



King's Group Academies

MATERNITY AND PATERNITY LEAVE POLICY

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Section A: General introduction

Introduction

This policy sets out statutory and contractual rights in relation to maternity and paternity leave for employees at King's Group Academies (KGA). It covers rights and responsibilities, arrangements for leave and pay, and provisions for return to work. This policy reflects our commitment to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. No-one will be discriminated against, be subject to detriment or lose career development opportunities by taking leave under this policy.

Scope Of The Policy

This policy applies to employees of KGA. The policy does not apply to agency workers, consultants or the self-employed.

Monitoring And Review Of The Policy

This policy is reviewed and amended biennially by KGA. We will monitor the application and outcomes of this policy to ensure it is working effectively.

Retention And Data Protection

When managing an employee's leave and pay under this policy, KGA processes personal data collected in accordance with its data protection policy. Data collected is held securely and accessed by, and disclosed to, individuals only for the purposes of managing the leave and pay. We will comply with the requirements of the **Data Protection Legislation** (being (i) the General Data Protection Regulation ((EU) 2016/679) (unless and until the GDPR is no longer directly applicable in the UK) and any national implementing laws, regulations and secondary legislation, as amended or updated from time to time, in the UK and then (ii) any successor legislation to the GDPR or the Data Protection Act 1998, including the Data Protection Act 2018).

Records will be kept in accordance with our Staff Privacy Notice, our Retention and Destruction Policy and in line with the requirements of Data Protection Legislation.

Definitions

The following definitions apply in this policy:

Expected Week of Childbirth	the week starting on a Sunday in which your doctor or midwife expects you (or your spouse, civil partner or partner) to give birth
Qualifying Week	the fifteenth week before the Expected Week of Childbirth, or the week in which you are notified in writing by an adoption agency of having been matched with a child
Intended Start Date	the date on which you would like to start your maternity, paternity or adoption leave
Expected Return Date	the date we will expect you to return to work if you take your full entitlement to maternity leave or adoption leave
Relevant Period	an eight week period ending with the Qualifying Week in birth cases, or the eight week period ending with the week in which you or your spouse, civil partner or partner were notified of being matched with a child in adoption cases
Ordinary Maternity Leave (OML)	a period of 26 weeks' leave available to all employees who qualify for maternity leave



Additional Maternity Leave (AML)	a further period of up to 26 weeks' leave immediately following OML
Partner	someone (whether of a different sex or the same sex) with whom you live in an enduring family relationship, but who is not your parent, grandparent, sister, brother, aunt or uncle, niece or nephew
Parent	one of two people (whether of a different sex or the same sex) who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father)
Expected Placement Date	the date on which an adoption agency expects that it will place a child into your care with a view to adoption
Ordinary Adoption Leave (OAL)	a period of up to 26 weeks' leave available to all employees who qualify for adoption leave
Additional Adoption Leave (AAL)	a further period of up to 26 weeks' leave immediately following OAL



Section B: Maternity Leave And Pay

Introduction

This section outlines the statutory rights and responsibilities of employees who are pregnant or have recently given birth.

Maternity leave is a statutory day one right. All employees are entitled to maternity leave regardless of length of service or hours worked. Entitlement to maternity pay (statutory or contractual) is subject to qualifying criteria as set out in this policy.

Notification

You must inform us as soon as possible that you are pregnant. This is important as there may be health and safety issues.

Before the end of the Qualifying Week, or as soon as reasonably practical afterwards, you must tell your line manager/Head Teacher/Principal in writing:

- (a) That you are pregnant
- (b) The Expected Week of Childbirth
- (c) The date on which you would like to start your maternity leave (Intended Start Date)

You must also provide a certificate from a doctor or midwife (usually on a MAT B1 form) confirming your Expected Week of Childbirth (this is not available before the 20th week of pregnancy and is usually provided around the 26th week of pregnancy).

Time Off For Ante-Natal Care

If you are pregnant you may take reasonable paid time off during working hours for ante-natal care. This may include any relaxation or parenting classes that your doctor, midwife or health visitor has advised you to attend. You should try to give us as much notice as possible of the appointment and wherever possible, try to arrange them as near to the start or end of the working day.

Sickness

Periods of pregnancy-related sickness absence shall be paid in accordance with your contract of employment in the same manner as any other sickness absence.

Periods of pregnancy-related sickness absence from the start of your pregnancy until the end of your maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.

If you are absent due to sickness for a pregnancy-related reason during the four weeks before your Expected Week of Childbirth, your maternity leave will start automatically (see paragraph 7, Starting maternity leave).

Health And Safety

We have a general duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to identify and assess the workplace risks to women who are pregnant, have given birth within the last six months or are still breastfeeding.

We will provide you with information as to any risks identified in the risk assessment, and any preventive and protective measures that have been or will be taken. If we consider that, as a new or expectant mother, you would be exposed to health hazards in carrying out your normal duties we will take reasonable steps necessary (for as long as necessary) to avoid those risks. This may involve:

- (a) Changing your working conditions or hours of work;



- (b) Offering you suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- (c) Suspending you from duties, which will be on full pay unless you have unreasonably refused suitable alternative work.

Entitlement To Maternity Leave

All employees, regardless of hours worked or length of service, are entitled to up to 52 weeks' maternity leave which is divided into:

- (a) Ordinary maternity leave of 26 weeks (OML)
- (b) Additional maternity leave of a further 26 weeks immediately following OML (AML)

Starting Maternity Leave

The earliest date you can start maternity leave is 11 weeks' before the Expected Week of Childbirth (unless your child is born prematurely before that date). Maternity leave can commence on any day of the week.

You must notify your line manager/Head Teacher/principal in writing of your Intended Start Date before the end of the Qualifying Week (in accordance with paragraph 2.2). We will then write to you within 28 days to inform you of the date we will expect you to return to work if you take your full entitlement to maternity leave (Expected Return Date).

You can postpone your Intended Start Date by informing us in writing at least 28 days before the original Intended Start Date, or if that is not possible, as soon as reasonably practicable.

You can bring forward the Intended Start Date by informing us at least 28 days before the new start date, or if that is not possible, as soon as reasonably practicable.

Maternity leave shall start on the earlier of:

- (a) Your Intended Start Date (if notified to us in accordance with this policy); or
- (b) The day after any day on which you are absent for a pregnancy-related reason during the four weeks before the Expected Week of Childbirth; or
- (c) The day after you give birth.

If you give birth before your maternity leave is due to start, you must let your line manager/Headteacher/Principal know the date of the birth in writing as soon as possible.

The law prohibits you from working during the two weeks following childbirth.

Shortly before your maternity leave starts, you and your line manager/Headteacher/Principal will discuss the arrangements for covering your work and how you will remain in contact, should you wish to do so, during your leave. Unless you request otherwise, you will remain on circulation lists for internal news, job vacancies, training and work-related social events.

Statutory Maternity Pay

Statutory maternity pay (SMP) is payable for up to 39 weeks to employees who meet the qualifying conditions set out below. This is separate from entitlement to maternity leave, which is a day one right.

You are entitled to SMP if:

- (a) You have been continuously employed for at least 26 weeks at the end of the Qualifying Week and are still employed by us during that week;
- (b) Your average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the Government;



- (c) You provide us with a doctor's or midwife's certificate (MAT B1 form) stating your Expected Week of Childbirth;
- (d) You give at least 28 days' notice (or, if that is not possible, as much notice as you can) of your intention to take maternity leave; and
- (e) You are still pregnant 11 weeks before the start of the Expected Week of Childbirth or have already given birth.

SMP is calculated as follows:

Weeks 1 - 6	90% of your average weekly earnings, calculated over the Relevant Period. This is called the Earnings-Related Rate.
Weeks 7 - 39	The Prescribed Rate which is set by the Government for the relevant tax year, or the Earnings-Related Rate (90% of your average weekly earnings) if this is lower.

SMP accrues from the day on which you commence your OML and thereafter at the end of each complete week of absence. SMP payments shall be made on the next normal payroll date and income tax, National Insurance and pension contributions shall be deducted as appropriate.

You shall still be eligible for SMP if you leave employment for any reason after the start of the Qualifying Week (for example, if you resign or are made redundant). In such cases, if your maternity leave has not already begun, SMP shall start to accrue in whichever is the later of:

- (a) The week following the week in which employment ends; or
- (b) The eleventh week before the Expected Week of Childbirth.

If you become eligible for a pay rise before the end of your maternity leave, you will be treated for SMP purposes as if the pay rise had applied throughout the Relevant Period. This means that your SMP will be recalculated and increased retrospectively, or that you may qualify for SMP if you did not previously qualify. We shall pay you a lump sum to make up the difference between any SMP already paid and the amount payable by virtue of the pay rise. Any future SMP payments at the Earnings-Related Rate (if any) will also be increased as necessary.

KGA Maternity Pay

Employees with at least twelve months' continuous service at the 11th week before the Expected Week of Childbirth (EWC) will be entitled to receive enhanced contractual maternity pay from KGA as follows, inclusive of any Statutory Maternity Pay (SMP) or Maternity Allowance (MA) to which they are entitled (if eligible):

Weeks 1 - 4	Full pay (offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP)
Weeks 5 - 6	90 % of salary (offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP)
Weeks 7 - 18	50% of salary plus any Prescribed Rate SMP to which you are entitled, paid without deduction except by the extent to which the combined pay and SMP exceeds full pay. This means that Statutory Maternity Pay is included within contractual maternity pay and is not paid in addition to it. Total pay will not exceed normal full pay.

Teaching colleagues - you must return to your job for at least 13 weeks as a qualifying condition to receive this KGA maternity pay. If you do not return to work for the 13 week period, you will be required to refund the amount paid to you for this period.



Support colleagues - you must return to your job for at least 3 months as a qualifying condition to receive this KGA maternity pay. If you do not return to work for the 3 month period, you will be required to refund the amount paid to you for this period.

If you request to reduce your hours on your return and your request is agreed, this 3 month period will be extended to equate to 3 months of service based on the number of hours you worked prior to your reduction in hours.

Terms And Conditions During OML And AML

All the terms and conditions of your employment remain in force during OML and AML, except for the terms relating to pay. In particular:

- (a) Annual leave entitlement under your contract shall continue to accrue where applicable (see paragraph 11, Annual leave); and
- (b) Pension benefits shall continue (see paragraph 12, Pensions).

Annual Leave

All staff continue to accrue annual leave during maternity leave at the rate provided under your contract of employment.

The salary calculation for staff contracted to work term time only or term time plus additional working weeks, includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.

Your accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after your maternity leave. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that you have accrued during the maternity leave period. However, on the rare occasions that there are insufficient school closure periods to accommodate your outstanding annual leave entitlement, you will be entitled to take any remaining leave during term time at a time mutually agreed with your [line manager/Head Teacher/Principal].

Full working year

For staff contracted to work 52 weeks a year, annual leave entitlement will continue to accrue at the rate provided under your contract. If your maternity leave continues into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your maternity leave can be carried over to the next holiday year [and must be taken immediately before returning to work unless your manager agrees otherwise]. [You should try to limit carry over to one week's holiday or less. Carryover of more than one week is at your manager's discretion.] Please discuss your holiday plans with your manager in good time before starting maternity leave. All holiday dates are subject to approval by your manager. Our holiday year runs from [1 September to 31 August].

Pensions

During OML and any further period of paid maternity leave we shall continue to make any employer pension contributions that we usually make, based on the pay you are receiving whilst absent. If you wish to increase your contributions to make up any shortfall from those based on your normal salary then please contact the Pensions Administrator directly. For teaching staff this will be Teachers' Pensions on 0345 6066166 and for support staff, this will be the LGPS scheme in your local authority area.

During any period of unpaid maternity leave, we shall not make any employer pension contributions and the period shall not count as pensionable service. If you are a member of support staff, you may if you wish make any contributions for the unpaid period. If you choose not to, you will not build up any membership for this period, and this will affect your pension benefits. If you are a member of teaching staff, you do not have the option of paying contributions during any period of unpaid maternity leave, but you can purchase additional pension on top of your normal contributions in multiples of £250 up to a maximum set by Teachers' Pensions.



Keeping In Touch

We may make reasonable contact with you from time to time during your maternity leave.

You may work (including attending training) for up to ten days during ordinary or additional maternity leave without bringing your maternity leave or SMP to an end. These are known as Keeping in Touch (KIT) days. The arrangements, including pay, would be set by agreement with your line manager.

Any work you do as a KIT day, even as little as an hour for example, will be counted as a whole KIT day. They can be taken as single days, consecutive days or in blocks. Once you have used up your ten KIT days, if you do any further work you will lose a week's SMP for the week in which you have done that work.

KIT days are by agreement. You are not obliged to undertake any such work during maternity leave. Equally we may refuse a request from you for you to work a KIT day.

Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This could be one of your KIT days. This may cover:

- (a) Updating you on any changes that have occurred during your absence;
- (b) Any training needs you might have; and
- (c) Any changes to working arrangements (for example if you have made a request to work part-time)

Expected Return Date

Once you have notified us in writing of your Intended Start Date, we shall send you a letter within 28 days to inform you of your Expected Return Date. If your start date has been changed (either because you gave us notice to change it, or because maternity leave started early due to illness or premature childbirth) we shall write to you within 28 days of the start of maternity leave with a revised Expected Return Date.

We will expect you back at work on your Expected Return Date unless you tell us otherwise. It will help us if, during your maternity leave, you are able to confirm that you will be returning to work as expected.

Returning Early

If you wish to return to work earlier than the Expected Return Date, you must give us 21 days' prior notice in writing. If not enough notice is given, we may postpone your return date until eight weeks after you gave notice, or to the Expected Return Date if sooner.

Returning Late

If you wish to return later than the Expected Return Date, you may request unpaid parental leave in accordance with KGA's Parental Leave Policy.

Alternatively, staff who have annual leave entitlement remaining (where applicable) may request paid annual leave in accordance with your contract, which will be at our discretion.

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply.

In any other case, late return will be treated as unauthorised absence.

Deciding not to return

If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should give notice of resignation in accordance with your contract. The amount



of maternity leave left to run when you give notice must be at least equal to your contractual notice period; otherwise we may require you to return to work for the remainder of the notice period.

Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.

This does not affect your right to receive SMP.

Your Rights When You Return

You are normally entitled to return to work in the same position as you held before commencing leave. Your terms of employment shall be the same as they would have been had you not been absent.

However, if you have taken any period of AML or more than four weeks' parental leave, and it is not reasonably practicable for us to allow you to return into the same position; we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

Requests To Change Your Working Pattern

We will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave on a case-by-case basis. There is no right to insist on working part-time, but you do have a statutory right to request flexible working. We will consider your request in accordance with the provisions of this statutory right, bearing in mind the needs of our organisation. It is helpful if requests are made as early as possible. The procedure for dealing with such requests is set out in our Flexible Working Policy.

Shared Parental Leave

You may choose to end your maternity leave and take shared parental leave. See KGA's Shared Parental Leave Policy for further details.



Section C: Paternity Leave And Pay

Introduction

This section sets out employees' entitlement to accompany a pregnant woman to appointments to receive ante-natal care, paternity leave and pay.

Time Off To Accompany For Antenatal Care

Employees are entitled to take unpaid time off during your working hours to accompany a pregnant woman to up to two appointments to receive antenatal care, lasting no more than 6 and a half hours each, if you:

- (i) Are the biological parent of the child; or
- (ii) Are the spouse or civil partner of the expectant mother;
- (iii) Live with the child's mother in an enduring family relationship and are not a relative; or
- (iv) Are to be treated as a parent of an expected child by fertility treatment (under the assisted reproduction provisions of the Human Fertilisation and Embryology Act (HEFA) 2008); or
- (v) Are a potential applicant for a parental order where a child has been conceived using the sperm or egg of your spouse, civil partner or partner and has been carried by a surrogate mother (under the HEFA 2008).

Agency workers who have completed their 12 week qualifying period in the same role, with no breaks during or between assignments and who meet the criteria at 2.1 have the same right to accompany.

The appointments may include any relaxation or parenting classes but must have been made on the advice of the pregnant woman's doctor, midwife or health visitor.

If you are eligible and wish to take time off for this purpose, you must provide us with a signed "employee declaration" confirming:

- (b) That you have a qualifying relationship with a pregnant woman or her expected child
- (c) That you wish to take time off to accompany the pregnant woman to an appointment to receive antenatal care which has been made on the advice of their doctor, midwife or health visitor
- (d) The date and time of the appointment

You should try to give us as much notice as possible of the appointment and wherever possible, try to arrange them as near to the start or end of the working day.

Entitlement To Paternity Leave

Certain employees can take paternity leave in relation to the birth or adoption of a child. Both men and women can request paternity leave. However, in adoption cases, paternity leave is not available to an employee who also decides to take adoption leave. Further details of adoption leave are set out in section D, Adoption Leave and Pay. Where a woman is eligible under this entitlement, they may choose for this to be called 'new parent leave'.

Notification Of OPL And Paternity Leave

If you are eligible and wish to take OPL in relation to a child's birth or the adoption of a child, you must give us notice in writing of your intention to do so by the end of the Qualifying Week, or if this is not possible, as soon as you can.

You must confirm:

- (a) The Expected Week of Childbirth, or the date on which you and your partner were notified of having been matched with the child, together with the Expected Placement Date;
- (b) Whether you intend to take one week's leave or two consecutive weeks' leave;
- (c) When you intend to take your leave how many blocks
- (d) When you would like to start your leave. You can state that your leave will start on:



- (i) The day of the child's birth or the day on which the child is placed with you or the adopter
- (ii) A day which is a specified number of days after the child's birth or placement; or
- (iii) A specific date later than the first date of the Expected Week of Childbirth or the Expected Placement Date

We may require a signed declaration from you that you are taking OPL to care for the child or to support the child's mother or your partner in caring for the child.

Paternity Leave Amendment Regulations 2024

In addition to OPL, eligible employees are entitled to Paternity Leave as per the Paternity Leave Amendment Regulations 2024.

The Paternity Leave must be taken within the first year from the date of the child's birth or placement.

The Paternity Leave allows fathers or partners the flexibility to take leave in segmented blocks, permitting two separate one-week blocks at any point within the first year following the birth or adoption of their child. The notice period required for each period of leave is 28 days, providing enhanced flexibility for individuals to plan and avail themselves of this leave benefit.

Changing The Dates Of OPL

Where you are to take OPL in respect of a child's birth or adoption, you can give us written notice to vary the start date of your leave from that which you originally specified in the notice given under paragraph 6. This notice should be given:

- (a) Where you wish to vary your leave to start on the day of the child's birth/placement, at least 28 days' before the first day of the Expected Week of Childbirth/Expected Placement Date.
- (b) Where you wish to vary your leave to start a specified number of days after the child's birth/placement, at least 28 days' (minus the specified number of days) before the first day of the Expected Week of Childbirth/Expected Placement Date.
- (c) Where you wish to vary your leave to start on a specific date (or a different date from that you originally specified), at least 28 days' before that date.

If you are unable to give us 28 days' written notice of the wish to vary the start of your leave as set out above, you should give us written notice of the change as soon as you can.

Paternity Pay (Statutory And Contractual)

If you take Ordinary Paternity Leave (OPL) in accordance with this policy, you may be eligible for Statutory Paternity Pay (SPP), subject to meeting the statutory qualifying criteria. Where an employee qualifies for SPP, KGA provides enhanced contractual paternity pay of up to two weeks at full pay. Any SPP entitlement is included within this payment and is not paid in addition to it. This means that total pay during paternity leave will not exceed normal full pay.

To qualify for SPP, your average weekly earnings during the relevant period must not fall below the lower earnings limit set by the government. Note: Women may choose to refer to this as New Parent Leave Pay.

SPP is disbursed at a specified rate determined by the government for the relevant tax year, or at 90% of your average weekly earnings calculated over the Relevant Period if this is lower.

It is advisable to regularly check the provided website for the most up-to-date information on paternity pay and leave. For specific inquiries or details, individual can contact Central HR by email: CentralHR@kingsacademies.uk



Terms And Conditions During OPL

All the terms and conditions of your employment remain in force, except for the terms relating to pay during OPL. In particular:

- (a) Benefits in kind such as life insurance and health insurance shall continue;
- (b) Annual leave entitlement under your contract shall continue to accrue where applicable (see paragraph 10, Annual leave); and
- (c) Pension benefits shall continue (see paragraph 11, Pensions).

Annual Leave

All staff continue to accrue annual leave during paternity leave at the rate provided under their contract of employment.

The salary calculation for teaching, and supporting colleagues on term time and term time plus additional working weeks, includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.

Your accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after your paternity leave. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that you have accrued during the paternity leave period. However, on the rare occasions that there are insufficient school closure periods to accommodate your outstanding annual leave entitlement; you will be entitled to take any remaining leave during term time at a time mutually agreed with your line manager/Head Teacher/Principal.

Full working year

Annual leave entitlement will continue to accrue at the rate provided under your contract. If you are taking a period of OPL which will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your leave can be carried over to the next holiday year [and must be taken immediately before returning to work unless your manager agrees otherwise]. [You should try to limit carry over to one week's holiday or less. Carryover of more than one week is at your manager's discretion.] Please discuss your holiday plans with your manager in good time before starting your paternity leave. All holiday dates are subject to approval by your manager. Our holiday year runs from 1 September to 31 August.

Pensions

During any period of paid paternity leave we shall continue to make any employer pension contributions that we usually make, based on the pay you are receiving whilst absent. If you wish to increase your contributions to make up any shortfall from those based on your normal salary then please contact the Pensions Administrator directly. For teaching staff this will be Teachers' Pensions on 0845 6066166 and for support staff, this will be the LGPS scheme in your local authority area.

During any period of unpaid paternity leave, we shall not make any employer pension contributions and the period shall not count as pensionable service. If you are a member of support staff, you may if you wish make any contributions for the unpaid period. If you choose not to, you will not build up any membership for this period, and this will affect your pension benefits. If you are a member of teaching staff, you do not have the option of paying contributions during any period of unpaid paternity leave, but you can purchase additional pension on top of your normal contributions in multiples of £250 up to a maximum set by Teachers' Pensions.

Returning To Work

You are normally entitled to return to work following maternity support leave or OPL to the same position you held before commencing leave. Your terms of employment will be the same as they would have been had you not been absent.



However, if you have combined your OPL with a period of:

- (a) Additional maternity leave;
- (b) Additional adoption leave; or
- (c) Parental leave of more than four weeks,

and it is not reasonably practicable for you to return to the same job, we will offer you a suitable and appropriate alternative position.

Requests To Change Your Working Pattern

We will deal with any requests by employees to change their working patterns (such as working part-time) after paternity leave on a case-by-case basis, in accordance with our Flexible Working Policy. We will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the business. It is helpful if requests are made as early as possible.

Deciding Not To Return

If you do not intend to return to work or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should submit your resignation in accordance with your contract. Once you have done so you will be unable to change your mind without our agreement. This does not affect your right to receive SPP.