



POLICY FOR MATERNITY AND PATERNITY LEAVE

**Presented to
Trustees
21 March 2018**

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Date reviewed: ²	
Date of next review: ³	Spring 2021

¹ This is the date the policy was approved by the meeting

² This is the date the policy was reviewed prior to its approval above

³ This is the date as set by the policy review clause or the date approved plus two years

POLICY FOR MATERNITY AND PATERNITY LEAVE

Footnote:

- Headteacher also means Head of College and Principal
- School also means College, Academy or Academies
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1.0 TEACHING STAFF MATERNITY ENTITLEMENT (PCC)

What service do I have?	What options are available to me?	How much maternity leave am I entitled to?	What maternity pay am I entitled to?
Less than 26 weeks service, irrespective of hours worked, as at the 15th week before the expected week of childbirth (EWC).	A I would like to return to work.	Up to 52 week's absence in total including up to 11 weeks before the expected week of childbirth.	SMP 1 from payroll and apply to the Benefits Agency for Statutory Maternity Allowance.
	B I would like to resign.	Not applicable.	As above.
26 weeks or more, irrespective of hours worked, as at the 15th week before the expected week of childbirth and less than 1 years service as at the 11th week before the expected week of childbirth (EWC).	C I would like to return to work.	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	Depending on salary and average earnings:- 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	D I would like to keep my options open as I may choose to resign or to return to work.	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	Depending on salary and average earnings:- 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	E I would like to resign.	Not applicable.	Depending on salary and average earnings:- 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP.
At least 1 years continuous service, irrespective of hours worked, as at the 11th week before the expected week of childbirth (EWC).	F I would like to return to work.	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	4 weeks at full pay and 2 weeks at 90% of full pay, followed by 12 weeks half pay. You must return to work for a minimum of 13 weeks otherwise the 12 weeks half pay must be repaid. Plus, depending on salary and average earnings:- 33 weeks lower rate SMP to be paid alongside the 12 weeks at half pay.
	G I would like to keep my options open as I may choose to resign or to return to work.	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	4 weeks at full pay and 2 weeks at 90%. Plus depending on salary and average earnings:- 33 weeks lower rate SMP and the remainder unpaid. The 12 weeks at half pay will only be paid if you return to work for a minimum of 13 weeks.
	H I would like to resign.	Not applicable.	4 weeks at full pay and 2 weeks at 90%. Plus depending on salary and average earnings:- 33 weeks lower rate SMP.

SMP - Service for SMP is continuous service with the current employer only and is only payable if employed during the 8 week period 15 weeks before the expected week of childbirth, subject to the qualifying period.

Teacher Application for Maternity Leave and Pay (PCC)

Please read the maternity policy and the table overleaf, then complete and return the form below to the school office during or before the 15th week before your expected week of childbirth.

Name: _____ Payroll Number: _____

Home Address: _____

School: _____

Maternity Options: Please circle one option below

(Refer to table overleaf)

Options A C D F G

My first date of Maternity Leave is: _____

I understand this date can be altered and I must give at least 28 days notice of the revised date maternity leave is to commence.

Options B E H

I do not intend to return to work and thereby wish to formally terminate my contract of employment effective from:

Please tick

Date: _____

The end of my maternity pay period.

To be completed by all Teachers:

I have read and understand the maternity policy, which I have retained.

Signed: _____ Date: _____

NB. If you are intending to take a period of unpaid absence during your maternity leave you should be aware that you will not pay contributions during this period. You are advised to contact Teachers Pensions to seek advice on the effect that a period of unpaid maternity leave will have as well as any options available to enhance your pension www.teacherspensions.co.uk.

Expected Week of Childbirth (EWC): _____

The MATB1 certificate is available from your midwife from the 20th week of pregnancy onwards (*please tick*)

- I enclose my MATB1 certificate with this form.
- I will forward my MATB1 certificate to the school as soon as possible and understand that I will not receive any maternity pay until I provide this.

Keeping in Touch Days

You are entitled to “keep in touch” with the workplace for up to a maximum of 10 days during your maternity leave without affecting your entitlement to statutory or contractual maternity pay. The exact arrangements for “keeping in touch” must be discussed with your headteacher/line manager.

- I wish to discuss with my headteacher/line manager arrangements for “keeping in touch” days.
- I do not wish to discuss arrangements for “keeping in touch” days but reserve the right to discuss this with my headteacher/line manager at a later date during my maternity leave.

Completed form received by Headteacher:

I confirm that an assessment to identify hazards that could be a risk to any new, expectant, or breastfeeding mothers has been or will be undertaken and I have discussed “keeping in touch” days with the employee if requested.

Signed: _____ Date: _____

Please return this completed form to EPM as soon as possible to enable a response to be provided to the employee within 28 days of this form being returned to the school office.

Please return to: EPM Ltd, St John’s House, Spitfire Close, Ermine Business Park, Huntingdon, Cambs. PE29 6EP

2.0 SUPPORT STAFF MATERNITY ENTITLEMENT (PCC)

What service do I have?	What options are available to me?	How much maternity leave am I entitled to?	What maternity pay am I entitled to?
Less than 26 weeks service, irrespective of hours worked, as at the 15th week before the expected week of childbirth (EWC).	A I would like to return to work.	Up to 52 week's absence in total including up to 11 weeks before the expected week of childbirth.	SMP 1 from payroll and apply to the Benefits Agency for Statutory Maternity Allowance.
	B I would like to resign.	Not applicable.	As above.
26 weeks or more, irrespective of hours worked, as at the 15th week before the expected week of childbirth and less than 1 years service as at the 11th week before the expected week of childbirth (EWC).	C I would like to return to work.	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	Depending on salary and average earnings:- 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	D I would like to keep my options open as I may choose to resign or to return to work.	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	Depending on salary and average earnings:- 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	E I would like to resign.	Not applicable.	Depending on salary and average earnings:- 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP.
At least 1 years continuous service, irrespective of hours worked, as at the 11th week before the expected week of childbirth (EWC).	F I would like to return to work.	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	6 weeks at 90% of contractual full pay followed by 12 weeks half pay. You must return to work for a minimum of 13 weeks otherwise the 12 weeks half pay must be repaid. Plus, depending on salary and average earnings:- 33 weeks lower rate SMP to be paid alongside the 12 weeks at half pay.
	G I would like to keep my options open as I may choose to resign or to return to work.	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	Depending on salary and average earnings:- 6 weeks at 90% of full pay followed by 33 weeks lower rate SMP and the remainder unpaid. 12 weeks at half pay will only be paid if you return to work for a minimum of 13 weeks.
	H I would like to resign.	Not applicable.	Depending on salary and average earnings:- 6 weeks at 90% of full pay followed by 33 weeks lower rate SMP.

SMP - Service for SMP is continuous service with the current employer only and is only payable if employed during the 8 week period 15 weeks before the expected week of childbirth, subject to the qualifying period.

Support Staff Application for Maternity Leave and Pay (PCC)

Please read the maternity policy and the table overleaf, then complete and return the form below to the school office during or before the 15th week before your expected week of childbirth.

Name: _____ Payroll Number: _____

Home Address: _____

School: _____

Maternity Options: Please circle one option below

(Refer to table overleaf)

Options A C D F G

My first date of Maternity Leave is: _____

I understand this date can be altered and I must give at least 28 days notice of the revised date maternity leave is to commence.

Options B E H

I do not intend to return to work and thereby wish to formally terminate my contract of employment effective from:

Please tick

Date: _____

The end of my maternity pay period.

To be completed by all Support Staff:

I have read and understand the maternity policy, which I have retained.

Signed: _____ Date: _____

NB. If you wish to continue to pay pension contributions for any period of unpaid maternity leave please contact your pension provider or further information.

Expected Week of Childbirth (EWC): _____

The MATB1 certificate is available from your midwife from the 20th week of pregnancy onwards (*please tick*)

I enclose my MATB1 certificate with this form.

I will forward my MATB1 certificate to the school as soon as possible and understand that I will not receive any maternity pay until I provide this.

Keeping in Touch Days

You are entitled to “keep in touch” with the workplace for up to a maximum of 10 days during your maternity leave without affecting your entitlement to statutory or contractual maternity pay. The exact arrangements for “keeping in touch” must be discussed with your headteacher/line manager.

I wish to discuss with my headteacher/line manager arrangements for “keeping in touch” days.

I do not wish to discuss arrangements for “keeping in touch” days but reserve the right to discuss this with my headteacher/line manager at a later date during my maternity leave.

Completed form received by Headteacher:

I confirm that an assessment to identify hazards that could be a risk to any new, expectant, or breastfeeding mothers has been or will be undertaken and I have discussed “keeping in touch” days with the employee if requested.

Signed: _____ Date: _____

Please return this completed form to EPM as soon as possible to enable a response to be provided to the employee within 28 days of this form being returned to the school office.

Please return to: EPM Ltd, St John's House, Spitfire Close, Ermine Business Park, Huntingdon, Cambs. PE29 6EP

4.0 PATERNITY

The information detailed in this section is statutory guidance available on the Gov.Uk website (<https://www.gov.uk/employers-paternity-pay-leave>).

4.1 Entitlement

Employees may be eligible for Statutory Paternity Leave and Pay if they and their partner are:

- having a baby
- adopting a child
- having a baby through a surrogacy arrangement

4.2 Statutory Paternity Leave

Employees can choose to take either 1 week or 2 consecutive weeks' leave. The amount of time is the same even if they have more than one child (eg twins).

Leave can't start before the birth. The start date must be one of the following:

- the actual date of birth
- an agreed number of days after the birth
- an agreed number of days after the expected week of childbirth

Leave must finish within 56 days of the birth (or due date if the baby is early). The start and end dates are different if the employee is adopting.

4.3 Statutory Paternity Pay

Statutory Paternity Pay for eligible employees is either £140.98 a week (as at February 2018) or 90% of their average weekly earnings (whichever is lower). Tax and National Insurance need to be deducted.

4.4 Extra Leave Or Pay

Employees can get more leave or pay if:

- their partner returns to work and they qualify for Shared Parental Leave and Pay
- your company scheme offers more

You must make sure your paternity leave and pay policies are clear and easily accessible to staff.

4.5 Leave For Antenatal Appointments

Employees can take unpaid leave to accompany a pregnant woman to antenatal appointments if they are:

- the baby's father
- the expectant mother's spouse or civil partner
- in a long term relationship with the expectant mother
- the intended parent (if they're having a baby through a surrogacy arrangement)

They can accompany the woman to 2 appointments of up to 6 and a half hours each.

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4.6 If The Baby Dies

Employees still qualify for paternity leave and pay if the baby is either:

- stillborn from 24 weeks of pregnancy
- born alive at any point in the pregnancy but later dies

4.7 Employment Rights

An employee's employment rights (like the right to pay, holidays and returning to a job) are protected during paternity leave. The MAT will still have to pay Statutory Paternity Pay even if it stops trading.

4.8 Eligibility

Employees must:

- have worked for you continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth (known as the 'qualifying week')
- be classed as an employee (paternity leave only)
- be employed by you up to the date the child is born (or placed with the adopter) (paternity pay only)
- be on your payroll and earn at least £113 a week (gross) (as at February 2018) in an 8 week 'relevant period' (paternity pay only)
- give you the correct notice
- be taking time off to look after the child or their partner
- be responsible for the child's upbringing

The qualifying week is different if the employee is adopting. They must also be one of the following, the:

- father
- husband or partner of the mother (or adopter)
- child's adopter
- intended parent (if they're having a baby through a surrogacy arrangement)

There are special rules for some employee situations, eg if they leave or become sick.

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Application for Ordinary Statutory Paternity Leave (OSPL) and Pay (OSPP) (BIRTHS) and Maternity Support Leave and Pay

Section A – Employee Details (to be completed by the employee)

Employee name:.....

Address for correspondence:.....

Payroll reference:..... National Insurance No.

Name of school/academy employing:.....

Post title/s:.....

Relevant service and notice week:.....

(See attached guidance - 15th week before EWC)

Copy of evidence attached (MAT B1 Form): Yes No Please tick

Section B – Application for OSPL and/ or Maternity Support Leave where applicable

1. I [insert name] confirm that I meet the qualifying conditions for OSPL in that I: (You MUST be able to confirm all three conditions, please tick) (child to be read as children in the case of multiple births)

1. wish to take OSPL to care for the child and/ or support the child's mother, and

2. will be responsible for the child's upbringing (apart from the mother), and

3. I am either:

(a) the biological father of the child; or

(b) not the biological father, but the spouse or civil partner of the child's mother; or

(c) not the biological father, but living with the child's mother in an enduring family relationship and am NOT the child's mothers parent, grandparent, sister, brother, aunt or uncle

4. The mother has received a medical certificate confirming the EWC, (i.e. MAT BI Form) and the expected EWC is: **Sunday (date)**.....

Actual date of birth.....

NON TEACHING EMPLOYEES ONLY – MATERNITY SUPPORT LEAVE employed under Green Book terms

5. I will be the child's father or the partner or nominated carer of an expectant mother at or around the time of birth. I wish to take 5 days paid maternity support leave in order to provide care for the child and support the mother commencing on **date**.....

I also meet the qualifying condition for OSPL indicated under 1 above and wish to take 1 week's OSPL following this to commence on **date**

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6. I am not eligible for maternity support leave. I intend to take

1 week

2 consecutive weeks'

OSPL.

Please tick

Commencing on date.....which is:

(a) the date on which it is anticipated the child will be born; or

(b) (insert number of days) after the date on which the child is expected to be born

7. I understand that I must provide 28 days' written notice if I wish to change the start date of my OSPL.

8. I understand that all my OSPL must be taken within 56 days of the date of birth. (except where the child is born earlier than the EWC-see the entitlement to OSPL and how it can be taken)

9. I understand that OSPL is not available if, in birth cases, I have taken any shared parental leave in respect of the child.

Section C – Application for Ordinary Statutory Paternity Pay (OSPP)

Please refer to the attached guidance document 'the entitlement to OSPP' and tick the one applicable statement.

(a) I understand that I am not entitled to OSPP as I do not meet the earnings threshold. I am applying for OSPL only. (You will be sent form OSPP1 to confirm)

(b) I understand that I am entitled to OSPP. Please arrange payment of my 1 week.

(c) I understand that I am entitled to OSPP. Please arrange payment of my 2 weeks.

If you have elected under Section B to take your entitlement to maternity support leave this will be paid.

Section D – Application for Contractual Paternity Pay (CPP) (where applicable)

1. I understand that in accordance with my contract I am entitled to CPP. Therefore, please arrange payment of my entitlement to

1 week

2 weeks'

CPP.

Please tick

I understand that this payment will be inclusive of any entitlement that I have to the payment of OSPP.

Section E – Declaration

All of the information I have provided on this form is accurate

Print name:.....

Signed:

Date:

Please return this form to the Senior Authorising Officer.

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Section F – Authorisation (to be completed by the Senior Authorising Officer)

I authorise the paternity leave and pay as detailed above.

Print name:

Signed: Date:

This form should be retained on the employee's personnel file. Please forward a copy for payroll processing.

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