

Routes into Parenthood: Staff Guidance



Redbridge Community School

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1. Introduction

This guidance follows the example of the Southampton City Council document *'Schools HR Policies, Procedures and Guidance (Section F) – Appendix 1 "Maternity Procedure"'*, as of March 2022, and will be regularly reviewed in order to remain relevant and within guidelines given by Southampton City Council.

This procedure describes how Redbridge Community School works alongside its employees to manage routes into parenthood in the workplace for all expectant parents, to ensure the best possible outcome for all parties.

2. Overview of routes into parenthood

2.1 There are several possible routes into parenthood. The list below is not exhaustive, but gives context to the common routes employees may follow in order to have a child. For any employees wishing to pursue alternative routes, a meeting should be sought with the HR department, to discuss procedures and support that the school will offer.

Possible routes into parenthood (listed alphabetically):

Adoption

Adoption refers to the legal process that fully transfers parental responsibility from the child's birth parent(s) to their adoptive parent(s). Children being adopted can be anywhere from birth to eighteen years old when the adoption application is made (<https://www.gov.uk/child-adoption>).

In Vitro Fertilisation (IVF)

IVF refers to a widely known assisted reproductive technology that involves the forming of embryos in a laboratory, before being implanted for pregnancy.

Natural conception

Natural conception refers to an employee becoming pregnant without medical assistance or the involvement of other parties, and is typically the most common route for building a family.

Surrogacy

Surrogacy refers to an arrangement, often supported by a legal agreement, whereby a female acts as a gestational carrier (a 'surrogate') to carry out the pregnancy to term for prospective parents. The surrogate agrees to pass on the responsibility of parenthood at birth.

2.2 There are some non-gendered terms that may be used on numerous occasions within this staff guidance to reflect the diversity of prospective parents; the definitions are listed below for clarity.

Primary parent

The 'primary parent' refers to the parent that is seeking Maternity Leave and/or Maternity Pay. It may also refer to the parent seeking Adoption Leave and/or Adoption Pay in the case where Maternity Leave/Pay is not applicable.

Secondary parent

The 'secondary parent' refers to the parent that is seeking Paternity Leave and/or Paternity Pay.

3. Key facts on expectancy and the workplace

The following information applies to employees taking any previously mentioned route into parenthood (natural conception, in vitro fertilisation, surrogacy and adoption).

- All pregnant employees are entitled to up to 52 weeks' maternity leave. *See section 4 for further details.*
- Pregnant employees who meet qualifying conditions based on their length of service and average earnings are entitled to 39 weeks' Statutory Maternity Pay (SMP). *See Appendix 1 for further details.*
- The Maternity and Parental Leave (Amendment) Regulations 2008 stated that, from 5 October 2008, an employee will be entitled to receive the same terms and conditions, other than pay, that they currently receive during ordinary leave in the additional leave period e.g. childcare vouchers should continue to be provided in full during the additional leave period. Employees will only be entitled to accrue benefits under a pension scheme whilst they are on **paid** maternity leave. *See section 11 for further details*
- All pregnant or expectant (in the case of surrogacy and adoption) employees are entitled to paid time off for antenatal care. *See section 5 for further details.*
- The pregnant employee is advised to inform a manager of the pregnancy as soon as it is confirmed so that a risk assessment can be carried out to ensure the wellbeing of both parent and baby whilst in the workplace. *See section 6 for further details.*
- The pregnant or expectant (in the case of surrogacy and adoption) employee must by law inform a manager by the 15th week before the expected week of childbirth. This notification must also include the date of the expected week of childbirth and when the employee wishes to start maternity leave. *See section 7 for further details.*
- It is recommended that manager and employee meet to plan how to manage the employee's period of expectancy with regard to the workplace. *See section 8 for further details.*
- The manager may make reasonable contact with an employee on maternity leave. *See section 9 for further details.*
- The employee may work up to 10 days during their maternity leave without affecting their maternity leave and pay. This can only happen with the agreement of both parties. These are known as Keeping in Touch (KIT) days. *See section 9 for further details.*
- Employees who wish to return from maternity leave earlier or later than agreed with their manager must provide notice of any change. *See section 10 for further details.*
- Employees have a right to return to the same 'job' after maternity leave. 'Job' for this purpose means the nature of the work which she is employed to do and the capacity and place in which one is employed. Where it is not practicable by reason of redundancy for the employee to return to the same 'job', the employee is entitled to be offered a suitable alternative vacancy, where one exists. *See section 10 for further details.*

4. Parental leave

4.1 Maternity leave

Maternity leave may be taken by the primary parent who has given birth (in cases of natural conception or IVF). In cases of adoption (including adopting a child following the use of a surrogate), Adoption Leave may be requested in place of Maternity Leave. If in doubt, support should be sought from our HR Manager.

All pregnant employees, regardless of service, are entitled to Ordinary Maternity Leave (OML) of 26 Weeks and Additional Maternity Leave (AML) of a further 26 weeks to start immediately after OML.

The primary parent can choose when to start maternity leave, subject to giving the required notice (*see section 7 for further details*). Maternity leave can start anytime from the beginning of the 11th week before the Expected Week of Childbirth (EWC) to, at the latest, the day of the birth of the baby. In cases where an employee is adopting a child not from birth, terms of leave will need to be discussed with the school's HR Manager.

In cases where the employee is pregnant (through natural conception or IVF) and decides to continue working during the four weeks prior to the expected date of childbirth, the employee may be asked to supply a certificate for each week from their doctor to say they are fit to work.

If an employee becomes medically unfit at any time from the beginning of the 11th week before EWC, they can choose to have sick pay OR start maternity leave. However, any absence after the beginning of the 4th week before the EWC which is wholly or partly because of the pregnancy or childbirth will automatically trigger the start of maternity leave (this does not include antenatal appointments).

If there is a risk of Rubella (German Measles) at the workplace a pregnant employee who has not been vaccinated against this disease and is not immune to infection should absent themselves from work and obtain a medical certificate from their doctor. In these circumstances the employee may be asked to work at another location where there is no risk of contracting Rubella. The school will inform any pregnant employees of cases of sickness & diarrhoea, chicken pox and mumps where necessary.

Where a baby is born before maternity leave commences then the date following the date of childbirth will be regarded as the first day of maternity leave.

The birth of a baby (living or stillborn) after 24 weeks of pregnancy automatically starts maternity leave. If the baby is stillborn the employee is still entitled to receive the full maternity benefits, i.e. statutory and occupational maternity pay and maternity leave that they would have received had the baby not been stillborn. If this happens, our HR provider will be informed as soon as possible.

A parent who has given birth (this includes surrogacy and the adoption of a baby born within a month of the completed adoption process) must take a minimum of two weeks' maternity leave, immediately following the birth. This is known as compulsory maternity leave.

For employees on authorised maternity leave, the contract of employment continues to apply except for pay (salary or wages including bonus - if applicable). The primary parent will be entitled

to non-pay benefits and contributions e.g. pension will continue whilst on paid maternity leave. The primary parent must not take on any other employment and the School's rules, including the disciplinary rules and HR guidance, continue to apply.

If the primary parent is medically unfit whilst on maternity leave, they will not be entitled to sick pay even if in the period of unpaid maternity leave.

4.2 Paternity leave

Paternity leave may be taken by the secondary parent, and applies to employees taking any route into parenthood.

The secondary parent can choose to take one or two weeks' paternity leave, at full pay. Redbridge Community School recognises that becoming a new parent is a challenging time socially, physically and financially. Paternity leave, at the discretion of the Headteacher, can be flexible.

Leave cannot begin before the child is born or placed with the new family, and must end within 56 days of the birth or placement of the child.

For more information on Paternity leave, visit <https://www.gov.uk/paternity-pay-leave>, noting that Redbridge Community School puts measures in place to exceed basic paternity rights.

4.3 Shared parental leave

Shared parental leave (SPL) and Shared parental pay (ShPP) may be available for employees taking any route into parenthood. SPL may be shared between the primary parent and their spouse, civil partner, or partner.

Up to 50 weeks of leave and 37 weeks of pay may be shared, and the leave must be taken in the first year after the child is born or placed with the new family. SPL may be taken instead of Maternity and Paternity leave, not in addition.

SPL can be taken in blocks separated by periods of work, or taken all in one go. SPL can be taken together or staggered.

To be eligible for SPL, both parents must share responsibility for the child at birth, or from when the child is placed with the new family.

For more information on SLP and ShPP, visit <https://www.gov.uk/shared-parental-leave-and-pay>.

5. Antenatal care

5.1 Antenatal care for the primary parent

All pregnant or expectant (in cases of surrogacy or adoption) employees are entitled to paid time off to attend antenatal care appointments. Antenatal care may include relaxation and parent craft classes (on the advice of a healthcare professional), as well as medical examinations related to the pregnancy.

With the exception of the first antenatal appointment, the employee must provide their manager, on request, with a certificate confirming the pregnancy (once this is provided by a medical practitioner e.g. a doctor) and an appointment card (or equivalent) confirming the antenatal care appointment.

5.2 Antenatal care for the secondary parent

Since 1st October 2014, the husband, civil partner or partner of the primary parent has the right to unpaid time off to accompany the pregnant (in cases of natural conception or IVF) or expectant (in cases of surrogacy or adoption) parent to attend up to two antenatal appointments.

The employee cannot be asked for any evidence of the antenatal appointment, such as an appointment card, as this is the property of the expectant parent. Please ask the employee to complete Form AN1 to show the required information relating to the appointment. If the employee is not using TOIL or leave to cover this, the HR provider should be contacted, so they can use the appropriate code for unpaid time off.

6. Parental risk assessments

Employees who are pregnant (in cases of natural conception or IVF) are asked to notify their line manager, our HR manager and our Headteacher about the pregnancy, as soon as the pregnancy is confirmed and preferably in writing.

It is important that pregnant employees notify their managers at this early stage because it is necessary for the manager to carry out a risk assessment to ensure that there is nothing in the employee's work that could affect their health and wellbeing or that of the baby.

The pregnancy can still be kept confidential to the parties involved in carrying out and, where appropriate, implementing the results of the risk assessment.

If the employee's health (or that of the unborn child) is likely to suffer as a result of normal work, the School will either move the employee to safe work or instruct the employee not to come to work until maternity leave commences, at the beginning of the 11th week before the EWC. The employee would remain on full pay until maternity leave commences.

If an employee is adopting or undertaking surrogacy as a route into parenthood, they should inform their line manager, our HR manager and our Headteacher, as early as possible, so that Redbridge Community School can offer support.

7. Formal notification of expectancy

A pregnant employee (in cases of natural conception or IVF) must by law notify their manager, in writing, in or before the 15th week before the Expected Week of Childbirth (EWC), either by letter or by completing a copy of the Notice of Pregnancy (Appendix A) and giving at least 28 days' notice of the date on which they intend to start their maternity leave.

The letter must:-

- Include a maternity certificate showing the EWC. This certificate is generally known as a form MAT B1 which is obtainable from a Doctor or Midwife. The manager must send the Notice of Pregnancy and MatB1 to HR Pay (the payroll section will require the original of the MATB1).
- Give the date on which the employee expects to begin maternity leave (this must not be more than 11 weeks before the EWC).
- Say if the employee intends to return to work or not.

If the employee wishes to later change the start date of maternity leave, they must give 28 days' notice (or, if that is not reasonably practicable, as much notice as is reasonably practicable).

When the employee has formally notified the School of the expectancy, the Council (HR Pay) is required to write to the employee within 28 days to confirm the expected date of return from maternity leave.

For adoption and surrogacy, employees should contact our HR manager as soon as possible.

8. Planning ahead

The manager and primary parent must agree together how to manage the employee's expectancy in the workplace. This must take place following the employee's notification of expectancy to their manager. It is recommended that the manager and employee discuss:

- Any special concerns to manage from the risk assessment
- Rest breaks
- Antenatal appointments
- Is the expectancy confidential or not? Agree how/when to inform colleagues.
- Contact arrangements for maternity leave (*see section 9 below*)
- Keeping in Touch days (*see section 9 below*)
- Return to work plans
 - i. Flexible working arrangements
 - ii. Access to childcare vouchers
 - iii. Parental leave
 - iv. Annual leave (*see section 12 below*)
 - v. Arrangements, if required, for a parent who is still breast feeding (the School has to provide breastfeeding employees with a place to rest and with suitable rest periods).

9. Maintaining contact and Keeping In Touch (KIT) Days

9.1 Maintaining contact

The school may make contact with the primary parent (and vice-versa) while they are on maternity/adoption leave. The purpose of this contact is to discuss issues such as their plans for returning for work, or to keep the employee informed of important developments at the workplace e.g. if a re-structure is being planned.

The contact must be considered 'reasonable' for both sides and it is therefore important that the manager and employee discuss and agree what is reasonable contact (both in terms of the amount and type of contact) before maternity leave commences.

9.2 Keeping In Touch (KIT) days

The maternity leave regulations have been amended to provide that the primary parent can choose to do up to 10 days' work during their maternity/adoption leave without bringing maternity/adoption leave to an end. These days are known as Keeping in Touch (KIT) days.

The primary parent cannot carry out any work during the first two weeks following the birth of the child, which is a compulsory maternity leave period.

KIT days can be used to keep up to date with what has been happening in the workplace whilst the primary parent has been on maternity/adoption leave, to attend a training event or staff meeting, to complete a specific piece of work or project, or simply to help the employee settle back into work gradually at the end of their maternity/adoption leave. If, and how, KIT days will be used is decided between the employee and their manager.

The Statutory Maternity Pay Regulations have been amended to provide that an employee will not lose any SMP (where they are still in receipt of it) for working up to 10 KIT days. Working even for part of a day will count as one day in terms of KIT days (i.e. deducting from a total of the permitted 10 days).

The employee will receive payment for the actual hours they worked on a KIT day, at their contractual rate of pay. The expectation is that an employee will come into work for their normal contractual hours when undertaking a KIT day, but where the length of the working day is shorter, the individual will only receive pay for the hours they actually worked.

It is important that the manager and employee discuss the use of KIT days and pay arrangements before maternity leave commences. The employee may make a request to their manager to receive time off in lieu instead of pay, but the time off must be taken within 3 months of their return to work.

10. Returning to work

10.1 Returning to work

If the primary parent intends to return to work at the end of their 52 weeks of maternity leave, they do not need to notify the school. The school will expect the employee to return to work at the end of their period of maternity unless the employee advises otherwise. However, the employee must confirm their intention to return with the HR department in writing; this confirmation must be completed within 21 days of the request.

An employee on maternity leave must give at least 21 days' notice in writing if it is their intention to return to work before the end of the OML period or before the end of AML. If an employee does not provide the required notice, it may be necessary for the Headteacher to postpone the employee's date of return to work for up to 21 days.

Alternatively, if the primary parent decides not to return to work, they must give written notification of resignation to the Headteacher. The employee may give more than the required notice and still safeguard full maternity pay and leave by specifying the date on which they intend to terminate the contract i.e. the first day they would have been due back after maternity leave. It is important to note that once an employee terminates their contract, they will not have the right to return to work after the birth of the baby.

If the employee is unable to return from maternity leave on the agreed date due to sickness, they must inform their manager in accordance with the sick absence rules (or earlier if possible), submitting a doctor's statement, stating that they are incapable of work. The School will treat the employee as returning to work on the originally agreed date and apply the sick pay scheme.

Employees may return to work during a school holiday period. Normal pay will be restored with effect from the date of return.

10.2 Rights on return to work

Employees have a right to return to the same 'job' after maternity leave. 'Job' for this purpose means the nature of the work which one is employed to do and the capacity and place in which one is employed. Where the employee's job ceases to exist due to redundancy while on maternity leave, the School will apply the Redundancy Procedure and keep the employee fully informed.

The employee will be offered a suitable alternative job, if one has arisen during their absence, (this means that if a suitable vacancy occurs while the employee is away it should be held for the employee). The job, place and terms and conditions should not be less favourable than the employee's original job.

An employee may wish to return to work on fewer hours than those worked under their contract of employment prior to maternity leave.

11. Pension

Employees who are members of the Local Government Superannuation Scheme or Teachers Pension Agency will continue to have contributions deducted on all payments during paid maternity leave. This period will count as full service.

During unpaid maternity leave the employee will be retained in the scheme but the period will not count as superannuable service unless the employee arranges for the necessary contributions to be paid. These contributions are based on the statutory payments and not on normal contractual pay. These arrangements must be made **within 30 days** of returning to work. Employees should contact HR for further advice.

12. Annual leave

An employee who is normally entitled to annual leave will receive full annual leave entitlement provided that they return to work after the maternity leave period. The employee may wish to take part of the entitlement to annual leave before maternity leave starts, or “convert” part of the unpaid maternity leave to annual leave. When the employee returns to work, they will also receive full annual leave entitlement for that year, although it is not possible to automatically carry over leave from one leave year to the next. In exceptional circumstances an employee may, with the agreement of the Headteacher, carry over annual leave from 31 March.

If an employee does not return to work after the birth of their baby, they will accrue entitlement to annual leave for complete months’ service up to the day on which they leave work.

Teachers do not have a contractual entitlement to paid annual leave but are entitled to 28 days’ statutory annual leave under the Working Time Regulations. Annual leave entitlement can be offset by any period of school closure that has taken place in the leave year in question, i.e. both before and after the maternity leave period.

Appendix A - Maternity Pay

(from Southampton City Council 'Maternity Procedure', July 2013, updated February 2016)

4.0 MATERNITY PAY

4.1 Statutory Maternity Pay

A pregnant employee will be entitled to receive statutory maternity pay if she has been:

- *Employed into the qualifying week which is the 15th week before the EWC **and***
- *Employed without a break for at least 26 weeks into the 15th week before the EWC (part weeks count as full weeks) **and***
- *Earning, before tax, the Lower Earnings Limit for National Insurance Contributions.*

If the above criteria are met, the employee is entitled to:

- *90% of a week's pay for the first six weeks of Ordinary Maternity Leave*
- *Followed by 33 weeks' at whichever is the lower of 90% of average weekly earnings or the SMP rate set by the Government.*
(Further information on www.dwp.gov.uk - form NI 17A)
- *The total maternity pay period is 39 weeks.*

Statutory Maternity Pay will normally commence on the first day of the employee's maternity leave.

If the criteria to obtain SMP are not met, the employee may be entitled to maternity allowance. HR Pay will send you a form (SMP1) to complete. The allowance is claimed from Job Centre Plus, part of the Department for Work and Pensions;

http://www.jobcentreplus.gov.uk/JCP/Customers/WorkingAgeBenefits/Dev_008115.xml.html

If maternity allowance is claimed, the employee must inform HR Pay of the amount received.

4.2 Occupational Maternity Pay

4.2.1 Support Employees

1 If the pregnant employee has one year of continuous local government service at the beginning of the 11th week before the EWC, but is not entitled to Statutory Maternity Pay she will be entitled to

- *90% of a week's pay for the first six weeks' of OML*

and if she declares in writing her intention to return to work at the school for a minimum of three calendar months, she will receive:

- *half pay for 12 weeks*

2 *If the pregnant employee has one year of continuous local government service at the beginning of the 11th week before the EWC, and is entitled to Statutory Maternity Pay she will be entitled to*

- *Statutory Maternity Pay @ 90% of a week's pay for the first six weeks' of OML (please see note below at 4.7 about childcare vouchers)*

and if she declares in writing her intention to return to work at the school for a minimum of three calendar months, she will receive:

half pay for 12 weeks this will be in addition to Statutory Maternity Pay (this will not exceed normal full pay).

4.2.2 Teachers

Teachers with the necessary service (see Section 4.2.1) will receive

- *4 weeks at full contractual pay*
- *2 weeks at 90% contractual pay*
- *12 weeks at half contractual pay (this will be in addition to Statutory Maternity Pay (this will not exceed normal full pay))*

**** For teachers continuous service must be continuous local government service as a teacher.*

4.3 Requirement to repay Occupational Maternity Pay

If an employee has to make a repayment of OMP no allowance can be given for any NI contributions that may have been deducted. This means the amount to be repaid may be greater than the net amount that the employee was actually paid. In cases where the maternity pay is paid to the employee in one financial year and repaid to the Authority in the next, no allowance can be made for any income tax that was deducted. In such cases repayment to the Authority must be made for the "gross" amount paid and an application made by the employee to the Inland Revenue for a refund.

To avoid the necessity to repay OMP in the event that an employee does not return to work, it is possible for these payments to be postponed until after the maternity leave period. (see form Appendix A)

4.3.1 Support Employees

The employee may elect to receive the 12 weeks half pay either

- *payable with any Statutory Maternity Pay payable between the 7th and 18th week*
- or*
- *as a lump sum on her return to work.*

If the employee does not return to work or returns for less than three calendar months, she will be required to refund the 12 weeks' half pay Occupational Maternity Pay.

4.3.2 Teachers

In the event of a teacher not being available, or being unable, to return to her job for the required 13 week period, she shall be required to repay the 12 weeks half-pay received under the occupational maternity pay scheme.

4.4 Second and Subsequent Births

In these circumstances, the employee must return to work for a minimum period of 3 months as a qualifying condition to receiving further Occupational Maternity Pay.

4.5 Calculation of a Week's Pay for Statutory Maternity Pay

Payroll will look at the gross earnings paid to the employee in a set period. This is usually the eight week or two month period up to and including the 15th week before the expected week of childbirth (please see note below at 4.7 about childcare vouchers).

If the employee is awarded a pay rise which is effective at any time from the start of the set period used to work out SMP and the end of the employee's maternity leave, Payroll will recalculate the rate of SMP and pay any balance due.

4.6 Calculation of a Week's Pay for Occupational Maternity Pay

This is calculated with reference to the employee's pay at the time the employee commences maternity leave.

4.7 Childcare Vouchers

Employees participating in the childcare voucher scheme are advised to cease participation for the eight week or two month period up to and including the 15th week before the expected week of childbirth as these deductions reduce the earnings levels used for maternity pay calculations and will therefore reduce the amount payable. It is not possible to make retrospective adjustments.

Appendix B – Notification of Expectancy

(from Southampton City Council 'Maternity Procedure', July 2013, updated February 2016)

Southampton City Council
Notification of Pregnancy

TO: [Line Manager/ HR Pay]:

FROM: (Fill in your details).

1. Full Name:
2. Home Address:
.....
3. Job Title :
4. Employee (Payroll) No : School:.....
5. Starting Date of Employment with the School/Council:
6. Date of continuous Local Government service:
7. The expected week of childbirth is:
8. Form (MAT B1) is attached/will follow shortly.* (delete as applicable).
9. I intend to commence my Maternity Leave on
10. My last working day will be

11. Please delete 2 of the 3 following statements

1. I do not intend to return to work after the birth of my baby.
2. I intend to return to work after the birth of my baby in accordance with the maternity provisions and wish to receive my full entitlement to occupational maternity pay.
3. I intend to return to work after the birth of my baby in accordance with the maternity provisions. In the meantime I wish to postpone payment of those parts of my occupational maternity pay for which I would relinquish entitlement if I were unable to fulfil my intention to return to work.

(Please refer to section 4.3 of the maternity policy for guidance – the decision made at this time is not binding, but aids in the calculation of maternity pay)

Signed:Date:

Notes:

1. You should complete this form not later than 15 weeks before your expected week of childbirth (EWC).
2. Please send this form and your Mat B1 to HR Pay, 1st Floor, One Guildhall Square, Southampton, SO14 7FP and give a copy to your line manager

Appendix C – Employee’s notification to return to work or resign

(from Southampton City Council ‘Maternity Procedure’, July 2013, updated February 2016)

Southampton City Council
Employee’s notification to return to work or resign

If you wish to return early from maternity leave this notification must reach the School not later than
or 21 days before you intend to return.

TO: [Line Manager/ HR Pay]:

FROM: (Fill in your details).

1. Full Name:.....

2. Job Title:

3. School:

4. Employee (Payroll) No:

I intend to return to work on

OR

I do not intend to return to work. I understand this means I am resigning from my post (please note
that you must give the amount of notice required by your contract of employment).

Date:

Signed:

Phone number for us to contact you in case of queries: