

THE GARWOOD FOUNDATION
MATERNITY LEAVE AND PAY POLICY

(Adopted on 17th July 2012 by delegated decision of the Director of Services as authorised)

1. Ante-Natal Care

- 1.1 If you are pregnant you have a statutory right to time off with pay for ante-natal care required on the advice of a qualified medical practitioner, midwife or health visitor. Except in the case of your first appointment, your Centre Manager may require you to produce your appointment card or other confirmation of your appointment and confirmation from your doctor, midwife or health visitor that you are pregnant. You are expected, where reasonably practicable, to try to arrange appointments outside normal school hours.
- 1.2 All pregnant employees may take 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave. The combined 52 weeks is known as Statutory Maternity Leave.

2. Ordinary Maternity Leave

2.1 Notification

- (i) You are entitled to ordinary maternity leave if, as soon as possible, and not later than 15 weeks before the beginning of the week when your baby is due, you notify your Centre Manager that you are pregnant. You must supply your Centre Manager with a certificate from a registered doctor or midwife [MAT B1] stating the expected week of childbirth (EWC).
- (ii) You must notify your Centre Manager in writing of the date you intend to start your ordinary maternity leave. This notification does not need to be at the same time as other notifications. The earliest you can propose to start your leave is at the start of the 11th week before your EWC [You can change the date if you give at least 28 days notice].
- (iii) If you are absent from work (after the beginning of the 4th week before your EWC) wholly or partly because of your pregnancy, you will be entitled to commence your statutory maternity leave as long as you notify your Centre Manager in writing as soon as is reasonably practicable that you are absent for that reason.
- (iv) If your baby is premature or stillborn (after 24 weeks of pregnancy) or born alive at any point of the pregnancy, you will be entitled to ordinary and subsequent additional maternity leave as long as you notify your Centre Manager in writing as soon as is reasonably practicable after the birth.

2.2 Length of Leave

- (i) Your leave starts on which ever of the following is the earliest of:
- a. The date you have chosen and notified to your Centre Manager (See paragraph 2.1(ii))
- b. The first day of an absence for a pregnancy related reason which commences before the chosen date (See paragraph 2.1(iii));

c. The day after you give birth.

(ii) Your ordinary maternity leave lasts until which ever of the following is the latest:

a. 26 weeks from its commencement

b. Until the end of your compulsory maternity leave (See paragraph 3).

2.3 Rights during Ordinary Maternity Leave

You are entitled to the benefit of your normal terms and conditions of employment, including continuity of service except for terms relating to your salary [see paragraph 2.5]. Your employment contract continues and benefits, such as entitlement with the passage of time to increments, and obligations remain in force.

2.4 Pay

(i) If you have at least 26 weeks' continuous employment with the Garwood Foundation and at least 1 year's employment with one or more approved employer and are entitled to Statutory Maternity Pay (SMP) you will be entitled to the following benefits during your Ordinary Maternity Leave of up to 26 weeks which will be paid leave as follows:

- First four weeks absence - Full pay inclusive of SMP;
- Next 2 weeks - 90% of each week's salary, inclusive of SMP;
- Next 12 weeks Half pay plus SMP (not exceeding full pay)
- Next 8 weeks - SMP

(ii) You will be entitled to SMP if you:

- Have been employed by the Garwood Foundation for at least 26 weeks up to the 15th week before the week your baby is due (the qualifying week)
- Are earning on average an amount which at least equals the lower earnings limit which applies on the Saturday at the end of your qualifying week

If you have a visa that allows you to live and work in the United Kingdom and your visa includes the condition that you have "no recourse to public funds" you may be able to get SMP if you satisfy the qualifying conditions which depend on your recent employment and earnings history.

(iii) If you decide not to return to work, or if after your return you decide not to remain at work for at least 13 weeks, you will be required to pay back to The Garwood Foundation the 12 weeks half pay mentioned (not including the Statutory Maternity Pay).

(iv) If you are not entitled to the provision under 2.5(i) but have worked for 26 weeks in the preceding 66 week period, you may be entitled to the state benefit, Maternity

Allowance (MA), depending on your National Insurance contributions record in other employment.

2.5 Returning to work after Ordinary Maternity Leave

- (i) You have the right to return to your job after taking Ordinary Maternity Leave. Your job will carry seniority, pension rights and terms and conditions not less favourable than those which would have applied had you not been absent.
- (ii) You do not need to give your Centre Manager notice of your return to work unless you wish to return earlier than the end of your Ordinary Maternity Leave. If you wish to return to work before the end of your leave you must give your Centre Manager at least 21 days notice in writing. If you do not do so, or attempt to return early, your Centre Manager may postpone your return so as to secure the minimum 21 days notice, but not so as to extend your absence beyond your Ordinary Maternity Leave. The Garwood Foundation is not obliged to pay you if you return early in those circumstances.

3. **Compulsory Maternity Leave**

- 3.1 You must have two weeks' compulsory maternity leave from the date your baby is born, irrespective of when your Ordinary Maternity Leave period commenced. If necessary, the Ordinary Maternity Leave period will be extended to ensure that you are able to take your full period of Compulsory Maternity Leave.

4. **Additional Maternity Leave**

- 4.1 Additional Maternity Leave is a right to leave for a further period of 26 weeks which follows your period of Ordinary Maternity Leave. This means that the periods of Ordinary Maternity Leave and Additional Maternity Leave combine to make 52 weeks in total.
- 4.2 You do not need to notify your Centre Manager of your intention to take Additional Maternity Leave. It is presumed that you will take this leave unless you notify your Centre Manager otherwise [see 4.7(i)].
- 4.3 Your Additional Maternity Leave begins on the day after the last day of your Ordinary Maternity Leave and continues until the end of the period of 52 weeks beginning with the week you give birth.
- 4.4 Rights during Additional Maternity Leave
 - (i) During the Additional Maternity Leave period, your contract of employment will continue as normal. While you are on Statutory Maternity Leave your employment terms and conditions are protected. You keep your normal employment rights and benefits (excluding wages) throughout all of your Statutory Maternity Leave.
 - (ii) After taking Additional Maternity Leave you have a right to return to work to the job you held prior to commencing maternity leave on no less favourable terms and conditions or to a suitable alternative post by mutual agreement.
 - (iii) You will continue to enjoy seniority, pension rights [see 4.5] and terms and conditions not less favourable than those which would have applied had you not been absent.

- (iv) During your Additional Maternity Leave, you have a contractual right to accrue statutory holiday.
- (v) When determining your proposed date to return to work you may exercise your statutory right to take a further period of unpaid parental leave at the end of your period of maternity leave.
- (vi) When determining your proposed date to return to work you may seek to extend your period of absence through use of your accrued annual leave. This should be requested in accordance with your Centre's usual arrangements for the approval of annual leave. It is expected that employees at Rutherford School who are employed in term time only will take any accrued leave only during the school's holidays.

4.5 Pay

- (i) You are entitled during the period of Additional Maternity Leave to 13 weeks SMP. During the period of your Additional Maternity Leave, The Garwood Foundation is required to make pension contributions and that period will count towards your pensionable service.
- (ii) The remaining 13 weeks of the period of Additional Maternity Leave are unpaid. Neither you nor The Garwood Foundation is required to make pension contributions and that period will not count towards pensionable service.

4.6 Returning to work after Additional Maternity Leave

- (i) You do not need to give your Centre Manager notice of your return to work unless you wish to return earlier than the end of your Additional Maternity Leave. The Foundation will assume that you intend to remain absent for your full entitlement period of 52 weeks. If you wish to return to work before the end of your leave you must give your Centre Manager at least 21 days notice in writing.
- (ii) Before the end of your Additional Maternity Leave your Centre Manager will ask you to let him/her know the date on which you gave birth, whether or not you intend to work at the end of your Additional Maternity Leave and your proposed date to return to work. It will be of great assistance to the Foundation and your Centre Manager if you can provide the requested information.

5. **Keeping in touch days (KIT)**

- 5.1 You may work up to 10 days during your maternity leave without bringing your maternity leave to an end. These KIT days which can be used for attending training and meetings are intended to facilitate a smooth return to work at the end of your maternity leave. They can be worked at any time during your ordinary and additional maternity leave apart from the first two weeks of compulsory maternity leave and do not have to be consecutive.
- 5.2 If you are considering taking advantage of these KIT days, it would be advisable to discuss this with your line manager before you go on maternity leave. Attendance at KIT days and the nature of any work to be performed on particular days must be agreed with your line Centre Manager.
- 5.3 You are entitled to receive SMP for any KIT day if you would otherwise be entitled to receive it had you not attended for work. Payment for the foundation for attendance on KIT days will be considered on a case by case basis by the

Foundation with regard to the nature of any work done and the need for it to be undertaken by the returning employee.

6. General

- 6.1 As a new and/or expectant mother you have a right not to be victimised on the grounds of pregnancy, childbirth or maternity.
- 6.2 In this document the expressions 'childbirth' and 'birth' includes the birth of a child, born dead after 24 weeks of pregnancy.
- 6.3 The Foundation must make a special assessment of the risks to pregnant mothers and their babies. If there are risks, the Foundation must protect you and your baby by:
- adjusting your working conditions and/or hours of work
 - offering you other suitable work if there is any
 - suspending you from work for as long as necessary
- If you are suspended you are entitled to full pay. Your suspension should last until the risk to you or your baby has been removed.
- 6.4 There can be extra risks to the health of pregnant night workers. If you are required to work night shifts and have a medical certificate saying that there is a risk, you will be offered suitable day work. If none is available you can be suspended until the risk to health has passed. If you refuse reasonable alternative work the Foundation does not have to pay you.
- 6.5 If you are a member of an occupational pension scheme, you should consult the rules of the scheme about your position during Additional Maternity Leave.
- 6.6 As a parent, when you return to work you are entitled to request a flexible working pattern. The Foundation will consider your request and reply to you in writing.
- 6.6 This document contains a summary of certain statutory provisions relating to maternity leave and pay. It does not attempt to describe every detail and should not be taken as an authoritative statement of the law. In cases of doubt as to interpretation of these provisions, the relevant regulations should be consulted.
- 6.7 This document is not intended to create any additional rights beyond your statutory rights.
- 6.8 In this Policy "your Centre Manager" means the Head of Rutherford School, the managers of Jean Garwood House and the Bramley Hill Centre, as appropriate, and, in the case of staff employed other than at those sites, the Director of Services.
- 6.9 In this Policy "approved employer" means a National Health Service body, a maintained school or an educational institution which employs staff on the basis of national terms and conditions of employment or such other employer as may be approved by the Foundation for the purposes of the Policy at the time of appointment.

6.10 This document may be amended from time to time to take account of changes in statutory provisions.