



Pregnancy, Maternity and Shared Parental Leave Policy

Avon House School believes in supporting, protecting and having a successful happy relationship with all new and expectant mothers.

We understand the need for work life balance and aim to work with employees to achieve this by providing support from the initial stages of expected childbirth, to a successful return to work.

We will not condone any discrimination, health and safety risks, or harassment to new and expectant mothers, and will provide a safe and respectable working environment for them.

This policy provides information on what responsibilities both employees and the School have during the pregnancy, maternity and potential return to work stages of new and expectant mothers.

Definitions:

- Expectant mother – once an employee has been medically confirmed as pregnant
- New mother – an employee who has given birth to a child in the last 6 months.

Notification to and by the School

To help Avon House provide adequate support and to ensure that Health and Safety and Statutory requirements are met as well as to ascertain eligibility for maternity leave and pay, it is the employee's responsibility to do the following in the timescales mentioned:

- Advise the Head Teacher of their pregnancy. The Head Teacher must be informed of the pregnancy at least 15 weeks before the beginning of the week when the baby is due. If this isn't possible then the Head Teacher must be informed as soon as possible. However, it is a good idea to inform the employer earlier, and this is particularly important if there are any health and safety issues.
- Provide a MAT B1 certificate. This is usually provided by the GP or registered midwife after the 20th week of pregnancy. It states the Expected Week of Childbirth (EWC) and is essential to qualify (if eligible) for statutory maternity leave and pay.
- Provide the date on which the maternity leave will commence. This must be done by completing the form attached (Appendix 1) no later than 15 weeks before the EWC. This date can be changed by the employee, by giving the School 28 days' notice of this change.
- In some instances it will be necessary to provide a Med 3 medical statement. This will advise the School of any medical conditions of which they need to be aware.

Expectant mothers cannot take paid time off for antenatal appointments until they have told their employer about the pregnancy. The school may ask to see an appointment card after your first appointment.



When the above information has been received the School will:

- Ensure a risk assessment is carried out
- Any adjustments or changes needed are done to avoid any potential risk to the employee and their child(ren)
- Notify the employee of the expected return to work date within 28 days of receiving the request for the maternity start date.

Where the School feels there may be a risk, it will take all reasonable steps to eliminate that risk and to warn the employee of the potential dangers. This may include changing the employee's working conditions or providing suitable alternative work on substantially similar terms, where possible.

A pregnant employee may continue working as close to her EWC as she wishes provided she continues to be capable of doing her job. The School reserves the right to require the employee to be examined by the School's doctor where it is felt that her health, or that of the baby, may be suffering as a result of her continuing to work.

Time off for ante-natal classes and appointments

An expectant mother will be given reasonable time off for appointments related to their pregnancy. The School will require appointment cards/proof to be aware of potential appointments and ensure that reasonable paid time off is given to the employee for the following:

- Medical examinations
- Ante-natal classes
- Other medical pregnancy related appointments

Where possible, appointments should be booked near the start or end of the working day. An employee should advise the Head Teacher as soon as possible of pending appointments. Apart from initial appointments the employee should show appointment cards in advance for all follow up appointments to the Head Teacher.

The School is aware that not all appointments may be planned in advance, and should an emergency medical appointment be required, the employee should notify the Head Teacher as soon as possible.

Statutory Maternity Leave (SML) – Ordinary and Additional

All expectant mothers are entitled to 52 weeks maternity leave, regardless of:

- Length of service
- Marital status
- Full-time or part-time workers
- Whether they qualify for Statutory Maternity Pay (SMP)
- Whether they qualify for Maternity Allowance



Maternity leave is 52 weeks comprised of 26 weeks ordinary maternity leave, immediately followed by 26 weeks additional maternity leave. Maternity leave can start any time after the 11 weeks prior to the Expected Week of Childbirth (EWC).

Should an employee be absent due to pregnancy related sickness 4 weeks prior to the EWC, the School will automatically start maternity leave.

An employee can choose to take less than the 52 weeks entitled, but they must by law take a minimum 2 weeks off after the birth of their child.

Rights when returning to work

- Ordinary Maternity Leave (OML) is the first 26 weeks of the maternity leave. The employee is entitled to return to the same job, with the same terms and conditions.
- Additional Maternity Leave (AML), after OML, between weeks 27-52. The employee will be entitled to return to the same role, where reasonably practicable. If the school is not able to have the same role available for the employee, another position will be provided which will not have less favourable terms and conditions.

Should an employee wish to return from maternity leave prior to the 52 weeks date provided by the School, they must provide written notification to the Head Teacher of this, at least 8 weeks prior to the date they wish to return. For more information on this please see section entitled 'Returning to work'.

Statutory Maternity Pay (SMP)

Statutory Maternity Pay (SMP) is payment made to eligible new and expectant mothers from the school.

The school will provide SMP if the new or expectant mother meets the following criteria:

- Must be an employee
- Must be employed by the School during the 15th week before EWC
- Must have 26 weeks continuous length of service with the School by the end of the qualifying week i.e. 15th week before EWC.
- Must have average weekly earnings, over the lower earnings limit for National Insurance purposes

SMP is paid for up to 39 weeks which is made up in the following way:

- For the first 6 weeks the employee will be paid 90% of their average weekly earnings
- For the remaining 33 weeks or end of SML, whichever is earlier, the employee will be paid either 90% of their average weekly earnings or the standard rate, whichever is lower.

The School will advise the employee if they are eligible for SMP, when writing to confirm her expected date of return from maternity leave. This will also include details of how the SMP will be paid, if the employee is eligible.



If eligible, SMP will be paid and is subject to tax and National Insurance.

If not eligible, the School will provide an SMP1 form so that Maternity Allowance, if eligible, can be claimed. For more information on this please see <http://www.hmrc.gov.uk/>.

Shared Parental Leave (SPL) and Pay (ShPP)

Since 5th April 2015, employees can decide how to share their maternity leave with their partner. Under the new shared parental leave system, working parents can share maternity leave after the initial two week recovery period post childbirth. Both parents will need to meet the following qualifying requirements including the continuity test;

- The employee must be eligible to take SML, or be entitled to SMP or Maternity Allowance (MA)
- In addition, the mother must share responsibility for raising the child with the child's father or her partner
- The employee must still be working for the School at the start of each period of SPL
- The employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before EWC
- The other parent must have worked for 26 weeks in the 66 weeks leading up to the date that the baby is due/placed and must have earned above the Maternity Allowance threshold in 13 of those 66 weeks.

Notifications

The employee intending to take SPL must notify the School of their entitlement and their intention to take SPL at least eight weeks prior to starting their SPL. The notification must be in writing and must provide details of maternity leave and pay, expected date of childbirth and intended dates of SPL. The notification must also be supported by signed declaration by both the employee and the employee's partner. The School may request the partner's employer details and the child's birth certificate within 14 days of receiving the notification. The employee will be given a further 14 days to furnish requested details and documents. (To apply see appendices 2,3,4,5)

The employee has the right to submit three notifications of their intention and the duration of leave. SPL can only be taken in complete weeks (though it can begin at any day in the week). It may also be taken as one continuous leave period or may be taken in blocks of two or more weeks. In case of discontinuous leave, the School has the right to refuse the notification or invite the employee to a meeting with a view to agree on a mutually acceptable arrangement. Should the leave be refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

Shared Parental Pay (ShPP)

Shared Parental Pay (ShPP) will be the same as SMP and will be paid to the partner taking the leave. ShPP will be paid for the first 37 weeks of the 50 weeks leave entitlement. To be eligible for Shared Parental Pay (ShPP) the parent must pass the continuity test and



have earned an average of the lower earnings limit or more for the eight weeks prior to the 15th week before the EWC.

Any SPL taken after the 39 weeks maternity pay period will be unpaid.

Reasonable contact during maternity leave and shared parental leave

Prior to starting maternity leave, the employee may agree with the School on the type of contact they will have during maternity leave. This could be to keep the employee informed on business developments, job opportunities or to discuss the employee's return to work plans.

The School may, at its discretion, offer an employee on maternity leave the opportunity to work for up to 10 'keeping in touch days'. These days may be either separate days or one or more blocks of several days. Examples include the opportunity to attend a relevant training course or to attend a departmental meeting. An employee offered such work is under no obligation to agree to do it. If, however, she does agree, the Head Teacher will discuss with her the terms of the work assignment including what she will be paid. Agreeing to work for up to 10 'keeping in touch days' will not affect the employee's Statutory Maternity Pay entitlement, nor the entitlement to continue on maternity leave until the due return date. These days will not be during the first 2 weeks of childbirth.

Similarly, for shared parental leave, the employee may agree to work for up to 20 'shared parental leave in touch' days (also known as SPLIT days). The employee is under no obligation to agree to work and if agreed, SPLIT will have no impact on SPL entitlement. The employee will be paid in full for any day worked (will be 'topped up' to be paid the full pay if being paid ShPP).

Contractual terms continuity during maternity leave and shared parental leave

All contractual terms during the entitled 52 weeks period of maternity leave and 50 weeks of shared parental leave will continue, unless either the employee or the School specifically ends the contract of employment, or the contract naturally expires.

On returning to work after SML or SPL, the employee is entitled to return to the same job if leave amounts to 26 weeks or less (aggregate in case of SPL) and on the same terms and conditions of employment as if they had not been absent.

If their SML or SPL amounts to 26 weeks or more (in aggregate for SPL), the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

Continuity of length of service and accrual of other provisions

The full 52 week period, both Ordinary and Additional maternity leave periods, and the 50 week period for shared parental leave, will be included as part of the continued length of service, and provisions will accrue during this period as well. For example, pension, salary increases or other benefits that accrue alongside continuity of service.



Returning to work

The School welcomes back new mothers and supports them with their return to work and provides any training required.

New mothers are able to return to work either before or after the 52 weeks maternity leave period. Should they wish to return before the 52 weeks period (the date of return to work as advised by the school letter), they must advise the school of this in writing at least 8 week prior to the date they wish to return.

New mothers are not able to return to work within two weeks of childbirth.

In case of shared parental leave, the employee is able to return to work earlier than the end of SPL by giving a written notification at least 8 weeks prior to the date of intended return. As this will count as one of the notifications, should the employee have already used their three notifications, then the School is under no obligation to consider the early return notification.

Should a new parent wish to request flexible working, please refer the school's 'Flexible Working Policy', which gives information on how to apply for flexible working.

The Impact of Equal Opportunities

New and expectant mothers will have equal opportunities for job promotions, vacancies and all other aspects of the employment relationship.

Discrimination

The School will not tolerate any discrimination of the employee on the grounds of pregnancy, maternity leave or childbirth. If an employee discriminates against a new or expectant mother, this behaviour will be classed as gross misconduct and could lead to dismissal.

Continuing to Work Together

The School is committed to maintaining a successful and long-term relationship with all new and expectant mothers and will provide support to them through this new and exciting time.

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Appendix 1

Notification of intention to take maternity leave

This form is intended for employees who wish to take maternity leave.

It should be completed and returned to the Head Teacher by the end of the 15th week before your expected week of childbirth (EWC).

You must attach your MAT B1 certificate to this form. This certificate will have been provided by your midwife or doctor.

Name:

I confirm that I am pregnant and I wish to take maternity leave, that:

- My Expected Week of Confinement is (insert date):.....
- I wish my maternity leave to commence on (insert date):
- I wish to return from my maternity on (insert date):

NB The earliest date you can elect to start your maternity leave is the beginning of the 11th week before your EWC.

Signature:

Date:

Appendix 2

Shared Parental Leave (SPL)

Form for Curtailment of Maternity Leave and Pay (for Mother's Employer)

A: General – (Must be completed)	
Please accept this as my notice to curtail my maternity leave and /or SMP. This form is accompanied by notification that either I intend to take SPL and / or ShPP or that my partner intends to take SPL and /or ShPP. I understand that my maternity leave will end on the date given in section B and that my SMP will end on the date given in section C. I understand that I can only reinstate my maternity leave if I revoke this notice before the curtailment date given in section B. I understand that if I am eligible for myself or my partner to opt into SPL and ShPP I can only reinstate my SMP if I revoke this notice before the end date given in Section C.	
Mother's first names	
Mother's surname	
Child's expected date of birth	
Child's actual date of birth (if born)	
B: Curtailing Maternity Leave (Must be completed)	
Date statutory maternity leave started or is intended to start	
Date statutory maternity leave will come to an end	
Total number of weeks of statutory maternity leave that will have been taken at the date that statutory maternity leave ends	



C: Curtailing maternity Pay (only complete if claiming Shared Parental Pay (ShPP))	
Date statutory maternity pay (SMP) started or is intended to start	
Date SMP will come to an end	
Total number of weeks SMP that will have been paid at the date that SMP ends	
D Signature (Must be completed)	
Signature of Mother	
Date signed	

Appendix 3

Shared Parental Leave (SPL)

Notice Confirming that Partner is taking SPL but Mother is not (for Mother's employer)

A: General (section must be completed)	
Please accept this as notification that I (the Mother) do not intend to take SPL (or ShPP where relevant) but that my partner will be.	
Mothers first names	
Mothers Surname	
B: confirmation	
<ul style="list-style-type: none"> • I am not entitled to SPL (or ShPP where relevant), or I do not intend to take SHL (or claim ShPP where relevant) • I declare that my partner has given notice to their employer to take SPL and or ShPP • I consent to my partner 's intended claim for SPL and /or ShPP 	
C: Signature (must be completed)	
Signature of Mother	
Date signed	

Appendix 4

Shared Parental Leave (SPL)

Notification that Mother is intending to take Shared Parental Leave (for Mother's Employer)

A: General (this section must be completed)	
Please accept this as notification that I the mother am entitled to and intend to take SPL (and if section C is completed Statutory Shared Parental Pay)	
Mother's first names	
Mother's surname	
Partner's first names	
Partner's surname	
Partner's Address	
Partner's national insurance number (state none if no number is held)	
Child's expected date of birth	
Actual date of child's birth. If my child is not yet born I will provide this information as soon a reasonably possible following birth and before I take any SPL.	

B: Maternity Entitlement details (all answers that apply must be completed)	
Date mother started or intends to start maternity leave	
Date mother's statutory maternity leave ended (or will end)	
Total number of weeks of statutory maternity leave that will have been taken at the date that statutory maternity leave ends	
Date mother started or intends to start Statutory Maternity Pay (SMP) or Maternity Allowance (MA)	
Date mother's SMP or MA will end	
Total number of weeks SMP or MA has been paid or will have been paid at the date of curtailment	
Total number of weeks which SMP or MA will be reduced (i.e. 39 weeks minus total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	
C: Amount of SPL available (this section must be completed)	
Total number of weeks SPL created (52 weeks less total number of maternity weeks taken and any SPL from a previous notice and revocation)	
Total number of weeks of SPL I, (the mother) intend to take.	
Total number of weeks of SPL my partner intends to take	

D: Indication of Mother's intentions (this section must be completed but is not binding)	
I (the Mother) currently expect to take SPL as follows: (Enter dates as appropriate)	
From	To
E: Amount of Shared Parental Pay (ShPP) available (only complete this section if claiming ShPP)	
Total number of weeks of ShPP created (39 weeks less total number of SMP taken and any ShPP paid from a previous notification and revocation)	
Total number of weeks of ShPP I (the mother) intend to take	
Total number of weeks of ShPP my partner intends to take	
I (the Mother) currently expect to take ShPP as follows: (Enter dates as appropriate)	
From	To

F: Mother's declaration (section must be completed)

The following points apply in all circumstances where a mother is entitled to maternity leave:

- I am giving notice that I am entitled to and intend to take SPL
- I have or will have been continuously employed for 26 weeks at the end of the 15th week before the week in which my child is due
- I will remain employed with this employer until any period of SPL that I intend to take
- I had or will have the main responsibility for the care of the child at the time of the child's birth (along with my partner who has made the declaration below)
- I am entitled to maternity leave, my maternity leave period is reduced and the remaining weeks are now available as SPL.
- I will inform my employer immediately if I am no longer caring for my child
- I will give my employer a copy of my child's birth certificate or a declaration of the date and place of birth where no certificate is available if my employer asks for this within 14 days of the date of this notice,
- I (or my partner) have given a period of SPL notice
- The information given in this notice is accurate and meets the notification requirements for SPL

The following points only apply if section E has been completed:

- I am giving notice that I am entitled to and intended to take ShPP
- I have been or will have been paid at least the lower earnings limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth
- I am entitled to SMP in respect of the birth of our child, my maternity pay period is reduced and the periods that remains is available as ShPP
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL)
- I intend to care for my child in the weeks I receive ShPP
- I will remain employed with this employer until before the date of my first period of ShPP
- I will immediately inform the person who will be paying ShPP if I revoke the curtailment of my SMP or MA
- The information provided in this declaration is accurate

Signature of mother	
Date mother signed	
G: Partners declaration (section must be completed)	
<ul style="list-style-type: none"> • I am the father of the child, or at the date of the birth I was /will be the mother's spouse, the mothers civil partner and /or the mother's partner living with her and the child in an enduring relationship • I had (or will have) the main responsibility for the care of our child at the time of the birth (along with the child's mother) • I have been (or will have been employed or self employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of birth • I have (or will have) earned at least £390 in total across 13 weeks of the 66 weeks before the expected week of confinement • I consent to the amount of SPL which the mother intends to take as set out in section D above. • I consent to the mother's employer processing the information I have provided • I consent to the amount of ShPP which the mother intends to take as set out in section E above • The information provided in this declaration is accurate. 	
Signature of partner	
Date partner signed	