



Cedars Academy Maternity Leave Scheme

Revised: October 2020

To be revised: October 2022

1 Introduction

- 1.1 Cedars Academy is committed to supporting its employees who are working parents to manage work and family life. This scheme sets out the maternity leave and pay arrangements allowing pregnant employees the right to time off from work with pay.

2 Aim

- 2.1 The aim of this scheme is to support employees to balance work and family life, to maintain contact during maternity leave and assist them in returning to work.

3 Scope

- 3.1 This scheme applies to all pregnant employees employed by the Governing Body of the Academy.

4 Health and Well-being

4.1 Ante-natal Care

Any pregnant employee has the right to paid time off to attend appointments for ante-natal care and must produce evidence of these appointments if requested by the head teacher. The father, partner or civil partner is entitled to unpaid time off to attend 2 ante natal appointments with the pregnant employee. Ante-natal care is defined as midwife, GP, or hospital appointments which the employee is required to attend during the course of her pregnancy. It does not include attendance at classes such as aqua-natal or parenting classes, unless the employee is required to attend for medical/health reasons due to her pregnancy. Medical evidence of the need to attend such classes must be provided.

4.2 Health and Safety

Consideration must be given to any health and safety implications for pregnant or breast-feeding employees identified in the Workplace Risk Assessment carried out.

5 Maternity Leave

- 5.1 All pregnant employees regardless of service are entitled to 26 weeks' ordinary maternity leave (OML) followed by 26 weeks' additional maternity leave (AML), giving a total of 52 weeks' continuous leave, 'the maternity leave period'.
- 5.2 Maternity leave can commence as early as 11 weeks before the expected week of childbirth (EWC). Leave will normally commence on the date notified by the employee, unless the birth is earlier than 11 weeks before the EWC or before the date notified.

- 5.3 If an employee is absent due to a pregnancy related illness during the last four weeks before the EWC, this will trigger the commencement of maternity leave and Statutory Maternity Pay (SMP).
- 5.4 Maternity leave can end earlier than the 52 week maternity leave period. However pregnant employees must have two weeks' compulsory maternity leave following the birth of the child.

6 Maternity Pay

- 6.1 An employee who by the 15th week before the EWC does not have 26 weeks continuous service with their employer will not be eligible for SMP. However they may be eligible for Maternity Allowance paid by Jobcentre Plus if the pregnant employee meets their criteria.
- 6.2 An employee who by 15th week before the EWC has between 26 and 52 weeks continuous service with their employer may be entitled to SMP providing they meet the statutory qualifying conditions.
- 6.3 An employee with one or more years continuous local government service at the 11th week before the EWC and who declares in writing that she intends to return to work, will receive 18 weeks Occupational Maternity Pay (OMP) as follows:
- Non-teaching employee – 6 weeks at 9/10ths of a week's pay
 - Teaching employee – 4 weeks at full pay and 2 weeks at 9/10ths of a week's pay
 - All employees – for the subsequent 12 weeks will receive half a week's pay, in addition to 12 weeks SMP (if they meet the statutory qualifying conditions) without deduction except where the combined payments exceed full pay
 - All employees will receive a further 21 weeks payment of SMP or 90% of a week's pay (if they meet the statutory qualifying conditions) whichever is the lesser amount. The remaining 13 weeks of maternity leave is at no pay.
- 6.4 OMP made by the school during maternity leave will be made on the understanding that:
- a non-teaching employee will return to local authority employment for a period of at least three months,
 - a teaching employee will return to the school for a period of 13 weeks, or if they reduce their hours on return will work for a period of time equivalent to 13 weeks of service of their previous hours.
- 6.5 Where an employee has originally stated their intention to return to work and received OMP and resigns from work before complying with 6.4 above she

shall refund the monies paid, or such part thereof, if any, as the school may decide. Payments made to the employee by way of SMP are not refundable.

- 6.6 If the employee is made redundant during the period of maternity leave (or within the first 3 months of the employee returning to work), there will be no requirement to pay back any of the OMP. In addition the employee will continue to be paid SMP from the school via BACS in the usual way until her entitlement expires. If during this time the employee secures further employment, she must inform the school.

7 Notification for Maternity Leave

- 7.1 An employee must notify the head teacher, in writing, that she is pregnant, the EWC and of the date she will commence her leave. This notification must be received by the head teacher at least 28 calendar days before the leave begins or as soon as is reasonably practicable
- 7.2 The head teacher will request that the employee produces a certificate from a registered medical practitioner or a registered midwife stating the EWC.
- 7.3 Within 28 calendar days of receipt of the initial notification the employee will receive a letter informing her of the last day of her maternity leave period and the expected date of her return. An employee can choose to vary the starting date of her leave provided she give 28 calendar days' notice or notifies the head teacher as soon as is reasonably practicable.

8 Keeping in Touch (KIT) Days

- 8.1 Keeping in touch (KIT) days are intended to facilitate a return to work for employees returning from maternity leave. Before going on maternity leave, the head teacher and the employee should discuss and agree any voluntary arrangements for keeping in touch during her maternity leave. An employee may work for up to 10 KIT days during OML or AML without bringing her maternity leave to an end. An employee may not work during the two weeks of compulsory maternity leave immediately after the birth of her baby.
- 8.2 The work can be consecutive or not and regardless of how many hours worked in one KIT day, this will be classed as one occasion and deducted from the 10 days but will be capped at a normal day's pay. Payment for KIT days can be made in hours and minutes. However, where an employee works a KIT day, if any maternity pay plus pay for the KIT day exceeds her normal day's pay then her total pay for that day will be capped at a normal day's pay.
- 8.3 Duties may include training or other activities which enable the employee to keep in touch with the school. Any such work must be by agreement and neither the head teacher nor the employee can insist upon it.

9 The Right to Return to Work

- 9.1 An employee is eligible to return to the job in which she was employed under her original contract of employment and on terms and conditions not less favourable than those which would have been applicable to her if she had not been absent. "Job", for this purpose, means the nature of the work which she is employed to do and the capacity and place in which she is employed.
- 9.2 Where it is not practicable by reason of redundancy for the school to permit the employee to return to work in her job she will be entitled to be offered any vacant role within the school which is considered as a suitable alternative to redundancy.
- 9.3 Suitable alternative employment may also be offered if a review of the staffing structure, which would have occurred if the employee had not been absent, necessitates a change in the job in which she were employed prior to her absence.
- 9.4 The alternative role should be suitable to the employee and appropriate to the circumstances and the capacity and place in which she is to be employed and the terms and conditions of employment should not be less favourable than those for the job in which she was originally employed.

10 Exercising the Right to Return to Work

- 10.1 If an employee wishes to return to work before the end of the maternity leave period (52 weeks) she is required to inform the school in writing.
- 10.2 An employee must notify the head teacher, in writing, at least 21 days before the day on which she proposes to return if this is before the end of the maternity leave period. Where the notice given is less than 21 days the head teacher may postpone the return to ensure 21 days' notice, but not beyond the end of the maternity leave period.
- 10.3 If an employee changes her mind about the date she proposes to return on, she must give the head teacher 21 days' notice of the new date. If this is earlier than the original date, as stated in her confirmation letter from the school or the date she originally notified as her return, then notice must be given 21 days before the new date. If she is now proposing to return later than the original date, notice of the new return date must be given 21 days before the original return date.
- 10.4 Where an employee is unable to return on the expected day due to sickness the conditions of the sickness scheme will apply in the normal way.
- 10.5 For an employee where, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect her to return on the due date, she may instead return when work resumes, or as soon as reasonably practicable thereafter.

11 Annual Leave for Non-teaching Employees

- 11.1 Those non-teaching employees who are not contracted to term time only working will accrue annual leave during both ordinary and additional maternity leave. Any outstanding entitlement from the previous year's entitlement must be taken immediately and in a block, before returning to work, less a carry-over of 5 days (pro rata to hours of work). Any outstanding leave from the previous leave year that is above the amount allowed to be carried over and is not taken prior to a return to work will be lost and payment will not be made for any untaken leave.
- 11.2 Annual leave cannot be taken between paid and unpaid maternity pay periods, it can only be used before maternity leave commences or following the end of the maternity leave period.
- 11.3 Bank holidays are accrued during maternity leave and are added to the annual leave once the employee returns to work. They do not need to be taken in a block.

12 Childbirth

- 12.1 Childbirth means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks