEK OF CHILDBIRTH, (EWC) | The week in which childbirth is expected to occur. |
| MATB1 | This is the form, normally given by the Doctor or the Midwife, that confirms that the person is pregnant, stating the EWC. |

MATERNITY LEAVE POLICY

| | |
|--|---|
| STATUTORY MATERNITY PAY, (SMP) | This is the Maternity Pay, paid by the Council, under Department of Work and Pensions, (DWP), rules for 39 weeks. This is reviewed every April. |
| OCCUPATIONAL MATERNITY PAY, (OMP) | NON-TEACHERS: This is the Maternity Pay, paid by the Council, which amounts to 12 weeks' half-pay, on top of the SMP. |
| | TEACHERS: This is 4 weeks' full pay, two weeks at 90%, and 12-weeks' half pay. |
| MATERNITY ALLOWANCE, (MA) | This is an allowance which may be payable to those employees who do not qualify for SMP and is paid directly by the Department for Work and Pensions for up to 39 weeks. |
| ORDINARY MATERNITY LEAVE, (OML) | This is a minimum 26-week period to which all employees have a statutory right, and which has elements of pay. |
| ADDITIONAL MATERNITY LEAVE, (AML) | This is a period of leave commencing on the day after the last day of Ordinary Maternity Leave, (OML), and continuing for a further 26 weeks. |
| QUALIFYING WEEK | This is 15 weeks before the expected date of childbirth. |
| MATERNITY PAY PERIOD, (MPP) | This is a 39-week period that can fall anytime within the 11 weeks before the Expected Week of Childbirth, (EWC), and 39 weeks after, beginning no later than the EWC itself. |
| MATERNITY AND PARENTAL LEAVE REGULATIONS (1999) | Under these regulations, employees are not permitted to work within 2 weeks of giving birth. Also, under S.205 Public Health 1936, factory workers are prohibited from working for 4 weeks after giving birth. |
| WEEKS' PAY | A week's pay is normal pay under the current contract of employment for working normal hours. Where normal working hours vary, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned. |

MATERNITY LEAVE POLICY

4.0 ENTITLEMENTS TO MATERNITY PAY AND MATERNITY LEAVE

- 4.1 Irrespective of how long an employee has worked for Swansea Council, they will be entitled to **Ordinary Maternity Leave of 26 weeks**, and **Additional Maternity Leave of another 26 weeks**.
- 4.2 Employees can ask for **Statutory Additional Paternity Leave and Pay** if their partner returns to work before the end of their Maternity (or Adoption) Leave or pay period.

See the **Paternity Leave Policy** on Staffnet for more information.

4.3 Table showing Employees' Maternity Pay Entitlement, Based on Length of Service, (EXCLUDING TEACHERS):

| SERVICE | MATERNITY PAY ENTITLEMENT |
|---|--|
| LESS than 26 weeks' service at the beginning of the 15 th week before the EWC. | Maternity Allowance can be claimed from the Department of Work and Pensions, (DWP), which may be paid for up to 39 weeks . There is an obligation to both claim and declare your Maternity Allowance. |
| 26 weeks or more at the beginning of the EWC, but LESS than 12 months' service at the beginning of the 11 th week before the EWC. | Weeks 1 to 6 – 9/10 ^{ths} of a week's pay. Weeks 7 to 39 – Statutory Maternity Pay only. Weeks 40 to 52 –Unpaid Additional Maternity Leave. |
| 26 weeks or more at the beginning of the 15 weeks before the EWC, and MORE than 12 months' service at the beginning of the 11 th week before the EWC. | Weeks 1 to 6 – 9/10 ^{ths} of a week's pay. Weeks 7 to 18 – 12 weeks' Occupational Half Pay, plus SMP. The 12 weeks' Half Pay may be spread over any other mutually agreed distribution, e.g., 3/10 ^{ths} of pay for 33 weeks. Human Resources will need to be advised accordingly. Weeks 19-39 – Statutory Maternity Pay only. Weeks 40-52 – Unpaid Additional Maternity Leave. |

MATERNITY LEAVE POLICY

4.4 Table showing Employees' Maternity Pay Entitlement, Based on Length of Service, (TEACHERS ONLY):

| Service | Entitlement |
|---|---|
| Payments for teachers who have less than 1 years' continuous service as a teacher with one or more LEAs at the beginning of the 11th week before the EWC. | <p>Weeks – 1 to 39 -Statutory Maternity Pay (SMP) only.</p> <p>Weeks 40 to 52 – <u>Unpaid Additional Maternity Leave</u></p> |
| Payment of salary to a teacher who has completed not less than 1 year's continuous service as a teacher with one or more LEAs at the beginning of the 11th week before the EWC. | <p>Week 1 to 4 - full pay, offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.</p> <p>Week 5 to 6 - 9/10ths of a week's salary, offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.</p> <p>Week 7 to 18 - half pay without deductions except by the extent to which the combined pay and SMP (or, if not eligible for SMP, Maternity Allowance and any dependants' allowances), exceeds full pay.</p> <p>Weeks 19 to 39 - payment of SMP or MA only, as appropriate.</p> <p>Week 40 to 52 - No pay for any remaining period of absence up to the date of return.</p> |

4.5 Calculation of OMP, (Occupational Maternity Pay):

- Employees have the option to spread their OMP, (Occupational Maternity Pay), but this must be at the employee's instruction over how long a period, and no individual calculations will be provided.
- **The option to spread OMP does not, however, apply to Teachers.**

5.0 PENSIONS

5.1 Local Government Pension Scheme for All Staff, (EXCLUDING TEACHERS):

- Employees will be required to pay pension contributions on any paid Maternity Leave. The contributions will be based on the actual pay received, but length of service will count in full for pension purposes.
- For pension purposes, any period of unpaid Maternity Leave will be classed as a period of 'authorised unpaid leave of absence'. Therefore, pension contributions will not automatically be paid.
- Employees can elect to buy these pension contributions back, and, if the

MATERNITY LEAVE POLICY

employee chooses to cover the period of absence for pension purposes, this will be by paying an age-related Additional Pension Contribution, (APC), to cover the amount of pension 'lost' during the period of unpaid Maternity Leave.

- If the employee elects to pay APCs to cover the lost pension, the Council will be liable to pay **two-thirds of the costs** if the election is made **within 30 days** of returning to work after the end of the absence, (or such a period as the Council may allow).
- If the employee elects to cover the period of absence for pension purposes **after 30 days** of the application being approved, **the Council is not obliged to pay employer pension contributions costs, and the employee will be liable for the full amount.**
- The employee will receive a letter confirming the amount that would have to be paid, and an Election Form to complete. The Payroll Section will inform the Pension Section of the duration of the period of unauthorised leave and will write to the employee confirming the value of the lost pension and the options available regarding buy-back, i.e., a monthly or lump-sum payment.

5.2 Teachers Pensions for Teaching Staff:

- Teaching staff should seek advice from Teachers Pensions on how Maternity Leave will affect their pension contributions at:

Teachers' Pensions: (teacherspensions.co.uk)

6.0 EMPLOYEE RESPONSIBILITIES

- 6.1 Notify your Line Manager in writing of the following, where possible, at least **15 weeks** before the EWC:
 - That you are pregnant.
 - Your Expected Week of Childbirth (EWC).
 - The date on which you intend to commence your Ordinary Maternity Leave (OML).
 - Include a copy of the Certificate of Pregnancy (MATB1) from a Registered Medical Practitioner, or Registered Midwife.
 - If this date changes, give **28 days'** notice of the new date or as soon as is reasonably practicable.
- 6.2 The employee should also complete the Maternity Declaration Form. This form asks the employee when they wish to take receipt of payment of the 12 weeks' half pay, (if eligible).
- 6.3 Employees must note that these payments are made on the understanding that they will physically return to work for a period of at least 13 weeks following Maternity Leave. In the event of an employee not doing so, they will be required to refund the 12 weeks' half pay.

MATERNITY LEAVE POLICY

- **Central Staff should complete the Maternity Provisions Form, (ML1 Form),** included as Appendix 1 to this policy.
- **Teachers should complete the ML1 Form,** (included as Appendix 2 to this policy).
- **School Support Staff should complete the ML1 Form,** (included as Appendix 1 to this policy).

7.0 LINE MANAGER / HEADTEACHER RESPONSIBILITIES

- 7.1 The Line Manager / Headteacher must complete a pregnancy risk assessment as soon as possible. This should be taken by a competent person, (which might be someone other than the Line Manager or Headteacher), following the notification of an employee's pregnancy, and in sympathetic consultation with the individual staff member concerned.
- 7.2 It is important that regular individual review and reassessment dates are set at the end of each interview. Certain physical aspects may have a varying impact on the employee and their ability to perform their role as the pregnancy progresses.

8.0 BEFORE BIRTH: TIME-OFF FOR ANTE-NATAL APPOINTMENTS / IVF TREATMENTS

8.1 Time-Off to Attend Ante-Natal Appointments / IVF Treatments:

Employees have the right to paid time-off during working hours. This is also the case if they are undergoing IVF Treatments.

However, they must produce evidence of their ante-natal appointments / IVF appointments, if requested by their Line Manager / Headteacher

This entitlement ceases once they have started their Maternity Leave.

8.2 Partner Entitlement for Time-Off to Attend Ante-Natal Appointments / IVF Treatments:

An employee who is an expectant spouse or the partner, (including same sex), of the pregnant person is entitled to take unpaid time off work to accompany the pregnant person to up to **two** of their ante-natal appointments:

- 'Partner' includes the spouse or civil partner of the pregnant person, and a person (of either sex), who is in a relationship with them.
- The rights apply whether the child is conceived naturally or through donor insemination.

MATERNITY LEAVE POLICY

- It also extends to those who will become parents through a surrogacy arrangement, if they intend to satisfy the conditions for, and intend to apply for, a Parental Order for the child born through that arrangement.

Employees accompanying the expectant person to their ante-natal appointments are entitled to unpaid leave for **one or two** appointments.

The time-off is capped at **6.5 hours** for each appointment:

The Line Manager / Headteacher is entitled to ask the employee for evidence, stating the date and time of the appointment; and

- That the employee qualifies for the unpaid time-off through their relationship with the expectant person or child, and
- That the time-off is for the purpose of attending an ante-natal appointment with the expectant person that has been made on the advice of a Registered Medical Practitioner, Nurse, or Midwife.

9.0 MATERNITY LEAVE

9.1 When Maternity Leave Starts:

Maternity Leave will commence **no earlier than 11 weeks** before the Expected Week of Childbirth, (EWC).

9.2 When Ordinary Maternity Leave, (OML), Starts:

- If an employee is absent from work, wholly or partly because of pregnancy, after the beginning of the fourth week before the EWC, OML automatically commences from the date they are absent.
- The employee will be required to notify their Line Manager / Headteacher, of their sickness absence, in the normal way.
- However, whether or not they have given previous notice, to be entitled to OML, they must formally notify their Line Manager / Headteacher as soon as is reasonably practicable, that they are absent from work due to pregnancy related illness.

9.3 Premature Births: The OML starts on the day after childbirth occurs.

Whether or not previous notice has been given, to be entitled to OML, you must formally notify your Line Manager / Headteacher as soon as is reasonably practicable.

9.4 If a baby dies **before 24 weeks**: Any absences will be treated as Sick Leave, rather than Maternity Leave, with the appropriate sick pay entitlements.

Under the Council's Management of Absence Policy, any such sickness absence will not be taken into consideration when analysing absences.

9.5 Stillborn Births: This is also relevant in instances where a baby dies **after 24**

MATERNITY LEAVE POLICY

weeks of pregnancy.

You will still be entitled to take Maternity Leave, and the provisions set out in this policy will still apply.

10.0 ANNUAL LEAVE

Please note, that this applies to Support Staff only, and not Teachers.

- 10.1 Employees continue to accrue Annual Leave throughout the period of their Ordinary Maternity Leave, (OML), and Additional Maternity Leave, (AML).
- 10.2 An employee is entitled to Time Off In Lieu, (TOIL), for any bank holidays and extra statutory holidays that fall within the period of paid Maternity Leave.

11.0 SALARY INCREMENTS

- 11.1 An employee progresses through their salary increments as if they were in work.

12.0 KEEPING IN TOUCH

- 12.1 The Council and the employee are entitled to make reasonable contact with each other whilst the employee is on Maternity Leave, providing that the amount and type of contact is not unreasonable:
- For example, the Council may contact the employee to discuss whether their planned date of return to work has changed or is likely to do so.
 - An employee may contact their Line Manager / Headteacher to discuss flexible working arrangements that will make their return to work easier.
- 12.2 An employee can agree with their Line Manager / Headteacher to work up to **ten days** during the period of Statutory Maternity Leave.
- These are known as '**KIT**' - '**Keeping In Touch**' days.
 - These will not bring the Maternity Leave to an end, and SMP will not be lost.
 - Even if you work one hour of a KIT day, it counts as one KIT day. Therefore, irrespective of hours worked, it will count as a full day off the entitlement.
 - KIT days are paid.
- 12.3 An employee does not have to offer work, neither do they have to accept work, which may include training. The work to be done and pay will be agreed between the employee and their Line Manager / Headteacher.

13.0 RIGHTS TO RETURN TO WORK AFTER MATERNITY LEAVE

13.1 Returning to the Workplace:

Employees must give at least **8 weeks' notice**.

MATERNITY LEAVE POLICY

An employee is not permitted to return to work within **two weeks** of giving birth, (Maternity and Parental Leave Regulations 1999).

If an employee intends to take all their Maternity Leave entitlement, (i.e., 52 weeks), they are not obliged to notify the Council of a return date from the outset of Maternity Leave.

The Council will write to the employee before the end of the Ordinary Maternity Leave, (OML), period, requesting in writing:

- The date on which childbirth occurred, and
- If taking Additional Maternity Leave, (AML), whether they intend to return to work at the end of it.

The employee must respond to this request within **28 days** of receiving the letter.

If an employee is not taking AML and is intending to return to work, they should notify the Council whether their partner is intending to take Additional Paternity Leave.

If an employee's partner is intending to take Additional Paternity Leave and works for the Council, the notification requirements in the **Paternity Leave Policy** need to be followed.

The letter from the Council will explain how an employee may determine the date on which the AML period will end.

13.2 Returning Early or Later from Maternity Leave:

Employees can change their return-to-work date if they give at least **8 weeks'** notice.

If an employee wishes to return to work earlier or later than the end of their Maternity Leave period without complying with the 8 weeks' notice period, the Line Manager / Headteacher is entitled to postpone the return date.

13.3 Returning to Work Before the End of Ordinary Maternity Leave, (OML):

If an employee wishes to return to work **before** the end of either their OML period, (the first 26 weeks), or their AML period, (second 26 weeks), they must give at least **8 weeks'** notice.

13.4 Returning to Work after Sickness Absence:

- Periods of sickness absence will not count towards the 13-week period staff members are required to return to work to retain the half pay entitlement.
- If an employee terminates employment and they have not physically returned to work for 13 weeks required, part of the half pay will need to be paid on a pro rata basis.
- School closure periods will count towards the 13 weeks, but sickness absence will

MATERNITY LEAVE POLICY

not. For example, if an employee returns to work for 8 weeks of the required 13 weeks period, 8/13ths of the half pay is retained and 5/13ths of the amount paid is repayable.

- If an employee is made redundant, half pay will not need to be repaid.
- These payments are made on the understanding that the employee will physically return to work for a period of at least 13 weeks. In the event of not doing so, the employee will be required to refund the 12 weeks' half-pay. However, if the employee only returns for 6.5 weeks, for example, then the employee will be required to refund 6 weeks' half-pay.

13.5 Deciding Not Returning to Work After Maternity Leave:

An employee must give notice of this, in the same way as if they were to resign, with the same notice period as confirmed in their employment contract.

13.6 Returning to Their Role:

An employee is entitled to return to the job they were employed in before they took Maternity Leave.

If this is not practical, they will be found another role which is suitable and appropriate for them to do in the circumstances.

14.0 BREASTFEEDING SUPPORT

14.1 The Council aims to provide a supportive culture and a suitable environment for employees who wish to continue breastfeeding on their return to work.

This includes:

- Provision of suitable rest facilities for breastfeeding or the expressing of breastmilk.
- Reasonable time / breaks to breastfeed or express milk in private, (although this not paid time-off).
- A fridge for storing expressed milk.
- Increased flexibility to enable feeding of the baby in the workplace, local crèche, or local childminders.

15.0 SWANSEA FAMILY INFORMATION SERVICE, (FIS)

15.1 The Swansea Family Information Service (FIS), offers free, impartial advice on a range of children's, childcare, and family support issues; and, where possible, provides a signposting service.

15.2 For more information, please visit their website:

www.swansea.gov.uk/fis

MATERNITY LEAVE POLICY

For general enquiries, email: fis@swansea.gov.uk

Telephone: 01792 517222

16.0 POLICY MONITORING

The Council will monitor the application of this policy and has discretion to review it at any time through the appropriate consultation mechanisms.

Responsibility for the implementation, monitoring and development of this policy lies with the Head of Human Resources and Service Centre. Day to day operation of the policy is the responsibility of nominated officers who will ensure that this policy is adhered to.

| Version Number | Details of Change | Date |
|-----------------------|--|----------------------------|
| 1.0 | Introduction of Single Status | 1 st April 2014 |
| 2.0 | Review of updated legislative requirements | Feb 2025 |

MATERNITY LEAVE POLICY

APPENDIX 1



MATERNITY PROVISION - MATERNITY PAY

The following declaration is to be signed by all employees prior to commencement of Maternity Leave.

FOR COMPLETION BY THE EMPLOYEE

Name:
 Post Title:
 Department:
 Section:
 Pay No:
 Post No:
 Please supply an email address:

I wish my Maternity Leave to commence on

- I wish to receive my 12 weeks' half pay whilst on Maternity Leave*
- I wish to receive my 12 weeks' half pay on my return to work*
- I do not wish to receive 12 weeks' half pay as I intend to take a Career Break*
- I do not wish to receive 12 weeks' half pay as I intend to leave the Authority*
- I wish to receive my 12 weeks half pay spread over a mutually agreed period of weeks (maximum of 33 weeks)*

**Delete as applicable*

TO QUALIFY FOR THE AUTHORITY'S OWN MATERNITY BENEFITS, I UNDERSTAND THAT

- (a) I must physically return to work after Maternity Leave for a period of 13 weeks
- (b) Should I not return to work, I agree to repay the Authority the 12 weeks' half pay received.

I hereby declare that I have read and understand the Maternity Policy and the eligibility criteria of Swansea Council and that I understand the conditions set out therein relating to the operation of the Maternity Scheme.

Signed: Date:
 (Employee)

Signed: Date:
 (Workforce Arc Officer)

MATERNITY LEAVE POLICY

APPENDIX 2



APPLICATION FOR MATERNITY LEAVE AND PAY FOR TEACHERS

The following declaration is to be signed prior to commencement of Maternity Leave

| | |
|------------------|-----------------|
| Full Name: | Pay No..... |
| Address: | School: |
| | Home Tel: |

Please supply an email address:

| | |
|--|--------------------|
| Week in which baby is due (please attach MATB1 if not already provided) | Sunday ___/___/___ |
| Date of Maternity Leave to Commence | Sunday ___/___/___ |
| Date of Continuous Service | ___/___/___ |

You are not obliged to answer the following question but it would assist the LEA for pay purposes and the school for planning purposes if you are able to do so.
I intend to return to work Yes/No

OPTION WITH REGARD TO PAYMENT OF 12 WEEKS HALF PAY (OCCUPATIONAL MATERNITY PAY)

Having applied for maternity as indicated above, I can confirm that I have over 1 years continuous service at the beginning of the 11th week before the EWC and I **(please circle)**.

- (a) wish to receive my 12 weeks' half pay whilst on Maternity Leave during weeks 7-18.
- (b) wish to receive my 12 weeks' half pay in a lump sum on my return to work.
- (c) wish not to receive payment of the 12 weeks' half pay as I am undecided whether or not I wish to return to work following my maternity leave. I will confirm to you my intention with regard to this matter giving the required notice.
- (d) wish you to freeze payment of the 12 weeks' half pay as it is my intention not to return to work following my period of maternity leave. (written resignation to be sent to Headteacher)
- (e) am not entitled to the 12 weeks' half pay as I do not have the required service.

TO QUALIFY FOR THE AUTHORITY'S OWN MATERNITY BENEFITS, I UNDERSTAND THAT:

- 1) I must physically return to work after Maternity Leave for a period of 13 weeks.
- 2) Should I not return to work, I agree to repay the 12 weeks' half pay (if received)

I hereby declare that I have read and understand the Maternity Policy and the eligibility criteria of the Swansea Council (Teachers) and I understand the conditions set out therein relating to the operation of the Teachers' Maternity Scheme.

Signed _____ Dated _____

Signed _____ Dated _____

MATERNITY LEAVE POLICY

(Workforce ARC Officer)