CHILTERN LEARNING TRUST

MATERNITY SCHEME

Date Reviewed	Body	Review Date
Spring Term 2026	Board of Trustees	Spring Term 2028

Maternity Scheme for Employees in Chiltern Learning Trust

1. Introduction

1.1 If an employee is expecting a baby (this includes if they are carrying a child they are not genetically related to – a surrogate arrangement), this document provides information on their entitlements during maternity leave. The document also provides details in relation to paternity leave.

2. Before Maternity Leave Begins

2.1 As soon as an employee finds out that they are pregnant, they should inform the Trust.

2.2 During the time the employee is pregnant and continuing to work they are entitled to paid time off in order to attend antenatal appointments and parentcraft classes. Evidence of the appointments may be requested by the Headteacher after the first medical appointment. Employees should give the Trust as much notice as possible of their appointments.

2.3 The right to unpaid time off to attend two antenatal appointments exists for the child's father or the expectant mother's spouse or civil partner. The unpaid time off is limited to six and a half hours for each appointment.

2.4 Employees should inform the Trust, in writing, no later than the 15th week before the expected date of childbirth of the following: -

- The date on which they intend to begin maternity leave.
- The expected date of childbirth. A form MAT B1 will be required to support this information.

3. Maternity Leave

3.1 In order to receive Statutory Maternity Leave, an individual must be classed as an employee and must give the correct notice to the Trust.

3.2 The employee must take a minimum of two weeks leave at the time of childbirth.

3.3 All pregnant employees, regardless of length of service and hours worked, will be entitled to 52 weeks maternity leave. This is made up of 26 weeks of Ordinary Maternity Leave (OML), and 26 weeks Additional Maternity Leave (AML). Additional Maternity Leave follows Ordinary Maternity Leave and there must be no gap between the two.

3.4 An employee will be able to take a period of maternity leave commencing no sooner than the beginning of the 11th week before the expected week of childbirth or from the day following childbirth, whichever is sooner and extending to no later than 52 weeks in total. They may choose to work nearer to the expected date of childbirth than 11 weeks and, should they choose, up to the expected date of childbirth.

3.5 Maternity leave will begin either:

- on the employee's chosen date
- the day after the birth if the baby is early or

- automatically the day after any day the employee falls sick within the 4 weeks leading up to the expected date of childbirth, with a pregnancy related illness.

3.6 Employees should write to the Trust to give 21 days' notice of their return date if they wish to return to work before the expiry date of their maternity leave.

3.7 The contract of employment continues throughout Maternity or Paternity Leave unless either party expressly ends it or it expires.

4. Maternity Pay

4.1 If an employee qualifies for maternity leave they may also be entitled to maternity pay. There are two forms of pay, statutory maternity pay (SMP) and occupational maternity pay (OMP).

4.2 Statutory Maternity Pay

4.2.1 Statutory Maternity Pay (SMP) standard rate as of April 2024: **£184.03 per week**

Lower earnings limit for NI contributions as of April 2024: **£123.00 per week**

4.2.2 For a maximum 39-week period an employee may be entitled to Statutory Maternity Pay (SMP). SMP begins at the same time as the employee's maternity leave. SMP is paid at two rates, standard or higher, dependant on the employee's average earnings.

4.2.3 If an employee has not less than 26 weeks continuous employment by the 15th week before the 'expected week of childbirth' and has earnings which exceed the national insurance lowest earnings limits (see rate above) they will be entitled to SMP for a maximum of 39 weeks.

4.2.4 The 'expected week of childbirth' means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.

4.2.5 Higher rate SMP is a payment of 90% of the average weekly earnings and will be paid for the first 6 weeks of absence. After that the employee will receive the standard rate SMP (*see rate above)*, for a maximum of 33 weeks. Or, where an employee's earnings are less than £184.03, they will receive 90% of the full earnings for 39 weeks.

4.2.6 If an employee has less than 26 weeks' continuous service at the 15th week before the week in which the baby is due they will not be entitled to any SMP. They will also not be entitled to SMP if they are below the national insurance threshold (above). If an employee is not eligible for SMP, Payroll will be able to provide them with form SMP1 outlining why they are not eligible. They may be entitled to Maternity Allowance.

4.3 Occupational Maternity Pay (OMP)

4.3.1 Employees who qualify for SMP and have at least one year's continuous service at the 11th week before the Expected Week of Childbirth qualify for OMP. To be eligible for OMP, employees must also return to work after their maternity leave for a qualifying period of 3 months.

4.3.2 Employees on NJC "Green Book" Conditions of Service who qualify for occupational maternity pay will receive:

- 6 weeks at 9/10 average weekly pay with SMP offset
- 12 weeks at half average weekly pay plus SMP
- 21 weeks SMP only (dependant on entitlement)

Teaching staff who qualify for occupational maternity pay will receive:

- 4 weeks at average full weekly pay with SMP offset
- 2 weeks at 9/10 average weekly pay
- 12 weeks at half average weekly pay plus SMP
- 21 weeks SMP only (dependant on entitlement)

4.3.3 It should be noted that payment of Occupational Maternity Pay and Statutory Maternity Pay cannot exceed an employee's normal weekly wage.

4.3.4 Failure to return to work for the qualifying period of 3 months with the Trust will result in an employee being required to repay the full amount of Occupational Maternity Pay received. If an employee worked full-time before commencing maternity leave and only returns to work part-time they will need to work a longer qualifying period in order to make up the hours to the equivalent of 3 months' full-time. If an employee takes parental leave immediately following the end of their maternity leave, the 3-month qualifying period commences upon their return to work after the parental leave stops.

5. Methods of Payment

5.1 All payments are subject to tax and NI deductions and are made via payroll on the usual salary pay day.

6. Pension Contributions during Maternity Leave

6.1 Where an employee is a member of the Local Government Pension Scheme they are required to continue pension contributions for the paid period of their maternity leave. After this period the contributions are optional. Contributions stay at the same level during maternity leave as when they were working i.e. 5.5% to 9.9% of what they are receiving in the form of Occupational or Statutory Maternity Pay.

6.2 It is left to the employee's discretion as to whether or not they wish to pay contributions in respect of the remainder of the unpaid period of absence. If they opt to pay contributions these will be based upon the very last day of actual maternity pay that they receive regardless of the amount and how it is calculated. If they decide not to make payment, the period of absence beyond the period of paid maternity absence will not count towards any future pension benefits.

6.3 A decision to pay contributions must not be made later than thirty days after an employee's return to work. They may, however, wish to notify Payroll of their decision as soon as possible so that arrangements can be made for the payment of contributions if this is their decision. Payroll will send them an option form for their completion and return. If they wish to receive further information before making their decision, please inform them to contact the Trust's Payroll provider in the first instance.

7. Sick Pay during Pregnancy

7.1 Pregnant employees are not always entitled to SSP (Statutory Sick Pay). The loss of SSP lasts for a 39-week period from these dates:

- The beginning of the week in which they first receive statutory maternity pay (SMP) or maternity allowance.
- If the employee falls sick within the 4 weeks before the expected week of childbirth for a pregnancy related sickness, this will automatically trigger statutory maternity leave and SMP, if applicable. This includes any sickness due wholly or partly to pregnancy. It is the responsibility of the employee to notify the school, as soon as is practicable that the absence is due to pregnancy.

8. Health and Safety Pregnant Women Risk Assessments

8.1 In accordance with the Management of Health and Safety at Work Regulations, a protection of pregnant women risk assessment needs to take place of an employee's job, upon notification by her to the Trust that she is pregnant.

8.2 The aim of these regulations is to ensure that the health and safety of employees who are pregnant, have recently given birth or who are breastfeeding are not put at risk.

8.3 Where unavoidable risks are identified, firstly the employee's working conditions will be looked at to see if they can be altered. If this is not practicable then the possibility of suitable alternative work will be explored.

9. Keeping in Touch Days (KIT Days)

9.1 Employees may work up to ten days during maternity leave without triggering a return to work or affecting SMP. KIT days are optional and any work undertaken will be agreed mutually between the Trust and the employee. The employee and the Headteacher should agree the contractual pay that the employee will receive for the work in advance. This should be based on the employee's normal rate of pay and the hours worked. The Trust should advise Payroll of the work done so that payment can be made.

9.2 KIT days may be used consecutively, singly or in blocks. Any amount of work done on any one day (even if only an hour) will count as one KIT day and will be deducted from the allocation of ten days.

10. Returning to Work

10.1 Employees may not return to work within two weeks of the date of birth of the child (compulsory maternity leave).

10.2 Employees will be expected to return to work at the expiry of maternity leave. If they intend to return to work at the end of the maternity leave period they are not required to give the Trust any notice.

10.3 If an employee wishes to return to work before the expiry date of their maternity leave the employee should give the Trust 21 days' notice of the date of their return. Early return to work is any time before the full 52 weeks maternity leave.

10.4 When an employee returns to work from ordinary maternity leave or ordinary paternity leave they have a right to return to the same job, on the same terms and conditions, as before their leave began. The employee is entitled to benefit from any general improvements to the rate of pay, or other terms and conditions, which may have been introduced for their grade or class of work whilst on maternity, paternity or adoption leave, as if they hadn't been away.

10.5 If a post is proposed as redundant during maternity leave, the Trust's Organisational Change procedures must be followed in the usual way.

10.6 If an employee does not wish to return to work full-time, they have the right to make a request under the Flexible Working Procedure, a copy of which can be obtained from the Trust. Part-time work cannot be guaranteed but every request will be considered in line with the procedure.

11. Annual Leave Entitlement

11.1 Whilst on maternity leave, contractual annual leave entitlement continues to be accrued.

11.2 Teachers are entitled to 28 statutory days (5.6 weeks) annual leave per year (pro rata for less than one year's service) under the Working Time Regulations. In most cases staff will have had their leave entitlement in periods of school closure before or after maternity leave.

12. Early Births

12.1 If the baby is born early, but after the commencement of SMP payments, the employee will continue to receive SMP. In cases when SMP has not commenced, payment will be triggered the day after the birth.

13. Late Births

13.1 If the baby is born after the expected week of childbirth SMP and Maternity Leave are not affected.

14. Death of a Baby and Still Births

14.1 The maternity provisions apply to any employee who gives birth to a child, living or stillborn, after 24 weeks of pregnancy. Where death occurs before 24 weeks (miscarriage) sympathetic consideration will be given to the circumstances and special leave or sick leave may be granted. Each case will be evaluated based on its individual circumstances.

15. Parental Leave

15.1 Parental leave is available by statute to all parents of children under 18 years old. Parents include people with parental responsibility as defined by Section 3 of the Children's Act (1989).

15.2 Employees must have one year's continuous service by the time they wish to take the leave in order to qualify.

15.3 The entitlement to parental leave is 18 weeks (in total) unpaid leave for each child.

15.4 Full details of Parental Leave and Urgent Family Leave can be found in the Trust's Leave of Absence Policy.

16. Shared Parental Leave (SPL)

16.1 Shared Parental Leave (SPL) enables parents to choose how to share the care of their child during the first year of birth. Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in the family. Eligible women may curtail their right to maternity leave to enable their partner to take shared parental leave.

16.2 Full details can be found in the Trust's Shared Parental Leave Scheme.

17. Paternity Leave and Paternity Pay

17.1 Your partner may be eligible for Paternity Leave and Paternity Pay.

17.2 See the Trust's Paternity Scheme for Staff in Schools Scheme for more details.

Notification of Maternity Leave

I am giving you this form to let you know that I am pregnant and to notify you of when I want to start my maternity leave and begin receiving Statutory Maternity Pay (SMP) if I am eligible for it.

You should complete this form and return it to HR & Payroll Transactions as soon as you know you are pregnant. (Please See Notes Overleaf)

Miss/Ms/Mrs ……. Surname ……

Forename……... Contact Tel No ……

Address ……...

……..

Position …….. School …….

My baby is due in the week that includes ……

A MATB1 certificate confirming this:

A) Has already been given to you ☐

B) Is enclosed with this form ☐

C) Will be given to you shortly ☐

I intend to start my maternity leave on: ……..

My last day of work will be: ……

I am currently receiving Childcare Vouchers YES/NO (delete as applicable)

Signed ……..… Dated ……

Staff or Payroll No ..…….. N I No ……...

Please complete your email address if you wish to receive your maternity information letter by e mail and are happy to either print and sign or scan the half pay declaration back to HR & Payroll Transactions.
E mail address …….

For Office Use Only

I confirm that the above named has continuous service (to include continuous service under the Redundancy Payments Modification Order) of

Less than 26 weeks □
26 weeks to l year □
l year or more □

Signed …….. Dated ……

Notes - Notification of Maternity Leave form

Expected week of childbirth

The expected week of childbirth is the week, beginning Sunday, in which it is expected you will have your baby.

Certificate

If you qualify for SMP you must give your employer a certificate stating the expected week of childbirth at least 28 days before you wish to start your leave. The MATB1 form which your doctor or midwife will give you can be used. Your employer cannot accept this form if your midwife or doctor signs it more than 20 weeks before your baby is due.

If you do not qualify for SMP you must still give your employer a MATB1 certificate so they can provide you with an SMP1 form to enable you to claim maternity allowance via the benefits office.

Start Date

It is your decision when you start your maternity leave, but you cannot start it earlier than the 11th week before the date stated on your MATB1. You must notify your employer of your intended start date in the 15th week before the expected week of childbirth. If you wish to change this date you must give your employer at least 28 days notice of when you want to start maternity leave.

You can start your maternity leave on any day of the week.

Absence before start date

If you are absent from work for a pregnancy-related reason in the 4 weeks before your expected week of childbirth, your maternity leave will be started automatically. This is regardless of the date you have told your employer you want to start your maternity leave. If you give birth before the date you intended to start maternity leave, your leave will start the day following the date of the birth.

Personal & Confidential

Notification of Return from Maternity Leave

This form should be completed when you wish to inform the Headteacher of your intended date of return to work.

Surname _____ First Name _____

School _____ Post _____

I will be returning to work on _____ *on the same hours worked before my maternity leave/as agreed with you my hours of work will now be _____per week. (*please delete as applicable)

Signed _____ Dated _____

For completion by School

We confirm that the above named returned to work on the date stated

Signed_____
(Headteacher)

Dated _____