
SAINT NICHOLAS SCHOOL

MATERNITY & PATERNITY POLICY

Note: This policy applies to all sections of the school including EYFS

Reviewed October 2021

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1. NOTIFICATION

A woman expecting the birth of a child shall (unless there is good cause) give the school at least 14 weeks' prior notification of the expected week of childbirth. Where a teacher intends to return to her teaching appointment after her absence for maternity and wishes to take advantage of the national maternity scheme for teachers, applicable according to her length of continuous service, she should apply for maternity leave under the Maternity Leave provisions. If she does not intend to apply, she shall notify the head in writing that she wishes to terminate her appointment and this notification shall be given at least 21 days before such termination, or as soon as is reasonably practicable. In these circumstances her appointment shall terminate:

- either with the agreement of the teacher, or if because of her pregnancy she is incapable of doing her own or some other suitable work, at a date 11 weeks prior to the expected week of childbirth; or
- at some other date less than 11 weeks

A woman with at least one year's continuous service as a teacher enjoys additional and different rights affecting maternity pay and the right to return to work.

2. MATERNITY

2.1 Maternity pay

Payments for teachers who have less than 1 years' continuous service as a teacher at the beginning of the 11th week before the EWC (expected week of childbirth) shall be their entitlement to Statutory Maternity Pay (SMP) only.

Payment of salary to a teacher who has completed not less than 1 year's continuous service as a teacher, at the beginning of the 11th week before the EWC, shall be in accordance with the provisions set out below and shall be made on the condition that she will be available, or able, to return to work for a 13 week period.

A teacher shall be entitled to maternity pay as follows:

- (a) A teacher eligible for Statutory Maternity Pay (SMP) will have the payments made in the first six weeks of absence offset against the payments made under b) and c) below.
- (b) For the first four weeks of absence - full pay, offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.
- (c) For the next two weeks of absence - 9/10ths of a week's salary, offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.
- (d) For the next 12 weeks of paid absence, half pay without deductions except by the extent to which the combined pay plus SMP (or, if not eligible for SMP, maternity allowance and any dependants' allowances) exceeds full pay.
- (e) 21 weeks at SMP only followed by up to 13 weeks unpaid leave.

In the event of the teacher not being available, or being unable, to return to her job for the required period, she shall refund such sum after the first six weeks' payment as the employer at their discretion may decide. Payments made by way of SMP are not refundable.

2.2 Relationship with sickness

Maternity leave will not be taken into account for the calculation of the period of entitlement to sickness leave.

2.3 Definitions

For the purpose of this scheme, a week's pay shall be treated as the amount payable to the teacher under the current contract of employment. If there are significant variations in the teacher's salary, the average salary over the 12 weeks preceding the date of absence shall be treated as a week's salary.

Childbirth means the birth of a living child, or the birth of a child whether living or dead after 24 weeks of pregnancy.

Nothing in the above provisions shall be construed as providing rights less favourable than statutory rights.

2.4 Other absences

If in the early months of pregnancy a teacher is advised by an approved medical practitioner to absent herself from school because of the risk of rubella, she shall be granted leave with full pay.

Absence on account of illness which is attributable to the pregnancy, including absence on account of miscarriage, and which occurs outside the period of absence for maternity, shall be treated as ordinary absence on sick leave and shall be subject to the conditions normally governing such leave, provided it is covered by a doctor's statement.

2.5 Working during maternity leave

The law now allows for an employee to work up to 10 days during maternity leave in order to maintain professional skills and involvement, as long as both she and her school have agreed for this to happen. This should form part of the discussion between the head and the employee prior to maternity leave commencing, including agreeing an appropriate payment for any such work.

2.6 Miscarriages and Still Births

Should the employee miscarry, they will be regarded as being on sick leave and will need to provide a medical certificate from their GP for any absence over one week. Normal sickness absence procedures will then apply.

If after 24 weeks of pregnancy the employee's baby is still born, or dies soon after birth, they will be eligible for the full period of maternity leave and pay to which they would have been entitled.

2.7 Return to Work

It is anticipated that all employees on maternity leave will take their full 52 week entitlement. Employees are encouraged to confirm as soon as is convenient during their maternity leave that they will be returning as expected. However, if the employee wishes to return to work earlier than this, they must notify the head in writing and provide sufficient notice. Employees must provide 4 weeks' notice to allow the school time to plan for the earlier return to work.

2.8 Changes to their working arrangements

Employees who worked full-time prior to taking maternity leave have no automatic right to return to work on a part-time basis or to make any other changes to their working arrangements. However, all requests for part-time work and other flexible working arrangements will be considered in line with the operational requirements of the school.

3. PATERNITY

3.1 Rationale

The Paternity section of the policy is set to reflect the current regulations concerning paternity entitlement for staff employed at the School. It is to be considered in conjunction with the statutory maternity rights of the School's employees and will not affect these.

3.2 Aims

The aims of this section of the policy are:

- To enable a member of staff to provide support to a partner or spouse during pregnancy and childbirth.
- To provide guidance for staff in establishing their entitlement to absence.
- To ensure that staff are treated both fairly and equitably.
- To enable staff who are the closest nominated person available to provide support to a pregnant woman.

3.3 Time off for antenatal appointments

There is not a legal right to have time off to accompany a partner or spouse to antenatal appointments. The right to paid time off only applies to pregnant employees. However, the school recognises this is an important time and it will be at the head's discretion to give employees paid absence of leave to attend.

3.4 Statutory Paternity Leave entitlement

To qualify for Statutory Paternity Leave you must be taking the time off to support the mother or carer for the baby and intend to be fully involved in their upbringing. Rights to Statutory Paternity Leave are extra to your normal holiday allowance.

To qualify for Statutory Paternity Leave, you must have been with employed by the school for at least 26 weeks by either:

- the end of the 15th week before the start of the week when the baby is due
- the end of the week you are notified you are matched with your child

You must also be either the:

- biological father of the child
- mother's husband or partner (including same-sex relationships)
- child's adopter
- husband or partner (including same-sex relationships) of the child's adopter

3.5 Entitlement

As long as you meet certain conditions you can take either one or two weeks' Statutory Paternity Leave. You can't take odd days off and if you take two weeks they must be taken together.

You can choose to start your Statutory Paternity Leave:

- on the day the baby is born
- a number of days or weeks after the baby is born
- from a specific date after the first day of the week in which the baby is expected to be born

Your Statutory Paternity Leave can start on any day of the week (but not before the baby is born). It has to finish within 56 days of the baby's birth. If the baby is born before the week it was due, it must finish within 56 days of the first day of that week. You can start Statutory Paternity Leave after a period of parental leave has ended.

If your partner has a multiple birth, you are only allowed one period of Statutory Paternity Leave.

3.6 Statutory Paternity Pay

Statutory Paternity Pay is paid for up to two consecutive weeks, depending on how long you choose to take Statutory Paternity Leave for.

3.7 If you lose your baby

You can still take Statutory Paternity Leave if your child is stillborn after 24 weeks of pregnancy or is born alive at any point of the pregnancy.

3.8 Notification requirements

Prior written notification must be given to the head of intention to take paternity leave, and the likely blocks of time proposed to and agreed by your line manager, at least 21 days before it is anticipated that the leave will be wanted.

3.9 Recognition of fatherhood

Staff are recognised as prospective fathers if in what is expected to be a long-term relationship with the mother, which will include responsibility for the respective childcare.

4. ADOPTION LEAVE

Male and female staff adopting children are also eligible to apply for paid leave on the same basis as that for paternity leave.

For children adopted on or after 3 April 2011, the mother/adopter may share his/her adoption leave with his/her partner.