



Maternity Leave

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This document has been created to support the mission, values and beliefs of the Creative Learning Partnership Trust:

Our mission.

Creating
transformational
educative opportunities;
promoting **social justice**;



Our values.

Integrity

Courage to do
the right thing, taking
time to care.

*Speaking and acting
truthfully, fairly and upholding
universal, moral principles.*



Collaboration.

Working together,
enabling each
other.

*Working with others to achieve
strategic direction and to
develop mutual trust and
respect.*



Dedication.

Committed to
supporting and
improving.

*Showing commitment to
and responsibility for
strategies and goals.*



Kindness.

Thinking of others and
acting with compassion.

*Demonstrating intentional
actions to show care, respect
and empathy to others.*



Innovation.

Using expertise and
research to
transform.

*Taking a proactive approach to
problem solving, showing
creativity, forward thinking
and adaptability.*



Understanding.

Openness, listening
and valuing one
another.

*Actively listening to others to
gauge the perspectives and
needs of others within
relevant context.*



C

CREATIVE.

Creativity is at the heart of how we achieve exceptional educational outcomes. It drives innovation and empowers us to transform new and original ideas into reality, enriching the learning experience for every child.

L

LEARNING.

Learning is at the core of all we do. We are relentless in our commitment to ensuring that every child within our care achieves outcomes that truly reflect their potential and aspirations.

P

PARTNERSHIP.

Collaboration and **partnership** are key to continuous improvement. By working together, we create an inclusive, supportive, and responsive organisation that listens and learns from all voices.

T

TRUST.

Trust is the foundation of our culture. It permeates every aspect of our schools and **organisation**, creating confidence, integrity, and building strong relationships across our entire community.

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This information can be made available in a range of formats and languages including Braille and large print.

If this would be useful, please contact the Headteacher.

Abbreviations

Additional Maternity Leave	AML
Average Weekly Earnings	AWE
Expected week of childbirth/confinement	EWC
Keeping in Touch Days	KIT
Maternity Allowance	MA
Maternity Certificate	MATB1
Ordinary Maternity Leave	OML
Occupational Maternity Pay	OMP
Statutory Maternity Pay	SMP
Statutory Maternity Leave	SML

1. Scope of policy

The policy applies to all employees but does not form part of the contract of employment or any other contract to provide services and can be amended from time to time in consultation with the recognised trade unions.

The policy does not apply once you have left our employment or agency workers, consultants, self-employed contractors or volunteers.

This policy has been implemented following consultation with our recognised Trade unions.

Decisions will be made in line with the scheme of delegation.

2. What is Maternity Leave and who can take it?

Maternity leave is a statutory right to time off work, regardless of length of service or working hours, for employee's who give birth to a living child (or stillborn child) after 24 weeks pregnancy.

If you are acting as a surrogate, you will have an entitlement to full maternity leave. What you do as a surrogate after a child is born does not affect your right to maternity leave. Legal parenthood can transfer, after birth, via either a Parental Order or Adoption.

3. How much statutory maternity leave (SML) is available?

SML is a maximum entitlement of up to 52 weeks leave made up of:

- OML - the first 26-week period of maternity leave entitlement.
- AML - the remaining 26-week period of maternity leave entitlement.

By law, you must take at least 2 weeks off after your baby is born. After this, it is up to you how many of the remaining 50 weeks you take.

You get the same amount of leave (and pay, where eligible) even if you have more than one baby, for example, twins.

If you are using someone else as a surrogate to carry your child, you may be eligible for adoption pay and leave and, where in a couple, your partner may be eligible for Parent Support Leave and/or Shared Parental Leave.

4. When can maternity leave start?

Maternity Leave will start on whichever date is the earlier of:

- your chosen start date (the earliest is 11 weeks before the EWC);
- the day after you give birth; or
- the day after any day on which you are absent for a pregnancy-related reason (only triggered in the 4 weeks before the EWC)

If your baby requires neonatal care, you may be eligible to take neonatal leave in addition to maternity leave. See Neonatal leave and pay Policy.

5. When do I need to tell my Headteacher I am pregnant?

We would like you to tell your Headteacher as soon as possible if you are pregnant as there may be health, safety and wellbeing considerations that they need to address and support to put in place ([see Section 10](#)).

However, by law, you need to provide certain information in writing or via email by the end of the 15th week before your EWC. This is known as the 'qualifying week'. (Note: those on Teachers terms and conditions must give this not later than the 14th week before their EWC).

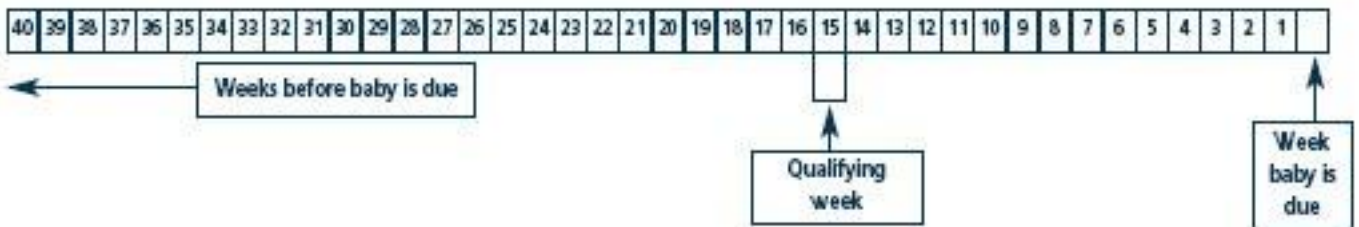


Diagram showing the qualifying week

The information includes confirming:

- that you are pregnant
- the EWC (week the baby is due)
- the date you intend to start maternity leave.

We have a pro-forma for you to use.

You also need to provide us with the MATB1 certificate, which you can get from your GP or midwife around 20 weeks of pregnancy. We need your MATB1 form in order to be able to process and pay any maternity benefits you may be eligible for.

6. Can I change the start date of my maternity leave?

Yes, you can amend the date that you wish to take maternity leave provided you give 28 days' notice either:

- before the original start date, or,
- before the new date you wish your leave to start

whichever is the earlier.

If your baby arrives early, we know that the 28 days' notice may not be possible.

7. What maternity pay is available?

There are different elements of maternity pay that you may be eligible for.

Some elements are set by the government, i.e. SMP, and others by ourselves, as the employer, which is OMP.

7.1 What is SMP?

You may be entitled to 39 weeks SMP, which is payable from the first day of maternity leave as follows:

- The first 6 weeks at 90% of your AWE before tax, and
- The remaining 33 weeks at the standard rate or 90% of your AWE (whichever is lower) See the [latest rates](#) set by the government

To be eligible for SMP, you must meet the following criteria:

a.	be pregnant or have given birth before reaching, at the start of the 11 th week before the expected week of childbirth,
b.	have been continuously employed by the school for at least 26 weeks by the end of the 15 th week before the EWC,
c.	have average weekly earnings, for the 8-week period ending with the qualifying week, of not less than the Lower Earnings Limit,
d.	have stopped working,
e.	have supplied your MATB1,
f.	Provide 28 days' notice in writing of when you wish your SMP and SML to start. *(exception in cases of premature birth).

7.2 What is OMP?

Occupational Maternity Pay is an enhancement to SMP and **is dependent on meeting the criteria set out in** the national terms and conditions on which you are employed.

7.2.1 Employees other than those on Teachers terms and conditions

Less than one year's continuous service at the 11th week before EWC)	At least one year's continuous service at the 11th week before EWC
9/10 ^{ths} of a week's pay for the first six weeks absence (offset by SMP) plus	9/10ths of a week's pay for the first six weeks' absence (offset by SMP), plus either :
33 weeks' SMP. (SMP is paid at a fixed, flat rate, which is reviewed annually or 90% of average weekly earnings whichever is the lesser).	A) 12 weeks' half pay (plus SMP) followed by 21 weeks SMP (without deductions except to the extent to which the combined pay and SMP / MA exceeds full pay). or B) 33 weeks' SMP if you do not intend to return to work. (SMP is paid at a fixed, flat rate, which is reviewed annually or 90% of average weekly earnings whichever is the lesser)
Any Additional Maternity Leave to which you may be entitled is unpaid.	Any Additional Maternity Leave to which you may be entitled is unpaid.

7.2.2 Employees on Teachers terms and conditions

Less than one year's continuous service at the 11th week before EWC)	At least one year's continuous service at the 11th week before EWC
9/10 ^{ths} of a week's pay for the first six weeks absence (SMP) plus	Full pay for the first four weeks' absence (offset by SMP) plus
33 weeks' SMP. (SMP is paid at a fixed, flat rate, which is reviewed annually or 90% of average weekly earnings whichever is the lesser).	9/10 of a week's pay for the next two weeks' absence (this will be offset against any entitlement to SMP during this period) plus either

Once the above is exhausted any Additional Maternity Leave to which you may be entitled is unpaid.	A) 12 weeks' half pay plus SMP followed by 21 weeks SMP (without deductions except to the extent to which the combined pay and SMP / MA exceeds full pay). or B) 33 weeks' SMP if you do not intend to return to work.
N/A	Once the above is exhausted, any additional Maternity Leave to which you may be entitled is unpaid.

7.3 Can I spread my OMP over a different period to help me manage my personal budget?

Yes. If you are eligible to receive the half pay element of occupational maternity pay you can opt to have the total aggregate payment that would be due to you between weeks 7 and 18 paid to you over 24 weeks, instead of the usual 12 weeks. This equates to approximately 25% of your average weekly earnings. Alternatively, you can defer payment until you have returned to work.

Both of options are subject to the 'claw back' rules below.

Note: This does not affect any payment of SMP as it is a set amount over a set period.

7.4 What are the 'claw back' rules?

To be able to keep the Occupational Maternity Pay you must return to work for:

- 3 months after your maternity leave (for employees other than those on teachers' terms and conditions).
- 13 weeks after your maternity leave (for those on teachers' terms and conditions). This may include periods of school closure.

If you don't return for the above periods, you must repay such proportion of the pay (but not the SMP amount) as determined by the Trust, i.e. 12 weeks half pay for all employees.

7.5 What if I am not eligible for SMP?

If you are not eligible for SMP but meet the eligibility requirements for OMP, you will receive the OMP as outlined below.

Employees other than those on teacher's terms and conditions:

- 6 weeks at 9/10ths of full pay
- 12 weeks at half pay

Employees on teacher's terms and conditions:

- 4 weeks at full pay
- 2 weeks at 9/10ths of full pay
- 12 weeks at half pay

You may also be able to claim Maternity Allowance (MA). The amount you can get depends on your eligibility – check up to date [info here](#). To claim MA you will need to contact your local Jobcentre plus and provide your MATB1. You will also need an SMP 1 form to make this claim which can be obtained from our Payroll team.

Should you be entitled to OMP, any payment you receive will be offset against the MA rate. If you do not qualify for MA, or it is paid at a lesser rate than the Statutory Maternity Pay, you will need to forward a copy of your maternity allowance statement to the Department of Working Pensions (DWP) or Job Centre Plus.

8. How does pregnancy related illness affect maternity leave?

If you are absent for pregnancy related illness, you should tell your Headteacher as soon as is practicably possible in line with the normal sickness absence reporting arrangements.

If the absence begins after the beginning of the fourth week before expected week of childbirth, maternity leave may automatically commence, following the first day you were absent. Your SMP, if entitled, may also start on this day and run for 39 weeks. This is unless you and your Headteacher agree together to delay it. In these circumstances, you will be on normal sick leave and be paid normal sick pay as appropriate. Your wellbeing should take priority. Once maternity leave starts, we have to pay the eligible maternity payments instead of sick pay.

9. What time off is available for Ante Natal Care?

9.1 For pregnant employees

You are entitled to a **reasonable** amount of paid time off to keep appointments for antenatal care. These could be with a registered medical practitioner, registered midwife or registered health visitor as well as relaxation classes and parent craft classes advised by one of these registered practitioners.

Please provide your Headteacher with as much notice as possible of the appointment. You may be asked to provide, unless it is a first appointment, your MATB1, and an appointment card or document showing the appointment. If you can arrange ante-natal appointments outside of working hours, you should try to do so.

9.2 For their Partners/ Fathers

If you have a 'qualifying relationship' with the birth parent or her expected child, you will be entitled to take unpaid time off work to accompany the birth parent to up to 2 of their ante-natal appointments. The time off is unpaid and capped at six and a half hours for each appointment (including travelling and waiting time). A 'qualifying relationship' means that either;

- you are an expectant father; or
- you are the birth parent's spouse or civil partner [or cohabiting partner **OR** you live with the birth parent in an enduring family relationship and she is not your daughter, granddaughter, sister or niece]; or
- the birth parent has undergone assisted conception and at that time you were her wife or civil partner or gave the required legal notices to be treated in law as the second female parent; or
- you are one of the intended parents in a surrogacy arrangement and expect to obtain a parental order in respect of the child.
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You may be asked to confirm to your Headteacher, in writing; the date and time of the appointment, that you have a 'qualifying relationship' as above, that the purpose of the time off is to accompany the birth parent to an antenatal appointment, and this appointment has been made on the advice of a registered doctor, midwife or nurse.

10. What consideration is given to my Health Safety and Wellbeing?

We are committed to supporting your health, safety and wellbeing. Current health and safety legislation requires employers to assess workplace risks of all who may be affected by the operations and in particular the risks to new and expectant mothers.

To enable us to fulfil our duty, you must, as soon as you can, inform your Headteacher in writing that you are pregnant, so that the relevant risk assessments on the workplace can be carried out. This also applies to women who have given birth within the previous six months or who are breastfeeding.

Your Headteacher will undertake a risk assessment and review it on a regular basis. Risks include shocks, vibrations/movement, hazardous substances/chemicals and all manual handling. Less obvious risks include mental/physical fatigue, stress and excessive standing.

The Headteacher should identify hazards that could pose a risk to you and your unborn baby or that may harm you or your child during breastfeeding and take appropriate action to remove or reduce the risk. It is your responsibility to inform your Headteacher if your circumstances change.

If you are a victim of domestic abuse, your pregnancy may increase risk factors for you and so your Headteacher will seek to provide support to you.

If there is a medical requirement for a reduction in hours or other adjustments then you will need to provide your Headteacher with a certificate signed by a registered medical practitioner or registered midwife, stating what restrictions are to be made. Following receipt of this certificate, necessary adjustments to ensure the health and safety of you and your baby will be made to working arrangements.

Where a risk is identified, preventative measures must be put in place. We will take all reasonable steps to remove/reduce the risk and to warn you of any potential dangers. In some cases, adjusting working conditions or hours, or offering a temporary suitable alternative post on the same salary may address risks. If neither of these options are feasible, we may need to suspend you for maternity related issues on normal pay for as long as necessary to protect your health and safety.

Specific advice on risk assessments can be obtained from the Health Safety wellbeing team.

Wellbeing Support Services are still available for you to access whilst on Maternity Leave. Please speak to your Headteacher/Manager for more information.

11. What happens if my baby is born prematurely?

If your child is born prematurely, it may be before the start of your planned maternity leave and pay period you must inform your Headteacher of the actual date of the birth as soon as reasonably practicable as we want to ensure your maternity pay is calculated correctly and paid promptly.

You may also be entitled to neo-natal leave, in addition to maternity leave, if your baby is required to have neo-natal care that lasts at least 7 days or longer within the first 28 days after birth. Please see Neo-natal leave and pay.

12. What if my employment ends during maternity leave?

If your employment ends for any reason during or after the 15th week before the EWC, your maternity leave will end but you retain your full entitlement to SMP. However, you will lose your entitlement to OMP as this is only payable whilst in our employment.

If you start working for another employer during the SMP period, after the baby is born, you must inform your Headteacher within 7 days of this and you will lose your entitlement to SMP.

13. What if I want to end my maternity leave early?

It will be assumed that you are returning to work at the end of your full maternity leave entitlement unless you have told us you are returning on a different date.

If you wish to return earlier, you are encouraged to provide 8 weeks' notice in writing in order for us to plan for your return. However, as a minimum you must give 21 days' notice.

14. What are Keeping in Touch (KIT) days?

KIT days are intended to facilitate a smooth return to work for you when returning from maternity leave. You and your Headteacher can agree on up to 10 days during your period of maternity leave without loss of maternity benefits or bringing your maternity leave to an end.

KIT days are useful for you to:

- Keep up to date with work

- Go to work related activity or training sessions
- Work part of a week to help the team

However, KIT days are optional. We have no expectation that you will undertake work and similarly you have no right to demand this. Any agreed work must be with prior mutual agreement.

Part days worked will count as one KIT day. You will be paid your normal contractual hourly pay for any KIT day hours worked and this must not exceed a standard working day. Headteachers can agree with you when the payment of when KIT days will take place which can either be in the next available payroll month or when your SMP has run out.

You will receive your Statutory Maternity Pay for the week in which you work a KIT day, but any SMP paid will be offset against any payments made for the KIT day.

The maternity leave period will not be extended by the number of keeping in touch days worked. After 10 KIT days have been worked the current rules will continue and you will lose a week's Statutory Maternity Pay for the week in which the 11th day of work is done as well as end of your statutory Maternity Leave period.

15. Breastfeeding on return?

If you are breastfeeding your baby and you wish to continue breastfeeding your baby or expressing milk following your return to work, we want to support you as much as we can.

To do this you need to notify your Headteacher in writing as soon as practicable and discuss your personal requirements prior to your return to work.

16. Further Advice

If you need any further information about any aspect of this policy, please initially speak to your Headteacher.