

1 Introduction

The New Charter Academy values the contribution of all our employees and wants to support them at such an important time in their lives. Our aim is to create an environment that encourages our employees to return to work after their maternity, paternity or adoptive leave and to give them all the support they need during this time.

Throughout this policy, references to continuous service are defined as follows:
For Teaching Staff – any previous continuous service with a Local Authority or an Academy.

For Support Staff – any previous continuous service with an organisation listed in the Redundancy Payments (Continuity of Employment) Order 1999.

2 Maternity – Leave and Pay Entitlements

2.1 Ordinary Maternity Leave

All pregnant employees of the New Charter Academy are entitled to up to 26 weeks Ordinary Maternity Leave.

2.2 Additional Maternity Leave

All pregnant employees of the New Charter Academy will be able to take 26 weeks Additional Maternity Leave. 13 weeks at which will be paid at SMP rate and the remaining 13 weeks will be unpaid. Additional Maternity leave will commence immediately after the Ordinary Maternity Leave

2.3 Statutory Maternity Pay (SMP)

To qualify for SMP, employees must have been continuously employed for 26 weeks by the 15th week before the expected week of confinement.

Employees who qualify for SMP are entitled to the following benefits –

First 6 weeks at 90% of your average earnings followed by 33 weeks at £117.18 (or 90% of earnings for the full 39 weeks if your earning are less than £117.18 per week)

2.4 Occupational Maternity Pay (OMP)

Occupational Maternity Pay is an additional benefit provided exclusively to employees of the New Charter Academy. This is an excellent benefit and demonstrates the Academy's commitment to family friendly working practices.

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MATERNITY, PATERNITY & ADOPTIVE LEAVE AND PAY

The amount of paid and unpaid maternity entitlement employees may receive is dependant upon the employee's recognised continuous service at the beginning of the 15th week before the expected week of confinement.

See entitlements in the table below –

ENTITLEMENTS FROM 1ST APRIL 2008					
Recognised Continuous Service	Less than 26 wks service	26 wks but less than 2yrs	2 yrs but less than 3 yrs	3 yrs but less than 4 yrs	4 yrs or more
Occupational Maternity Pay (full time pay or pro-rata as appropriate)	0 weeks	6 weeks	8 weeks	10 weeks	26 weeks
Occupational Maternity Pay (half pay plus SMP - not exceeding your average pay)	0 weeks	12 weeks	12 weeks	16 weeks	Not applicable
Ordinary Maternity Leave (paid at SMP rate where appropriate)	26 weeks	8 weeks	6 weeks	Not applicable	Not applicable
Additional Maternity Leave (paid at SMP rate)	13 weeks	13 weeks	13 weeks	13 weeks	13 weeks
Additional Maternity Leave (unpaid)	13 weeks	13 weeks	13 weeks	13 weeks	13 weeks

Please note that it is compulsory to take 2 weeks maternity leave from the actual date of childbirth.

2.5 Notification Conditions

A pregnant employee is required to give notice of her intention to take maternity leave by the 15th week before her expected week of confinement (E.W.C.) unless it is not reasonably practicable to do so. This should include the following:

- Notification of pregnancy
- The date of the expected week of confinement
- The date the maternity leave is to commence
- MAT B1 Certificate (issued 20 weeks before the E.W.C.)

An employee may change her mind about when she wishes the leave to commence by giving 28 days notice in writing to the Academy's HR Section. The Academy will respond within 28 days of receiving the employee's notification of intention to take maternity leave.

2.6 Commencement of Maternity Leave

The earliest date an employee can commence maternity leave is 11 weeks before the expected week of confinement.

2.7 Sickness Absence that is pregnancy related

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Maternity Leave will be automatically triggered if the employee is off sick with a pregnancy related illness in the 4-week period before the E.W.C.

2.8 Entitlements in the event of a stillbirth or miscarriage

2.8.1 Stillbirth or Miscarriage before the 25th week of pregnancy

If an employee miscarries her baby earlier than the 25th week of her pregnancy, she will not qualify for Maternity Leave, Statutory Maternity Pay or Maternity Allowance.

If the employee takes a period of sickness absence occupational sick pay rules will apply.

2.8.2 Stillbirth from the 25th week of pregnancy onwards

If an employee has a stillbirth from the 25th week of pregnancy onwards she will be eligible for Maternity Leave, Statutory Maternity Pay or Maternity Allowance as set out in this procedure.

2.8.3 Birth of a living child before the 25th week of pregnancy onwards

If an employee gives birth prematurely to a living child, even in cases where the baby later dies, at any point in her pregnancy, she will be entitled to Maternity Leave, Statutory Maternity Pay or Maternity Allowance as set out in this procedure.

3 Returning to work after Maternity Leave

3.1 For an employee qualifying for Ordinary Maternity Leave

An employee must return on the first working day after the end of her Ordinary Maternity Leave. If the employee intends to return before this date then she must give 8 weeks notice about her intention to return.

An employee returning to work after Ordinary Maternity Leave should return to the same job that she left.

3.2 For an employee qualifying for Additional Maternity Leave

An employee must return on the first working day after the end of her Additional Maternity Leave. The employee does not need to notify the Academy of the return to work date because this will have been specified at the time that additional leave is agreed.

If the employee intends to return before this date then she must give 8 weeks notice about her intention to return.

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An employee should return to the same job or, be offered a suitable job with no less favourable terms and conditions

3.3 For an employee qualifying for Occupational Maternity Leave

Where an employee has been in receipt of the Occupational Maternity Pay an employee is obliged to return to the Academy’s Employment for a specific period (as shown below).

Leave with pay	Period of Obligatory Return	Notes
18 or 20 weeks	3 months	This may be carried forward in the event of a further pregnancy
26 weeks	6 months	This may be carried forward in the event of a further pregnancy

If the employee fails to honour this obligation then the Company has the right to recover the Occupational Maternity Pay (less 6 weeks at 10% of your average earnings and the employees entitlement to S.M.P.)

Note:

If you are an employee on a fixed term contact please contact the Human Resource Section for further advice.

4 Additional Information

4.1 Time off for Ante-Natal Care

Pregnant employees have the right to reasonable paid time off work (regardless of the length of service) to keep appointments for ante-natal care made on the advice of a Doctor, Midwife or Health Visitor, such appointments can include medical examinations, relaxation, aqua-natal and parent-craft classes

The employee must be able to produce an appointment card if requested with the exception of the first appointment.

4.2 Keeping in Touch Days

An employee on maternity leave can carry out up to 10 days paid work during the maternity leave period, without bringing the leave to an end or losing any SMP, for example to attend a training event/conference, have their performance review or simply just to keep up to date with what’s happening in their department.

Keeping in touch days are not obligatory and should be arranged with the agreement of both the Academy and the employee.

4.3 Risk Assessment

A risk assessment will be carried out as soon as the employee notifies the Company that she is pregnant. Further risk assessments will then take place as the pregnancy progresses.

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4.4 Annual leave entitlement

An employees right to annual leave is unaffected by maternity leave and will continue to accrue during the period of paid and unpaid maternity leave.

An employee may take accrued annual leave on returning to work subject to their manager’s approval.

During the unpaid leave period there is no right to accrue bank holidays.

5 Paternity – Leave & Pay Entitlements

5.1 Paternity Leave

Eligible employees will be entitled to take one or two continuous weeks leave.

5.2 Statutory Paternity Pay (SMP)

Employees with 26 weeks or more service will be entitled to Statutory Paternity Pay. It is paid at the rate of £117.18 or 90% of average weekly earnings, whichever is lower.

Statutory Paternity Pay is payable for one week.

5.3 Occupational Paternity Pay (OMP)

Occupational Maternity Pay is an additional benefit provided exclusively to employees of the New Charter Academy. This is an excellent benefit and demonstrates the Academy’s commitment to family friendly working practices.

Occupational Paternity Pay equates to one week of full pay at normal rate.

The table below presents a summary of these benefits:

Recognised continuous service at the 15th week before the expected week of confinement	Less than 26 weeks service	26 weeks and above
Occupational Paternity Pay (Full Pay)	0 weeks	1 week
Statutory Paternity Pay (£117.18 per week or 90% of average weekly earnings if less than £117.18 per week)	0 weeks	1 week

5.4 Eligibility

To qualify for Paternity Leave the employee must:

- Have or expect to have the responsibility for the child’s upbringing
- Be the biological father of the child or the mother’s husband or partner
- Have worked continuously for The New Charter Academy for 26 weeks leading to the 15th week before the baby is due

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In the case of adoption, the employee must:

- Have or expect to have the responsibility for the child's upbringing
- Be the adopter's spouse or partner
- Produce a letter from the Adoption Agency
- Have worked continuously for The New Charter Academy for 26 weeks leading to the 15th week before the baby is due

5.5 Conditions

Employees will be entitled to choose to take either one week or two consecutive weeks off at a time. Employees will not be allowed to take Paternity Leave as singular days.

Employees may choose to start their leave in a number of ways, including -

- From the date of the child's birth (whether this be earlier or later than expected)
- **From a chosen number of days or weeks after the child's birth (this must be within 8 weeks of the actual date of the child's birth)**
- From a chosen date
- If the child is born early, within the period from the actual date of birth up to 56 days after the expected week of the birth.

Leave can commence on any day of the week on or following the child's birth, however, it should be noted that in the event that more than one child is born as a result of the same pregnancy, the employee is entitled to only one period of Paternity Leave.

In the case of adoption, leave can commence on any date of the week on or following the child's placement but must be completed within 8 weeks of the actual date of the child's placement. Only one period of leave will be available for employees irrespective of whether more than one child is placed together.

Employees may choose to start their leave:

- From the date of the child's placement (whether this be earlier or later than expected)
- **From a chosen number of days or weeks after the date of the child's placement**
- From a chosen date

5.6 Notification Requirements

Employees are required to inform the Academy of their intention to take Paternity Leave by the 15th week before the baby is expected, unless this is not reasonably practicable. The following information should be given to the HR section:

- Copy of the MAT B1 certificate should be shown
- Whether they wish to take one or two weeks leave

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- When they wish the leave to commence

In the case of adoption, employees are required to inform the Academy of their intention to take Paternity Leave within 7 days of the Adopter being notified by their Adoption Agency that they have been matched with a child, unless this is not reasonably practicable. The following information should be given to the HR section:

- When the child is expected to be placed
- Whether they wish to take one or two weeks leave
- When they wish the leave to commence

Employees will be able to change their minds about the date by giving 28 days notice unless this is not reasonably practicable.

6 Return to work after Paternity Leave

Employees will be entitled to return to the same job following Paternity Leave.

7 Adoptive – Leave & Pay Entitlements

7.1 Ordinary Adoptive Leave

An adoptive parent is entitled to up to 26 weeks Ordinary Adoptive Leave.

7.2 Additional Adoptive Leave

An adoptive parent will be able to take 26 weeks Additional Adoptive Leave. 13 weeks at which will be paid at SAP rate and the remaining 13 weeks will be unpaid. Additional Adoptive leave will commence immediately after the Ordinary Adoptive Leave

7.3 Statutory Adoptive Pay (SAP)

Statutory Adoptive Pay is paid for the same period and at the same flat rate as Statutory Maternity Pay, starting when a child is first placed with the family. Adoptive parents will be able to choose which of them takes the time off work and receives the payment.

To qualify employees must have been continuously employed for 26 weeks.

Employees who qualify for SAP are entitled to the following benefits –

First 6 weeks at 90% of your average earnings followed by 33 weeks at £117.18 (or 90% of earnings for the full 39 weeks if your earning are less than £117.18 per week)

7.4 Occupational Adoptive Pay (OAP)

Occupational Adoptive Pay is an additional benefit provided exclusively to employees of the New Charter Academy. This is an excellent benefit and demonstrates the Academy's commitment to family friendly working practices.

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The amount of paid and unpaid adoptive pay entitlement is dependant upon the employee's recognised continuous service.

See entitlements in the table below –

Recognised Continuous Service	Less than 26 wks service	Above 26 weeks service
Occupational Adoptive leave (full time pay or pro-rata as appropriate)	0 weeks	6 weeks
Occupational Adoptive Pay (paid at half pay plus Statutory Adoptive Pay - not exceeding your average pay)	0 weeks	12 weeks
Ordinary Adoptive Leave (paid at Statutory Adoptive Pay rate - £117.18 per week. If child placed is aged less than 12 months then 6 weeks of this period will be at half pay plus SAP)	0 weeks	8 weeks
Additional Adoptive Leave (paid at SAP rate)	0 weeks	13 weeks
Additional Adoptive Leave (unpaid)	0 weeks	13 weeks

Note:

Adopters who have average weekly earnings below the Earnings Limit for National Insurance Contributions will not qualify for SAP

7.5 Eligibility Conditions

Employees should observe the following conditions concerning eligibility for Adoptive Leave. They should -

- Be newly matched with a child for adoption by an approved adoption agency.
- Have completed 26 weeks continuous service with the New Charter Academy leading into the week that they are notified of being matched with a child for adoption
- Notify the Academy of their intent to take Adoptive Leave and provide them with a letter obtained from the Adoption Agency. This has the same purpose as a MAT B1 certificate has for maternity.
- The child who is being adopted must be under 18 years of age in order for the employee to qualify for the leave.

8 Additional Information

8.1 Paid Leave

Up to 6 days paid leave will be granted to employee for meetings with Adoption Agencies, Solicitors, Social Services or for Court Attendance.

8.2 Keeping in Touch Days

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An employee on Adoptive Leave can carry out up to 10 days paid work during the leave period, without bringing the leave to an end or losing any SAP, for example to attend a training event/conference, have their performance review or simply just to keep up to date with what's happening in their department.

Keeping in touch days are not obligatory and should be arranged with the agreement of both the Academy and the employee.

9 Returning to work after Adoptive Leave

9.1 For Employee's qualifying for Adoptive Leave

An employee must return to work on the first working day following the end of the adoptive leave. If the employee intends to return before this date then the employee must give 8 weeks notice about their intention to return.

On return to work at the end of paid leave the employee should return to the same job.

9.2 For Employee's qualifying for Additional Adoptive Leave

An employee must return to work on the first working day following the end of the Additional Adoptive Leave. If the employee intends to return before this date then the employee must give 8 weeks notice about their intention to return.

An employee should return to the same job or, be offered a suitable job with no less favourable terms and conditions.

9.3 Annual leave entitlement

An employee's right to annual leave is unaffected by the Adoptive Leave and will continue to accrue during the period of paid and unpaid Adoptive Leave.

An employee may take accrued annual leave on returning to work subject to manager's approval.

During the unpaid Adoptive Leave there is no right to accrue bank holidays.

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