


Maternity Policy

Guidance for School's Support Staff



May 2025
Version 4.0
Human Resources

Contents

Section	Title	Page
1.0	Scope	3
2.0	Statutory maternity rights	3
3.0	Duty of care	3
4.0	Antenatal care	3
5.0	Maternity leave	3
6.0	Extended maternity leave	4
7.0	Maternity pay	4
8.0	Applying for maternity benefits	5
9.0	Notification of childbirth	6
10.0	Maintaining contact during maternity leave	6
11.0	Keeping in touch KIT days	7
12.0	Term and conditions during maternity leave	7
13.0	Effect on continuous service	9
14.0	Notice of return	10
15.0	Rights on or after return to work	11
16.0	Flexible working	11
17.0	Miscarriage, termination, still birth or death of baby	11
18.0	Multiple births	12
19.0	Policy misuse	12
20.0	Abbreviations	12
21.0	Data Protection	12
22.0	Further information	13
	Appendices	14

1.0 Scope:

1.1 This policy applies to all pregnant support staff who are employees in the school.

2.0 Statutory maternity rights

2.1 Pregnant employees have the right to:

- Paid time off for antenatal care.
- Be protected in terms of health & safety as an expectant mother.
- Be protected against detriment or dismissal on grounds of pregnancy.
- Maternity Leave.
- Maternity Pay (where employees are not eligible for Statutory Maternity Pay they may be eligible to claim Maternity Allowance).

3.0 Duty of care

3.1 The school has a duty of care to protect the health and welfare of all employees. It is therefore advisable for employees to inform their Headteacher of a pregnancy at the earliest opportunity. This enables a workplace risk assessment to be carried out and, if necessary, any required adjustments to avoid significant risk. It is important that any advice received from an employee's GP/Consultant or midwife is passed on to their Headteacher as soon as is reasonably practicable.

4.0 Antenatal care

4.1 Pregnant employees are entitled to time off with pay to keep appointments for antenatal care made on the advice of a GP/Consultant or midwife. Apart from the first appointment, employees must provide, if requested by their line manager, an appointment card or some other document showing that an appointment has been made.

5.0 Maternity leave

- 5.1 All pregnant employees are entitled to 52 weeks' maternity leave regardless of length of service or hours worked. This is made up of 26 weeks' Ordinary Maternity Leave (OML) and 26 weeks' Additional Maternity Leave (AML).
- 5.2 The earliest that maternity leave can commence is the 11th week before the Expected Week of Childbirth (EWC).
- 5.3 Maternity leave can start on any day of the week.

- 5.4 If an employee is absent due to pregnancy-related illness within 4 weeks prior to the EWC, then maternity leave (and pay if eligible) will automatically commence. Non- pregnancy related illness during this 4 week period, will be treated as normal sickness absence.
- 5.5 Maternity leave will not be treated as sickness and will therefore not be taken into account for the calculation of an employee's entitlement to occupational sick pay/leave.
- 5.6 There is a compulsory two-week leave period immediately following the birth. This period of compulsory leave forms part of the ordinary maternity leave period and is not in addition to.
- 5.7 Where both parents are employees of the school, consideration should be given to sharing the unpaid period of maternity leave, at the discretion of the head teacher. This provision is subject to only one parent being on maternity leave at any one time.
- 5.8 Employees who have at least 26 weeks' service with MKCC by the 15th week before the EWC may also request extended maternity leave. For further information please refer to section 6.0 below.

6.0 Extended maternity leave

- 6.1 Employees who have at least 26 weeks' service with MKCC by the 15th week before the EWC are eligible to request extended maternity leave. Extended maternity leave is unpaid and allows employees up to a further 11 weeks' leave. This gives eligible employees up to a total of 63 weeks maternity leave.
- 6.2 In order to benefit from the full 63 weeks, employees must commence their maternity leave 11 weeks prior to the EWC. This is because a maximum of 52 weeks can be taken after childbirth.
- 6.3 In effect an employee will commence their maternity leave and pay ahead of childbirth and the unpaid period will be added to the end of the additional maternity leave period.

7.0 Maternity pay

- 7.1 ***Employees with less than 26 weeks' continuous service*** at the 15th week before the EWC will not be entitled to Statutory Maternity Pay (SMP). If an employee is not eligible for SMP, they may be eligible to claim Maternity Allowance (MA). Upon receipt of an employee's Maternity Application Form, the school's payroll provider will issue a form, usually referred to as SMP1 which needs to be completed by the employee and forwarded to their local Jobcentre Plus.

- 7.2 ***Employees with 26 weeks' continuous service*** at the 15th week before the EWC, and whose average weekly earnings are at least equal to the lower earnings limit for national insurance contributions will be eligible for Statutory Maternity Pay (SMP) from the school. The first six weeks will be paid at the higher rate of SMP (i.e. 90% of an employee's average weekly earnings calculated over the period of 8 weeks up to and including the qualifying week). The remaining 33 weeks will be paid at the lower rate of SMP as determined by the Government (or 90% of an employee's average weekly earnings, if this amount is less).
- 7.3 ***Employees with at least 1 year's continuous local government service*** at the 11th week before the EWC are also entitled to Occupational Maternity Pay (OMP). This means that for the first 6 weeks of absence, an employee shall be entitled to 90% of a week's pay offset against payments made by way of SMP, or Maternity Allowance (MA) for employees not eligible for SMP.
- 7.4 Where employees declare in writing that they intend to return to work (either on a full or part time basis), payment for the subsequent 12 weeks will be paid at half pay, plus an employee's entitlement to SMP or MA. Where the total amount of half pay and SMP or MA exceeds normal full pay, an employee's pay will be capped at normal full pay. Employees must make it clear on the Maternity Application Form, whether they opt to receive the half pay element on a monthly basis or as a lump sum when they return. The remaining 21 weeks will be paid at the lower rate of SMP as determined by the Government (or 90% of an employee's average weekly earnings, if this amount is less).
- 7.5 For an employee not intending to return to work, payments during the subsequent 33 weeks shall be an employee's entitlement to SMP or MA.
- 7.6 In the event that an employee does not return to work or returns for less than 3 months, employees are required to repay the half pay element of the Occupational Maternity Pay to the school. The SMP/MA element of the pay will not be recovered.
- 7.7 For details of the current lower earnings limit and rate of SMP, please refer to the Statutory Rates via the Government website.
- 7.8 SMP can start on any day of the week in accordance with the date the employee starts their maternity leave.

8.0 Applying for maternity benefits

- 8.1 In order to receive maternity benefits, employees must complete the Maternity Application Form. This form requires employees to confirm the:
- EWC as stated on the MatB1 certificate issued by your General Practitioner or Midwife
 - Date the maternity pay/leave is due to commence

The school bursar / head teacher will process the maternity leave/pay form directly with their HR and Payroll Provider.

- 8.2 The form will ask employees to consider their intentions regarding their return to work, and if eligible, the payment terms for Occupational Maternity Pay.
- 8.3 An original copy of the MatB1 certificate, which is usually issued at the 26th week of pregnancy by the GP/Consultant or midwife, confirming an employee's EWC, must be passed to your head teacher who will need to take a copy of your MATB1, and sign it (a 'certified copy') to demonstrate that they saw the original.
- 8.4 The completed form and MatB1 certificate must be received by Payroll at least 28 days before an employee wishes to commence maternity leave. However, employees are encouraged to submit their form and MatB1 as early as possible in order to receive notification of their maternity benefits at the earliest opportunity.
- 8.5 Upon receipt of the completed Maternity Application Form and MatB1, the employee will be written to within 28 days to confirm their maternity entitlement.
- 8.6 Should the start date of maternity leave change (whether the new date is earlier or later than the date originally notified), possibly due to medical advice or unforeseen circumstances, employees must inform their head teacher of the revised date at least 21 days before the date originally notified, or as soon as is reasonably practicable. The school bursar / head teacher will inform their HR and Payroll Provider of any change in leave start date.

9.0 Notification of childbirth

- 9.1 It is an employee's duty to inform the school of the actual date of childbirth as soon as is reasonably practicable to ensure maternity benefits are applied accurately. It should be noted that where an employee is still at work or on annual leave, and the baby is born early, an employee's maternity leave and pay (if eligible) will commence the following day.

10.0 Maintaining contact during maternity leave

- 10.1 The regulations allows for employers to make "reasonable contact" with an employee whilst they are on maternity leave. In the same way an employee may make contact with their employer. The nature of contact will depend on a number of factors, such as the nature of your work, any agreement you might have reached before maternity leave began as to contact; and whether either of you needs to communicate important information. The contact between you and your headteacher can be made in any way that best suits you both. For example, it could be by telephone, e-mail, letter or face to face.

- 10.2 The purpose of maintaining this contact is for employees and their manager to have reasonable contact with each other throughout the maternity leave period. Managers need to ensure that employees are kept up to date with departmental changes, vacancies and any other relevant information, and employees are required to keep their manager informed about their return to work plans and to discuss any special arrangements to be made or training to be given to ease an employee's return to work.
- 10.3 In some cases, the manager may delegate these duties to a 'nominated person' within the team.

11.0 Keeping in touch (KIT) days

- 11.1 Except during the first two weeks after childbirth (four weeks in the case of factory workers), an employee can agree to work for the Council for up to 10 days during the ordinary, additional or extended maternity leave period without bringing their maternity benefits to an end. However, line managers are not obliged to offer any work and employees do not have to accept any work offered to them.
- 11.2 For the purpose of KIT days, work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purpose of keeping in touch with the workplace. Working for any part of the day, will count as one day's work, to be deducted from the total 10 KIT days.
- 11.3 Each day worked, will be paid at an employee's normal daily rate. During the paid period of maternity leave, a day's pay will be offset against SMP or MA to ensure payment received does not exceed normal pay.
- 11.4 The school bursar / head teacher will inform their HR and Payroll Provider of any KIT days an employee completes.
- 11.5 If employees work for the school in excess of the 10 KIT days, employees will lose a weeks' SMP for each occasion worked.

12.0 Terms and conditions during maternity leave

- 12.1 During maternity leave, an employee remains employed by the school.
- 12.2 The terms binding on employees include:
- The employee's obligation of good faith towards the school

- Any terms relating to notice of termination,
- the disclosure of confidential information,
- the acceptance of gifts or other benefits or
- the employee's participation in any competing business.

12.3 The terms binding on the school include:

- The school's obligation to the employee of trust and confidence
- Notice of termination
- Redundancy compensation
- Disciplinary or grievance procedures

12.4 **Remuneration** – Employees will receive normal remuneration up until the date they begin their maternity leave. Where employees are on maternity leave at the time of an annual salary review, their salary will be reviewed in accordance with the provisions of the current salary scheme.

12.5 **Annual leave** – An employee's entitlement to annual leave remains unaffected by maternity leave. This means that employees will continue to accrue annual leave during OML, AML and extended maternity leave.

Employees are encouraged to take any outstanding annual leave due to them before the commencement of their ordinary maternity leave. Employees are reminded that holiday must be taken in the year that it is earned, and therefore if the holiday year is due to end during maternity leave, employees should take their full years' entitlement before starting their maternity leave. Employees are also encouraged to use a proportion of annual leave from the following year's entitlement.

Where this is not possible due to operational needs or where employees choose to take annual leave ahead of their maternity leave period and the baby is born prematurely, then employees have two options to consider:

- to return to work before the end of the additional maternity leave period – in effect this means that an employee would cease their maternity leave early in order to benefit from their annual leave entitlement. To do this, employees must liaise with their headteacher, who must update the school's HR and payroll. The date on which the employee is actually expected back in the workplace will depend on how much outstanding leave an employee has. Employees will need to discuss and mutually agree the 'actual' date of their return with their headteacher.
- carry up to a maximum of 10 days annual leave forward to the next annual leave year, 5 of which must be taken within the first three months of an employee's return to work. In exceptional circumstances, the headteacher, after consultation with their HR, may approve the carry forward of additional days.

- 12.6 **Bank holidays** – Where a bank holiday falls during an employee’s maternity leave period, employees will receive payment for each of these days based on 1/5th of an employee’s normal working week. This will offset any monies already received by means of SMP or Maternity Allowance, as payment must not exceed normal pay. Payment for bank holidays will be paid to employees at the end of their maternity leave period.
- 12.7 **Pension contributions** – During the paid maternity leave period, employees will continue to pay contributions proportionate to the pay they receive. The employer will pay contributions based on the employee’s notional full pay. This period will count as service for the purposes of the pension scheme.

During any unpaid period of maternity leave, no contributions will be payable by either the employee or the employer and this period will not count as membership of the scheme.

Shared Cost Additional Pension Contributions (SCAPCs) cover the amount of pension lost during periods of unpaid additional Maternity.

Shared cost means that if an employee wants to cover such a period, the cost of buying the lost pension is shared between the employee and the school, with the school meeting 2/3rds of the cost (provided the employee makes an election to buy the lost pension within 30 days of returning to work).

These additional contributions can be paid in a one-off lump sum or through regular payments from salary.

Employees must contact Payroll to obtain the amount of lost pensionable pay during the unpaid period and input this to the [online calculator](#) to see how much it costs to buy back lost pension for a period of absence. If employees want to start paying SCAPCs they can print off an application form to send to Payroll and Teachers Pensions.

- 12.8 **Childcare subsidies** – Childcare subsidies will continue to be paid throughout the maternity leave period, for as long as the qualifying conditions apply.

13.0 Effect on continuous service

- 13.1 The period of OML, AML and extended maternity leave will count as continuous service for statutory and contractual purposes, including the accrual of annual leave, sick pay entitlements and long service awards.
- 13.2 For statutory purposes, the period of maternity leave counts for calculating redundancy figures, giving notice and unfair dismissal basic award entitlement.

14.0 Notice of return

- 14.1 It is anticipated that all employees on maternity leave will take their full 52 week entitlement, and an employee's expected return date will be confirmed in writing. Although employees are under no obligation to do so, employees are encouraged to confirm as soon as is convenient during their maternity leave that they will be returning as expected.
- 14.2 However, if employees wish to return to work earlier than this, they must notify their headteacher in writing at least 21 days before the day on which they intend to return. Should this be the case, the headteacher must inform their HR and Payroll, who will then confirm the new expected return date in writing.
- 14.3 If an employee fails to provide the necessary notice, the headteacher may postpone an employee's return to such a date that will give the headteacher 21 days' notice, provided that this does not exceed the original expected return date.
- 14.4 When an employee returns to work, it is the headteacher's responsibility to ensure the employee's salary is reinstated accordingly. If an employee chooses to take some annual leave before physically returning to the workplace, headteachers must refer to section 12.5 above.
- 14.5 Where an employee is unable to attend work at the end of her maternity leave period 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.
- 14.6 Where, due to industrial action or some other reason, it is unreasonable to expect an employee to return on the previously notified date, an employee may instead return when work resumes, or as soon as is reasonably practicable thereafter.
- 14.7 If employees have previously notified their headteacher that they do not intend to return to work after childbirth, then their contract of employment will be terminated with effect from the date the employee advised to be the last day of their maternity leave, whether that be paid or unpaid.
- 14.8 If an employee decides not to return to work following maternity leave, employees must give their headteacher notice of their resignation as soon as possible and in accordance with the terms of an employee's contract of employment. If the notice period would expire after maternity leave has ended, the Council may require the employee to return to work for the remainder of the notice period.

15.0 Rights on or after return to work

- 15.1 On resuming work after OML, employees are entitled to return to the same job that they occupied before commencing their maternity leave on the same terms and conditions of employment had she not been absent.
- 15.2 On resuming work after AML or extended maternity leave, employees are entitled to return to the same job that they occupied before commencing their maternity leave on the same terms and conditions of employment as if she had not been absent. However, if it is not reasonably practicable for the school to allow the employee to return to the same job, the school may offer the employee suitable alternative work, on terms and conditions that are no less favourable than would have applied if she had not been absent.

16.0 Flexible working

- 16.1 Employees who worked full-time prior to taking maternity leave have no automatic right to return to work on a part-time basis or to make any other changes to their working arrangements. However, all requests for part-time work and other flexible working arrangements will be considered in line with the operational requirements of the school.
- 16.2 Employees wishing to change their working arrangements upon their return from maternity leave must complete a 'Flexible Working Request Form'. The completed form must be submitted to their headteacher in advance of their return date, to allow adequate time for full consideration of the request.

17.0 Miscarriage, termination, still birth or death of baby

- 17.1 If after 24 weeks of pregnancy, an employee's baby is stillborn or dies soon after the birth; employees remain eligible for the full period of maternity leave and pay. The employee is also eligible for parental bereavement leave, as outlined in the Bereavement Leave Policy.
- 17.2 Where this occurs before 24 weeks of pregnancy by miscarriage or termination, the employee will be entitled to parental bereavement leave or sick leave as appropriate to the individual's circumstances. This decision will be based upon medical advice and an employee's individual needs.

18.0 Multiple births

- 18.1 Where an employee has twins or more as a result of one pregnancy, only one period of maternity leave and pay will apply.

19.0 Policy misuse

- 19.1 Any deliberate misuse of the Council's Maternity Policy provisions will be treated as a disciplinary matter and will be subject to the Council's Disciplinary Policy and Procedure that may result in dismissal.

20.0 Abbreviations

Abbreviation	
AML	Additional Maternity Leave
EWC	Expected week of childbirth
OML	Ordinary Maternity Leave
OMP	Occupational Maternity Pay
MA	Maternity Allowance
MKCC	Milton Keynes City Council
SMP	Statutory Maternity Pay

21.0 Data Protection

- 21.1 Any data collected and processed as part of employing and managing employee's is held securely. It is accessed by, and disclosed to, individuals only for the purposes of completing that specific procedure, process or activity.
- 21.2 Records are retained and destroyed in accordance with the organisations Retention Schedule.
- 21.3 Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the Data Protection Policy immediately. It may also constitute a disciplinary offence, which may be dealt with under the Disciplinary Procedure.

22.0 Further information

- 22.1 For further clarification regarding any aspect of the School's Maternity Policy, employees and headteachers should contact their HR.

23.0 Appendices

Appendix A

Timetable

Date	Action
<p>Expected Week of Childbirth (EWC)</p> <p>Insert Date:.....</p>	<p>The expected week of childbirth is the week, beginning Sunday, in which it is expected you will have your baby.</p>
<p>The 15th week before my Expected Week of Childbirth</p> <p>Insert Date:.....</p>	<p>At least 28 days before you intend to take maternity leave, notify your Headteacher that you are pregnant and the expected week of child birth. You also need to specify the date on which you intend to start your maternity leave.</p> <p>Ensure that the form MAT B1 is received from the GP or Midwife and handed to your Head Teacher.</p>
<p>11 weeks before the expected week of childbirth</p> <p>Insert Date:.....</p>	<p>This is the earliest you may start your period of maternity leave.</p>
<p>4 weeks before the expected week of childbirth</p> <p>Insert Date:.....</p>	<p>From this week if you are on sick leave because of a pregnancy related condition, you will automatically start your period of maternity leave.</p>
<p>Start of Maternity Leave</p> <p>Insert Date:.....</p>	<p>You may start your maternity leave any time from the 11th week before your baby is due onwards</p>
<p>End of Statutory Maternity Pay (SMP)</p> <p>Insert Date:.....</p>	<p>If eligible, you will receive SMP for a total of 39 weeks; the remaining 13 weeks of your maternity leave will be unpaid. If you decide to return to work at this point you must give your Headteacher the required notice of your early return date.</p>
<p>End of Maternity Leave</p> <p>Insert Date.....</p>	<p>You are entitled to 52 weeks' Maternity Leave and you will be expected to return to work on the day immediately after this period expires</p>

<p>Return to work option</p> <p><i>Please refer to point 7.6</i></p>	<p><input type="checkbox"/> Not returning to work</p> <p><input type="checkbox"/> Unsure if returning to work</p> <p><input type="checkbox"/> Returning to work for at least 12 weeks</p>
<p><i>If applicable</i></p> <p>Intended date of return to work</p> <p>Insert Date:.....</p> <p><i>If returning earlier than 52 weeks, the latest date for notice to Headteacher</i></p> <p>Is (8 weeks prior to return)</p>	<p>If you wish to return earlier than the end of the normal 52 week period, you should give the school the statutory 8 weeks' notice wherever possible. If you are unable to return to work, because you are sick, you should contact your Headteacher in the usual way and provide a medical statement. Your period of sick leave will start on the intended date of return.</p>

Version Control

Version	Date	Updated by	Comments
3.0	15/08/2023	Lisa Kelly	Policy transferred to new MKCC Policy Document Template.
4.0	23/05/25	Morgan Logan	Policy updated to align with the MKCC policy.

