



OLD BUCKENHAM HALL

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Maternity Policy



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MATERNITY POLICY

Introduction

This section sets out the statutory rights and responsibilities of employees who are pregnant or have recently given birth and covers the arrangements for ante-natal care, pregnancy-related illness, maternity leave and pay. The School implements the maternity rights set out in legislation.

The following abbreviations are used in this section:

EWC	Expected Week of Childbirth - the week, starting on a Sunday, in which your doctor or midwife expects you to give birth.
SMP	Statutory Maternity Pay.
QW	The Qualifying Week for SMP - the 15th week before the EWC.

Maternity rights

You have the following key maternity rights:

- time off for ante-natal care
- maternity pay - linked to your level of earnings
- maternity leave.

Notification of pregnancy

On becoming pregnant, you should notify your line manager as soon as you feel able to do so. This is important because there are health and safety considerations for you and for the School.

By the end of the Qualifying Week, or as soon as reasonably practicable afterwards, you are required to provide the following information in writing to the School (A sample letter which you may find useful, is available from the Business Manager):

- that you are pregnant
- your EWC
- the date on which you intend to start your maternity leave.

In addition, you will need to provide a MATB1 certificate. The MATB1 is issued by your doctor or midwife and it states when your baby is due. The certificate must have either your doctor's name and address on it, or if issued by a midwife, her name and registration number.

You are permitted to bring forward your maternity leave start date, provided you advise the School in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. You may also postpone your maternity leave start date, provided you advise the School in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable. The School will formally respond in writing to

your notification of your leave plans within 28 days, confirming the date on which you are expected to return to work if you take your full 52-week entitlement to maternity leave.

Time off for ante-natal care

Once you have advised the School that you are pregnant, you are entitled to take reasonable time off work with pay to attend the ante-natal clinic and other ante-natal appointments made on the advice of your doctor, registered midwife or registered health visitor. Ante-natal care may include relaxation and parent craft classes that your doctor, midwife or health visitor has advised you to attend, as well as medical examinations.

In order to be entitled to take time off for ante-natal care, you may be required to produce a medical certificate from one of the above, stating that you are pregnant. Except in the case of your first appointment, you may be asked to produce evidence of the appointment, such as an appointment card, to your line manager. You must endeavour to give your line manager as much advance notice as possible of ante-natal appointments and you should try to arrange them as close to the start or the end of your working day as possible.

Health and safety

The School has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding. The Risk Assessment will be carried out by the Business Manager's Assistant or another competent person and will be reviewed monthly until you begin your Maternity Leave. The School will provide you with information as to any risks identified in the risk assessment. If the risk assessment reveals that you would be exposed to health hazards in carrying out your normal job duties, the School will take such steps as are reasonably necessary to avoid those risks, such as altering your working conditions. In some cases, this may mean offering you suitable alternative work (if available) on terms and conditions which are not substantially less favourable.

If it is not possible for the School to alter your working conditions to remove the risks to your health and there is no suitable alternative work available to offer you on a temporary basis, the School may suspend you from work on maternity grounds until such time as there are no longer any risks to your health. This may be for the remainder of your pregnancy until the commencement of your maternity leave. If you are suspended in these circumstances, your employment will continue during the period of the suspension and it does not in any way affect your statutory or contractual employment and maternity rights.

Sickness absence

If you are absent from work during your pregnancy due to sickness, you will receive sick pay in the same manner as any other sickness absence provided that you have not yet begun ordinary maternity leave. If, however, you are absent from work due to a pregnancy-related illness after the beginning of the 4th week before the EWC but before the date you have notified, or before you have notified a date, on which you intend to commence your maternity leave, then your maternity leave will usually begin automatically on the day after the first day of your absence. You must notify the School that you are absent from work wholly or partly because of pregnancy as soon as is reasonably practicable and, until your maternity leave commences, you are still required to comply with the reporting procedure set out in the section on Sickness Absence Procedure.

Maternity leave

All pregnant employees are entitled to take up to 26 weeks' ordinary maternity leave and up to 26 weeks' additional maternity leave, making a total of 52 weeks. This is regardless of the number of hours worked or length of service. Additional maternity leave begins on the day after ordinary maternity leave ends.

Ordinary maternity leave can start at any time after the beginning of the eleventh week before your EWC (unless your child is born prematurely before that date). Maternity leave will start on whichever date is the earlier of:

- your chosen start date
- the day after you give birth
- the day after any day on which you are absent for a pregnancy-related reason in the four weeks before the EWC.

If you give birth before your maternity leave was due to start, you must notify the School in writing of the date of the birth as soon as reasonably practicable.

The law requires all employees to take a minimum of two weeks of compulsory maternity leave immediately after the birth of their child (four weeks for factory workers).

Ordinary maternity leave

During the period of ordinary maternity leave, your contract of employment continues in force and you are entitled to receive all your contractual benefits, except for salary. In particular, any benefits in kind will continue, annual leave entitlement will continue to accrue and pension contributions will continue to be made.

Salary will be replaced by statutory maternity pay (SMP) if you are eligible to receive it. On resuming work after maternity leave, you will be entitled to benefit from any general pay increases that may have been awarded in your absence.

You should endeavour to take any outstanding annual leave that may be due (where applicable) to you before the commencement of your ordinary maternity leave. You are reminded that holiday must be taken in the year that it is earned.

Additional maternity leave

During the period of additional maternity leave, your contract of employment continues in force and, as is the case during the period of ordinary maternity leave, you are entitled to receive all your contractual benefits, except for salary. Any benefits in kind will continue and annual leave entitlement will continue to accrue.

Salary will be replaced by statutory maternity pay (SMP) for the first 13 weeks of additional maternity leave if you are eligible to receive it. The remaining 13 weeks of additional maternity leave will be unpaid.

Pension contributions will continue to be made during the period when you are receiving SMP but not during any period of unpaid additional maternity leave.

Statutory maternity pay

SMP is payable for up to 39 weeks during your maternity leave. You are entitled to SMP if:

- you have been continuously employed by the School for at least 26 weeks at the end of the QW and you are still employed during that week
- your average weekly earnings in the eight weeks up to and including the QW are not less than the lower earnings limit for National Insurance contributions
- you are still pregnant eleven weeks before the start of your EWC (or have already given birth)
- you provide a MAT B1 certificate stating your EWC
- you give the School proper notification of your pregnancy in accordance with the rules set out above.

For the first six weeks, SMP is paid at the higher rate, which is equivalent to 90% of your average weekly earnings calculated over the period of eight weeks up to and including the QW. For the purpose of calculating average weekly earnings, shift allowances, on-call allowance, over-time payments, bonuses and commission are all included.

The standard rate of SMP is paid for the remaining 33 weeks (or less if you decide to return to work sooner). This is paid at a rate set by the Government for the relevant tax year, or 90% of your average weekly earnings calculated over the period of eight weeks up to and including the QW if this is lower than the Government's set weekly rate.

If you become eligible for a pay rise between the start of the original calculation period and the end of your maternity leave (whether ordinary or additional maternity leave), the higher or standard rate of SMP will be re-calculated to take account of your pay rise, regardless of whether SMP has already been paid. This means your SMP will be re-calculated and increased retrospectively, or that you may qualify for SMP if you did not previously. You will be paid a lump sum to make up any difference between SMP already paid and the amount payable as a result of the pay rise.

SMP is paid into your bank account in the same way as salary is normally paid.

SMP is treated as earnings and is therefore subject to income tax and National Insurance deductions.

Payment of SMP cannot start prior to the eleventh week before your EWC. SMP can start from any day of the week in accordance with the date you start your maternity leave.

SMP is payable whether or not you intend to return to work after your maternity leave.

It is important for maternity pay purposes that you notify your line manager if, during the maternity pay period, you are taken into legal custody or start to work for another employer.

If you have been working for the School for less than 26 weeks at the QW, you are not eligible to receive SMP. You may, however, be able to apply to the Department of Work and Pensions for Maternity Allowance if you meet their qualifying conditions.

Contact during maternity leave

Shortly before your maternity leave starts, the School will discuss the arrangements for you to keep in touch during your leave, should you wish to do so. The School reserves the right in any event to maintain reasonable contact with you from time to time during your maternity leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be

made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

Keeping in touch days

Except during the first two weeks from childbirth, you may agree to work for the School for up to a maximum of ten days during either your ordinary or additional maternity leave without that work bringing the period of your maternity leave to an end and without loss of a week's SMP. These are known as "keeping in touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The School has no right to require you to carry out any work, and you have no right to undertake any work, during your maternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping in touch days, is entirely a matter for agreement between the School and you. Any keeping in touch days worked do not extend the period of your maternity leave. Once the keeping in touch days have been used up, you will lose a week's SMP for any week in which you agree to work for the School.

Returning to work

You will have been formally advised in writing by the School of the date on which your maternity leave will end and the date on which you are expected to return to work if you take your full 52-week entitlement to maternity leave. You are expected to return on this date, unless you notify the School otherwise. If you are unable to attend work at the end of your maternity leave due to sickness or injury, the School's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

Whilst you are under no obligation to do so, it would assist the School if you could confirm as soon as convenient during your maternity leave that you will be returning to work as expected. If you wish to return to work earlier than your expected return date, you must give the School, in writing, at least eight weeks' notice of your proposed date of early return. If you fail to do so, the School may postpone your return to such a date as will give the School eight weeks' notice, provided that this is not later than your expected return date.

If you decide not to return to work at all after maternity leave, you must give notice of resignation as soon as possible and in accordance with the terms of your contract of employment. If the notice period would expire after your maternity leave has ended, the School may require you to return to work for the remainder of your notice period.

Transfer of maternity leave

If your expected week of childbirth began on or after April 3 2011 and you propose to return to work early without using your full 52-week entitlement to maternity leave by giving at least eight weeks' advance written notice of an early return in accordance with the rules set above, you may be eligible to transfer up to 26 weeks of your outstanding maternity leave entitlement (and outstanding SMP) to your spouse, civil partner or cohabiting partner, or to the father of your child, to be taken by them as additional paternity leave (and additional statutory paternity pay) once you have returned to work.

The earliest that additional paternity leave may commence is 20 weeks after the date on which your child is born and it must end no later than twelve months after the date of childbirth. The minimum period of additional paternity leave is two consecutive weeks and the maximum period

is 26 weeks. You must therefore have at least two weeks of your maternity leave which remains unexpired if you wish to take advantage of these provisions.

Further details should be obtained from your spouse's or partner's employer. If you do wish to transfer part of your maternity leave entitlement in this way, you will be required to submit a written and signed declaration form to that employer and you should be aware that it may also make additional enquiries of the School to verify its employee's entitlement to additional paternity leave and pay.

Your rights on return to work

On resuming work after ordinary maternity leave, you are entitled to return to the same job as you occupied before commencing maternity leave on the same terms and conditions of employment as if you had not been absent. On resuming work after additional maternity leave, again you are entitled to return to the same job as you occupied before commencing maternity leave on the same terms and conditions as if you had not been absent. If, however, there is some reason why it is not reasonably practicable for the School to take you back in your original job, you will be offered suitable alternative work of equivalent status and responsibility and on terms and conditions that are no less favourable than would have applied if you had not been absent.

If you are a full time employee you have no automatic right to return to work on a part-time basis or to make other changes to your working patterns at the end of your maternity leave. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the School's business. It is the School's policy to promote flexible working arrangements for all employees and in particular for women returning from maternity leave. Further details, including the procedure to be followed, can be found in the Flexible Working Policy. If you would like this option to be considered, you should write to your line manager setting out your proposals as far in advance of your return date as possible, so that there is adequate time for full consideration of your request.

Monitoring and Review

This Policy will be monitored by the Governors, Headmaster and Business Manager. It will be reviewed by the Business Manager annually or when changes in legislation arise.

Anne-marie Shropshire
Business Manager

Jan 2011

~~March 2012~~

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