Transform Trust

Maternity Leave Guide

Policy Number	Author	Publication Date	Review Cycle
318	Chief People Officer	V4 September 2024	Bi-Annual

INTRODUCTION

This guidance gives information regarding the Maternity Leave and Pay arrangements for employees. It does not apply to contractors, casual employees or agency staff. If you have any queries please contact your Head Teacher.

1. MATERNITY LEAVE

All employees will be entitled to 52 weeks maternity leave, regardless of the number of hours worked or the length of service. This is made up of 26 weeks Ordinary Maternity Leave followed immediately by 26 weeks Additional Maternity Leave. Exceptionally this may be extended at the discretion of your governing body and would be on an unpaid basis.

Please refer to Section 13, which explains how annual leave relates to your period of maternity leave.

You will need to complete the Trust maternity and adoption form (see Appendix 1) and provide the MAT B1 form that is issued to you by your midwife around 21 weeks into your pregnancy.

- you must inform your Headteacher/Line Manager in writing that you're pregnant no later than the 15th week before your baby is due. Your Headteacher/Line Manager will reply within 28 days and will confirm the date your maternity leave will run to.
- Maternity leave can start on any day.
- The earliest date is 11 weeks (at 29 weeks pregnant) prior to the expected week of childbirth (EWC). This is the week in which the baby is due and is the week that contains the date the doctor has said that the baby will be born.
- The latest date maternity leave can commence is the day you give birth. If your baby is born early than expected or is premature, your maternity leave starts straight away. You should ensure that you inform your Headteacher/ Line Manager as soon as possible if this is the case.
- If you are sick and absent from work with a pregnancy related illness within 4 weeks before the baby is due, maternity leave will commence automatically on the day after the first day of absence.
- If you're suspended from work because of health and safety reasons, we can start your maternity leave from 4 weeks before the week your baby is due. If your baby is due in less than 4 weeks, your maternity leave will start automatically.
- There is 2 weeks' compulsory maternity leave for all employees immediately following the birth.
- Maternity leave must be taken all in one go.
- If you wish to change the start date of your maternity leave you must give 28 days' notice if possible.
- Maternity leave and pay ends when you go back to work. You can take up to 52 weeks maternity leave however statutory maternity pay is paid for 39 weeks only.
- If you are a surrogate, you have the same rights to maternity leave and pay as other pregnant employees.

- If you have a temporary or fixed-term contract due to end while you're on maternity leave, your employer does not have to renew it but this cannot be for the reason of your sex, pregnancy or maternity.

2. MATERNITY PAY

Statutory Maternity Pay (SMP)

To qualify for SMP, you must meet all of the following conditions:

- have been employed for at least 26 weeks continuing into the 'qualifying week' - the 15th week before the expected week of childbirth
- have paid national insurance contributions
- You'll need to be earning a minimum amount per week (before tax, currently £125 per week as at April 2025) in the eight weeks before your qualifying week. (you may be eligible for maternity allowance if you earn less than this)
- still be pregnant in the 11th week before your expected week of confinement or have given birth
- have given your Head Teacher at least 28 days notice of your absence in writing
- have stopped work

You can still get Statutory Maternity Leave and SMP if your baby:

- is born early
- is stillborn after the start of your 24th week of pregnancy
- dies after being born

The procedure for applying for SMP is detailed below

If you qualify you will receive:

Support Staff

- 6 weeks at 90% of your average weeks pay (before tax), and
- 33 weeks at the current SMP rate, or
- if your week's pay is less than the SMP rate, you will receive 33 weeks at 90% of your average weekly earnings(in addition to the 6 weeks detailed above).

Teaching Staff

- 6 weeks at 90% of your weeks pay, and
- 33 weeks at the current SMP rate, or
- if your week's pay is less than the SMP rate, you will receive 33 weeks at 90% of your average weekly earnings(in addition to the 6 weeks detailed above).

If you do not qualify for SMP:

- The School's payroll provider will complete Form SMP1 and send this to you with your MAT B1 Form
- Form SMP1 explains why SMP cannot be paid, and tells you how to apply for Maternity Allowance from the Benefits Agency.

Maternity Allowance

Maternity Allowance may be paid by the Benefits Agency where there is no entitlement to SMP.

You can get Maternity Allowance for 39 weeks if in the 66 weeks before your baby's due, you've been:

- employed or registered as self-employed for at least 26 weeks
- earning (or classed as earning) £30 a week or more in at least 13 weeks - the weeks do not have to be together

You may still qualify if you've recently stopped working. It does not matter if you had different jobs or periods of unemployment.

Occupational Maternity Pay (OMP)

OMP is an additional payment, paid to Teachers and Support Staff in line with pay and conditions documents and is in addition to SMP

To qualify for OMP, you must:

- For Teachers: have 1 years' continuous service with Transform Trust at the beginning of the 11th week before your expected week of confinement
- For Support Staff: have a minimum of 1 years' continuous local government service at the beginning of the 11th week before your expected week of confinement

Applying for OMP and/or SMP

To claim OMP and apply for SMP you must notify your Head Teacher, in writing, at least 28 days before your absence begins stating:

- that you will be absent due to pregnancy and confinement and that you intend to return to work or that you wish to have your job held open until after the birth of your baby.
- the date your absence will begin which can be any day of the week.
- complete Maternity form and return it your Head Teacher.
- that you intend to return to work for at least 13 weeks (including periods of school closure) if you are claiming the 12 weeks at half pay (occupational pay).
- If you do not return for the whole 13 weeks you will have to refund the full 12 weeks half pay that you have received.

- To avoid this situation, you can, if you wish, make arrangements to withhold the 12 weeks at half pay until you have returned to work and completed 13 weeks or equivalent service (if for example you were full-time before you went on maternity leave and returned 2.5 days a week after maternity leave you would need to work 26 weeks to retain your occupational pay).
- Produce a maternity certificate (MAT B1) from your doctor or midwife stating your expected week of confinement and send the original to your head teacher so that payment can begin.

If you qualify for OMP, you will receive.

Support Staff

- 12 weeks at half of your average basic weeks pay. (If you are eligible for SMP, MA or any other Benefits Agency benefit this is paid in addition to your OMP provided that the total does not exceed your normal full pay). There may be occasions where the amount of your SMP or MA will exceed normal pay and in this case no OMP payment will be made to you.

Teaching Staff

- 4 weeks at full pay (if eligible for SMP or MA you will receive whichever is the greater of the two figures)
- 2 weeks at 90 % of your average weeks pay
- 12 weeks at half of your average basic weeks pay. (If you are eligible for SMP, Maternity Allowance or any other Benefits Agency benefit this is paid in addition to your OMP provided that the total does not exceed your normal full pay). There may be occasions where the amount of your SMP or Maternity Allowance will exceed normal pay and in this case no OMP payment will be made to you)

3. CONTINUOUS SERVICE

Support Staff

If you return to Local Government Service following a break for maternity reasons, you will be entitled to have previous service taken into account for the main conditions of service, e.g. sick pay entitlements, provided that:

- The break in your service does not exceed eight years and
- You do not undertake permanent full time paid employment during the eight-year period.

For the purpose of annual leave, your break in service for maternity reasons can be indefinite as long as you do not undertake any other permanent full time paid employment.

You are entitled to recognition of any previous continuous service if your last employment was with a public authority to which the Redundancy Payments (Local Government) Modification Order 1983 and amendments apply.

Teaching Staff

A teacher continues to be employed during the period of maternity leave which counts as continuous employment for the purposes of qualifying for employment rights.

4. ACCEPTING OTHER LOCAL AUTHORITY EMPLOYMENT

If you do not complete 13 weeks in service after returning from maternity leave then you must repay the Occupational Maternity Pay, which you will have received after the first six weeks absence. This would also occur if you were leaving for another school with the same Local Authority, moving to another school in another Local Authority or moving to an Academy. If you move to another school within Transform Trust you can retain your OMP.

5. KEEPING IN TOUCH DAYS

You are entitled to do up to 10 days work during your maternity leave period without bringing your maternity leave to an end. These are known as 'Keeping in Touch Days'. You are not obliged to work these days and both you and the Head Teacher must agree that you will work these days, what you will be doing and how you will be paid. You will not be penalised if you refuse to take up the 'Keeping in Touch Days'.

'Keeping in Touch Days' are not limited to your usual job, they can be used for training or other events. You may also choose to use some of these days to ease your return to work. Working part of a day will count as one day.

Payment of Keeping in touch days will be at your normal daily or hourly rate of pay inclusive of any maternity pay should the KIT day be taken during the period of receipt of OMP and/or SMP. For teachers this will either be a half day or full day.

You cannot work during the first 2 weeks after your baby is born.

6. REASONABLE CONTACT

Both you and the Head Teacher may make reasonable contact during the maternity leave period to discuss issues including a return to work. Keeping in touch with work can help make it easier when it is time to go back. Such contact does not constitute work and would not count towards the 'Keeping in Touch Days'.

Head Teachers should ensure you are kept informed of other issues such as job vacancies, significant workplace developments and training opportunities during maternity leave.

7. RIGHT TO RETURN TO WORK

You have the right to return from your maternity leave to the job in which you were employed under your original contract of employment before maternity leave began.

If your school is faced with a staffing reduction while you are on maternity leave, you will be treated no less favourably than anyone else. If there is an alternative job that we can offer to employees at risk of redundancy, an employee who is pregnant, on maternity, adoption or shared parental leave who has been selected for redundancy must be offered a suitable vacancy before any other employee. Employees who are on maternity, adoption or who have taken at least 6 weeks shared parental leave will be entitled to this preferential treatment when they return to work for a period lasting 18 months from the date of birth or adoption.

If you wish to return to work before the end of the 52 week period, you will need to notify your Head Teacher, in writing, of the date and give at least 8 weeks' notice. Where notification is not given, your Head Teacher can postpone your return for a period of up to 8 weeks or until the end of the 52 weeks if this is sooner.

You do not need to notify your Head Teacher of your intention to return to work unless you intend to return before the end of your leave entitlement. The return date must be confirmed by your Head Teacher within 28 days of receiving your notification to take maternity leave.

A return to work may be delayed by up to 4 weeks by submitting a medical certificate stating that an employee is unfit to work, the normal contractual arrangements for sickness absence will apply.

Retention of the 12 weeks at half pay element of the OMP is dependent on a return to work for 13 weeks.

Your Head Teacher may write to enquire if you still intend to return to work. You must reply, in writing, within 28 days of receiving the request.

Should you wish to return to work on a different working pattern you must use the Right to Request Flexible Working (Policy) process. You must give your Headteacher / Line Manager at least 3 months' notice prior to your return date to enable appropriate arrangements to be put in place.

8. PENSIONS

The 39 weeks maternity pay period, SMP and/or OMP, is treated as pay for pension purposes and pension contributions are payable. This service will ultimately count towards your pension.

You can choose whether or not to pay pension contributions for the remainder of your unpaid maternity leave. Your contribution will be based on your normal rate paid in your last week/months pay, i.e. the half pay period.

If you are entitled to 39 weeks leave with no maternity pay, you can still pay back your pension contribution for this period. This will be based on your normal rate paid in your last week/months pay, i.e. full pay.

If you choose to pay contributions, then these will normally be collected on your return to work (or at the end of your maternity leave if you do not return) and arrangements can be made to pay over several months.

If you require an estimate of the cost of purchasing these pension rights, or need further advice on any other aspects of the Pension Scheme, please contact your relevant pension scheme provider.

If you have less than 2 years service (including maternity leave) and decide not to return to work, your pension contributions can be returned to you.

If you have more than 2 years service and decide not to return, your contributions will be frozen until retirement age when you will be eligible for payments of benefit.

9. ANTE–NATAL CARE

You are entitled to paid time off to attend appointments for the purpose of receiving ante–natal care. You are also entitled to paid time off to attend relaxation classes where it is not possible for you to attend in your own time. Evidence of appointments may be required, please discuss this with your Head Teacher

10. HEALTH AND PREGNANCY

As soon as you have notified your Head Teacher that you are pregnant, arrangements will be made for a risk assessment of your working conditions to be undertaken to ensure that there are no hazards that might affect you during your pregnancy and when you return to work, if you are still breastfeeding.

When you are pregnant, and for one year after your baby is born, you are entitled to free prescriptions and free dental treatment if you have a valid maternity exemption certificate. To apply for a maternity exemption certificate, contact your doctor, midwife or health visitor. (sign the form when you go for your appointment).

11. SICK PAY

Maternity leave does not count as sick leave, if you are absent because of illness due to your pregnancy before the 4th week before your expected week of confinement it shall be treated as absence on sick leave.

If you are sick from the 4th week onwards before your expected week of confinement and you are not suffering from a pregnancy related illness, and you have not started your maternity leave, you must see the doctor for a medical certificate. Your maternity leave will commence from the day following the date of your first day of sickness if your illness is pregnancy related.

Your total maternity leave period (including up to four weeks extension before you return to work, if your Head Teacher has agreed this with you) will be regarded as continuous service for the purposes of the Sickness Pay Scheme.

12. ANNUAL LEAVE

All year round support staff employees: Your total maternity leave period (including any mutually agreed extension before you return to work if your Head Teacher has agreed this with you) counts as continuous employment for purposes of accruing annual leave and for determining future leave entitlement.
Normally, you would be expected to take a proportion of your annual leave prior to commencing maternity leave. Any remainder should be taken during the current leave year once you have returned to work. If your maternity leave goes beyond the end of the holiday year, you will be allowed to carry your remaining annual leave over into the next leave year. Normally, this annual leave should be taken at the end of maternity leave. Any excess annual leave taken will be recouped on your leaving in the usual way.

All periods of annual leave should be agreed with your Head Teacher in the usual way.

Term time only employees on equated weeks pay: You have a statutory entitlement to 28 days (pro –rata for part time and term time only) annual leave. Your annual salary includes payment of holiday pay and is paid in 12 equal monthly instalments .During maternity leave, holiday pay will be accrued and paid at the end of your maternity leave.

Annual Leave for Teachers: You have a statutory entitlement to 28 days (pro –rata for part time) annual leave and this should be taken either before or after the maternity leave period during school closure periods. If there are insufficient school closure days before the end of the leave year for you to take your statutory leave entitlement during the leave year this will be carried over into the next leave year.
If you do not intend to return to work at the end of your maternity leave, any untaken leave will be paid on a pro rata basis at the end of your maternity leave.

13. STATUTORY RIGHTS

All maternity leave with or without pay, counts for continuous service purposes.

14. MISCARRIAGE

If a miscarriage occurs before 24 weeks of pregnancy, sympathetic consideration will be given to your circumstances, and any absence will be covered as either sick leave or special leave as appropriate.

15. STILL BIRTH OR DEATH OF A CHILD

From 24 weeks of pregnancy you are still eligible for the full maternity provisions if you have a stillbirth or upon the death of the child.

Your Doctor or Midwife will give you a certificate of stillbirth, which you should give to your local registrar. The Registrar will then give you a certificate of burial.

You may be able to return to work before your proposed date, if you wish, or remain on maternity leave for the full period. Please speak to your Head Teacher/Line Manager if this applies to you.

16. FURTHER INFORMATION

There may be individual circumstances, which you wish to discuss further. In which case please speak to your Head Teacher or Line Manager in the first instance. Although this leaflet should answer most of your questions on maternity entitlement, enquiries in connection with individual entitlements to SMP should be raised with the school who will seek further advice.

Appendix 1

Trust Maternity and Adoption Form

Name of School	
Employee Name	
Payroll number	
Employee Job Title	

You must complete this claim form ideally by the end of the 15th week before your Expected Week of Confinement (EWC)/date of adoption(DOA) and at least 28 days before you start your maternity leave.

Maternity leave can start on any day.

The earliest date is 11 weeks (at 29 weeks pregnant) prior to the expected week of childbirth (EWC). This is the week in which the baby is due and is the week that contains the date your doctor has said that the baby will be born.

The latest date maternity leave can commence is the day baby is due or, the day after the birth, if the baby is born earlier than expected. Please notify your Head Teacher/ Line Manager as soon as baby is born

If you are sick and absent from work with a pregnancy related illness within 4 weeks before the baby is due, maternity leave will commence automatically on the day after the first day of absence.

There is 2 weeks' compulsory maternity leave for all employees immediately following the birth.

Please ensure you indicate whether you wish to be paid occupational maternity pay under section C below

Wherever possible, you should submit Form MATB1/formal notification of adoption with this form, to your Headteacher no later than the 11th week before your EWC.

Payment of Statutory Maternity Pay (SMP)/ Statutory Adoption Pay (SAP) will not commence until form MATB1/confirmation of adoption has been received

You must inform the head teacher immediately should any of the following events occur during your maternity/adoption pay period:

I. You are taken into legal custody
II. You work after the birth/adoption of your child for an employer who you were not working for in the 15th week before your EWC

Please complete Sections A – D and return to your Head Teacher/ Line Manager

SECTION A

Full Name (BLOCK CAPITALS) _____

Home Address and Postcode : _____

_____

_____

Date of Birth: _____ N. I. Number: _____

SECTION B

1. Expected date of confinement (EDC)/date of adoption (DOA): _____

2. I intend to stop work because of my pregnancy/adoption on**: _____**
   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.
3. Valid maternity certificate MATB1/letter from adoption agency confirming adoption is/is not attached:*
   (* delete as applicable)

SECTION C

Payment of SMP/SAP

If you qualify for SMP/SAP this will be paid for 39 consecutive weeks commencing immediately after you stop work.

You can start your maternity leave 11 weeks before baby is due provided you meet the eligibility requirements (see maternity guide). If you do not qualify for SMP due to your earnings or service then you will be issued with a form SMP1 which will allow you to claim maternity allowance

Occupational pay: 12 weeks at half pay (if applicable- see maternity guide for more information)

Please pay/withhold* my 12 weeks at half pay (*delete as applicable).

I understand that should I not return to work after my maternity leave, or return for less than 13 weeks, I will be required to repay all of the 12 weeks half pay received.

Childcare Vouchers (delete as appropriate)

I currently have deduction of childcare vouchers from my pay and I wish to continue with / suspend these* during my maternity leave.

(* delete as applicable). I understand that this can only be deducted from occupational maternity pay and will stop once I am in receipt of SMP only/nil pay

SECTION D

I have read and understand the above guidance and have received a copy of the Trust maternity guide

I declare that the information given above is correct.

Signed : _____

Date : _____

SECTION E - to be completed by School Business Manager (confirmed by HR)

I certify that at this date _____ (name) has been employed continuously either by the previous Local Authority and/or the Trust where relevant since _____ (date).

Authorised : _____

Date : _____

Appendix 1

Policy Date	Summary of Change	Contact	Version/Implementation Date	Review Date
01/09/2022	Approved as final	Rachel Hannon / Tanya Davies	01/09/2022	01/09/2023
01/04/2025	Updated average earnings value	Rachel Hannon / Tanya Davies	01/04/2025	01/04/2026