

## **Royal Wootton Bassett Academy Trust (RWBAT) Support Staff Maternity Guidance**

**Written by:** Mrs Esther Newman      **RWBAT Responsibility:** MAT LT

**Date ratified:** 15/05/2018      **Version Number:** 1      **Committee Reviewed:** Standards

### **Contents**

<b>Introduction .....</b>	<b>1</b>
<b>Employee’s Responsibility .....</b>	<b>2</b>
<b>Employer’s Responsibility .....</b>	<b>2</b>
<b>Ante-Natal Care .....</b>	<b>3</b>
<b>Maternity Leave .....</b>	<b>4</b>
<b>Terms and Conditions of Employment during the Maternity Leave Period .....</b>	<b>4</b>
<b>Right to Return to Work following Ordinary Maternity Leave (OML) .....</b>	<b>4</b>
<b>Right to Return to Work following Additional Maternity Leave (AML) .....</b>	<b>4</b>
<b>Statutory Maternity Pay (SMP) .....</b>	<b>5</b>
<b>Occupational Maternity Pay .....</b>	<b>6</b>
<b>Maternity Allowance (MA) .....</b>	<b>7</b>
<b>Local Government Pension Scheme .....</b>	<b>8</b>
<b>During AML .....</b>	<b>8</b>
<b>Additional Contributions .....</b>	<b>10</b>
<b>Pension Contributions and the effect of choosing an alternative period to receive Occupational Maternity Pay (OMP) .....</b>	<b>10</b>
<b>Returning to Work after Maternity Leave (either ordinary or additional) .....</b>	<b>10</b>
<b>General Points .....</b>	<b>11</b>
<b>If you leave the Trust during your pregnancy .....</b>	<b>13</b>
<b>Fixed Term and Temporary Contracts of Employment .....</b>	<b>14</b>
<b>Options to help you balance work and family life .....</b>	<b>14</b>

### **Introduction**

This document is aimed to help support staff understand their maternity rights and obligations, and will also act as a manager’s guide to ensure all maternity matters are managed accordingly.

This guidance has been designed in easy reference sections in relation to the various stages that a pregnant employee will go through, including the employee’s and our obligations. It is therefore important that you look up the relevant section, which refers to your own personal circumstance.

## **Employee's Responsibility**

### **Notification of your intention to take Maternity Leave**

You must write to the Headteacher informing your school of your intention to take maternity leave at least 15 weeks before the expected week of childbirth (EWC). Your written notification will need to include:

- You are pregnant
- When your expected week of childbirth is
- When you want your maternity leave to start

See attached notification form which should be given to HR once completed.

You may decide to change your mind about the date you wish your maternity leave to commence as long as you give us at least 28 day's notice, or as much notice as is reasonably practicable prior to the new commencement date and confirm this in writing. You may delay the start of your maternity leave up until the date of the birth so long as you inform your Headteacher in writing that this is your intention.

The start of maternity leave must be no earlier than the 11<sup>th</sup> week before the Expected Week of Childbirth (EWC). However, the following two events will be the exception to this (ie: either of these events will automatically trigger the start of your maternity leave):

- (i) The birth of the child (premature)
- (ii) A pregnancy related absence after the beginning of the 4<sup>th</sup> week before the EWC.

In such circumstances, your maternity leave will start (i) the day after the birth of your child, and (ii) the day after your first day of absence

On receipt of your notification and within 28 days, the employer will write to you acknowledging receipt of your notice, and setting out your expected date of return. This letter will also confirm whether you qualify for SMP and/or the Occupational Maternity Scheme. If you do not qualify for SMP, form SMP1 will be enclosed which you should complete and return to your local JobCentre Plus Office in order to pursue your application for MA.

## **Employer's Responsibility**

### **Health & Safety**

The Management of Health and Safety at Work Regulations 1999 include regulations that protect the health and safety of new and expectant mothers who work. The term 'expectant mothers' includes women who (i) are pregnant, (ii) who have given birth within the last six months, (iii) who are breastfeeding.

When you inform your Headteacher that you are pregnant, a member of the senior team, with your assistance, will carry out a risk assessment specific to you. The risk assessment will also take into account any medical advice from your GP or midwife, or occupational health, about your health. Furthermore, the risk assessment will be reviewed during your pregnancy and upon your return to work, in order to take into account possible risks that may occur at the different stages of your pregnancy/post birth.

If a risk is identified, the following course of action will be considered:

**Action One:** temporarily adjust your working conditions and/or hours of work. However, if it is not reasonable to do this or if doing this would not avoid the risk then Action Two should be considered.

**Action Two:** offer you suitable alternative work under no less favourable terms. However, if this is not feasible, then Action Three should be considered.

**Action Three:** suspend you from work on paid leave for as long as necessary to protect the health and safety of you and your child.

### **Ante-Natal Care**

All pregnant employees, regardless of length of service, are entitled to paid time off to attend antenatal appointments. Antenatal care may include relaxation and parent craft classes (on the advice of a healthcare professional), as well as medical examinations related to the pregnancy. Such time off will be paid at your normal rate of pay.

You should give your line manager reasonable notice of your appointments and be prepared to produce your appointment card if requested.

### **Ante Natal Appointments**

From 1 October 2014, expectant fathers, or the partner of a pregnant woman, will be entitled to take paid time off work to attend up to two antenatal appointments with their partner.

The leave is designed for a person who has a relationship with the pregnant woman or her unborn child. Employees are entitled to time off to accompany an expectant mother to her ante-natal appointments if they are:

- a) the baby's father;
- b) the expectant mother's spouse, her civil partner, or partner (of either sex) in an enduring relationship; or
- c) intended parents of a child in a surrogacy arrangement if they expect to be entitled to and intend to apply for a parental order in respect of that child.

There is no qualifying period for employees. This is a "day one" right.

Extra time can be taken from annual leave.

## **Sickness prior to taking Maternity Leave**

If you are absent from work for a pregnancy related reason after the fourth week before the Expected Week of Childbirth, but before the date which you have notified as the intended start date for maternity leave the maternity leave will automatically begin on the day after the first day of your absence.

## **Maternity Leave**

### **Length of Ordinary and Additional Maternity Leave**

- 26 weeks' ordinary maternity leave regardless of length of service.
- 26 weeks' additional maternity leave regardless of length of service. Additional maternity leave will begin at the end of ordinary maternity leave.
- Compulsory leave – the first 2 weeks' after the birth, or 4 the first 4 weeks after the birth if you work in a factory environment. You are not permitted to work during this period. This leave forms part of your ordinary maternity leave.

### **Terms and Conditions of Employment during the Maternity Leave Period**

You are entitled to benefit from all non-pay terms and conditions of your contract of employment, and non-pay benefits throughout the entire duration of your maternity leave period (52 weeks).

Remuneration, defined, as sums payable by way of 'wages' or 'salary' does not continue to be paid during your maternity leave period. Neither do cash allowances that are paid through payroll; such as a car allowance or first aid allowance.

### **Right to Return to Work following Ordinary Maternity Leave (OML)**

An employee who returns to work following OML is entitled to return to her original job, on terms and conditions no less favourable than those that would have been applicable to her had she not been absent. However, where a redundancy situation arises, and where the Trust is unable to allow the employee to return to her original job, the employee will be entitled to be offered a suitable alternative job.

### **Right to Return to Work following Additional Maternity Leave (AML)**

An employee who returns to work following AML is entitled to return to the same job on the same terms and conditions of employment as if she had not been absent, unless there is a reason why it is not reasonably practicable for her to return to her original job, in which case she will be entitled to be offered a suitable alternative job.

Note: If an employee takes a period of parental leave of 4 weeks or less immediately following her OML the OML right to return to work applies. However, if an employee takes a period of parental leave of greater than 4 weeks the AML right to return to work applies.

Note: a suitable alternative job should be suitable and appropriate to the circumstances, capacity and place in which you are to be employed, with no less favourable terms and conditions of employment.

### **Statutory Maternity Pay (SMP)**

#### **Eligibility**

To qualify for SMP an employee must:

- Be an employee – that is to say that you must have a contract of employment with the Trust.
- Have continuous Local Government service of at least 26 weeks including (and ending with) the qualifying week (which is the 15th week before the week in which the baby is due). You must have been employed at least one day in the qualifying week.
- Have average weekly earnings that must be at least equal to the lower earnings limit for National Insurance (NI) purposes (currently £113 per week). Your average weekly earnings are calculated over a period of at least 8 weeks up to and including your last payday before the end of the qualifying week. For SMP purposes, ‘pay’ means gross pay that is due before any deductions.

#### **How much is it?**

SMP is payable for a maximum period of 39 weeks. This period is called the Maternity Pay Period (MPP).

As with maternity leave, the earliest SMP can be paid to you is any time from 11 weeks before the EWC, unless your baby is born early. You can, if you so choose, carry on working until the date your baby is due.

The amount of SMP you will get depends on your earnings. The first 6 weeks of SMP are earnings related, and are paid at 90 per cent of your average weekly earnings. (note: there is no upper earnings limit). The remaining weeks are paid at the standard rate SMP (currently £145.18 from April 2018) or the earnings related rate if this is less than standard rate SMP. The standard rate of SMP is subject to review by the Department for Work and Pensions each April.

SMP is treated as earnings and is subject to deductions such as income tax and NI contributions. Other deductions will also continue to be made whilst you are in receipt of SMP, eg: union subscriptions, Payroll Giving Scheme (charity donations), council tax payments. Both the Trust and yourself will continue to make pension contributions whilst you are in receipt of SMP – see the section entitled ‘Local Government Pension Scheme’ for further information.

If you are paid monthly for example, we will add together all the pay you received in these 2 months, divide by 2, multiply by 12 and then divide by 52.143 to calculate your average weekly earnings.

You can start to receive your SMP on any day of the week, although SMP will be paid in the

same way and at the same time as your normal wages would be paid.

Your SMP will end when we have paid you SMP for 39 weeks, or if you return to work before the end of the 39 weeks (the Maternity Pay Period (MPP)).

You will be informed if you do not qualify for SMP. If you do not qualify for SMP you may be eligible for 'Maternity Allowance' – please see below for further information.

### **How to claim it**

To enable the Trust to pay you your SMP you must:

- Give the school written notification at least 28 days before the date you want your SMP to start, or as soon as is reasonably practicable.
- Provide medical evidence of the date your baby is due. This will normally be on a maternity certificate (MATB1) that you can get from your doctor or midwife. You cannot get this certificate until you reach the 20th week before the week in which your baby is due (generally the 21st week of pregnancy). Note: If you have more than one employer, you may be entitled to SMP from both. However, you will also be required to provide both employers with medical evidence of the date your baby is due – refer to section entitled 'Having another job outside the Trust (more than one employer)' for further information on this.

If you change your mind about when you want your SMP to start, then again, you must give the Trust 28 days' notice of this change, or as much notice as is reasonably practicable, and again put it in writing.

### **Occupational Maternity Pay**

#### **Occupational Maternity Scheme**

The Occupational Maternity Scheme is for employees employed under the National Joint Council for Local Government Services Terms and Conditions (more commonly known as 'The Green Book').

To qualify for Occupational Maternity Pay (OMP) employees must have 1 years' continuous local government service at the 11<sup>th</sup> week before the EWC.

If you qualify for occupational maternity pay it is paid at:

First 6 weeks – SMP payable at 90% of a week's pay.

Next 12 weeks – (if you have confirmed that you intend to return to work after your maternity leave) half a week's pay plus SMP, but will be reduced to the equivalent of full pay in cases where this combination exceeds more than full pay. This section of occupational maternity pay is made on the understanding that you will return to work for at least 3 months. In the event that you do not return for at least 3 months you will be required to refund any overpayments made to you (excluding the SMP element).

Alternatively, you can choose to be paid this 12 weeks' pay over a different mutually agreed period.

Note: If you have confirmed that you will not be returning to work after your maternity leave then you will only be entitled to receive either SMP/MA, whichever you are eligible for.

For the purposes of Occupational Maternity Pay a week's pay is defined as the amount payable for working the normal hours in a week. If you do not have normal working hours, an average will be calculated by using the 12 week period preceding the date on which the last complete week ended. Any week during this period where no money was earned will be excluded.

OMP is treated as earnings and is subject to deductions such as income tax and NI contributions. Other deductions will also continue to be made whilst you are in receipt of OMP, eg: union subscriptions, Payroll Giving Scheme (charity donations), council tax payments. Both the Trust and yourself will continue to make pension contributions whilst you are in receipt of OMP – see the section entitled 'Local Government Pension Scheme' for further information.

Note: If you have normal working hours and your pay does not change with the amount of work you do, your week's pay is simply your normal weekly wage/salary. However, if you do not have normal working hours a week's pay is the average pay in the period 12 weeks preceding the date on which the last complete week ended, excluding any week in which no pay was earned.

Next 21 weeks – SMP or MA depending on which you are eligible for.

### **Maternity Allowance (MA)**

#### **Eligibility**

To qualify for MA an employee must:

- Be an employee – that is to say that you must have a contract of employment with the Trust
- Do not qualify for SMP
- On average earned at least £30.00 (equal to the Maternity Allowance Threshold (MAT)) a week during your test period. Your test period is the period of 66 weeks up to and including the week before the week your baby is due.
- Have been employed for at least 26 weeks in your 66-week test period.

#### **How much is it?**

The period of time for which you are eligible to receive MA is called the Maternity Allowance Period (MAP). The Maternity Allowance period (MAP) for which you are eligible to receive MA is the same as the MPP for SMP, 39 weeks.

Your average weekly earnings are based on your gross earnings and are calculated using

earnings from any 13 weeks in the test period.

MA is not liable to income tax or NI contributions.

The amount you will get depends on your average weekly earnings. You will get either the standard rate of MA, which is £145.18 a week or 90 per cent of your average weekly earnings, if this calculation results in a figure which is less than the standard rate of MA.

The earliest MA can be paid is the start of the 11th week before the week the baby is due but only if you stop work before then. But there may be some flexibility as to exactly when the payments start, depending on when you stop work to have the baby. However, if your baby is born earlier, 11 weeks before it was due, then your MAP and MA will start earlier.

MA is paid to you by the Department for Work and Pensions, and not by the Trust. It must be paid direct into either a bank or building society account or post office bank account, and can be made to you either weekly or every 4 weeks.

If you do not qualify for MA, you may be able to get Incapacity Benefit. If you make a claim for MA but do not qualify for it, you will automatically be considered for Incapacity Benefit.

For further information relating to either MA or Incapacity Benefit please contact your local JobCentre Plus Office.

### **How to claim it**

We will have confirmed that you do not qualify for SMP, and will have provided you with form 'SMP1'. You should take form 'SMP1' to your local JobCentre Plus to pursue your application for Maternity Allowance. The JobCentre Plus will give you another form 'MA1' to complete and return, and you will also have to give them your MATB1 as medical evidence of the date your baby is due.

### **Local Government Pension Scheme**

#### **During OML**

As your employer, the Trust will continue to make pension contributions throughout your period of OML (first 26 weeks) regardless of whether you are in receipt of any maternity pay. You will also continue to make pension contributions during your period of OML. The Trust's contributions will be based on your notional full pay, i.e. what you would have been earning had you been working normally. Your contributions will be at your normal contribution rate, but based on the (maternity) pay you are receiving. If you are not receiving any pay (i.e.: you are only eligible for MA or Incapacity Benefit payable via the JobCentre) then you will not be expected to make contributions, but this period of OML will still count as pensionable service.

#### **During AML**

The Trust need only make pension contributions during your period of AML if you are in receipt

of maternity pay from us (SMP/OMP). As SMP is payable for 39 weeks this will mean that pension contributions will be payable for at least the first 13 weeks of AML (if you are eligible to receive SMP). The same contribution rates that applied during OML will apply during your period of paid AML, and this too will count as continuous pensionable service.

The Trust does not have to make any pension contributions during any unpaid period of your AML. Therefore, any such periods will not count as pensionable service.

However, you can elect to make contributions during any unpaid period of AML. If you decide to make pension contributions the Trust's contributions will be based on your notional full pay, and your contributions will be at your normal contribution rate, but based on the pay you were receiving immediately before the unpaid period began (i.e.: SMP). If, however, you were not eligible for either SMP and/or OMP and have therefore not received any maternity pay from the Trust, your contributions will be based on the pay you were receiving before your ordinary maternity leave began.

The choice is yours, if you choose to make pension contributions it will count as continuous pensionable service towards your final retirement pension, but if you decide not to, it will be shown as a break in pensionable service.

To summarise, your continuity of membership of the LGPS is preserved during OML, and during the paid period of AML. Any period on unpaid AML will not count as "reckonable" membership unless you elect to make pension contributions during this unpaid period.

### **The two most common situations are:**

#### **Entire period of AML unpaid (only eligible to MA or Incapacity Benefit)**

If you are only eligible for MA or Incapacity Benefit (payable via the Department for Work and Pensions), you will not be in receipt of any maternity pay from us. Therefore, from a pension perspective, the whole of your period of AML (should you decide to take it) will be unpaid. Therefore, you can elect to make pension contributions during this unpaid period. If you decide to make contributions during this period, your contributions will be based on the pay you were receiving before you started maternity leave.

#### **Last 13 weeks of AML unpaid**

If you are in receipt of maternity pay from us (SMP/OMP) and decide to take your full period of AML, the last 13 weeks of will be unpaid (SMP only paid for 39 weeks). Therefore, you can elect to make pension contributions during this unpaid 13 week period of AML.

For your information, the pension contributions that you decide to make during any unpaid period of AML can be spread over a period of time as long as they are contained within the same financial year, or you can pay them in one lump sum.

In all cases, you have 30 days from your return to work following maternity leave (or your last day of employment if you choose not to return from maternity leave) to inform the Trust that

you wish to make pension contributions for your unpaid period of AML. Any instructions received after this time frame will be regarded as 'out of time' and disregarded.

If the Trust does not receive written instructions from you to make pension contributions during any unpaid period of AML, then it will be assumed that you have decided not to make pension contributions during this unpaid period. Thus, you will have a break in pensionable service.

### **Pension Contributions and Keeping in Touch Days**

A KIT day utilised during an employee's period of ordinary maternity leave will count as pensionable service<sup>1</sup>, and the contributions (employer and employee) will be based on the pay the employee receives for that day.

A KIT day utilised during an employee's period of additional maternity leave will count as pensionable service, and the contributions (employer and employee) will be based on the pay the employee receives for that day. Note: if the utilisation of such a KIT day falls during an unpaid period of AML, the Trust shall notify Wiltshire Pension Fund informing them that this day should be counted as pensionable service.

Note: Where an employee wishes to pay contributions for the unpaid period of AML the pay received for utilising a KIT day is disregarded for the purposes of determining the amount of pay on which to base her contributions, i.e.: her contributions would be based on the SMP she was receiving before the unpaid period, or if she was not eligible to receive SMP the contributions would be based on the pay she was receiving before she started her maternity leave.

### **Additional Contributions**

If you have arrangements in place to make Additional Voluntary Contributions (AVCs) and/or Additional Regular Contributions (ARCs) you should discuss the options available to you with Wiltshire Pension Fund.

### **Pension Contributions and the effect of choosing an alternative period to receive Occupational Maternity Pay (OMP)**

If an employee chooses an alternative period to the normal period of weeks 7-18 to be paid her OMP, this does not affect her pension position in relation to the pay her contributions should be based on.

### **Returning to Work after Maternity Leave (either ordinary or additional)**

#### **Notice Periods**

If you intend to return to work on your confirmed expected date of return, there is no need to give any advance notice.

If you change your mind about your return to work date, you must give the Trust, in writing, 21 days' notice. The 21 days' notice must be before the day on which you propose to return for an earlier return, and 21 days' notice before the original return date for a later return.

### **Sickness Absence**

The Trust's normal sickness rules and procedures apply if you are unable to attend work at the end of either your ordinary or additional maternity leave due to sickness. You must follow the Trust's normal sickness reporting procedure to notify us of your absence.

### **Interruption of Work on your Expected Date of Return**

If you have agreed to participate in authorised strike action on your expected date of return, then normal non-payment of your remuneration will apply. However, if the interruption of work on your expected date of return is not something that you have agreed to then you will receive normal remuneration for this period until work resumes.

### **Deciding not to return to work from Maternity Leave**

If you decide not to return to work following your maternity leave you must write to your Headteacher/HR giving the notice period required by your contract of employment. You will receive written notification of your resignation.

## **General Points**

### **Sickness Absence**

Normal sickness rules and procedures apply prior to your maternity leave starting. However, if you are absent from work due to a pregnancy-related reason after the beginning of the 4<sup>th</sup> week before the EWC, but before the date you notified as the start of your maternity leave period, then your maternity leave period will automatically begin on the day after the first of your absence. You must follow the school's normal sickness reporting procedure to notify us of your absence.

Normal sickness rules and procedures apply at the end of your maternity leave.

For your information, you are disqualified from receiving statutory or occupational sick pay whilst you are on maternity leave (both ordinary and additional).

### **Premature Births**

If you are eligible for SMP:

And your baby is born after your maternity pay period (MPP) has started your SMP will not be affected. You will be paid it just as if your baby had been born when it was due.

And your baby is born before your MPP has started but after the qualifying week (15<sup>th</sup> week before the week the baby is due) you must, if reasonably practicable, inform the Trust of the birth within 3 weeks. You will then receive the SMP due to you but the pay period will now be from the day following the day your baby is born.

And your baby is born before or during the qualifying week (15<sup>th</sup> week before the week the baby is due), you must notify the Trust in writing within 3 weeks of the birth. You will also need to provide evidence of the 'due' and 'actual' date – part B of the MATB1 will provide this. The payment period will run from the day following the birth of your baby.

If you are eligible for MA:

And your baby is born prematurely after your MAP has started, nothing will change.

And your baby is born before your MAP was due to start, your MAP will start from the day following the day on which your baby was born.

### **Keeping in Touch during your Maternity Leave (either ordinary or additional)**

Before you go on maternity leave your line manager should discuss with you how and what kind of contact you will have with work during your maternity leave. This should include things such as: how will you be informed of workplace developments, training opportunities, and your return to work.

There is an additional option of 'Keeping in Touch Days' if there is a business need for this. These are optional and have been limited to 10 days and must be agreed with the Headteacher/HR. They have been designed to help maintain communication with you whilst on maternity leave and to help ease your return to work. They do not have to be limited to daily work activities, they can be used for things such as training courses, seminars, or other work related events.

It is your choice whether you wish to take-up Keeping in Touch Days, you can not be made to take them up.

You will be paid your normal hourly rate of pay for any hours worked during Keeping in Touch Days. Payment will be offset against any SMP that you receive for the hours that you have worked on these days.

Your maternity leave period will not be extended because you have taken Keeping in Touch Days.

Please note that you can not use Keeping in Touch Days during your period of compulsory maternity leave.

Any further work undertaken, greater than the 10 Keeping in Touch Days will affect your maternity leave and SMP.

### **Annual Leave & Bank Holidays**

Annual leave continues to accrue during both Ordinary and Additional Maternity Leave.

A substitute day of paid leave will also be given to an employee if any bank holiday or extra statutory day falls during an employee's period of maternity leave (both ordinary and additional maternity leave). These substitute days will be added to an employee's accrued annual leave entitlement.

Annual leave entitlement can be offset by any period of school closure that occurs in the leave year in question i.e. both before and after the maternity leave period.

If, on a term-time only employee's return from maternity leave, there are insufficient school closure periods to accommodate the employee's outstanding annual leave entitlement the employee must be allowed to take any remaining leave during term time.

Where there is not enough time on the employee's return before the end of her annual leave year for her to take her remaining annual leave, she must be allowed to carry over her leave to the next leave year. An employee can be required to take this during the remaining periods of school closure after the employee's annual leave entitlement for that leave year has been accommodated.

However, outstanding leave should be taken in the leave year if there is sufficient time to take it in school closure periods or in term time. Under the Working Time Regulations leave should be taken in the leave year in which it accrues if possible.

Where employment is continuing, a term-time only employee cannot insist on having payment in lieu of untaken annual leave, and in general, it is not possible to pay in lieu of statutory annual leave.

It is anticipated that the number of instances when a term-time only employee has not had, or will not be able to take, their annual leave entitlement in school closure periods will be few.

### **Having another job outside the school (more than one employer)**

If you have another employer (i.e. another job outside the school) in addition to your job with the Trust, you may also be entitled to receive SMP from them.

However, if you do qualify for SMP from both employers you will be required to provide evidence of the date your baby is due to both employers. As a rule, your midwife or doctor will normally only issue you with one MATB1 certificate. If you have provided your other employer with your MATB1 certificate, then the Trust will accept a letter from either your doctor or midwife. The letter must: clearly identify you, is provided to us by no more than 20 weeks before your baby is due, and is either stamped with your doctor's name and address or shows your midwife's name and personal identity number.

### **If you leave the Trust during your pregnancy**

If you leave the Trust's employment before the qualifying week (15<sup>th</sup> week before the week the baby is due) you will not be entitled to receive SMP from the school, but you may be entitled to

receive MA from your local JobCentre Plus.

If you leave the Trust's employment during or after the qualifying week, you will be entitled, if eligible, to still receive SMP from the Trust (provided you do not start working for a new employer during your maternity pay period, if you do, you will lose your entitlement to SMP from the school).

### **Fixed Term and Temporary Contracts of Employment**

The same maternity rights apply to those employees employed on a fixed term or temporary contract of employment.

If your fixed term or temporary contract ends before the qualifying week (15<sup>th</sup> week before the week the baby is due) you will not be entitled to receive SMP from the Trust, but you may be entitled to receive MA from your local JobCentre Plus.

If your fixed term or temporary contract ends during or after the qualifying week you will still be entitled, if eligible, to receive SMP from the Trust (provided you do not start working for a new employer during your maternity pay period, if you do, you will lose your entitlement to SMP from the Trust).

If your fixed term or temporary contract ends during your maternity leave and whilst you are in receipt of Occupational Maternity Pay (OMP), your OMP will stop when your contract is terminated. As the contract has been terminated, you will obviously not have the right to return to work at the end of your maternity leave.

### **Options to help you balance work and family life**

You and your line manager should discuss and plan your return to work.

There are options available to you to help you and your partner to balance your family and work commitments. These are:

**Parental Leave** - is a right for parents to take time off work to look after a child or make arrangements for the child's welfare. You must have 1 year's continuous services to qualify for this provision. Parents are able to take 18 weeks' unpaid parental leave up to the child's 18<sup>th</sup> birthday. Adoptive/Foster parents are able to take parental leave up to the 5<sup>th</sup> anniversary of the date of placement, or the child's 18<sup>th</sup> birthday if this is earlier. Parents of disabled children are able to take 18 weeks' unpaid parental leave up to child's 18<sup>th</sup> birthday.

**Shared Parental Leave** - Additional Paternity Leave will be replaced by Shared Maternity Leave with effect from 5 April 2015. Please see the separate Shared Maternity Leave Policy available from your school for full details.

**Time off for Dependants** - is a right allowing employees to take a reasonable amount of time off work to deal with certain unexpected or sudden emergencies and to make any necessary longer-term arrangements for a dependant. There is no service requirement. There is no

specified amount of time, but it is what is deemed reasonable under the circumstances of the emergency. Please see leave of absence policy for details.

**Flexible Working** - The Trust is committed to providing a range of opportunities to help employees balance home and work life commitments, and as such affords all its employees with the right to apply to work flexibly. You must have 26 weeks' continuous service to qualify for this provision. There are a number of flexible working options available. You must make your application in writing to the headteacher, setting out the working pattern requested and how it would work.

Please refer to the Guidance on Flexible Working Applications and application form document for further details.

**Childcare Voucher Scheme** - Childcare vouchers are a Government-led initiative designed to support working parents with their childcare costs. The childcare vouchers you order can be used in exchange for all types of registered or approved care. Childcare vouchers work by you registering on a form which alters the terms and conditions of your employment allowing your employer to supply part of your salary as vouchers. It is the employee's responsibility to stop their childcare vouchers whilst on maternity / adoption leave before they go onto statutory pay.

Please see your HR office for further guidance.