

Viking Academy Trust



Maternity Information Pack For Teachers and Support Staff

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Signed:

Chair of Trustees

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1 Introduction

This guidance document explains the responsibilities and entitlements of Employees in Schools and Academies who are pregnant or on maternity leave and provides details of the arrangements for maternity leave and pay.

Please make sure you read this information pack carefully as failure to comply with certain requirements and procedures may result in the loss of certain rights.

In addition to this pack you will receive written confirmation from Viking Payroll Service with details about your individual entitlement to maternity leave and pay.

If you have queries regarding the information in this pack, please speak with your Head of School or the Chief Operations Officer.

Abbreviations

There are a number of abbreviations used throughout this pack and we have outlined these below:

Expected Week of Childbirth: **EWC** - the week beginning at midnight between Saturday and Sunday in which it is expected that your baby will be born.

Maternity Pay Period: **MPP** - 39 week period during which **SMP** / **CMP** are payable

Statutory Maternity Pay: **SMP** - statutory payments to be made whilst on maternity leave

Contractual Maternity Pay: **CMP** - additional maternity payment made by the school which is determined by your contract of employment

Maternity Allowance: **MA** - Women who do not qualify for **SMP** but have recently been employed by the school, or are self employed, may be entitled to this.

MAT B1: Certificate issued by your doctor or midwife around the 20th week of pregnancy as proof of pregnancy

Statutory Maternity Pay Rates from 1st April 2023 (reviewed annually each April)

Higher Rate SMP (payable for the first 6 weeks)	90% of average weekly contractual pay
Standard Rate SMP (payable for the next 33 weeks)	£172.48 per week or 90% of average weekly contractual pay (whichever is the lower)
Lower Earnings Limit for SMP	£123 per week

2 Maternity Rights

You have statutory rights, provided by relevant employment legislation. These include the right to maternity leave, maternity pay and to return to work after your leave. In addition to the statutory provisions the school / academy operates a contractual maternity scheme for eligible employees.

Maternity rights apply equally to full and part-time employees no matter how many hours worked, provided qualifying conditions are satisfied.

3 Summary of Maternity Entitlements

All Employees who take maternity leave, regardless of their length of service, are entitled to:

- **Statutory Maternity Leave:** up to 26 weeks ordinary leave immediately followed by 26 weeks additional leave - 52 weeks in total.

Depending on your length of service and other qualifying criteria you may also be entitled to:

- **Statutory Maternity Pay (SMP):** You may be entitled to receive SMP for up to 39 weeks in total.

This is comprised of:

- 6 weeks at 90% of your average weekly contractual earnings payable during the first 6 weeks of your maternity leave followed by;
- 33 weeks at standard rate SMP or 90% of your average weekly earnings, whichever is less.

In addition to the above statutory maternity provisions, you may be entitled to contractual maternity pay provisions. These differ slightly depending on whether you are Support Staff or Teaching Staff as these are governed by different terms and conditions. Contractual maternity payments run alongside any statutory maternity payments.

If you meet the qualifying criteria, you may be entitled to receive the following maternity pay:

Teaching Staff Contractual Maternity Pay

- 4 weeks at full contractual pay (inclusive of SMP where eligible) followed by;
- 2 weeks at 90% of your contractual pay (inclusive of SMP where eligible) followed by;
- 12 weeks at half contractual pay (payable only if you intend to return to work) to run alongside (where eligible);
- 33 weeks at standard rate SMP or 90% of your average weekly earnings, whichever is less.

The combined total payment you receive in contractual half pay and standard rate SMP must not exceed full pay.

Support Staff Employed on Kent Scheme Conditions of Service Contractual Maternity Pay

- 6 weeks at 90% of contractual pay (inclusive of SMP where eligible) followed by;
- 12 weeks at half contractual pay (payable only if you intend to return to work) to run alongside (where eligible);
- 33 weeks at standard rate SMP or 90% of your average weekly earnings, whichever is less.

The combined total payment you receive in contractual half pay and standard rate SMP must not exceed full pay.

4 During your Pregnancy

4.1 Notifying your Head of School

You should notify your Head of School of your pregnancy as soon as possible. Early notification will assist your Head of School to comply with relevant Health and Safety requirements and to enable them time to make arrangements to cover your absence during maternity leave.

You must provide your Head of School with notification of your intention to take maternity leave by the end of the 15th week before your Expected Week of Childbirth (EWC). This will be around the 25th week of your pregnancy.

This must be confirmed in writing and must include:

- Confirmation that you are pregnant
- The week your baby is expected to be born
- Date you wish to start maternity leave
- Confirmation of whether you intend to return to work

You can change the start date of your leave but you must give your Headteacher 28 days notice of the revised dates.

Once you have provided your Head of School with this written notification, they will need to inform Viking Payroll Service of your leave arrangements. Viking Payroll Service will write to you setting out your leave and pay entitlement.

4.2 Evidence of Pregnancy

A MAT B1 certificate will be issued to you by your doctor / midwife. This certificate will need to be provided to your Head of School when applying for Maternity Leave, and is required to confirm when your baby is due and to authorise maternity leave and pay.

The MAT B1 is usually issued around the 20th week of your pregnancy. If a MAT B1 is issued before this date it will be invalid for pay purposes and will be returned to you for your doctor / midwife to re-certify.

If you do not provide the required notification and evidence, your maternity pay cannot be paid and will be withheld until proper notification is received. Normal pay will cease from the start of your maternity leave to avoid any overpayment.

4.3 Health and Safety

Once you have provided notification of your pregnancy, the Chief Operations Officer will contact you to arrange a workplace risk assessment. This is to ensure that any necessary and reasonable adjustments are made.

If you have concerns regarding your Health and Safety you should raise them with your Head of School in the first instance.

4.4 Ante Natal Care

Regardless of your length of service you are entitled to a reasonable amount of paid time off for ante-natal care which, in addition to medical examinations. This may include relaxation and parentcraft classes where these are advised by a registered medical practitioner, midwife or health visitor.

With the exception of the first appointment, you may be asked to produce an appointment card, or similar document, showing appointments. You may also be asked to provide a certificate from a registered medical practitioner, midwife or health visitor confirming your pregnancy.

You should endeavour to give your line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day.

In addition, the father or partner of a pregnant woman may take time off work to attend up to 2 antenatal appointments with the expectant mother. The maximum time off allowed for each appointment is 6 hours and 30 minutes. All such time off work will be unpaid. The school may require the father / partner to complete a declaration to confirm that leave is requested under these provisions.

5 Maternity Leave

5.1 Maternity Leave Entitlements

You are entitled to take up to 52 weeks maternity leave regardless of your length of service. Maternity Leave is made up of:

- 26 weeks ordinary maternity leave
- 26 weeks additional maternity leave

Additional maternity leave immediately follows ordinary maternity leave with no gap in between.

You do not have to take the full 52 weeks but you must take a minimum of 2 weeks maternity leave after the birth of your baby. This is compulsory maternity leave.

5.2 Starting Maternity Leave

Maternity leave can start on any day of the week.

The earliest date you can start your maternity leave is 11 weeks before your Expected Week of Childbirth (EWC). You may wish to continue working beyond this, however the latest date you can choose to start your maternity leave is the day the baby is due.

You must put the date you wish to start maternity leave in writing. If your Head of School has concerns about your health, you may be asked to provide written approval from your doctor or midwife to clarify whether there is a risk to your health and determine if it in your best interests to be at work.

Maternity leave will also start:

- The day after the baby's birth if your baby is born early
- Automatically if you have been off work from a pregnancy- related illness in the 4 weeks before the due date.

5.3 Premature Births

If your baby is born early (before the date you intended to start your leave), maternity leave and pay will start automatically the day after your baby's birth.

In order to preserve your rights to maternity leave and pay you must give written notice of your baby's birth date as soon as it is reasonably practical to do so.

5.4 Miscarriages and Stillbirth

In the event of miscarriage or stillbirth before or during the 24th week of pregnancy you will not be able to claim statutory or contractual maternity leave and pay. Sick pay entitlements will apply for any resulting sickness absence in accordance with normal procedures. Personal Leave may also be granted at the discretion of the Headteacher.

Where miscarriage or still birth occurs from the beginning of the 25th week of pregnancy, maternity provisions will apply in accordance with your statutory and / or contractual entitlements.

If your baby is born alive but later dies, maternity provisions will still apply in accordance with your statutory and / or contractual entitlements.

5.5 Sick Leave

If you are absent from work due to non-pregnancy related sickness (e.g. a broken arm) normal sick pay applies up to the date your baby is born or the agreed date for finishing work, whichever is sooner.

If however your absence is pregnancy related, sick pay will be paid up to the beginning of the 4th week before your EWC. Maternity Leave will need to start for any pregnancy related illness in the 4 week period before the due date. Maternity leave and pay will automatically start on the day after the first complete day of absence from work.

You are not entitled to sick pay during maternity leave.

5.6 Leaving Employment Prior to Maternity Leave

If you leave employment with the school after the start of the 15th week (qualifying period) before EWC you will still be entitled to Statutory Maternity Pay (SMP). However:

- If you leave your employment after the start of the qualifying period but before the start of the 11th week before your EWC, your SMP will start from the 11th week before your EWC
- If you leave your employment after the start date of the 11th week before your EWC but before the date your maternity leave was due to start, your SMP will start from the day after you leave employment.

Should you leave employment before your maternity leave starts, you will not be entitled to Contractual Maternity Pay (CMP), as your contractual relationship with the school will have ended. Similarly, if you leave employment during maternity leave, CMP will end on your final date of employment and will not continue.

6 Maternity Pay

The eligibility criteria for Statutory and Contractual Maternity Pay are different. This means that whilst you may qualify for one, you may not automatically qualify for the other.

6.1 Statutory Maternity Pay (SMP)

If eligible, maternity pay will start the first day of your maternity leave. SMP is payable to all eligible employees for a maximum period of 39 weeks. To be eligible for SMP you must:

- Have 26 weeks continuous service with your current school by the end of the 15th week before your EWC.
- Notify your Head of School of your pregnancy, EWC and the date you wish to start your maternity leave by the 15th week before your baby is due. This will be around the 25th week of pregnancy.
- Still be employed by the 15th week before your EWC.
- Have average weekly earnings over a set period above the lower earnings limit for National Insurance purposes (see section 1 above for the current lower earnings limit)
- Provide a MATB1 certificate

SMP is paid for a period of 39 weeks and is made up as follows:

- 6 weeks at 90% of your average weekly contractual earnings payable during the first 6 weeks of your maternity leave followed by;
- 33 weeks at standard rate SMP or 90% of your average weekly earnings, whichever is less.

Average weekly earnings will be based on the 8 week period immediately preceding the 15th week before your EWC and will be offset against contractual maternity pay for the first 6 weeks.

If you are currently taking advantage of any salary sacrifice scheme, including childcare vouchers, average weekly earnings is calculated after deductions have been made

6.2 Contractual Maternity Pay (CMP)

If you are eligible for CMP, this will run alongside your SMP provisions.

6.3 Teachers' Contractual Maternity Pay

To be eligible for CMP you must:

- Have at least 1 year's continuous service as a teacher* with your current school / academy or 1 year's continuous service as a teacher with one or more local authorities, by the beginning of the 11th week prior to your EWC
- Continue to be employed immediately before your maternity leave starts.
- Notify your Headteacher of your pregnancy, EWC and the date you wish to start your maternity leave by the 15th week before your baby is due. This will be around the 25th week of pregnancy.
- Provide a MATB1 certificate.

* *Service in a non-teaching role does not qualify.*

For Teaching Staff, CMP is comprised of:

- 4 weeks at full contractual pay (inclusive of SMP where eligible) followed by;
- 2 weeks at 90% of contractual pay (inclusive of SMP where eligible), followed by;
- 12 weeks at half contractual pay (payable only if you intend to return to work) to run alongside (where eligible);
- 33 weeks at standard rate SMP or 90% of your average contractual weekly earnings, whichever is less.

The combined total payment you receive in contractual half pay and standard rate SMP must not exceed full pay.

6.4 Support Staff (Kent Scheme) Contractual Maternity Pay

To be eligible for CMP you must:

- Have a least 1 year's continuous local government service at the beginning of the 11th week prior to your EWC
- Continue to be employed immediately before your maternity leave starts
- Notify your Headteacher of your pregnancy, EWC and the date you wish to start your maternity leave by the 15th week before your baby is due
- Provide a MATB1 certificate

For Support Staff CMP is comprised of:

- 6 weeks at 90% of your contractual pay (inclusive of SMP where eligible) followed by;
- 12 weeks at half contractual pay (payable only if you intend to return to work) to run alongside (where eligible) ;
- 33 weeks at standard rate SMP or 90% of your average contractual weekly earnings, whatever is less.

The combined total payment you receive in contractual half pay and standard rate SMP must not exceed full pay.

Additional information

If you have a break in service or change your employer during the 12 months preceding your qualifying week for statutory or contractual maternity pay this may impact on your entitlement to contractual and statutory maternity pay.

The qualifying service requirements for Teacher and Support Staff contractual adoption pay differ. In certain circumstances movement between schools and academy employers may be regarded as continuous.

Please seek early guidance from your Headteacher about your potential entitlements.

6.5 Conditions for Receipt of Contractual Half Pay

You will not be entitled to contractual half pay where at the outset you indicate that you 'do not intend to return' to work following maternity leave.

If you indicate that you 'may' return to work contractual half pay will be payable once you have returned to work for 13 weeks following your maternity leave.

Where you indicate that you 'will' return to work contractual half pay will be paid during your maternity leave.

If you are a member of support staff you must return to work for at least 13 weeks following your maternity leave in order to retain your contractual half pay.

If you are a teacher you must return to work for at least 13 weeks, or the equivalent, following your maternity leave to retain your contractual half pay. Should your employer agree to you returning to your teaching role on a part time basis, the period must equate to 13 weeks full time service. Similarly, where the employer agrees, a part-time teacher may return to work on different part-time basis for a period which equates to 13 weeks part-time service under the previous contract.

The qualifying period of return includes school closure periods.

You must return to the same school you were employed at prior to your period of maternity leave.

Please be aware that if you do not return to work for the required time period your employer is entitled to reclaim the contractual half pay you have received.

6.6 Maternity Allowance

If you are not entitled to SMP you may be entitled to Maternity Allowance. Your payroll provider will give you form SMP1, stating the reason why you do not qualify for SMP. This form must be submitted when you make an application for Maternity Allowance.

If you think you are entitled to Maternity Allowance further details and an application form are available at:

[https://www.gov.uk/maternity-allowance/how-to-claim;](https://www.gov.uk/maternity-allowance/how-to-claim)

6.7 Deductions from Maternity Pay

Both SMP and CMP are subject to PAYE tax, National Insurance and Pensions contributions. If you have a period of unpaid leave it is possible that you will be eligible for a tax refund at the end of the tax year, or you may pay lower PAYE for the initial period after return to work. Any other voluntary deductions will be taken from your pay as usual.

7 During Maternity Leave

Your contract of employment will continue during your maternity leave. You will continue to qualify for your statutory employment rights. Your period of leave will also count towards any qualifying service for your statutory entitlements.

7.1 Notification of Birth

You should inform your Head of School of the actual date of birth of your baby as soon as possible. They will in turn notify Viking Payroll Services.

7.2 Annual Leave

Support Staff

For all year round support staff, annual leave accrues during maternity leave, and can be taken all or in part before returning to work. Contractual holiday pay will occur when maternity pay has ceased. When maternity leave spans two annual leave periods, the whole of the accrued leave should be transferred to the new leave year.

For term time only employees, your leave is expected to be taken during period of school closure and payment for your leave entitlement is included in your salary. If, as a result of your maternity leave, you do not receive your correct proportion of holiday pay entitlement, you should make enquiries with your Headteacher.

The annual leave period for support staff runs from 1st April to 31st March

Teachers

If you are a Teacher you are entitled to 28 days (pro rata) annual leave entitlement, inclusive of Bank Holidays, under the Working Time Regulations. This is taken within the school closure periods.

A teacher who takes maternity leave must be able to take the 28 days' statutory annual leave at a time outside of her maternity leave period. No part of the maternity leave can be treated as annual leave.

Your annual leave entitlement is offset by any period of school closure that has taken place in the leave year in question, i.e. both before and after the maternity leave period.

Where your return from maternity leave is close to the end of the annual leave year any leave entitlement should be carried over to the following leave year. This leave should be taken during the remaining periods of school closure after the 28 days annual leave for that leave year has been accommodated.

The annual leave period for a teacher is deemed to run from 1st September to 31st August.

7.3 Pension

When you start your Maternity Leave and whilst you are receiving Maternity Pay, you will be required to pay pension contributions and these will be deducted from your salary in the normal way. You will be required to pay pension contributions for the period of paid maternity leave based on the actual amount you are paid, so will be less than you normally pay.

Support Staff

As a member of the Local Government Pension Scheme, when you return to work you will have the option to pay pension contributions for the period of unpaid absence, where applicable. If you wish to pay these additional pension contributions please inform your school / academy. SPS will write to you providing you with the details of the amount of arrears so that you can make a decision whether or not to pay. Contributions will be based on the value of your statutory maternity pay so will be less than you normally pay but your membership of the scheme will be credited at normal length. If you decide not to pay for your period of unpaid maternity leave this will not count in any way for pension purposes.

Teachers

As a member of the Teachers Pension Scheme, if you do not qualify for SMP and CMP or where maternity pay ends, you will cease to be a member of the scheme for the unpaid period and you will not be able to pay arrears for this period. Contributions will begin upon your return to work.

7.4 Contact During Maternity Leave

Your Head of School can make contact with you (and visa versa) whilst you are on maternity leave, as long as the amount and type of contact is not unreasonable. This contact is necessary to ensure discussions take place regarding return to work plans and to ensure you are kept up to date on important developments within the workplace including any job opportunities or promotions that arise.

7.5 Keeping in Touch Days

Before starting maternity leave your Head of School will agree how best to keep in contact with you.

During maternity leave you may work up to 10 'Keeping in Touch Days' (KIT Days) which are intended to help you keep up to date with the work environment and to help prepare for your return from leave. KIT days may be paid without affecting your statutory maternity pay or leave.

However, where a KIT day is worked during the paid part of your maternity leave, the KIT hours/days will be offset against any pay you are currently receiving. This means that unless the pay for the hours you work in that week exceeds the pay you are currently receiving, there will be no payment made for the hours worked.

If you work a KIT day in the unpaid part of your leave you will receive pay for hours worked.

Working for any part of a day will count as one KIT day.

For further information on KIT days and examples of the offsetting rules please refer to your Head of School.

7.6 Redundancy and Reorganisation

Should the school commence a redundancy or reorganisation process either prior to or during your maternity leave, your Head of School will discuss with you any impact this might have on your job role or entitlement to maternity leave or pay.

7.7 Fixed Term and Temporary Contracts

If you are employed on a fixed term or temporary contract which is due to end either prior to or during your maternity leave for a reason unrelated to your pregnancy or maternity, your Head of School will discuss with you any impact this may have on your entitlement to maternity leave or pay.

8 Returning to Work

You must notify your Head of School of the date you intend to return to work. Unless the Headteacher is otherwise notified, your return to work date will be the first working day after the end of the 52 weeks maternity leave. SPS will inform you in writing before you start your leave of the date you are expected to return. You will not receive any further notification and it is expected that you will return to work on this date.

If you do not return by your latest date of return, you risk losing the right to return.

8.1 Right to Return

After the period of ordinary leave, you will have the right to return to the same job. After additional leave you will have the right to return to the same job or, if not reasonably practical, an appropriate alternative job. Exceptions may occur where there is for instance, a redundancy or the end of a fixed term or temporary contract. In these circumstances you will be offered suitable alternative work, where available.

8.2 Returning to Work Early

If you decide that you want to return to work before the end of your maternity leave period then you will need to give your Head of School 8 weeks notice of your new intended return date.

If you do not give the required notice period and the earlier return can not be accommodated within the school your Head of School may request that you remain on maternity leave until the 8 week notice period has elapsed.

The 8 weeks notice period may include school holidays and closure periods.

8.3 Delays in Returning to Work

Delays may occur where there has been an interruption of work (whether due to industrial action or some other reason). You should return when work resumes, or as soon as is practical. If this situation occurs, please consult with your Head of School.

8.4 Sickness

If you are unable to return to work due to illness, maternity leave is not extended but normal sickness procedures apply.

8.5 Requesting to Change your Working Hours

You may have a wish to request to change your work pattern / hours on your return from maternity leave. You should discuss this with your Head of School in the first instance and make a formal request in writing under the school's Flexible Working Policy.

Your Head of School will need to consider your request carefully and will provide you with specific business reasons if this cannot be accommodated.

Guidance on your right to request flexible working can be found in the School's Flexible Working Policy.

8.6 Facilities for New Mothers

New mothers who wish to breastfeed or express / store milk at school on their return to work should discuss this with the Head of School at the earliest opportunity so that appropriate arrangements can be considered.

8.7 Leaving the School

If you decide not to return to work from maternity leave, you must formally resign giving written contractual notice to your Head of School. Your contract will terminate at the end of your contractual notice, or, at the end of your Statutory Maternity Pay period, whichever is later. If you return to work and then decide to resign, you must give contractual notice.

If you leave employment before completing the required period of service upon return from maternity leave and have received payment of the 12 weeks half pay, this must be immediately repaid (please refer to section 6.5 for further details).

9 Other Family Leave Entitlements

9.1 Maternity Support Leave

Fathers or partners may be entitled to take 1 or 2 weeks leave to look after their new born baby. Please refer to the Maternity Support Leave Information Pack for further details.

9.2 Shared Parental Leave

Shared Parental Leave enables both parents to request periods of leave to care for their baby during their first year. Please refer to the Shared Parental Leave Information Pack for further details.

9.3 Parental Leave

Employees with parental responsibilities may wish to request periods of parental leave specifically to take care of the welfare of their child. Up to 13 weeks unpaid leave may be requested up until the child reaches the aged of 18.

Please refer to the School's Special Leave Policy for further details.

9.4 Emergency Dependant Care Leave

The School has a statutory obligation to grant Employees a reasonable period of unpaid time off work to deal with unforeseen or emergency situations involving a dependant who relies upon the Employee for assistance.

Circumstances, in which time off may be permitted include but are not limited to:

- Providing assistance if a dependant falls ill, is injured or assaulted or is unexpectedly taken into hospital
- Making arrangements for the care of a dependant who is ill or injured
- If a child is involved in a serious incident at the School or during School hours
- Dealing with an unexpected breakdown / disruption in the usual arrangements for the care of a dependant
- Taking action that is necessary following the of the death of a dependant.

Each request will be considered on a case by case basis. As a guide the time off should be sufficient to enable the Employee to deal with the immediate situation and make any necessary longer term arrangements. In most cases a day or two will be sufficient to deal with the immediate circumstances.

Please refer to the School's Special Leave Policy for further details.

Appendix 1: Child Care Choices

There are a number of childcare options which you may wish to consider on returning to work, these include:

- Pre School and Play Groups
- Day Nurseries
- Childminders
- Nannies and Au Pairs
- Breakfast and After School Clubs

Kent County Council's Childcare Advice Line can provide information and guidance on finding a childcare provider and meeting childcare costs.

They can be contacted on:

Telephone: 03000 41 23 23

Email: kentcfis@kent.gov.uk;

Website: <http://www.kent.gov.uk/education-and-children/childcare-and-pre-school/advice-about-childcare>;

Whatever form of childcare you decide, you will need to organise a contingency plan in the event of unexpected illness (child and carer) and holidays.

Childcare Costs

The Government is introducing new ways to support families with childcare costs. This includes the introduction of tax free childcare for children under the age of 12 and free childcare for eligible families with children between the ages of 2 and 5.

To find out more please visit:

[https://www.childcarechoices.gov.uk/;](https://www.childcarechoices.gov.uk/)

Appendix 2: Additional Information

Statutory Maternity Guidance:

<https://www.gov.uk/maternity-pay-leave;>

<https://www.gov.uk/working-when-pregnant-your-rights;>

<https://www.gov.uk/employee-rights-when-on-leave;>

KCC Guidance and Risk Assessments for New and Expectant mothers:

<http://www.kelsi.org.uk/policies-and-guidance/health-and-safety-guidance/health-safety-and-welfare-assessments;>

Additional Entitlements

Once you become pregnant you become entitled to certain NHS services free of charge. You may also be entitled to receive additional state benefits whilst you are pregnant and after the birth.

Further information is available from:

Department of Work & Pensions

<https://www.gov.uk/browse/benefits/families;>

NHS England

<https://www.nhs.uk/NHSEngland/Healthcosts/Pages/Prescriptioncosts.aspx;>