

# Viking Academy Trust



## Maternity Support Leave Policy

Approved by the Trust: Term 4 2022

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Signed:

A handwritten signature in black ink, appearing to read 'A Roby', is written over a faint dotted line.

Chair of Trustees

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## 1. Introduction

This pack is intended to help you understand Maternity Support Leave entitlements for support staff and teaching staff, and make you aware of your options prior to the start of your Maternity Support Leave.

If you have queries regarding the information in this pack please speak with your Head of School.

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.

## 2. Maternity Support Leave Rights

You have statutory rights, provided by relevant employment legislation. These include the right to Maternity Support Leave, Statutory Paternity pay, where eligible, and to return to work after your leave. In addition to the statutory provisions we also operate a contractual Maternity Support Leave scheme for eligible support staff employees.

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

## 3. Summary of Maternity Support Leave Entitlements

Maternity Support Leave is a provision available to both male and female employees to enable them to take time off work where:

- Their partner has given birth to a baby or
- They are adopting a child with their partner.

The leave should be taken specifically for the purpose of taking care of the baby / adoptive child or to support the mother or adoptive parent to do so.

You may be entitled to :

- Maternity Support Leave : for up to two consecutive weeks
- Paternity Pay\*: statutory weekly rate or 90% of your average weekly earnings, whichever is less

In addition both support and teaching staff may be eligible to receive contractual maternity support leave pay for up to 2 weeks. This is paid at your usual contractual full pay.

\*Maternity support leave was previously known as Paternity Leave. The statutory payment which staff may receive during maternity support leave is referred to as Paternity Pay however both male and female employees may be entitled to this.

### Statutory Maternity Support Leave Pay Rates from 1<sup>st</sup> April 2023 (reviewed annually each April)

Statutory Paternity Pay	£172.48 or 90% of your weekly earnings (whichever is the lower)
Lower Earnings Limit for Statutory Paternity Pay	£123 per week

## 4. Eligibility and Notification Requirements

### 4.1 Eligibility for Maternity Support Leave and Pay

To be eligible for Maternity Support Leave and Pay you must meet the following criteria

#### Length of Service

You must:

- have 26 weeks continuous service with your current school prior to the 15<sup>th</sup> week before the baby is due and remain employed up until the baby is born, or,
- have 26 weeks continuous service with your current school by the end of the week in which you and your partner are notified that you have been matched with a child for the purposes of adoption and remain employed until the child is placed (**if adopting a child within the UK**), or
- have 26 weeks continuous service with your current school by the end of the week in which you and your partner receive official notification for the purposes of adoption, or by the time you want your Maternity Support Leave to start, whichever is the later and remain employed until the child is placed (**if adopting a child from Overseas**)

#### Personal Declaration:

In addition to having the required service you must be able to declare you are:

- the biological father, or
- the husband or civil partner of the mother (this may include same sex partners)
- the partner of the primary adopter
- the intended parent (where you are having a baby through a surrogacy arrangement)
- living with the mother / adoptive parent in an enduring family relationship, but not an immediate relative

You must also be able to declare:

- you will be responsible for the child's upbringing, and
- you will take time off work to support the mother / adoptive parent or care for the child

You may be asked to complete a form or declaration by your school confirming that you meet the eligibility criteria to take maternity support leave.

In the case of couples who are adopting a child or having a child through a surrogacy arrangement, adoption leave and pay are available to one partner. The other person can take maternity support leave.

Maternity Support Leave is not available in circumstances where a child is not newly matched for adoption, e.g. adopting the children of a partner.

Dual approved prospective adopters who have a child placed with them under section 22c of the Children Act under the foster to adopt provisions are also entitled to adoption leave and pay. There is no entitlement to maternity support leave and pay in other fostering circumstances.

#### **Additional Information**

If you have a break in service or change your employer during the 12 months preceding your qualifying week this may affect your entitlement. In certain circumstances movement between schools and academy employers may be regarded as continuous.

Please seek early guidance from your Head of School about your potential entitlements.

## **4.2 Notifying your Head of School**

All requests for Maternity Support Leave should be made to your Head of School.

You should discuss how much time you want off and the leave dates with the school by the 15<sup>th</sup> week before the baby is due or within 7 days of the date the adoption agency confirms that the child has been matched.

Notification must be in writing and must include:

- Confirmation and expected date of birth or placement
- Date you wish to start Maternity Support Leave
- Confirmation of whether you wish to take 1 or 2 consecutive weeks leave

If you wish to change the date you intend to start Maternity Support Leave, you must give the Head of School 28 days notice of the new date.

Where it is not reasonably practical for you to give the correct notification of the date you wish to start your maternity support leave or any revised date, you should discuss this with your Head of School as soon as possible.

## **5. Maternity Support Leave**

### **5.1 Maternity Support Leave Entitlement**

Maternity Support Leave can be taken for 1 or 2 consecutive weeks.

You can choose to take either 1 or 2 weeks Maternity Support Leave

You must take your leave in a single block, you can not take individual days. Where 2 weeks leave is taken these must be consecutive calendar weeks

A week is the same amount of days that you normally work under your contract of employment.

Only one period of maternity support leave can be taken per pregnancy even where this results in multiple births.

### **5.2 Starting Maternity Support Leave**

Maternity Support Leave can start on any day of the week.

Maternity Support Leave cannot start before the birth of the baby or before the date of placement in the case of adoption.

Maternity Support Leave must be taken within 8 weeks (56 calendar days) after the birth of the baby or placement for adoption.

### **5.3 Premature Births**

If your baby is born early you can choose to take leave at any time between the actual date of birth and the end of an 8 week period running from the Sunday of the week your baby was originally due.

### **5.4 Miscarriages and Still Births**

In the unfortunate event of miscarriage or stillbirth before or during the 24<sup>th</sup> week of pregnancy you will not be able to take Maternity Support Leave or receive any associated payment.

If your baby is born alive before or during the 24<sup>th</sup> week of pregnancy but subsequently dies, or where still birth occurs from the beginning of the 25<sup>th</sup> week of pregnancy, Maternity Support Leave provisions will still apply.

## **6. Maternity Support Leave Pay**

### **6.1 Statutory Paternity Pay**

Statutory Paternity Pay is paid for up to 2 weeks.

To receive statutory paternity pay you must meet the eligibility criteria set out above. In addition you will need to have average weekly earnings over a set period which are above the lower earnings limit for national insurance purposes.

Where you do not meet the earnings threshold for statutory paternity pay you will still be entitled to maternity support leave providing you meet the other eligibility criteria.

### **6.2 Contractual Maternity Support Leave Pay**

Where you are eligible for Contractual Maternity Support Leave Pay, this will run alongside your entitlement to Statutory Paternity Pay.

### **6.3 Support Staff Contractual Maternity Support Leave Pay**

Where Support Staff employed on Kent Scheme Conditions of Service are eligible for Statutory Paternity Pay they will also receive Contractual Maternity Support Pay. You will therefore receive your full contractual pay during your 1 or 2 week period of Maternity Support Leave.

Contractual Maternity Support Leave Pay is paid inclusive of your Statutory Paternity Pay.

### **6.4 Teachers' Contractual Maternity Support Leave Pay**

For Teaching Staff, there is no contractual provision for pay through Maternity Support Leave. However, as a Viking Academy Trust Teacher, we are pleased to offer you full contractual pay during your 1 or 2 week period of Maternity Support Leave.

Contractual Maternity Support Leave Pay is paid inclusive of your Statutory Paternity Pay.

#### **Additional Information**

Average weekly earnings will be based on the 8 week period immediately preceding the 15<sup>th</sup> week before the baby's due date or date you are matched with a child. For the purposes of Maternity Support Leave for Support Staff, this will be offset against contractual Maternity Support Leave Pay for up to two 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.

Both Statutory Paternity Pay and Contractual Maternity Support Leave Pay 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 Support Leave**

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

### **7.1 Contact during Maternity Support Leave**

Your Head of School can make contact with you (and visa versa) whilst you are on Maternity Support 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.

### **7.2 Pensions**

When you start Maternity Support Leave and whilst you are receiving Paternity / Maternity Support Leave 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 Support Leave based on the actual amount you are paid, so this may be less than you normally pay.

## **8. Returning to work**

### **8.1 Right to Return**

You will have the right to return to the same job after Maternity Support Leave. 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 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.



### **8.3 Sickness**

If you are unable to return to work due to illness, Maternity Support Leave is not extended but normal sickness procedures apply.

### **8.4 Requesting to Change your Working Hours**

You may wish to request to change your work pattern / hours (flexible working) on your return from Maternity Support Leave. You should discuss this with your Head of School in the first instance and make a formal request in writing.

Your Head of School will need to consider your request carefully and should 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.

### **8.5 Leaving the School**

If you decide not to return to work from Maternity Support 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 Maternity Support Leave and pay period, whichever is later. If you return to work and then decide to resign, you must give contractual notice.

## **9. Other Family Leave Entitlements**

### **9.1 Shared Parental Leave**

You may also wish to consider taking Shared Parental Leave. Maternity Support Leave should be taken prior to any period of Shared Parental Leave you may wish to take.

Please refer to the Shared Parental Leave information Pack for further details.

### **9.2 Parental Leave**

Employees with parental responsibilities may wish to request parental leave specifically to take care of the welfare of their child.

The leave allows for 13 weeks unpaid leave per child for both parents up until the child reaches age 18. The entitlement is pro rata for part time employees. Special arrangements apply for parents of disabled children.

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

### 9.3 Emergency Dependent 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 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.

### 9.4 Data Protection

When managing an employee's paternity leave and pay, the School processes personal data collected in accordance with its Privacy Policy. Data collected from the point at which an employee informs the School that they plan to take Maternity Support Leave is held securely and accessed by, and disclosed to, individuals only for the purposes of managing their Maternity Support leave and pay. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the School's disciplinary procedure.

# 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](mailto: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/>;

## Appendix 2: Additional Information

Statutory Paternity Leave Guidance:

<https://www.gov.uk/paternity-pay-leave/how-to-claim;>