

Bourne Education Trust Maternity, Adoption and Parental Leave Policy

1. Policy & Purpose

This policy explains the entitlement to maternity, adoption and parental leave and gives employees direction and procedural guidance which is relevant to their maternity, adoption and parental leave rights and applications for all Bourne Education Trust employees. This policy takes into account the rights set out in the Additional Paternity Leave Regulations 2010, The Maternity and Parental Leave and Paternity and Adoption Leave (Amendments 2006), Employment Act 2002, Sex Discrimination Act 1975 and the Work and Families Act 2006.

2. Eligibility

Any employee, irrespective of length of service is entitled to maternity leave or contractual terms and conditions. Maternity leave is for a maximum of 52 weeks. Bourne Education Trust recognises its legal obligations with regards to maternity, adoption and parental leave entitlements and is committed to supporting best practice in relation to these matters.

Employees have certain statutory maternity rights, including the right to maternity leave, maternity pay and to return to work after their baby is born. Bourne Education Trust is committed to ensuring the health, safety and welfare of all employees including pregnant and breastfeeding colleagues. The Trust recognises that all employees have protection against detriment, disadvantage, unfair treatment or dismissal arising from pregnancy or maternity leave.

This policy applies to all employees of Bourne Education Trust. Maternity rights apply equally to full and part-time employees, provided qualifying conditions are satisfied.

3. Terminology

Expected Week of Childbirth (EWC)	The Sunday before the expected due date
Qualifying week	15 th week before the EWC
MATB1	Certificate given by midwife or GP which states the expected due date
SMP	Statutory Maternity/Adoption Pay provided by the organisation. For current rates please check www.gov.uk/maternity-pay-leave
MA	Maternity/Adoption Allowance which is applied for directly by the employee
OML	Ordinary Maternity/Adoption Leave, the first 26 weeks of the maternity leave
AML	Additional Maternity/Adoption Leave, the second 26 weeks of the maternity leave
CML	Compulsory Maternity Leave, 2 weeks following birth where an employee cannot return to work. Considered as part of the OML
KIT	Keeping in Touch

4. Maternity Leave and Pay

- 4.1 Employees with 26 weeks continuous employment by the qualifying week and whose weekly earnings are above the lower limit for NI contributions will be entitled to SMP as a minimum. This entitles them to 6 weeks at 90% of their average weekly earnings and 33 weeks at 90% of their weekly earnings or the SMP rate as stated by the Government for that financial year whichever is lower. The remaining 13 weeks will be unpaid.
- 4.2 However, Bourne Education Trust operates an enhanced maternity scheme for eligible teachers and support staff under the provisions of the national maternity leave scheme for support staff contained within the National Joint Council for Local Government Services agreement (“Green Book”) and under the provisions of the national maternity leave scheme for teachers (contained within the “Burgundy Book”). Both schemes are followed with the exception of notice of return to work before the statutory end of maternity leave, which in the case of all BET employees is 8 weeks. This enhanced scheme is suitable for colleagues who intend to return to employment with Bourne Education Trust after their maternity leave. Should they subsequently not return to work for the set qualifying period (3 months for support staff and 13 weeks for teachers) they will be required to repay the amount of maternity pay overpaid.
- 4.3 Employees who do not meet the requirements for Maternity Pay may be entitled to Maternity Allowance. To be eligible claimants must have been in employment for 26 weeks out of the 66 weeks before the EWC. Employees who think they may be eligible will need to complete the MA1 form which is available at www.gov.uk/maternity-allowance.
- 4.4 To qualify for maternity leave (paid or unpaid) the employee must notify their Headteacher/line manager that they are pregnant, the expected week of childbirth by means of the MATB1, and the date they intend to start and finish maternity leave. The start date can be no earlier than 11 weeks before the EWC and can be no later than the expected due date. We will then write to the employee within 28 days setting out the specified return date and providing information about pay, pensions, benefits and keeping in touch. 8 weeks’ notice is required from the employee if they would like the return date to change.
- 4.5 **Antenatal care.** Employees have the right to a reasonable amount of paid time off for antenatal care. This can include appointments recommended by a GP, Midwife or Health Visitor as part of the antenatal care, relaxation classes and parent-craft classes. Employees are expected to provide their employer with appointment cards or other documentation to show an appointment has been made. Reasonable notice of appointments should be given to managers by employees wherever possible.
- 4.6 **Paternity Leave.** Staff with continuous Bourne Education Trust employment for 26 weeks ending with the 15th week before the baby is due, can apply for 10 working days (pro rata for part-time staff) of paternity leave, with full pay. These days do not need to be taken

consecutively but must be agreed in advance by the Headteacher/Executive Leader and must fall within 56 days of the baby's birth.

- 4.7 **Shared Parental Leave** gives you and your partner more flexibility in how to share care of your child in the first year after birth than simply taking maternity and paternity leave. Assuming you are both eligible, you will be able to choose how to split available leave between yourselves, and you can decide to be off work at the same time or at different times. You may be able to take leave in more than one block. SPL must end no later than one year after the birth/adoption placement of the child and any SPL not taken by the child's first birthday/first anniversary of adoptive placement is lost. For more details about eligibility and the application process, please refer to the Bourne Education Trust Shared Parental Leave (Birth/Adoption) procedures.

5. Adoption Leave and Pay.

- 5.1 **Adoption Pay.** Employees must have 26 weeks continuous service ending with the week that they are notified of a match with a child from the agency. Couples who adopt will nominate one partner to take the adoption leave. This will be paid in exactly the same way as outlined under section 4, Maternity Pay. The partner that does not take the adoption leave may be entitled to paternity or additional paternity pay or leave.
- 5.2 To qualify for adoption leave (paid or unpaid) employees should notify their manager within 7 days of being told they have been matched with a child and provide any documentation from the matching panel. Once a date has been arranged for the child to be placed with the employee, they should let their manager know when they expect their adoption leave to start and their expected return date. The start date can be no earlier than 14 days before the child is expected to start living with the employee and no later than the day they started living with the employee. If the adoption is from overseas then the leave will start on the day the child enters Great Britain and the employee will need to provide evidence of this by producing a plane ticket or entry clearance documents. The employer will then write to the employee within 28 days setting out the specified return date. 8 weeks' notice is required from the employee if they would like the return date to change.
- 5.3 Adopting parents may also apply for shared parental leave as set out in paragraph 4.7.

6. Keeping in Touch (KIT) Days.

Employees on maternity/adoption leave may, with the agreement of the Headteacher, use up to 10 keeping in touch days. They are intended to help employees keep in touch with the workplace and allow them to do some work during the Maternity Pay Period without affecting their SMP. Employees should arrange these directly with their manager. These days are known as "Keeping in Touch days" (KIT days). Such days are different to the reasonable contact that employers and employees may make with one another, as during KIT days employees can carry out work for the employer, for which they may be paid. Any work done on any day during the maternity pay or maternity leave period will count as a whole KIT day, up to the ten-day maximum. In other words, if an employee comes in for a one-hour training session and does no other work that day, they

will have used one of their KIT days. The type of work that the employee undertakes on a KIT day is a matter for agreement between the two parties. They may be used for any activity which would ordinarily be classed as work under the employee's contract.

7. Pregnancy-Related Illness

If a pregnant employee is absent from work due to a pregnancy-related illness in the 4 weeks before the EWC, then the period of maternity leave will commence automatically.

8. Premature Birth

Where a baby is born prematurely the employee should ensure that the Headteacher is informed. The period of maternity leave will commence automatically the day after the birth unless maternity leave had already commenced. Discretion should be used as to whether it is appropriate to extend the maternity leave period or take any other special action as necessary.

9. Death of a Baby and Still Birth

If the baby dies or is stillborn after 24 weeks' pregnancy, the provisions of the relevant scheme apply (for further information please contact your Headteacher or School Business Manager). Where this occurs before 24 weeks (miscarriage), consideration as to the circumstances should be made and, where necessary, special leave or sick leave should be granted. The decision should be made with consideration given to the needs of the employee and medical advice.

10. Parental Leave

All employees who have one years' service with the organisation are entitled to 18 weeks of unpaid parental leave. They can take four weeks a year for the care of their child up to the age of 14, or 18 for a disabled child. Parental leave should be taken in periods of at least one week and employees should apply to their managers for this in the same way as is agreed for annual leave.

11. Surrogacy

If an employee is acting as a surrogate for another person or will be receiving a child via surrogacy both are entitled to maternity leave and pay as long as they fit the criteria listed above. This is the case even if both parties are employees of the same organisation. A birth certificate and transfer of parental right certificate will need to be provided in order for the leave and pay to be granted.

12. Breastfeeding at Work

Bourne Education Trust, as a family friendly organisation, offers help and support to mothers who are breastfeeding when they return to work. If an employee intends breastfeeding when they return to work, they must notify their Headteacher/line manager in advance of their return so appropriate arrangements can be made e.g. a private room for expressing, a fridge to store expressed milk, flexible hours.

13. Return to Work

All employees have the right to return to their original post or on no less favourable terms and conditions if they return within 52 weeks of the maternity/adoption leave start date. Accrued annual leave can be taken before the return to work date. Any requests for flexible working can be made through the procedure listed within the Flexible Working Policy.

14. Accrued Annual Leave

All teachers have a statutory right to 28 days' leave under the Working Time Regulations. Very often the 28 days entitlement will have been met during school closure periods either before or after the period of maternity leave, but this can be discussed and checked with your School Business Manager. Support staff holiday entitlement will vary according to length of service and for term time only staff, like teachers, very often much, or all, of the entitlement will have been met during school closure periods either before or after the period of maternity leave. In all cases, including for 52 week per year staff, holiday entitlement should be discussed with your School Business Manager and any accrued days should be added to the end of periods of maternity leave.

15. Raising Concerns

Should an employee wish to raise a grievance regarding a procedural concern relating to their maternity, paternity or other family-friendly leave, they can do so by following the process set out in the Bourne Education Trust Grievance Policy.

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