



Teachers Maternity Policy

The Maternity Policies have been approved and adopted by the Xavier Catholic Education Trust to be reviewed in April 2028

Committee Responsible: HR Committee

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Xavier Catholic Education Trust – Teachers Maternity Pay Policy Staff appointed from January 2021
(For staff appointed before Jan 2021 please request contact your HR manager or
hr@xavercet.org.uk **for the correct maternity policy)**

Who does this scheme apply to?

This scheme offers the enhanced occupational maternity pay entitlements from the national scheme for teachers. The Xavier Catholic Education Trust (XCET) mirrors the National Teachers Pay and Conditions (Burgundy book) and applies to all employees of the XCET schools, appointed after 1st January 2021.

Qualifying Service for Maternity Leave

To qualify, teachers must continue in employment with Xavier Catholic Education Trust up until the date on which they commence maternity leave.

Qualifying teachers must also have completed at least one year of continuous service at a Xavier School (full or part-time) as a teacher, as at the beginning of the 11th week before your expected week of childbirth (EWC).

Teachers with less than one years' service who therefore do not qualify for the occupational maternity scheme will be entitled to receive statutory maternity benefits where they meet the qualifying conditions for either Statutory Maternity Pay (SMP) or Maternity Allowance (MA).

It is possible for a teacher to meet the qualifying service conditions to receive occupational maternity pay but not be eligible for SMP. Where this is the case, this will affect the underlying entitlement in accordance with the arrangements described under the relevant options below.

Notice of Entitlement

In order to exercise this right to take maternity leave, you must complete a Notice of Entitlement to notify the school in writing no later than the end of the 15th week before your expected week of childbirth ('EWC'). The notification should include:

- The fact that you are pregnant;
- The date on which you intend to commence maternity leave; and
- Your expected week of childbirth.

The Notice of Entitlement and Intention to Take Maternity Leave and/or Maternity Pay form is available from the HR lead or Office Manager for mothers to complete to provide this information.

The earliest date for commencing maternity leave is the beginning of the 11th week before the EWC. It is possible for mothers to change their mind about the date they wish maternity leave to commence but they should notify the school of the revised start date at least 28 days before the

start of either the new date or the original date (whichever is sooner). If there are reasons why it is not practical to meet this deadline, they must make the notification as soon as possible, thereafter, explaining the circumstances.

Upon receipt of their notification of pregnancy, employers will respond in writing within 28 days, confirming the date on which your maternity leave will end (assuming at this stage that they will take all their entitlement).

Mothers must provide evidence of their pregnancy in the form of a MAT B1 certificate. This is available from their midwife or doctor, usually after week 20 of pregnancy.

There are circumstances in which maternity leave will be triggered automatically. If you give birth prematurely, maternity leave will commence on the day after the date of birth. You should let us know the actual date of birth as soon as it is practical to do so. Absence from work for a pregnancy-related reason in the four-week period before the EWC will also automatically trigger the start of maternity leave. Again, you must notify us of your reasons for absence as soon as possible.

Occupational Maternity Pay OMP

Different maternity benefits are payable depending on whether or not the teacher intends to return to work following maternity leave and the date of employment at Xavier Catholic Education Service. All new appointments from January 2021 will be entitled to the Teachers National Maternity Pay Scheme 1 below.

For the purposes of this scheme, a week's pay shall be treated as the amount payable to a teacher under the current contract of employment (including allowances such as TLRs or SEN). If there are significant variations in a teacher's salary, the average salary over the 12 weeks preceding the date of absence will be treated as a week's salary.

To qualify for Occupational maternity Pay you must continue in employment up to the date on which you intend to start maternity leave. You must have completed at least one year of continuous service (full or part-time) as a teacher as at the beginning of the 11th week before your expected week of childbirth with a Xavier school.

In addition to retain the half pay element of OMP, you must return to work in your original post for the equivalent of 13 weeks at the end of your maternity leave. The 13 week period starts from the date you return to work or the date during the school holiday on which you are declared medically fit to be available to work.

A. Pay Scheme 1 – Teachers returning to work (appointed from 1st January 2021)

4 weeks	Full pay (offset against entitlement to SMP or MA)
2 weeks	90% of normal pay (offset against entitlement to SMP or MA)

12 weeks	50% pay (plus SMP if eligible, to not exceed full pay)
21 weeks	Lower rate Statutory Maternity Pay (SMP if eligible or MA)

You can elect to receive the half pay element of your OMP either after the first 6 weeks SMP or when you return to work at the end of your maternity leave. If you do not return to work in line with the above criteria, you will be required to refund any half pay OMP that has been paid to you, excluding the SMP element.

B. Teachers Not Returning to Work

4 weeks	Full pay (offset against entitlement to SMP or MA)
2 weeks	90% of salary (offset against entitlement to SMP or MA)
33 weeks	Lower rate of SMP (if eligible for SMP)

C. Teachers Undecided about Returning to Work

Teachers who are unsure whether or not they intend to return to work can opt to receive payments in accordance with Option B above and then have the enhanced element of maternity pay (Option A entitlement, minus the maternity pay already paid in respect of those 18 weeks) paid as a lump sum if and when they return to work for the requisite qualifying period. Notice provisions apply both for returning early and for resigning, as outlined below under 'Giving Notice'.

D. Teachers on Fixed Term Contracts

A teacher on a contract of fixed duration, where the contract expires without renewal before or during maternity leave, cannot opt to receive payment under A ('Teachers Returning to Work') above because she will be unable to make a declaration that she will be returning to work for her employer.

Statutory Maternity Pay (SMP)

To qualify for SMP you must continue in employment up to the date on which you intend to start maternity leave. You must have completed at least 26 weeks continuous service with your current employer (Xavier Catholic Education Trust schools), full or part time as at the beginning of the 11th week before your expected week of childbirth. In addition, you must have earnings above the lower limit for NI contributions. If you do not qualify for SMP you may qualify for Maternity Allowance.

If you meet the above conditions, you will receive:

6 weeks	90% of your salary (Higher rate SMP)
33 weeks	Flat rate (reviewed annually in April)

Sick pay

You cannot receive sick pay throughout your 39 week period of entitlement to SMP. This rule applies even if you return to work during the 39 week period and then become ill before the end of it. You can go back to receiving SMP or MA if this happens. The SMP allowance will be considered at the end of the 39 week period.

Pension contributions

Where you are a member of TPS, pension contributions will continue to be deducted during paid maternity leave. Contributions will be based on the actual remuneration (including SMP) that you receive.

During the unpaid period of maternity leave you may choose to pay pension contributions. Employees wishing to do so should contact Teachers' Pensions.

If pension contributions are not paid during the unpaid period of maternity leave, this period will not count as service for pension calculation purposes.

Return to Work Provisions

Teachers who have opted to take the enhanced maternity pay scheme (Option A above) must return to their original post for at least 13 weeks of service. This period can include school closure periods and therefore does not have to be served exclusively in term time; however, teachers must still give their contractual notice (expiring at the end of an academic term) if they intend to leave the school after serving this period. There is no automatic right to leave after serving 13 weeks and any agreement to leave at a point other than the end of a term is by negotiation only. Teachers who do not return for at least this period are liable to repay the equivalent of the enhanced element already paid (i.e. The difference between option A and Option B)). SMP is not reclaimable.

Teachers who return to work on reduced hours with the agreement of the school will still have to serve 13 weeks on their return. The 13-week period is not increased proportionately to reflect the reduction in hours.

The 13 week period starts from the date the teacher returns to work or the date during the school holiday on which the teacher is declared medically fit to be available to work. Teachers must notify their HR manager if they are returning to work during a school closure period.

Giving Notice

Giving Notice to Return

Under the terms of the Burgundy Book teachers are only required to give a minimum of 21 days' notice of their intention to return to work early from maternity leave. **At Xavier all teachers are strongly advised to give at least the statutory notice provision of 8 weeks, however, in order for the school to plan appropriately, teachers are encouraged to give as much notice as possible of their intended date of return.** Teachers who are, however, contemplating making a request for flexible working to take effect from the date of their return are strongly encouraged to do so at the earliest opportunity. This is because the process for agreeing or rejecting a request can take up to 8 weeks alone and there may also be the requirement for a recruitment period, for example in a job-share arrangement.

Giving Notice to Resign

Teachers who decide to resign before the end of maternity leave should give contractual notice. It may be possible to mutually agree a shorter notice period with the school and therefore teachers are advised to discuss this with the school at the earliest opportunity. It is unlikely that the school will be able to agree to a notice period of less than 8 weeks. The last day of service in these circumstances would be the date of formal resignation plus the agreed notice period.

Teachers who do not wish to take maternity leave and instead intend to leave their employment, may notify the employer in writing, that they wish to terminate their employment. This notification shall be given at least 21 days before such termination to take effect within the period 11 weeks prior to the expected week of childbirth.

Redundancy Protection

In the event of a redundancy situation, employees on maternity leave, adoption leave and shared parental leave have the right to be offered a suitable alternative vacancy, if one is available, before being made redundant and have priority access to redeployment opportunities.

The redundancy protection starts from the date of notification of pregnancy and ends 18 months after the child's date of birth.

Time off for antenatal appointments

Pregnant employees, regardless of length of service or number of hours worked, have the right to reasonable paid time off work for antenatal appointments, including relaxation and parentcraft classes, which are recommended by their doctor, nurse, or midwife.

Pregnant employees will be paid at their normal weekly rate of pay to attend antenatal appointments.

Managers cannot ask a pregnant employee to provide evidence of their first antenatal appointment but can ask to see evidence of subsequent antenatal appointments and this should be provided when requested.

Problems Arising During Pregnancy

Although most pregnancies progress without any problems, premature births, miscarriages or very rarely stillbirth do occur from time to time. The following information provides guidance should any of these circumstances arise.

Premature Birth

The premature birth of a baby can be a difficult time for employees who are either the parents or close relatives. Time off for the mother will be in accordance with maternity leave commencing the day after the birth of the baby as detailed above.

Request for time off from other family members will only affect a small proportion of employees at any one time. It is nonetheless important to handle each case with sensitivity. Leave for this purpose should be considered in accordance with the school's policy for dealing with requests for special leave. Flexible working options could also be considered.

Miscarriage and Stillbirth

The miscarriage or stillbirth of a baby, regardless of when it occurs is bereavement and the employee may experience a variety of emotions. They will require understanding from school management and colleagues.

The stillbirth or death of a baby before the 24th week of pregnancy is classed as a miscarriage and any absence following the miscarriage would need to be covered by a sickness certificate if the employee is absent for more than 7 calendar days.

A stillbirth from the 24th week of pregnancy onwards is classed as a 'birth' and the full provisions of the maternity scheme in terms of pay and leave will apply. If the baby dies after being born, employees still qualify for the full provisions of the maternity scheme in terms of pay and leave. Employees can seek additional support from the Employee Assistance Provider. For more information, please contact your Headteacher/Line Manager.

Contact during maternity leave

During the maternity leave period, reasonable contact may be made with you. The frequency and nature of the contact will depend on a number of factors including the nature of your post, what has been agreed and what important information arises. You should be informed of promotion opportunities and other information relating to your job that you would normally be made aware of if you were working. What constitutes "reasonable" will depend on the circumstances.

Keeping in touch days (KIT days)

It is important that you and the school maintain contact during the maternity leave. Should you and the school wish it you can do up to 10 days' work (prorate for part time) for the school during the maternity leave period. This cannot be during the two weeks' compulsory maternity leave period. These need not be limited to teaching days but could be used e.g. for Training or Inset days.

You cannot be required to take up Keeping in Touch Days; it is up to you to choose. Neither does the employer have to offer them to you. You and the Headteacher or your Line Manager must both agree that you will work these days and what you will be doing. Payment will be made at the usual hourly pay rate (full time equivalent salary divided by 1265 contractual hours per year) for the hours worked and will be offset against any SMP paid for these days.

SHARED PARENTAL LEAVE

For information on Shared parental leave please arrange a meeting with your Line manager or HR lead. The shared parental leave policy can be found on the Xavier SharePoint.