Carwarden House School

Maternity Leave & Pay Policy

Based on Judicium model policy

Reviewed by SBM: February 2025

Approved by HT: March 2025

Date for Review: March 2027

Introduction

Carwarden House School (Iris Academy Trust) applies this policy to all employees for guidance only and reflects our current practices.

This policy does not apply to agency workers or the self-employed. It does not form part of any individual's contract of employment with the school and is not intended to have contractual effect.

We recognise the need to retain the skills and services of its employees and will proceed on the basis that employees wish to return to work following the birth of their children.

Subject to minimum statutory requirements from time to time in force, we reserve the right to vary and amend this policy and any procedure under it at any time and will notify all employees of the details of the change as soon as is reasonably practicable.

Agency workers who have completed the 26-week qualifying / probationary period and meet certain qualifying conditions may also be entitled to time off during working hours to attend appointments for antenatal care.

Notification of Pregnancy

You must inform us as soon as possible that you are pregnant. This is important as there may be health and safety considerations.

You are required to inform us before the end of the 15th week before the Expected Week of Childbirth (the Qualifying Week), or as soon as reasonably practicable afterwards, of the following:

- the fact that you are pregnant.
- your Expected Week of Childbirth (EWC); and
- the date on which you would like to start your maternity leave (Intended Start Date). You can choose when you would like your maternity leave to start provided that your Intended Start Date is no earlier than the beginning of the 11th week before your EWC.

We require you to provide a certificate from your doctor or midwife (usually on a MATB1 form) confirming your EWC.

Sickness

Periods of pregnancy-related sickness absence shall be paid in accordance with our Sickness Absence and Sick Pay Policy and in the same manner as any other sickness absence.

Periods of pregnancy-related sickness absence from the start of your pregnancy until the end of your maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.

If you are absent for a pregnancy-related reason during the four weeks before your EWC, your maternity leave will usually start automatically. If this happens you must let us know as soon as possible in writing.

Health and Safety

We have a general duty to take care of your health and safety. Where required by law to do so, we will carry out a risk assessment of your working environment once you have informed us of your pregnancy. We may also carry out a risk assessment if you return to work within six months of giving birth or are still breastfeeding, or otherwise on your return to work following maternity leave. The earlier you notify us of your circumstances the sooner we can carry out the required risk assessment, so it is to your advantage to notify us as soon as possible.

We will provide you with information as to any risks identified in the risk assessment, and any preventative and protective measures that have been or will be taken.

If we consider that, as a new or expectant mother, you would be exposed to health hazards in carrying out your normal work, we will take such steps as are necessary (for as long as they are necessary) to avoid those risks. This may involve:

- changing your working conditions or hours of work.
- offering you suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- suspending you from duties, which will be on full pay unless you have unreasonably refused suitable alternative work.

Entitlement to Maternity Leave

Regardless of your length of service with the school or the number of hours that you work per week, if you comply with the notification requirements, you will be entitled to 52 weeks' maternity leave, which is divided into:

- Ordinary Maternity Leave (OML) of 26 weeks; and
- Additional Maternity Leave (AML) of a further 26 weeks immediately following OML.

Pregnant employees must take at least two weeks' maternity leave (compulsory maternity leave) starting on the day after the day their baby is born.

Starting Maternity Leave

Your maternity leave can start at any time from the beginning of the 11th week before the EWC (unless your child is born prematurely before that date).

You must notify us of your Intended Start Date in accordance with this policy, you can amend your Intended Start Date by informing us in writing at least 28 days before the original start date or the new date, whichever is the earlier, or if that is not possible, then as soon as reasonably practicable.

If you give birth before your Intended Start Date or are absent for a pregnancy-related reason during the 4 weeks immediately prior to your EWC, you must inform us in writing as soon as is reasonably practicable and notify us of the date on which you gave birth or the date on which your pregnancy-related absence began.

Your maternity leave shall start on one of the following days, whichever is earliest:

- your Intended Start Date (if notified to us in accordance with this policy); or
- the day after any day on which you are absent for a pregnancy-related reason during the 4 weeks before the EWC; or
- the day after the day on which you give birth.

Within 28 days of receiving notice of your intention to take maternity leave, we will give you written notice of the date that your maternity leave entitlement will end.

Shortly before your maternity leave starts, we will discuss with you, arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your maternity leave. Unless you request otherwise, you will remain on circulation lists for internal news, job vacancies, training and work-related social events.

The law prohibits you from working during the two weeks following childbirth.

Statutory Maternity Pay

Statutory Maternity Pay (SMP) is payable for up to 39 weeks. SMP will stop being payable if you return to work (except where you work any 'Keeping in Touch' days in accordance with this policy).

You are entitled to SMP if:

- you have been continuously employed for at least 26 weeks into the 15th week before your EWC (the Qualifying Week) and are still employed during the Qualifying Week.
- your average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the Government.
- you provide us with a doctor's or midwife's certificate (MAT B1 form) confirming your EWC.

- you give at least 28 days' written notice (or, if that is not possible, as much notice as you can) of when you intend SMP to start; and
- you are still pregnant 11 weeks before the start of the EWC or have already given birth and are absent due to maternity leave.

SMP is calculated as follows:

First six weeks:	SMP is paid at the Earnings-Related Rate of 90% of your average weekly earnings with no upper limit calculated over the Relevant Period.
Remaining 33 weeks:	SMP is paid at the Prescribed Rate which is set by the Government for the relevant tax year; or the Earnings-Related Rate if this is lower.

SMP accrues from the day on which you commence your OML and thereafter at the end of each complete week of absence. SMP payments shall be made on the next normal payroll date and income tax, National Insurance and pension contributions shall be deducted as appropriate.

You shall still be eligible for SMP if you leave employment for any reason after the start of the Qualifying Week (for example, if you resign or are made redundant). In such cases, if your maternity leave has not already begun, SMP shall start to accrue in whichever is the later of the:

- week following the week in which employment ends; or
- 11th week before the EWC.

If you become eligible for a pay rise before the end of your maternity leave, you will be treated for SMP purposes as if the pay rise had applied throughout the Relevant Period. This means that your SMP will be recalculated and increased retrospectively, or that you may qualify for SMP if you did not previously qualify.

We shall pay you a lump sum to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

Maternity Allowance

If you do not qualify for SMP you may be entitled to Maternity Allowance (MA), paid by the Benefits Agency, for up to 39 weeks. To qualify, you must have been employed or self-employed for 26 weeks out of the 66 weeks before the EWC.

Entitlement to Occupational Maternity Pay (OMP)

Support staff

1. If you have at least 2 year's continuous service with the school at the beginning of the 11th week before the EWC you shall be entitled to OMP as set out in the National Agreement on Pay and Conditions of Service (otherwise known as the 'Green Book').

You have an obligation to notify us, in writing, of your intention to return to your job for at least 3 months as a qualifying condition to OMP. In the event of you not being available or being unable to return to your job for the required period, you shall repay such sum after the first six weeks' payment as the school, at its discretion may decide. Payments made by way of SMP are not refundable.

OMP for Support Staff

For the first six weeks of absence	90% of weekly pay offset by any payments made by way of SMP or MA.
For the seventh to eighteenth week of absence inclusive (where the employee has declared in writing of her intention to return to work)* *where the employee will return for not less than 3 months	50% of weekly pay without deduction, unless combined wage and SMP (or MA if not eligible for SMP) exceeds full pay. Alternatively, the equivalent amount (6 weeks' pay) may be paid on any other mutually agreed distribution.
For the nineteenth to thirty-ninth week of absence, where the employee does not intend to return to work	SMP or MA (provided you are eligible based on your earnings)
For the fortieth to fifty-second week of absence	No entitlement to pay.

Please note, in the very sad event that your baby is born alive and subsequently dies, or is stillborn after 24 weeks of pregnancy, the maternity scheme outlined above will still apply.

2. Teaching Staff

If you have not less than 2 year's continuous service with school the beginning of the 11th week before the EWC you shall be entitled to OMP (as set out in the 'Burgundy Book').

You have an obligation to return to your job for at least 13 weeks (including periods of scale closure) as a qualifying condition to OMP.

Where we agree for a full-time teacher to return to work on a part-time basis, the teacher has an obligation to return to their job for a period which equates to 13 weeks of full-time service. Where we agree for a part-time teacher to return to work on a different part-time basis, the

teacher has an obligation to return to work for a period which equates to 13 weeks of part-time service under their previous working arrangement.

In the event you are not being available, or being unable, to return to your job for the required period, you shall repay such sum after the first six weeks' payment as the school, at its discretion may decide. Payments made by way of SMP are not refundable.

OMP for Teaching Staff

First 4 weeks of absence	Full pay, offset against payments made by way of SMP or MA (where eligible).
5th and 6th week of absence	90% of weekly pay offset against payments made by way of SMP or MA (where eligible).
7th to 18th week of absence	50% of pay without deductions plus SMP or MA where eligible (provided this combined payment does not exceed full pay).
19th to 39th week of absence	SMP or MA (where eligible).
40th to 52nd week of absence	No entitlement to pay.

Please note, in the very sad event that your baby is born alive and subsequently dies, or is stillborn after 24 weeks of pregnancy, the maternity scheme outlined above will still apply.

Terms and Conditions during OML and AML

All the terms and conditions of your employment remain in force during OML and AML, except for the terms relating to pay. In particular:

- benefits in kind (such as life insurance, health insurance, gym membership and use of a school vehicle if applicable) shall continue.
- annual leave entitlement under your contract of employment shall continue to accrue; and
- pension benefits shall continue.

Salary sacrifice schemes may or may not apply during the whole period of maternity leave. Please seek further details from the school in regard to the specific terms of the scheme.

Annual Leave

During OML and AML, annual leave will accrue at the rate provided under your contract.

Annual leave entitlement cannot usually be carried over from one holiday year to the next and employees are normally required to take their holiday entitlement within the holiday year in which it accrues or forfeit any accrued but untaken holiday entitlement at the end of the holiday year.

However, we recognise that this may operate in such a way as to unfairly disadvantage employees who elect to take the maximum statutory entitlement to maternity leave. As such, special exceptions apply in the case of maternity leave.

We will usually hold an informal meeting to discuss the best way to manage your holiday entitlement during your proposed period of maternity leave as soon as possible after notification of your Intended Start Date. The options we will consider with you may include:

- arrangement to take the period of holiday entitlement that you would have accrued but been unable to take during that holiday year by reason of proposed maternity leave dates prior to the commencement of maternity leave.
- arrangement to allow for an exceptional carry-over of such holiday entitlement to the following year to be taken at such time or times as the school's operational needs and requirements dictate.
- discussion regarding the possibility of voluntarily changing your Intended Start Date to enable you to take holiday entitlement prior to commencement of maternity leave. If you wish to choose this option, you will be required to submit notification of intention to delay the start of your maternity leave as above within 28 days of the original Intended Start Date.
- discussion regarding the possibility of voluntarily changing your Expected Return Date by substituting days of AML which are unremunerated for holiday days which will be paid at your normal rate of pay. If you wish to choose this option, you will be required to submit a notification of intention to alter your Expected Return Date.

We must, in considering the alternatives with you, have regard to its operational requirements, needs and demands throughout the academic term to ensure that a mutually satisfactory arrangement can be reached.

Pension

If you are a member of the Teachers' Pension Scheme (TPS) or the Local Government Pension Scheme (LGPS), during OML and any further period of paid maternity leave, we will continue to make any employer contributions, based on the terms of the scheme. You will continue to pay contributions at your normal rate but based on the actual reduced salary which you receive.

During any period where you are not receiving contractual or statutory pay, for example, unpaid AML and any additional unpaid maternity leave, we will not make any payments into the TPS or the LGPS and the period shall not count as pensionable service. However, following your return to work, you may elect to pay additional contributions for additional pensionable service in the scheme (to make up for any pension lost during the period of unpaid leave). Further details can be found as follows:

- TPS
- LGPS

If you wish to pay additional contributions to make up any shortfall, then please contact your AVC provider in the first instance.

Redundancy during Maternity Leave

In the event of a redundancy situation during your maternity leave, we shall write to you to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to your continued employment.

Where a redundancy situation arises, you shall be given first refusal on any suitable alternative employment that is appropriate to your skills:

- whilst you are on maternity leave; or
- from the day you inform us of your pregnancy where this is on or after 6th April 2024, until 18 months from either the first day of your EWC or the exact date of birth (where you notified us of this before the end of your maternity leave) provided your statutory maternity leave ends on or after 6th April 2024.

Keeping in touch during Maternity Leave

Shortly before your maternity leave starts, we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact during your leave.

We may make reasonable contact with you from time to time during your maternity leave. This might be to discuss arrangements for your return to work, to update you on any significant changes in the workplace whilst you have been away or to discuss any training needs you may have.

We may agree to you working (including attending training) for up to 10 'Keeping in Touch' days (KIT days) during your maternity leave without bringing your maternity leave or SMP to an end.

You will be paid at your normal basic rate of pay for time spent working on a KIT Days and this will be inclusive of any maternity pay entitlement. Alternatively, we may agree to you receiving the equivalent time off in lieu.

You are not obliged to work any KIT days nor to attend work for any reason during maternity leave. In any case, you must not work in the two weeks following the birth and KIT days may not, therefore, be arranged during that time.

Confirmation of your Return-to-Work Date

Prior to you taking maternity leave, following receipt of your notification in writing of your Intended Start Date, we shall send you a letter within 28 days to inform you of your Expected Return Date. If your start date has been changed (either because you gave us notice to change it, or because maternity leave started early due to pregnancy-related absence or

premature childbirth) we shall write to you within 28 days of the start date of maternity leave with a revised Expected Return Date.

Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may cover:

- updating you on any changes that have occurred during your absence.
- any training needs you might have; and
- any changes to working arrangements (for example if you have made a request to work part-time).

Changing your Return Date

You must return to work on your Expected Return Date unless you tell us otherwise. If you wish to return to work earlier than the Expected Return Date, you must give us 8 weeks prior notice. It is helpful if you give this notice in writing.

If not enough notice is given, we may postpone your return date until 8 weeks after you gave notice, or to the Expected Return Date if sooner.

Your maternity leave cannot last longer than 52 weeks. If you wish to return later than the Expected Return Date, you should request either:

- request unpaid parental leave in accordance with our Parental Leave Policy, giving us as much notice as possible but not less than 21 days: or
- request paid annual leave in accordance with your contract of employment, which will be at our discretion.

Returning to Work

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Sickness Absence and Sick Pay Policy will apply.

In any other case, late return will be treated as unauthorised absence.

In addition to the above requirements, support staff who are entitled to the OMP scheme are required to confirm with us, in writing, of their intention to return to work for a period of at least 3 months following the end of maternity leave. Any support staff who is taking the OMP scheme who does not return to work for at least three months may be required to repay all or a proportion of the maternity pay received. Where we make an employee redundant within the three-month period the requirement to repay maternity pay shall not apply.

Teaching staff are under an obligation to return to their job for at least 13 weeks (including periods of school closure) as a qualifying condition of the OMP scheme. Teaching staff who are not available, or are unable, to return to their job for the required period, shall repay such sum after the first six weeks' payment as them school, at its discretion may decide. Payments made by way of SMP are not refundable.

Your Rights when you Return

You are normally entitled to return to work in the same position as you held before commencing maternity leave. Your terms of employment shall be the same as they would have been had you not been absent.

However, if you have taken any period of AML, or more than four weeks' parental leave, and it is not reasonably practicable for us to allow you to return to the same position, we may provide you with another suitable and appropriate position on terms and conditions that are not less favorable.

Deciding not to Return

If you do not intend to return to work or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return, you should give notice of resignation in accordance with your contract. The amount of maternity leave left to run when you give notice must be at least equal to your contractual notice period; otherwise, we may require you to return to work for the remainder of the notice period.

Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.

This does not affect your right to receive SMP.

Switching to Shared Parental Leave (SPL)

In some cases, you and your spouse, civil partner or partner may be eligible to opt into the SPL scheme which gives you more flexibility to share the leave and pay available in the first year after birth. Your spouse, civil partner or partner should check with their employer that they are eligible.

You would need to give us at least eight weeks' written notice to end your maternity leave and opt into SPL. You can give this notice before or after the birth, but you must remain on maternity leave until at least two weeks after birth. You would then be able to share any remaining leave with your spouse, civil partner or partner. Please refer to our Shared Parental Leave Policy for further information.

Maternity Support Leave (Support staff only)

Maternity support leave of 5 days with pay shall be granted to the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is a person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

Flexible Working

We will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave on a case-by-case basis. However, you should note that there is no absolute right to insist on working part-time, only a statutory right to request flexible working.

We will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business.

It is helpful if requests are made as early as possible.

You should refer to our Flexible Working Policy for further information and practical guidance about making an application to work flexibly.