



# St Joseph's

Roman Catholic High School  
& Sports College

## Maternity Policy

*Our school is a community where Jesus Christ is our role model and his message the guiding principle behind all we do.*

*Every member of our community is responsible for creating an environment that is caring, fair and respectful of each individual.*

*We develop our potential, celebrate our talents and go forward together in faith.*

**Approved by Governors:** March 2016

**Date for Review:** March 2019

**Signed Chair of Governors:** P. Jones

**Signed Headteacher:** R.Woods

**Governors Committee:** Finance, Premises & Staffing

## **Gospel Values**

The term 'Gospel values' is commonly used in Catholic schools and other Catholic institutions; however, unless the term is unpacked and a common understanding formed of what true Gospel values are, there is a danger that what should be an objective Christian foundation, will itself become a random list of subjective values.

Whilst other 'values' may be found within the four Gospels and New Testament writings, it is the Beatitudes which: *"...depict the countenance of Jesus Christ and portray his charity"*. Gospel values cannot therefore be values chosen subjectively from the vast corpus of the Old and New Testaments but are objective values revealed to us through Christ's proclamation. Such objective values are to be found rooted in the Beatitudes, the proclamation of Christ's Sermon on the Mount. The Beatitudes also *"...reveal the goal of human existence, the ultimate end of human acts"* and as such are the objective 'values' given by Christ himself.

Whilst not definitive, those Gospel values based on the Beatitudes which underpin this policy include:

*"Blessed are the poor in spirit, for theirs is the Kingdom of heaven"*  
Values: **Faithfulness & Integrity**

*"Blessed are those who hunger and thirst for righteousness, for they shall be satisfied"*  
Values: **Truth & Justice**

*"Blessed are the pure in heart, for they will see God"*  
Values: **Purity & Holiness**

Rooted in the teaching of Christ, these Gospel values constitute the targets and outcomes of the educational enterprise for St Joseph's as a Catholic school.

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## **1. Introduction**

1.1. This document gives employees information about these rights:

- Notification of maternity
- Maternity leave
- Maternity pay
- Keeping in touch (KIT) days
- Return to work

## **2. Employment rights**

2.1. Continuous service rights accrue during maternity leave.

2.2. All contractual benefits, apart from remuneration, continue throughout maternity leave. In accordance with HM Revenue and Customs guidance, non-cash benefits (such as childcare vouchers) will continue whereas cash benefits (such as first aid allowances) will not be paid. Essential car user allowance provided under the NJC for Local Government Services is not considered as simply cash that is a transferrable benefit (i.e. insurance, road tax etc) and therefore will continue to be paid.

2.3. A pregnant woman is entitled to reasonable time off for her antenatal care.

2.4. The School will assess the risks to pregnant and breastfeeding employees and do what is reasonably practicable to control these risks.

2.5. An employee who returns during or at the end of ordinary maternity leave is entitled to return to the same job on the same terms and conditions.

2.6. On her return during or at the end of additional maternity leave, she has the right to return to the same job on the same terms and conditions, or, if this is not reasonably practicable (for a reason other than redundancy) to a job that is both suitable and appropriate for the employee. The new job must itself be on terms and conditions no less favourable than those which would have applied had she not been absent.

2.7. Employees may request flexible working arrangements on their return to work. Refer to the Flexible Working Request Policy for further guidance.

2.8. An employee loses the right to maternity leave if she resigns or is dismissed before the pre-notified start date. She will still be entitled to SMP if she is employed after the 15<sup>th</sup> week before the Expected Week of Childbirth (EWC).

2.9. Should a redundancy situation arise during her maternity leave, the employee should be consulted, along with other employees in her team. Head Teachers should be aware that, under the Maternity and Parental

Leave regulations 1999 women who are on maternity leave and who are made redundant have the right to an offer of a suitable alternative post, where one is available, without competition, even if there are other suitably qualified or better qualified candidates.

### **3. Maternity leave**

- 3.1. All pregnant employees are entitled to up to 52 weeks maternity leave regardless of length of service. This leave consists of:
  - 26 weeks ordinary maternity leave (OML); and
  - 26 weeks additional maternity leave (AML).
- 3.2. An employee may decide how much maternity leave they wish to take up to the maximum of 52 weeks. The assumption will be made that an employee will take the full 52 weeks unless she informs her manager otherwise.
- 3.3. The law requires a two week minimum period of compulsory maternity leave is taken immediately after the baby is born.
- 3.4. AML, if taken, must follow immediately after OML.

### **4. Notification of maternity leave**

- 4.1. To claim maternity leave, an employee should inform her Head Teacher (or Chair of Governors if the Head Teacher is the employee) no later than the end of the 15th week before the expected week of childbirth:
  - That she is pregnant;
  - The expected week of childbirth;
  - When she wants her maternity leave to start.
- 4.2. This notification should be done using the form at Appendix 1. The Head Teacher (or Chair of Governors if the Head Teacher is the employee) should send this notification to HR as soon as possible after receipt as HR has to notify the employee of the end date of her maternity leave within 28 days of the original notification.
- 4.3. If the employee decides to start her maternity leave earlier than originally notified, she must give as much notice as is reasonably practicable.
- 4.4. An employee could lose her right to start maternity leave on her chosen date if she does not give her Head Teacher (or Chair of Governors if the Head Teacher is the employee) the proper notice of her preferred start date. The School will consider each case individually should it not be reasonably practicable for the pregnant employee to give the notice any earlier.

- 4.5. Maternity leave can start no earlier than the beginning of the 11<sup>th</sup> week before the EWC. It starts automatically the day after the birth if the employee gives birth early.
- 4.6. Maternity leave and maternity pay start on the same day which can be any day of the week.
- 4.7. An employee should provide the original certificate (MATB1) from her healthcare provider which states the EWC. The MATB1 is invalid if issued before the 20<sup>th</sup> week before the EWC.

#### **Changing the start date of maternity leave**

- 4.8. The start date of maternity leave can be changed as long as the employee notifies the Head Teacher (or Chair of Governors if the Head Teacher is the employee) either 28 days before the original start date or 28 days before the new start date, whichever is the earlier.
- 4.9. The employee does not have to give this much notice if it is not reasonably practicable, for example if the baby is born early. In these circumstances the employee should give as much notice as possible. The notification should be in writing if requested by the Head Teacher (or Chair of Governors if the Head Teacher is the employee).

#### **Confirmation by the employer of the end date of maternity leave**

- 4.10. After receiving notice of the intended start date, the Head Teacher (or Chair of Governors if the Head Teacher is the employee) should inform the Departmental HR Team who will arrange to write to the employee to notify her of the date on which the maternity leave will end. This must be done within 28 days. Unless otherwise notified the end date is normally the first working day 52 weeks from the start of maternity leave.
- 4.11. An employee should provide 8 weeks written notice of the date in which she intends to return to work.
- 4.12. If an employee does not receive notification of the end date and subsequently does not return to work on time, she may be protected from victimisation and dismissal. In addition, if she wishes to change her return dates she may not be obliged to comply with the notice requirements if the employer had not told her when the leave should end.

### **5. Maternity pay**

- 5.1. Statutory maternity pay (SMP) and occupational maternity pay (OMP) are payable subject to qualifying conditions, described below.
- 5.2. Employees are advised to contact the Pensions team for advice on the implications for their pensions.

## **Statutory maternity pay (SMP)**

- 5.3. SMP is paid for up to 39 weeks.
- 5.4. To qualify for SMP an employee must have:
- At least 26 weeks continuous local government service up to the end of the 15<sup>th</sup> week before the EWC.
  - Average earnings at least equal to the lower earnings limit in the eight weeks prior to the end of the 15<sup>th</sup> week before the EWC.
- 5.5. If you do not qualify to receive SMP from the school you may wish to contact your previous employer to check if you met the eligibility criteria whilst working for them.
- 5.6. Women who are not entitled to SMP but meet qualifying conditions based on their recent employment and earnings may claim up to 39 weeks' maternity allowance (MA) which is paid directly by the Department of Work and Pensions.
- 5.7. SMP is:
- 90% of average weekly earnings for the first six weeks followed by 33 weeks at the current rate; or
  - 90% of average weekly earnings for 39 weeks, if less than the current rate of SMP.
- 5.8. Only SMP is paid if an employee does not intend to return to work.
- 5.9. An employee is not required to repay SMP if she decides not to return to work at the end of her maternity leave.

## **Occupational maternity pay (OMP)**

- 5.10. To qualify for OMP an employee must:
- Have at least one year's continuous local government service at the beginning of the 11<sup>th</sup> week before the EWC.
  - Declare in writing that she intends to return to work for at least three months following the end of her maternity leave or parental leave if this follows on immediately after maternity leave. If she subsequently decides not to return to work, she must repay the half pay period of Occupational Maternity Pay.
- 5.11. The total amount of OMP payable is:
- |               |  |
|---------------|--|
| Weeks 1 to 6: | 90% of normal weekly earnings inclusive of SMP for (6 weeks) |
|---------------|--|

Weeks 7 to 18: Half normal pay plus SMP or MA (up to a maximum of full pay) for 12 weeks

Weeks 19 to 39: SMP only for 21 weeks

**5.12. For staff on Teachers terms and conditions, the amounts payable are as follows:-**

Weeks 1 to 4: Full pay.

Weeks 5 to 6: 90% of normal weekly earnings.

Weeks 7 to 18: Half pay plus SMP or MA (up to a maximum of full pay).

Weeks 19 to 39: SMP entitlement.

**6. Keeping in Touch (KIT) days**

- 6.1. An employee can work for up to ten days during her maternity leave, subject to agreement with her Head Teacher (or Chair of Governors if the Head Teacher is the employee). These are known as Keeping in Touch (KIT) days. Working for part of a day counts as one day.
- 6.2. There is no obligation or automatic right for an employee to work these days.
- 6.3. The KIT days can be worked at any stage during the maternity leave apart from during the first two weeks after the baby is born.
- 6.4. The type of work undertaken during Keeping in Touch Days should be agreed between the Head Teacher and the employee and should be work normally carried out under the terms of the contract. These days can be particularly useful, for example when they involve training or attendance at a team meeting.
- 6.5. The employee will be paid at their hourly rate (or at an average based on the most recent 12 weeks' pay if the rate of pay varies) for the hours actually worked. The employee is still entitled to SMP, if applicable, for the week in which any KIT day is worked.
- 6.6. Working KIT days does not extend the maternity leave period.
- 6.7. If more than ten KIT days are worked, the employee will lose SMP for the week in which she does the additional work.

**7. Return to work**

**Returning to work early**

- 7.1. An employee is entitled to change her original return to work date. She must however return to work no later than 52 weeks after the start of her maternity leave.
- 7.2. If an employee wishes to change her return to work date, she is required to give 21 days' notice to her Head Teacher (or Chair of Governors if the Head Teacher is the employee).
- 7.3. The Head Teacher (or Chair of Governors if the Head Teacher is the employee) may postpone the return for 21 days or until the pre-notified end date, whichever is the earlier, if the employee attempts to return to work earlier than expected or if she has not given 21 days notice of her return.

### **Employees not wishing to return to work or not returning for three months**

- 7.4. An employee who does not wish to return to work after her maternity leave should give her Head Teacher (or Chair of Governors if the Head Teacher is the employee) the notice specified in her contract of employment.
- 7.5. If she has been paid OMP and she does not return to work, the employee will be required to repay the half pay period of OMP in full.
- 7.6. If the employee returns for part of the three month period, she will be required to repay the appropriate proportion of OMP.

## **8. Relationship between maternity leave and Additional Paternity Leave**

- 8.1. For children due on or after 3 April 2011, mothers are able to transfer a portion of their maternity leave to the child's father, or their spouse, partner or civil partner. The employer of the person applying for the Additional Paternity Leave and pay must be notified in order for the right to be exercised.
- 8.2. Additional Paternity Leave can only be taken when the mother has returned to work. The Additional Paternity Leave aims to give families more choice in child care responsibilities and a more equitable sharing of leave entitlements.
- 8.3. Further information about entitlement, eligibility and notification requirements in relation to employees of the school can be found in the policy on Paternity.

## **9. Relationship between maternity leave and sickness or annual leave**

- 9.1. An employee's maternity leave can only be triggered by pregnancy-related absence from the beginning of the fourth week before the expected week of childbirth. Where pregnancy-related sickness occurs during this period, maternity leave will start on the day following the first day of the absence. SMP also starts on this day. Employers do not have to trigger the start of maternity leave, for example if the absence is short term and the employee wishes to continue working.
- 9.2. For a non-pregnancy related illness the maternity leave will not start until the date the baby is born, unless the employee has notified you that she wishes her leave to commence earlier.
- 9.3. OML and AML are regarded as continuous service. Annual leave and bank holidays continue to accrue during both OML and AML.
- 9.4. If an employee is unable to return to work on the pre-notified day because of sickness, her absence will be covered by the School's sickness scheme in the normal way.
- 9.5. Annual leave can be taken before maternity leave or after it has ended. If a baby is born while the employee is taking annual leave then the maternity leave starts the day after the baby is born. The employee must notify her employer that her baby has been born early.
- 9.6. Annual leave and bank holidays accrued during maternity leave may be carried over from one leave year to the next. They can be added to the beginning or end of the maternity leave period or used in a phased return to work. It may be helpful to plan in advance when the employee will take this leave.

## **10. Health and well-being**

- 10.1. A pregnant employee is entitled to time off to attend antenatal appointments made on the advice of a healthcare provider.
- 10.2. The Head Teacher (or Chair of Governors if the Head Teacher is the employee) may ask for evidence of antenatal appointments, such as appointment cards.
- 10.3. Employers must conduct a specific risk assessment on receipt of written notification from an employee that she is pregnant, has given birth in the last six months or is breastfeeding. The line manager is responsible for providing the employee with the Risk Assessment form contained at Appendix 2, ensuring it is completed, then undertaking a review.
- 10.4. If any risks are identified then the line manager must take action to remove, reduce or control the risk. Advice may be sought from the Occupational Safety and Health Specialist Service or another health professional involved in the employee's care.

- 10.5. If the risk cannot be removed the line manager must discuss the matter with the departmental HR team before deciding on one of the following courses of action:
- Temporarily adjust the working conditions and/or hours of work; or if that is not possible:
  - Offer suitable alternative work (at the same rate of pay) if available; or if that is not feasible:
  - Suspend the employee from work on paid leave for as long as necessary to protect her health and safety and that of her child. The employee will be kept in regular contact if this is a necessary action.
- 10.6. The Head Teacher (or Chair of Governors if the Head Teacher is the employee) will be able to provide information about available facilities should an employee wish to return to work whilst breastfeeding. Any time off needed may be accommodated within the School's Flexible Working guidelines.

## **11. Maternity support leave**

- 11.1. The purpose of maternity support leave is to allow an employee leave where they are the main support for the mother, as a 'nominated carer'. The role of the nominated carer is to assist in the care of the child and to provide support to the mother at or around the time of the birth.
- 11.2. Maternity support leave is five days (one working week) with pay granted at or around the time of birth.
- 11.3. Maternity support leave is not granted in addition to paternity leave.
- 11.4. If the mother is not a school employee, the school may ask for a confirmation letter from the mother that she has requested the support of the School employee, along with a copy of the MATB1.

**Maternity Notification Form**

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**Personal information**

Full name: \_\_\_\_\_

Address: \_\_\_\_\_

Post Code

School: St Joseph's RC High School

Post title: \_\_\_\_\_

Employee number: \_\_\_\_\_ Hours worked per week: \_\_\_\_\_

Start date with School: \_\_\_\_\_

Previous service in Local Government:

Date started: \_\_\_\_\_ Date finished: \_\_\_\_\_

**Maternity information**

1. The expected week of my baby's birth is the week beginning Sunday:  
 ..... (enter date)
2. I wish to start my maternity leave on: .....(enter date)
3. I enclose my Maternity Certificate MATB1 **or** MATB1 to follow (***delete as applicable***)
4. I wish to return to work following my maternity leave and I wish to be paid Occupational Maternity Pay. Tick if appropriate

I understand that if I subsequently decide not to return to work, or if after returning to work I do not complete three months service, then I will be liable to refund to the School part or all of the payments made to me under the Occupational Maternity Pay scheme.

Signed: ..... Date: .....

Please note that payments made to you under the Statutory Maternity Pay scheme will not have to be refunded.

**Appendix 2**

Health and safety legislation requires risk assessments are undertaken for new and expectant mothers to establish whether there are any additional risks to their health and safety arising out of their condition. Completion of this self assessment should assist in the identification of any issues that should be considered during the review of the relevant risk assessments.

This form should be completed and forwarded to your manager / assessor prior to the risk assessment interview. This questionnaire has been designed to help the process of collating information for your Risk Assessment and will assist your manager in the review process.

The risk assessment should be constantly reviewed throughout the duration of the pregnancy. The interval between reviews should be reduced as the pregnancy progresses. Generally it is ideal to hold review meetings after any ante-natal appointments, so that medical feedback can be considered. This form should also be completed if you have returned to work within 6 months of the birth of your child or if you are still breastfeeding.

When answering the questions, please can you give some thought to whether you consider that any item affects your ability to work. Please enter a ✓ in the corresponding box or column, e.g., Yes or No, as appropriate. If you require any further information, please discuss this with your manager, departmental risk assessor or contact the Occupational Safety and Health Shared Service on extension 1210.

<b>Name:</b>	<b>Date of assessment:</b>
<b>Signature:</b>	<b>Work address:</b>
<b>Post title:</b>	
<b>Work contact no.:</b>	
<b>School:</b>	<b>Division:</b>
<b>Head Teacher/Line Manager:</b>	<b>Work contact no.:</b>

1 Aspects of pregnancy		Yes	No	Affects work?	
This box only applies to expectant mothers				Yes	No
1.1	Are you experiencing sickness?				
1.2	Are you experiencing backache or back problems?				
1.3	Have you developed varicose veins since becoming pregnant or have existing ones been aggravated?				
1.4	Have you developed haemorrhoids since becoming pregnant or have existing ones been aggravated?				
1.5	Do you have to visit the toilet frequently?				
1.6	Do you feel excessively tired at any time?				
1.7	Do you suffer with dizzy spells?				
1.8	Is this aggravated by:				
	Standing?				
	Atmosphere e.g. heat?				
	Other?				
1.9	Are you suffering with swollen joints?				
	Ankles?				
	Hands?				
	Other?				
1.10	Are you comfortable at your workstation?				
	Is there sufficient space around your workstation to accommodate you as your pregnancy progresses?				
1.11	Are you suffering with impaired vision specifically related to your pregnancy?				
	If yes, is this affecting:				
	Inputting of data onto your display screen?				
	Reading?				
	Driving?				
1.12	Are you having any difficulties with:				
	Dexterity?				
	Agility?				
	Co-ordination?				
	Speed of movement?				
	Reach?				
<b>Note: Questions from Box 2 onwards relate to both expectant &amp; new mothers</b>					
2 Working conditions		Yes	No	Affects work?	
				Yes	No
2.1	Do you deal with the public?				
2.2	Do you feel stressed when dealing with a customer?				
2.3	Do you handle cash?				
2.4	Are you worried about the safety of your unborn child when handling cash?				
2.5	Does your job require you to work outside your normal work location?				
2.6	Are you worried about the safety of your unborn child during visits outside your normal work location?				

2.7	Do you work outside normal office hours?				
<b>2</b>	<b>Working conditions (cont.)</b>	<b>Yes</b>	<b>No</b>	<b>Affects work?</b>	
				<b>Yes</b>	<b>No</b>
2.8	Do you do call out / standby duty?				
2.9	Do you sit / stand etc. for long periods of time?				
2.10	Does your job involve any lifting, bending, stretching and climbing?				
2.11	Do you use display screen equipment?				
<b>3</b>	<b>Biological / Chemical Agents</b>	<b>Yes</b>	<b>No</b>	<b>Affects work?</b>	
				<b>Yes</b>	<b>No</b>
3.1	Do you come into contact with chemicals?				
3.2	Do you use protective equipment?				
3.3	Are various sizes available?				
3.4	Do you come into contact with animals?				
3.5	Are you at risk of infection / disease whilst carrying out inspections / site visits, etc?				
3.6	In carrying out your work do you experience extremes of cold and heat?				
<b>4</b>	<b>Personal considerations</b>				
4.1	The space below is provided to allow you the opportunity to write down any other points you feel need consideration during your pregnancy or your return to work after the birth of your child. (Remember to keep your points related to the workplace)				
4.2	Bearing in mind a sense of reasonableness, do you feel that you will not be able to carry out the duties of your job description during your pregnancy?				
	Yes, I am able to continue with my current duties				
	No, I am unable to continue with my current duties				
	If No, please state the reasons for this: -				
4.3	If you have returned to work within 6 months of the birth or you are still breastfeeding, are there any issues that you feel may affect your ability to carry out your full range of duties?				
	Date of birth of child				
	Yes, I have some concerns.				
	No, there are no issues affecting my ability to work.				
	If Yes, please explain:				
4.4	If you are still breastfeeding, are you able to find a private location for expressing milk? (Facilities will be provided if practicable)		Yes	No	