



Woolwich Polytechnic
School for Boys



Woolwich Polytechnic
School for Girls

PolyMAT

MATERNITY POLICY

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Introduction

The Trust recognises 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.

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 Trust and is not intended to have contractual effect. It is provided to all employees for guidance only and reflects the Trust's current practices. Subject to minimum statutory requirements from time to time in force, the Trust reserves 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.

Arrangements for time off for antenatal care and to accompany a pregnant woman to antenatal appointments are set out in our Time off for Antenatal Appointments Policy.

In some cases you and your spouse, civil partner or partner may be eligible to opt into the shared parental leave (SPL) scheme which gives you more flexibility to share the leave and pay available in the first year after birth. However, you must take a period of compulsory maternity leave first. Please refer to the Shared Parental Leave Policy for further information.

Notification of Pregnancy

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

Before the end of the fifteenth week before the week that you expect to give birth (**Qualifying Week**), or as soon as reasonably practical afterwards, you must tell us:

- That you are pregnant;
- The week, starting on a Sunday, in which your doctor or midwife expects you to give birth (**Expected Week of Childbirth**);
- The date that you would like to start your maternity leave (**Intended Start Date**), this must be in writing.

You must also provide us with a certificate from a doctor or midwife (usually on a MAT B1 Form) confirming your Expected Week of Childbirth.

Sickness

Periods of pregnancy-related sickness absence shall be paid in accordance with our sickness absence 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.

Health and Safety

The Trust has a general duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have given birth within the last six months or are still breastfeeding. 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.

The Trust 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 the Trust considers 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 Trust, 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.

Starting Maternity Leave

The earliest date you can start maternity leave is 11 weeks before the Expected Week of Childbirth (unless your child is born prematurely before that date).

You can postpone your Intended Start Date by informing us in writing at least 28 days before the original Intended Start Date, or if that is not possible, then as soon as reasonably practicable.

You can bring forward the Intended Start Date by informing us at least 28 days before the new start date, or if that is not possible, then as soon as reasonably practicable.

Your maternity leave shall start on the earlier of:

- Your Intended Start Date (if notified to the Trust in accordance with this policy); or
- The day after any day on which you are absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth. If this happens you must let us know as soon as possible in writing. Maternity leave will be triggered unless we agree to delay it; or

- The day after you give birth. If you give birth before your maternity leave was due to start, you must let us know the date of the birth as soon as possible.

Within 28 days of receiving notice of your intention to take maternity leave, the Trust 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 your Qualifying Week before your baby is due and are still employed by us during that 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) stating your Expected Week of Childbirth;
- You give at least 28 days' written notice (or, if that is not possible, as much notice as you can) of your intention to take maternity leave; and
- You are still pregnant 11 weeks before the start of the Expected Week of Childbirth or have already given birth.

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
- The eleventh week before the Expected Week of Childbirth.

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 Statutory Maternity Pay you may be entitled to Maternity Allowance, 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 expected week of childbirth.

Occupational Maternity Pay Scheme

The three levels of maternity benefits depending the following criteria, which are as follows

	Level One	Level Two	Level Three
Qualification	<ul style="list-style-type: none"> Level One applies to an employee who declare in writing their intention to return and does return to PolyMAT employment for at least 13 weeks; and where they have at least 26 weeks continuous service with PolyMAT at the end of the Qualifying Week and meet the eligibility criteria for SMP or MA, as required. 	<ul style="list-style-type: none"> Level Two applies where the employee does not declare in writing or does not return from maternity leave to PolyMAT employment for a minimum of 13 weeks. They must have at least 26 weeks continuous service with PolyMAT at the end of the Qualifying Week and meet the eligibility criteria for SMP or MA, as required. 	Level Three applies where the employee has less than 26 weeks continuous service with PolyMAT at the end of the Qualifying Week.
"Qualifying Week"	Before the end of the 15th week before the Expected Week of Childbirth (EWC).	Before the end of the 15th week before the Expected Week of Childbirth (EWC).	Before the end of the 15th week before the Expected Week of Childbirth (EWC).
Return to work	Return to work for PolyMAT at least 13 weeks immediately after the expiry of maternity leave (see further details below).	Does not return to work or does not continue for at least 13 weeks afterwards.	No indication of a return to work or actual return to work is required to qualify for this level of maternity benefit.

Earliest date leave can start	11 weeks before the EWC	11 weeks before the EWC	11 weeks before the EWC
Leave entitlement	52 weeks leave	52 weeks leave	52 weeks leave
Pay entitlement	39 weeks maternity:	39 weeks maternity pay:	One week's full contractual pay, which will be paid by PolyMAT, plus:

	Level One	Level Two	Level Three
	<p>12 weeks at full pay (inclusive of any SMP). Maternity Allowance (MA) will be deducted if she does not qualify for SMP.</p> <p>6 weeks at half a week's pay, plus SMP (if entitled) or MA, unless combined wage and SMP (or MA if not eligible for SMP) exceeds full pay.</p> <p>12 weeks at half a week's pay (inclusive of any entitlement to SMP or MA) or SMP/MA alone, if greater</p> <p>9 weeks at SMP or MA (provided the employee is eligible based on their earnings).</p>	<p>6 weeks full pay (inclusive of any SMP). MA will be deducted if the employee does not qualify for SMP.</p> <p>33 weeks SMP (provided the employee is eligible based on their earnings).</p>	<p>If eligible, Maternity Allowance, organised by the employee directly through Jobcentre Plus.</p>

Conditions affecting Payment	<p>Members of staff have an obligation to return to their job for at least 13 weeks (including periods of Academy closure) at the end of their leave as a qualifying condition to occupational maternity pay. The employee must declare in writing that they will return to their employment for this period. Only following this declaration, will the member of staff be entitled to the full benefit of the PolyMAT's Occupational Maternity Pay Scheme.</p> <p>If an employee cannot meet the</p>		

	above qualifying conditions, she will be entitled to pay at Level Two or Three as appropriate. If, for any reason, the employee is not available, or is unable, to return to her job for the required period, she shall repay the Level One maternity pay. Payments made by way of SMP/MA are not refundable.		
	Level One	Level Two	Level Three
	Any overpayment of occupational maternity pay paid to an employee will be recovered by PolyMAT, where appropriate this will include deduction from their final salary.		
Other Conditions	Where the PolyMAT agrees for a full-time member of staff to return to work on a part-time basis, they have an obligation to return to their job for a period which equates to 13 weeks of full-time service. Where the PolyMAT agrees for a part-time member of staff to return to work on a different part-time basis, they have an obligation to return to work for a period which equates to 13 weeks of part-time		

	service under their previous working arrangement.		
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Please note that if the baby dies or is still-born after 24 weeks' pregnancy the maternity scheme outlined above will still apply, depending on your eligibility criterion.

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 and gym membership 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 Academy in regards 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, the Trust recognises 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.

The Trust 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 the Trust 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 notification of intention to alter your Expected Return Date.

The Trust 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 or the Local Government Pension Scheme, during OML and any further period of paid maternity leave, the Trust will continue to make any employer contributions, if any, that we usually make into the pension scheme, based on what your earnings would have been if you had not been on maternity leave provided that you continue to make contributions based on the maternity pay you are receiving. If you wish to increase your contributions to make up any shortfall from those based on your normal salary then please contact the Business Manager in the first instance.

During unpaid AML and any additional unpaid maternity leave the Trust will not make any payments into the Teachers' Pension scheme or the Local Government Pension Scheme and the time shall not count as pensionable service. You do not have to make any contributions but you may do so if you wish, or you may make up for missed contributions at a later date. If pension contributions are not paid during the unpaid period of maternity leave, this period will not count in the calculation of pensionable service.

Redundancy during Maternity Leave

In the event that your post is affected by a redundancy situation occurring 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. Employees on maternity leave shall be given first refusal of any suitable alternative vacancies that are appropriate to their skills.

Keeping in touch during Maternity Leave

The Trust 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 normal working days during 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 Keeping in Touch Day (KIT Day) 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 undertake any such work during maternity leave. In any case, you must not work in the two weeks following birth and KIT Days may not therefore be arranged during that time.

Returning to Work

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 illness 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:

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

Changing your Return Date

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.

If you wish to return later than the Expected Return Date, you should 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.

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

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

In addition to the above requirements, employees entitled to Level 1 of the occupational maternity scheme are required to confirm in writing to the PolyMAT their intention to return to work for a period of at least 13 weeks (including periods of Academy closure) following the end of maternity leave, as a qualifying condition to occupational maternity pay and to return for that period.

Employees taking the occupational maternity package who do not return to work for at least 13 weeks (based on their full time hours or previous part time hours prior to

maternity leave) may be required to repay all or a proportion of the maternity pay received. Where the PolyMAT makes an employee redundant within the three month period the requirement to repay maternity pay shall not apply.

Employees who are not available, or are unable, to return to their job for the required period, shall repay any Level 1 occupational maternity pay received that PolyMAT shall at its discretion 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 favourable.

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

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 8 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 the Shared Parental Leave Policy for further information.

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, employees should note that there is no absolute right to insist on working part-time, only a statutory right to request flexible working.

The Trust 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.

Employees should refer to the Trust's Flexible Working Policy for further information and practical guidance about making an application to work flexibly.

Agency workers and maternity

Agency workers who have completed the 12 week qualifying period must not be unreasonably refused time off during working hours to attend appointments for antenatal care, which have been made on the advice of a medical practitioner, a registered midwife or a registered health visitor. Apart from the first appointment, if requested by her employer, the worker must produce a certificate confirming her pregnancy and a document from one of the above, proving that antenatal appointments have been made. Antenatal care includes classes such as, attending for medical advice, relaxation classes or pre and post birth parenting classes recommended on medical advice.

The duties towards a pregnant agency worker by the school (end user) and the agency are triggered once the worker has notified them that she is expecting or that she has given birth within the last 6 months or she is breast feeding. The agency worker who has completed the 12-week qualifying period will also be entitled to be paid by the agency at the appropriate hourly rate for attending her antenatal appointments.

Agency workers who have completed the 12 week qualifying period will also have the same rights to accompany a pregnant employee or worker to antenatal appointments described under the Time Off for Antenatal Appointments policy.

Appendix A

EMPLOYEE'S FORMAL NOTIFICATION OF PREGNANCY, EXPECTED DATE OF CHILDBIRTH, DATE OF STARTING MATERNITY LEAVE, INTENTION TO PROVIDE MEDICAL EVIDENCE (MATB1) AND ACTUAL DATE OF BABY'S BIRTH.

Dear

I am writing to inform you of the following:

I am pregnant and my expected date of childbirth/confinement is.....

I intend to start taking maternity leave from (date).....

(this date must be no earlier than the beginning of the 11th week before the expected week of childbirth (in other words, the beginning of the 29th week of pregnancy) – unless the baby arrives earlier)

I wish to take the following level of maternity leave (please refer to the table above)

Level 1

Level 2

Level 3

I am aware that I will need to provide medical evidence (MATB1) of my expected date of childbirth, which must be signed by my doctor or midwife.

Yours sincerely