

Charter.

Maternity leave and Pay policy

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1 Scope

This policy applies to all staff employed at The Charter Schools Educational Trust (the 'Trust') i.e. Teachers, support staff, Central Services staff, including those on fixed-term, part-time, permanent or temporary contracts.

2 Rationale

All our family friendly policies are designed to support staff in enjoying a good work life balance and allow them to take time off when needed to look after their families, including taking maternity leave and at some point, return to work feeling they have been valued and supported throughout their absence.

In relation to maternity rights, the TCSET Equality, Diversity and Inclusion Policy and the Equality Act 2010 will be adhered to all times and applies to all eligible employees regardless of their sexual orientation and/or gender identity.

3 Aim

We are always delighted to hear that a baby is on the way in the Trust family and congratulate you on your news!

The purpose of this maternity leave and pay policy is to provide a clear and concise summary of your maternity rights and benefits, along with the procedure that you will need to follow. If you are unsure of your rights or the procedure please refer to your Trust HR Business Partner in the first instance or your direct line manager, who will take HR advice if needed.

If you are pregnant as a surrogate for somebody, if you meet the requirements under this policy, then you will still have the same rights to maternity leave and pay.

4 Ante-Natal Care

All pregnant employees are entitled to take paid time off to attend appointments 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, the Headteacher may require you to show evidence of your appointment and confirmation from your doctor, midwife, or health visitor that you are pregnant.

Ante-natal care is not restricted to medical examinations and could include other activities recommended by a GP or midwife.

We want to work with you to try to avoid there being any negative effects on the quality of your work or your workload, or any adverse impact on your colleagues as a result of your attending these important appointments related to your maternity. For that reason please try to arrange your appointments outside working hours where possible or as close to the start or end of your working day as possible. Please also try to give us as much notice as possible of appointments so that arrangements can be made to cover your duties in your absence.

5 Health and Safety

On advising us of your pregnancy, we will carry out a risk assessment related to the job you are doing and resolve any potential risk to either you or your unborn baby. This may include, in discussions with you, altering your working conditions or hours of work to avoid such risks.

Please refer to the Trust Health and Safety policy in relation to risk assessments for expectant mothers.

6 Statutory Maternity Leave

All pregnant employees are entitled to 52 weeks Statutory Maternity Leave (SML) regardless of your length of service, pay or hours worked. The SML period is made up of 26 weeks Ordinary Maternity Leave (OML) followed immediately by 26 weeks Additional Maternity Leave (AML).

7 Notification

You are required to notify your Headteacher, in writing, that you are pregnant no later than the end of the 15th week before your Expected Week of Childbirth (EWC). You must also supply a certificate called a MAT B1 from a registered doctor or midwife stating the week your baby is expected to be born. Your doctor or midwife will issue you with this form about 20 weeks before your EWC. You should also indicate when you wish your maternity leave to commence.

This commencement date can be changed if you notify your Headteacher in writing at least 28 days in advance of the date you now intend to commence leave (or 28 days in advance of the date originally set for your leave to commence, if earlier). This letter is not required if you give birth early. The 11th week before the EWC is the earliest date maternity leave can start but it is not necessary to start the leave on that date. The latest date maternity leave can start is the EWC.

The Headteacher is required to respond to your plans for leave within 28 days confirming the date on which your maternity leave will start and stating the date on which they expect you to return to work if you take your full entitlement to leave.

Your maternity leave will start automatically if you are absent from work (after the beginning of the 4th week before your EWC) wholly or partly because of your pregnancy.

If your baby is born prematurely, and before you have started your maternity leave, then your maternity leave will automatically start the day after your baby is born.

You must have 2 weeks' compulsory maternity leave from the date your baby is born, irrespective of when your maternity leave period commenced.

8 Statutory Maternity Pay (SMP)

If you have 26 weeks continuous employment with the Trust by the end of the 15th week before your EWC, you will be entitled to receive SMP (where payable). This is currently six weeks at 90% of your average weekly earnings, and a further 33 weeks at the standard statutory rate if you satisfy the following conditions:

- a) You are still pregnant at the eleventh week before your EWC, or have had your baby at that time; *and*
- b) Your average weekly earnings for the period of at least eight weeks ending with the notification week are enough to be relevant for National Insurance purposes; *and*
- c) You are or have been pregnant and your absence is at least partly on that account.

9 Enhanced Trust Maternity pay

The Trust offers enhanced maternity pay for all its employees if you have one year's continuous service with us by the beginning of the 15th week before your expected week of childbirth (EWC).

You will be entitled to eleven weeks' pay at 100% of your weekly salary (inclusive of SMP), followed by 17 weeks half pay plus SMP (but not in any circumstances more than your normal salary), and a further 11 weeks at the standard statutory rate.

10 Other issues relating to pay

If you take the full 52 weeks statutory maternity leave, the final 13 weeks will be unpaid, regardless of whether you are entitled to statutory or enhanced maternity pay.

If you do not qualify for SMP you may be eligible for a benefit called Maternity Allowance. You are advised to check the details with Jobcentre Plus or with the Trust Payroll team (payroll@tcset.org.uk) who may need to issue you with a SMP1.

If you have a multiple birth your entitlement to maternity pay will be the same as if you had just one baby, i.e., you are not entitled to additional SMP. You may, however, be entitled to make a claim for an additional allowance from your local Jobcentre Plus.

Occupational maternity pay and SMP is treated as pay. Therefore tax, NI and, where appropriate, pension contributions should be deducted in the usual way.

If you are a member of an occupational pension scheme, you should consult the rules of the scheme about your position during unpaid additional maternity leave.

11 Miscarriages and still birth

We hope that your pregnancy will end with your baby being born healthy and safe, but we know that sadly sometimes this does not happen. We recognise that miscarriages and stillbirths are extremely distressing time for mothers and families, and we will offer our deepest condolences if this should happen to you. Please be assured that in that situation the Trust will do everything possible to support you. We would encourage you to seek expert medical advice and make sure you attend to your health, including your mental health and wellbeing, should this happen. You are always able to call on the staff 24-hour employee assistance service for support.

If you should have a miscarriage or a stillbirth you will be entitled to leave during this difficult time. Your entitlement will vary depending on the number of weeks that elapsed before you sadly lost your baby.

If a miscarriage occurs before the 24th week of pregnancy you will be entitled to compassionate leave in line with the Trust Time Off Policy, and potentially sick pay if signed off by your GP. Please speak to your line manager in the first instance, who will take HR advice if needed.

In the case of a miscarriage or still birth which occurs after the 24th week of pregnancy or when a baby dies soon after birth, you will be entitled to full maternity leave and pay.

In all cases, it is important you advise your Headteacher in writing of this as soon as practically possible. Again, we recognise the distress and grief you are likely to be suffering and encourage you to talk to your line manager and use the 24-hour employee assistance service.

Please also refer to the Trust Parental Bereavement Policy.

12 Keeping in touch

Before your maternity leave starts you will need to agree with your line manager or Headteacher the arrangements for staying in touch informally during your leave. Think about what would be useful to know about in terms of developments at work, and even what social and departmental events you might want to attend. Agree with them how you will contact each other (e.g., email/text etc) and how often. This can be a very informal arrangement and is designed to ensure you do not miss key information and events or feel isolated in any way, whilst recognising your right to have little contact during your maternity leave if you wish.

In addition, by mutual agreement with the Headteacher you can do up to ten days paid work, known as formal 'Keeping in Touch (KIT) Days', during your maternity leave. An example of the type of work which could be done would be attending work for a training course, attending a team meeting or to undertake your normal work.

You will be paid for the time you work at your normal rate, but any amount of work done on a KIT day uses up one day from your entitlement to KIT days. For example, if you come in for a one-hour training session and do no other work that day, you will only receive pay for one hour and will have used up one of your KIT days.

A KIT day will not bring your SML period to an end and nor will you lose any week of paid SMP.

13 Sickness Before Commencing Maternity Leave

If you are off work ill, or become ill, with a pregnancy related illness during the last four weeks before your EWC, maternity leave will normally commence at the beginning of the fourth week before the EWC or the next week after you last worked, whichever is the later.

Single days of pregnancy related illness during this period may be disregarded if you wish to continue working until the maternity leave start date previously notified to the Headteacher.

If sickness occurs within four weeks of the EWC and it is not related to pregnancy, it will be treated as sickness until such time as you would have started your maternity leave.

If you are advised by a medical practitioner to be absent from work on account of you having an infectious illness (certified by your GP) or there being an infectious illness at your place of work, you will be granted special leave with full pay.

14 Sickness During Maternity Leave

If you are certified sick during maternity leave, you are not entitled to receive sick pay during your maternity leave and you should refer to the Trust Sick Leave and pay policy.

15 Sickness After Maternity Leave

If you are too ill to return to work at the end of your maternity leave, normal rules on sick leave will apply and therefore you should refer to the Trust Sick Leave and Pay Policy.

16 Rights During 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, although you will be entitled to cost of living and performance related increments in line with the Trust Pay Policy.

Your employment contract continues, and benefits and obligations remain in force.

SML does not break continuity of service for the purpose of service-related benefit entitlements such as sick pay, additional holiday entitlements, or for the purpose of redundancy calculations or notice rights.

17 Returning to Work After Statutory Maternity Leave

If you return to work at the end of your ordinary maternity leave, you are entitled to return to the same job, with the same terms and conditions in which you were employed before your absence.

If you return to work after a period of additional maternity leave, you are entitled to return to the same job in which you were employed before your absence or, if that is not reasonably practicable, to another job which is both suitable and appropriate for you in the circumstances and on terms that are no less favourable.

You will need to give the Headteacher at least eight weeks' notice in writing if you wish to return before the end of your Statutory Maternity Leave. If you do not do so, or attempt to return early, the Headteacher may postpone your return to secure the minimum eight weeks' notice, but not to extend your absence beyond your statutory maternity leave. The Trust is not obliged to pay you if you return to work early in those circumstances.

If you want to propose changes to your contract of employment when returning to work, for example your working hours, you will need to include this with your eight weeks' notice in writing as a flexible working request. You should refer to the Trust Flexible working policy.

If you do not return to work with the Trust, or if after your return you fail to remain at work for at least 13 weeks (or equivalent), it is likely that you will be required to pay back to the Trust the 12 weeks half pay, as far as it exceeds Statutory Maternity Pay. If you find yourself in this situation, please talk with your line manager in the first instance who will discuss your specific situation with the Headteacher.

If you wish to resign from your employment during or at the end of your maternity leave, the terms of your notice period are the same as those set out in your contract of employment.

18 Holiday Entitlement Before/After Maternity Leave

All employees are entitled to a statutory minimum of 28 days annual leave, which cannot be taken during maternity leave

You are entitled to accrue annual leave during both ordinary and additional maternity leave. As you are taking maternity leave you must take your annual leave entitlement outside your maternity leave period.

Teachers

Teachers who take a full year of maternity leave are allowed to carry over their statutory annual leave entitlement into the next year so that they can take it during periods of school closure. Teachers may not take their statutory annual leave entitlement during term time unless there are insufficient school closure days to take this leave.

Support Staff

You will be advised of your contractual annual leave entitlement prior to commencing your maternity leave. On returning to work any outstanding annual leave can be taken in term time during that leave year, at a time agreed with your line manager, if there are insufficient school closures to accommodate your annual leave in that holiday year. A good solution for support staff is to take accrued annual leave immediately after the end of their maternity leave.

19 Post Natal care

You are entitled to take paid time off to attend post-natal appointments, for either yourself or your baby, during the 12-month period following your baby's birth. Your Headteacher may ask to see evidence of your appointment. You should arrange your appointments outside of the working day where possible or as close to the start or end of your working day.

20 Part-time or Flexible Working

We are committed to support all our staff with a healthy and fulfilling work life balance. If you wish to consider part time or flexible working following your maternity leave (or indeed at any other time), please talk to your line manager or Trust HR Business Partner in the first instance and refer to the Trust Flexible Working Policy.

21 Other family leave

Staff may also be eligible for Shared Parental Leave, Ordinary Parental Leave, and Paternity Leave. For full information and guidance please refer to the relevant Trust policies.

22 Monitoring and evaluation

It is important that the Trust keep records of all maternity leave, including for Inland Revenue Purposes. These will be retained in line with our Data protection policies and the Trust records retention policy.

Related documents

This policy should be read in conjunction with the following Trust policies:

- Sickness Absence and pay
- Adoption leave
- Ordinary parental leave
- Shared parental leave
- Parental Bereavement
- Paternity leave
- Flexible working
- Health and safety at Work (in relation to expectant mothers)
- Equality, Diversity, and Inclusion

This policy should be read in conjunction with the following external regulations and guidance:

- Health and Safety Executive – [Protecting pregnant workers and new mothers](#)
- ACAS: [Maternity leave and Pay](#)
- Gov.uk: [Maternity Pay](#) and leave and [pregnant employees' rights](#)
- [Equality Act 2010](#)