



## Maternity Leave Pay Policy

This policy is applicable to our current schools, Khalsa Secondary Academy (KSA), ATAM and The Khalsa Academy Wolverhampton and for any further schools we open.

Document control	
Date Approved	May 2020
Date for Review	May 2022
Authorised By	Board
Published Location	Trust Website
Document Owner	HR

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## 1. Your obligations

- 1.1 To claim maternity leave you must let the Principal know, through at least three weeks before you want your absence to start:
  - a) that you are pregnant;
  - b) the week your baby is due (the Expected Week of Childbirth - EWC);
  - c) when you intend to start your maternity leave; and,
  - d) your intention to return to work with the school for a period of at least three months at the end of your maternity leave. (If you do not intend to return to work following maternity leave, you will be entitled to statutory maternity leave and statutory maternity pay (SMP). HR will be able to advise you on the current statutory leave and pay entitlements).
- 1.2 You must give us a certificate from a registered medical practitioner, midwife or health visitor confirming that you are pregnant. This document is usually referred to as a MAT (B) I.
- 1.3 Where it is not possible for you to give us notice in line with the time scales set out in 1.1 above you must let us know as soon as you possibly can.

## 2. Your right to time off from work

- 2.1 If you have more than one years' service at the beginning of the eleventh week before the EWC you are entitled to the following:

OMP	SMP
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- week [1 to 6] full pay for 4 weeks plus 2 weeks at 90% only
  - week [7 to 18] half pay for 12 weeks plus £148.68 per week SMP
  - week 19 – 39 £148.68 per week SMP
  - week 40 – 52 nil pay
- 2.2 If you have been employed by us for less than one year at the eleventh week before the EWC and have completed 26 weeks' service at the beginning of the fourteenth week before the EWC you will be entitled to the following:
    - week [1 to 6] 90% average weekly pay (higher rate SMP)
    - week [7 to 39] £148.68 per week SMP
    - week 40 – 52 nil pay
  - 2.3 If you have been employed by us for less than one year at the eleventh week before the EWC and have completed less than 26 weeks' service at the beginning of the fourteenth week before the EWC you will be entitled to the following:

You will need to complete a ssp1 form to obtain statutory benefits.

The payments set out in 2.1 and 2.2 include the statutory maternity pay you are entitled to.

### 3. Time off for ante natal care

- 3.1 You are entitled to paid time off to attend ante natal care appointments including parent craft and relaxation classes, where these have been recommended by a registered medical practitioner, midwife or registered health visitor.
- 3.2 With the exception of your first appointment, you must provide evidence of the appointments before claiming time off.

### 4. Your obligation to return to work

- 4.1 If you take maternity leave and maternity pay as set out in 2.1 above, you must return to work for three months. If you do not do this, you must pay back any OMP paid to you after week 6. If you do not do this, we may take legal action to recover the money from you.
- 4.2 Also, if you do not repay the money you owe us we will not re-employ you unless you have guaranteed to repay us this amount plus interest at a rate we will determine.
- 4.3 You have a right of return to work at the end of the 52 weeks' maternity leave or earlier providing you give the school 21 days' notice in writing of your intention to return to work before the end of your maternity leave.
- 4.4 Following your return to work, the normal provisions for submitting your notice will apply as follows:
  - The period of 13 weeks is inclusive of any holidays you may take;
  - The requirement to return for at least 13 weeks to retain your half pay may be reduced at the discretion of the Governing Body;
  - Absence on account of illness which occurs outside the period provided for maternity absence will be treated under the sick pay/leave regulations;
  - If you wish to leave at the end of the 13-week period, you will be expected to give normal contractual notice.

### 5. Miscarriage, stillbirth and infant death prior to return to work

- 5.1 In the unfortunate event that your child is stillborn or dies at any time before you are due to return to work you must tell us as soon as possible. You will be entitled to the benefits that would have applied if your child had lived.
- 5.2 If you miscarry before the 24<sup>th</sup> week of pregnancy the conditions of the sickness scheme, including providing a medical certificate will apply.

### 6. Your rights on return to work

- 6.1 You have the right to return to the job you had under your contract of employment, subject to any organisational change that may have occurred during your period of leave, and on terms and conditions which are as good as those that would have applied to you if you had not been absent.

- 6.2 If you want to return to the school on a job share, part time or other flexible working arrangement you should discuss this with your manager as early as possible. Anyone with a child aged under 6, or a disabled child aged under 18, has a legal right to request flexible working arrangements.
- 6.3 Where possible you should apply before you start your maternity leave.

## 7. Maternity and ill health

- 7.1 We do not treat maternity leave as sick leave. It will not be taken into account when we calculate sick leave entitlement. If you fail to return to work on the date you have told us and you give us a medical certificate that you are unfit to return to work, then the terms of the sickness pay scheme will apply.

## 8. Definitions

- 8.1 A week's pay is the amount we pay you for working your normal working hours under your contract of employment. If you do not have normal working hours, a week's pay is the average of the pay you received for the last twelve weeks before the date on which the last completed week ended. We do not include any week in which no pay was earned.

## 9. Fixed term contracts

- 9.1 If you are employed on a fixed term contract that comes to end during your maternity leave, your contract will be renewed ONLY if there is still a requirement to carry out the work

## 10. Keeping in Touch Days

As well as staying in contact with the school during your maternity leave if agreed you can do up to 10 days' work. They are not limited to your current job and could be used for training or other events. These can be used to support you in returning to work.

Any agreement to work these days must be made with the Principal. If

you would like to discuss the opportunity of working some 'keeping in touch days' please contact the Principal.

## 11. Health and Safety

We will assess the risk at work to your health when pregnant. Where your job poses a risk to your health to yourself or the baby, the school will consider alternative employment that is not prejudicial. If there is no suitable alternative work you will be suspended on maternity health and safety grounds.

If you are suspended on maternity health and safety grounds you will be entitled to receive your normal salary.

## Adoption Leave – General Principles

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1. The right to adoption leave entitles you to take paid leave when a child is newly placed for adoption and is available to:
  - o Individuals who adopt;
  - o One member of a couple where a couple adopt jointly (the couple must choose which partner takes adoption leave.
  - o The partner of an individual who adopts or the other member of a couple who are adopting jointly may be entitled to paternity leave and pay.

### Eligibility

To qualify for adoption, leave and pay you must be newly matched with a child by an adoption agency. Statutory adoption pay is available if you have worked continuously for 26 weeks ending with the week in which you are notified of being matched with a child for adoption.

Adoption leave and pay is not available where a child is not newly matched for adoption e.g. where a step-parent is adopting a partner's children.

To receive statutory adoption pay you will need to provide documentary evidence. You must ask your adoption agency for this evidence which could be a matching certificate which includes basic information on matching and expected placement dates. This should then be handed the school before being forwarded to the school's payroll department.

## 2. Adoption Leave and Pay Entitlements

You can choose to take your leave either:

- o From the date of the child's placement (whether this is earlier or later than expected);
- o From a fixed date which can be up to 14 days before the expected date of placement.

Leave can start on any day of the week. Only one period of leave is available even if more than one child is placed for adoption as part of the same arrangement. If the child's placement ends during the adoption leave period, you may continue to take up to 8 week's adoption leave after the end of the placement.

You have a right to return to work at the end of the 52 weeks' adoption leave or earlier providing you give the school 8 weeks' notice in writing of your intention to return to work before the end of your adoption leave.

### 3. Conditions Regarding Salary Entitlement During Absence for Adoption Leave

Payment of a period of half salary for staff with more than one year's service at the 11<sup>th</sup> week before the expected week of placement is made on the condition that you will be available to work for a period of 13 weeks at the end of the adoption leave. If you return to work on a reduced hour basis, this period of work will be increased accordingly, i.e. if you return on 50% of your original contractual hours, then you will need to return for a period of 26 weeks.

In the event of you not being available this payment has to be refunded to the school. You will be able to retain the first six weeks' payment and any statutory adoption pay.

Following your return to work, the normal provisions for submitting your notice will apply as follows:

- The period of 13 weeks is inclusive of any holidays you may take;
- The requirement to return for at least 13 weeks to retain your half pay may be reduced at the discretion of the Governing Body;
- Absence on account of illness which occurs outside the period provided for adoption absence will be treated under the sick pay/leave regulations;
- If you wish to leave at the end of the 13-week period, you will be expected to give normal contractual notice.

#### Notice Requirements

- You are required to inform the school of your intention to take adoption leave within 7 days of being notified by your adoption agency that you have been matched with a child for adoption unless it is not reasonably practical for you to do this.
- You must inform the school when you expect the child to be placed with you and when you want your adoption leave to start.
- You can change your mind about which day you want your adoption leave to start by giving the school 28 days' notice in advance unless this is not reasonably practical.
- You must give 28 days' notice of when you expect your statutory adoption payments to start unless this is not reasonably practical to do this.
- We will respond to your notification of your leave plans within 28 days. We will write to you advising the date on which we expect you to return to work if you take your full entitlement to adoption leave.

### 3. Keeping in Touch Days

As well as staying in contact with the school during your adoption leave if agreed you can do up to 10 days' work. They are not limited to your current job and could be used for training or other events. These can be used to support you in returning to work.

Any agreement to work these days must be made with the Principal. If you would like to discuss the opportunity of working some 'keeping in touch days', please contact the Principal.

### 4. General Information

#### 4.1 Continuous Service

Your service will be counted as continuous during maternity/adoption leave for both statutory and contractual rights.

#### 4.2 Protection Against Dismissal

Regardless of length of service you are protected against dismissal or selection for redundancy on maternity/adoption related grounds, which will automatically be regarded as unfair dismissal. In addition, there is an automatic right to receive written reasons for dismissal during the maternity/adoption leave period.

#### 4.3 Other Legislation to Support Family and Working Life

There are a number of other initiatives designed to support you in balancing work and family life. These include:

- Paternity leave – A right to 2 weeks off 1 week paid at full pay and 1 week paid at Statutory Paternity Pay (SPP) for fathers plus additional paternity leave of up to 26 weeks depending on when you return to work i.e. you both cannot be off together;
- Parental leave – unpaid leave for children up 18 years old;
- Shared Parental Leave – Converting your maternity/adoption leave so that you can share it with your partner.
- Time off for dependants – The right to deal with emergencies

If you would like more information about these please contact HR.

#### 4.4 Changing Working Hours Upon Return

Current employment legislation allows parents who have 26 weeks' continuous employment with their employers the right to ask for flexible working. Under this legislation you are allowed to make an application to vary your contract with regard to:

- Times you are required to work;
- Hours of work;
- Where you are required to work.

This variation if agreed will normally become permanent. We have a duty to consider each request seriously and will need to carry out a formal time bound procedure. If the request is refused, we will give you clear business reasons as to why your request could not be accepted.

If you wish to apply for flexible working please speak to your manager or the Headteacher at the earliest opportunity to help us support you with your needs whilst managing the school resources to meet the needs of our pupils.

#### 4.5 Redundancy or dismissal during Pregnancy, Maternity or Adoption Leave

It is automatically unfair and automatic sex discrimination for you to be selected for redundancy or dismiss you for a reason connected with:

- pregnancy
- maternity/adoption leave
- Paternity leave
- parental leave
- time off for dependents

You can be made redundant while you are on maternity/adoption leave if we can fairly justify our choice. For example, if we no longer needed a particular curriculum area and make all employees in that section redundant and you worked in that area.

However, if we make staff cuts across the school, we cannot make you redundant because you are on or are about to take maternity/adoption leave.

If you are made redundant whilst on Maternity/Adoption Leave, you have special rights. You have the right to be offered any suitable alternative job in the school. This applies even if there are other employees that might be more suitable for the job. If you are offered a new job, you are entitled to a four-week trial period, which should start when you return from Maternity/Adoption leave. This four-week trial period is to help you decide if it is suitable alternative employment.

If you are made redundant or dismissed during your Maternity/Adoption Leave we will give you a written statement explaining the reasons for the decision. You will receive your normal notice period or pay in lieu of notice and redundancy pay, if you are entitled to receive them.