

DERBYSHIRE LA



BRAMLEY VALE PRIMARY SCHOOL

MATERNITY POLICY

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MATERNITY POLICY

Advice and Guidance

Date of Issue May 2009

To Chairs of Governors and Headteachers of all Schools.

Purpose of Document To inform Headteachers and Governors of the revised Maternity Policy which has been agreed between recognised Employee Organisations and the LA.

Summary of Main Points This agreement replaces the previous agreement dated April 2007 in the LA Personnel Handbook.

The amendments to the previous agreement takes account of revised legislation, recommended good practice, reflects recent case law and also incorporates the Working Time Directive and how instances of teacher's accrual of annual leave should be accommodated.

This document relates to Conditions of Service issues and is, therefore, available to all schools at no cost as part of the LA's Personnel Handbook.

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MATERNITY POLICY

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Maternity Policy

Bramley Vale Primary School

1. INTRODUCTION

A good employer recognises the value of its employees and aims to retain the skills and experience of women in the workforce with caring, as well as, work responsibilities. In addition there are statutory duties placed on the employer which are contained in the Employment Rights Act 1996, as amended by the Employment Relations Act 1999 and the Maternity and Parental Leave etc Regulations 1999. These updated guidelines reflect recent case law, legislation and also incorporate the Working Time Directive and how instances of teacher's accrual of annual leave should be accommodated.

The Statutory Rights fall into the following areas:

- Maternity Leave
- Maternity Benefit
- Time off for Antenatal Care
- Protection against detriment or dismissal
- Parental Leave
- Paternity Leave

1.1 Scope

These procedures apply to all qualifying employees and replace the April 2007 policy.

1.2 Risk Assessment

The Management of Health and Safety at Work Regulations 1999 requires risk assessments to be undertaken for all pregnant employees to identify if any hazards exist within the workplace that could affect them or their baby.

Where unacceptable hazards are found, corrective action will be taken wherever possible to protect the pregnant employee. If this is not possible further or other measures may be required. All pregnant employees should receive a copy of the Risk Assessment form which is included as Appendix I to this policy within 14 days of notification to the Headteacher of the impending birth.

It is important that employees inform the Headteacher as soon as they become aware that they are pregnant so that a risk assessment can be carried out for them. Any concerns regarding their routine should be discussed immediately with their Headteacher.

2. LEAVE

All employees, regardless of hours of work or length of service are entitled to **52 weeks'** statutory maternity leave comprising 26 weeks ordinary maternity leave (OML) and 26 weeks additional maternity leave (AML).

A period of **2 weeks'** compulsory maternity leave is required immediately after the birth of the baby.

2.1 Commencement of Maternity Leave and Notification

Employees should notify their Headteacher of their proposed date of absence at least **21 days** in advance and no later than 14 weeks before the expected week of childbirth. The earliest date maternity leave can commence is 11 weeks before the expected week of childbirth. However, to assist in cover arrangements, earlier discussion could take place. If an employee has more than one contract of employment with the Local Authority, she should notify each Headteacher.

This notification should be in writing and include details of the expected date/week of childbirth, together with proposed date for beginning maternity leave. A model letter attached as Appendix 3 may be used to advise your Headteacher/Personnel Officer that you are pregnant.

Employees should also provide a certificate (MATB1) from a registered medical practitioner or midwife stating the Expected Week of Confinement (EWC). This should be the original copy as photocopies cannot be accepted.

Maternity leave can also begin where:-

- childbirth occurs before the notified date of commencement of maternity leave, or
- before the employee has been able to notify her Headteacher of her intention to take leave, or
- at a minimum, on the date of childbirth, or
- if an employee is off sick with a pregnancy related illness in the **4 weeks** prior to childbirth, maternity leave begins on the first day of absence in that period.

2.2 Sickness

Any period of Maternity Leave is not sick leave and will not be taken into account when calculating sick leave entitlements. If an employee is absent due to sickness, other than pregnancy related, the normal sickness provisions will apply. Providing the employee complies with the normal sickness scheme provisions which apply to their post, the employee's absence will then be treated like that of any other employee who is unable to attend work due to sickness.

2.2.3 Annual Leave and Bank Holidays – Support Staff

Staff who have an annual leave entitlement, e.g. caretakers, accrue bank holidays and annual leave during maternity leave and can either carry it forward or use it for a paid period of deferral to return to work.

2.2.4 Annual Leave and Bank Holidays - Teachers

Teachers do not have a 'contractual' entitlement to annual leave; they do however have a 'statutory' right under the Working Time Regulations. The leave year for teachers would be from 1 September until 31 August. With effect from 1st April 2009 this entitlement is 28 days (5.6 weeks and is inclusive of Bank Holidays). **This is not an entitlement to annual leave on top of the current school closure arrangements. Local Authorities have been advised by the 'Local Government Employers' that: -**

- A teacher who takes maternity leave must be able to take the 28 days statutory annual leave **outside of her maternity leave**.
- This annual leave **can be offset** by any period of school closure during the leave year in question i.e. both before and after the maternity leave period.
- Teachers are advised prior to commencing maternity leave of the entitlement to 28 days annual leave to be taken either before or after the maternity leave, during school closure periods. On her return from maternity leave, outstanding leave can be taken in term time during that leave year if there are insufficient school closures to accommodate her leave in that year.
- Where return from maternity leave is so close to the end of the leave year that there is not enough time to take all her annual leave, it can be carried forward to the following leave year and be taken during the remaining periods of school closure after the 28 days annual leave for that year has been accommodated.

Pay in lieu of annual leave not taken can only be made where employment terminates i.e. usually only if a teacher does not return to her job following maternity leave (pay in lieu would be based on Annual Leave Entitlement for the proportion of the year worked minus the 'annual leave' – school closure periods - taken that year prior to the termination date)

2.3 Time Off for Antenatal Care

All pregnant employees are entitled to paid time off for antenatal care, including relaxation, 'parent craft' classes and medical examinations.

An employee can be requested to show a certificate from a registered medical practitioner or midwife confirming the pregnancy and an appointment card.

3. PAY

3.1 Benefits - Statutory Maternity Pay (SMP)

All employees who are pregnant or have just given birth are entitled to **39 weeks** SMP from the employer provided they meet the following qualifying conditions

- (a) Provide a Certificate from a Registered Medical Practitioner or a Registered Midwife of the EWC.
- (b) Give *21 days'* notice, or as soon as reasonably practicable that she intends to stop work because of pregnancy.
- (c) Have **26 weeks** continuous service by the **15th week** before EWC (known as the qualifying week -QW).
- (d) Have average weekly earnings at least equal to the lower earnings limit, for National Insurance Contributions (NIC's) in the **8 weeks** up to and including the QW.

39 weeks SMP is payable **whether the employee returns to work or not** at the following rates:

- **6 weeks** at 9/10 of average earnings.
- **33 weeks** at lower rate SMP. (Variable from year to year and adjusted in line with other Social Security benefits).

Or the employee may receive:

- **6 weeks** at 9/10 of average earnings plus
- **12 weeks** at half pay in addition to SMP, providing the total does not exceed full pay. (Subject to the employee returning to work for a period of, at the minimum, 3 months. If the employee does not return for this period, the employer will require repayment of the 12 weeks' half pay.)
- **21 weeks** at lower-rate SMP

Where an employee has more than one contract, Occupational Maternity Pay will be paid on the aggregated earnings of the contracts. In the case of Statutory Maternity Pay (SMP) this will be aggregated only if pay is aggregated on the

contracts. If pay is made separately on each contract, then entitlement to SMP will be determined on each contract.

In the case of teachers, they will be paid full pay for the first 4 weeks of maternity leave and 2 weeks at 9/10 pay, if they meet the service requirements for occupational maternity pay.

3.2 Maternity Allowance

Employees not eligible to receive SMP are entitled to claim Maternity Allowance (MA) from the Benefits Agency:

- for up to 39 **weeks** provided they have worked and paid NIC's in **26** of the **66 weeks** prior to the EWC.

The LA will provide a form, SMPI, to take to Job Centre Plus.

3.3 Pensions

The Employer will pay pension contributions throughout Ordinary Maternity Leave (OML) whether or not an employee received any pay.

An employee will pay contributions based on her actual pay. If she does not qualify for SMP and receives no pay, then no contributions will be payable.

4. RETURNING TO WORK

- Prior to going on maternity leave, there is no longer a requirement for an employee to advise if and when she is returning to work. However, you may wish to discuss her intentions during routine contact. The employee can opt to return to work earlier than planned from maternity leave but she will need to provide a minimum of 21 days notice¹ and ideally provide as much notice as possible. The employee cannot return to work within 2 weeks of giving birth.

Only when an employee wants to come back to work **before** the end of the **26 weeks** ordinary maternity leave (OML), should she advise her Headteacher, **3 weeks** prior to early return.

In the case of Additional Maternity Leave, (AML), which starts at the end of OML for *up to 26 weeks* a Headteacher can write **21 days** before the end of OML asking for confirmation of the child's date of birth and asking whether she intends to return to work after AML.

¹ Legislation has extended this notice period to 8 weeks but in accordance with the National Conditions of Service for Local Government employees and Conditions of service for school teachers in England and Wales this remains at 21 days

4.1 Right to Return

An employee is entitled to return from maternity leave to the same job on exactly the same terms and conditions as if they had not been absent.

If a redundancy situation exists and the employee is unable to return to work, a suitable alternative vacancy, where one exists, will be offered. If a re-organisation has taken place, this might necessitate a change in job to the one occupied prior to maternity leave. During maternity leave employees will be made aware of any potential changes which may affect their working arrangements.

An employee may also request to return to their post on reduced hours or on a job share basis. Every consideration will be given to flexible working arrangements and support facilities subject to service delivery needs. In certain circumstances, there may be a need to offer a suitable alternative post or duties in the same school or in other schools. Governors should be aware that a refusal to allow a job share following a return from maternity leave may result in a claim of indirect sexual discrimination.

In any of the above situations, the position, location, terms and conditions of the alternative post should be no less favourable than prior to maternity leave.

4.2 Failure to Return

As the contract of employment continues throughout the maternity leave the contract can only be terminated by dismissal or resignation. It is important that an employee is aware of the date on which she must return and the consequence of failing to do so. Any failure to return is an unauthorised absence and should be dealt with as such.

An employee may postpone her return to work after the end of maternity leave through sickness for up to 7 days by self-certification. A medical certificate will be needed thereafter.

4.3 Protection against Detriment or Dismissal

- Any dismissal or selection for redundancy relating to a pregnancy is automatically unfair.
- It is unlawful for an employee to suffer detrimental treatment at work throughout pregnancy, i.e. from notification to the end of the leave period.
- Any employee dismissed during pregnancy, or on maternity leave, will be entitled to receive written reasons for dismissal.

4.4 Interruption of Work — (i.e. Industrial Action)

An employee may delay her return to work in a situation where because of industrial action or some other reason work is interrupted - she may instead return when work resumes or as soon as reasonably practicable thereafter.

In circumstances where a return to work date has **not** been notified by an employee she may return, by giving at least **7** days written notice. Such notice must be received no more than 14 days after the cessation of the industrial action.

4.5 Stillbirth or Death of the Child

If the baby dies or is stillborn after 24 weeks of pregnancy, the provisions of the relevant maternity scheme will apply.

Where this occurs before 24 weeks, Governors may grant leave according to the Council's policies, e.g. compassionate or bereavement leave.

Additional support may also be provided through the Employee Welfare Service. Schools which have bought the LA's Comprehensive Personnel Service will automatically have access to this service. Other schools can purchase this service separately.

4.6 Keeping in Touch Days (KIT Days)

Where employees and employers agree, a woman on maternity leave can go into work for up to 10 days without losing her right to maternity leave or a week's statutory pay.

Payment should be made based on the existing rate of pay or offset against Statutory or Occupational Maternity Pay as appropriate.

Any work undertaken during an employees maternity leave period will count as a whole KIT day. Up to 10 days maximum; if a woman works more than 10 KIT days they are deemed to have returned to work and therefore lose their right to SMP for any week in which they have worked under their contract.

5. GUIDANCE FOR EXPECTANT PARENTS

5.1 Childcare

Contact: Children's Information Service - 01629 585585

The Children's Information Service has details on the range of childcare provision within Derbyshire. They can identify childminders who are able to drop off/collect from a particular school; cater for children with special needs and/or disabilities and hold a first aid qualification; others provide education and care in their own home.

They can care for a maximum of six children between the ages of six weeks and eight years although most are not registered for these numbers. Some cater for older children as well.

The Children's Information Service also have details of:

- holiday play schemes
- local 'out of school' clubs
- breakfast clubs
- playgroups
- nurseries

From September 2001, responsibility for the registration and inspection of day care providers for children under 8 years transfers from the Social Services Inspection Unit to OFSTED. Any enquiries about registration conditions or complaints should be addressed to the Regional Office in Nottingham. The helpline number is available from the Children's Information Service.

Holiday play schemes usually cater for a wide age range of children, with the emphasis on fun, including trips out.

Local 'out of school' clubs cater for children aged 3 - 14 years; children can usually be collected from school and taken to a local club.

Breakfast clubs are often based in schools or nurseries; they offer care from 8.00am, sometimes earlier, provide breakfast and relaxed activities; they may be open throughout the year or term-time only.

Playgroups provide care and education for children aged 2 years 6 months to school age. They are usually open for less than 4 hours.

Nursery Education is provided by the Council in nursery schools or classes. They are open for 5 sessions per week, morning or afternoon, term time only. Children are admitted from the term after their 3rd birthday.

Private nurseries cater for children from 6 weeks. Children may attend full or part day all year round. Some provide holiday and 'after school' care for older children.

5.2 Working Families Tax Credit

Some employees may be eligible for the Working Families Tax Credit, the aims of which are to provide financial help to families and lone parents with low and middle incomes.

For more information contact the National Benefits Helpline 0845 603 2953 or contact your local JobCentre Plus Officer.

5.3 Parental Leave

An employee with one year's service or more is entitled in respect of each child for whom the employee has parental responsibility, to take 13 weeks' (or, for a disabled child, 18 weeks') unpaid parental leave, for any purposes connected with the care of that child.

5.4 Paternity Leave

Paternity Leave is a statutory entitlement available to individuals who have a parenting responsibility for a child. It does not require biological paternity and may be taken by an individual nominated by the mother to assist in the care of the child and provide support at or around the time of the birth. Employees may take either one or two weeks' leave. If two weeks are taken, they must be consecutive weeks.

Further details on Parental and Paternity Leave are included in the revised Policy on Annual and Special Leave which is available through the LA's Support Service.

5.5 Additional Information

- Prescriptions and dental treatment is free throughout the pregnancy and up to 12 months after the birth.
- Details relating to Busy Bees childcare vouchers are available through your Departmental HR Section; this scheme offers national insurance and tax deductions from your childcare costs.
- For advice and information on real nappies please contact either 01629 580000, extension 7051 or the Real Nappies Helpline 0845 850 0606. Nappy laundering services take away dirty nappies and deliver clinically laundered nappies to your door every week through either Nappies for Real 01782 816902 or Nappy Hopper 01522 684495.

5.6 Pregnancy and your Health and Safety

During pregnancy many changes take place within the body, these are interlinked and generally build up slowly so as to cause the least possible disturbance. The heart beats faster and pumps more blood around the body to deliver increased amounts of oxygen, mainly to the developing baby, the breathing is also deeper to take in extra oxygen. There are many changes in the number of hormones, one which, in early pregnancy, relaxes the muscles of the bladder leading to an increase in the production of urine. As the baby grows in later pregnancy and presses on the bladder the same problem occurs.

5.6 Chemicals

There are many chemicals used within the working environment on a regular basis. The majority of these, if handled and stored correctly in accordance with the manufacturers/suppliers health and safety information sheet pose no risk to the health and well-being of employees.

There are some substances however, which pregnant employees should not use (i.e. lead compounds) or are advised to avoid; such as carbon tetrachloride, ethylene oxide etc. A COSHH assessment should be carried out for all chemicals and substances used by the pregnant employee with specific reference to substances that may harm the unborn or breastfeeding child.

For specific advice on this issue please contact the LA Safety Officer.

5.8 Illness or Injury

If possible employees should inform their colleagues that they are pregnant in the event that they are taken ill or receive any injury which requires treatment (at hospital, etc.) so that they may notify the ambulance crew or Doctor in attendance if the pregnant employee is unable to do so herself.

This is important as some treatments could cause harm to the unborn child.

Time off with pay is available to attend ante-natal clinics and this facility should be used for the benefit of both mother and unborn child.

5.9 General Health

Diet

Ideally, an expectant mother should have a balanced diet with meals spaced out evenly throughout the day, morning sickness permitted. No lunch and a large evening meal makes the digestive system work harder at the end of the day and with little exercise to use these calories, there is a greater chance of gaining unwanted weight. Excess sugar, salt or fats are best avoided. Daily intakes of milk and milk products, fresh fruit and vegetables, meat, fish, eggs or vegetarian/vegan alternatives are essential together with a regular fluid intake to replace the fluid being lost. Balance and moderation are important.

Pregnant women are advised to avoid eating soft ripened cheeses such as Brie, Camembert, and the blue veined types. Liver and its products, i.e. liver sausage, pate, are rich in iron but they are no longer recommended during pregnancy due to the unacceptably high levels of Vitamin A.

Cook-Chill meals and ready to eat poultry should be reheated to the recommended temperature, rather than eaten cold.

Smoking

Smoking is one of the few areas where total abstinence is advised. There is a higher risk of a baby being born prematurely and underweight if the mother smokes, and of complications during the birth.

Stopping smoking before becoming pregnant is obviously the ideal, but sometimes the fact of becoming pregnant provides the impetus to stop. Not everyone is able to stop but cutting down the intake of cigarettes will help. Further advice and information on 'Stop Smoking' Groups can be obtained from the

County Personnel Division's Occupational Health Section.

Alcohol

This is the other main area where abstinence is preferable, as the risk of problems increases when the mother drinks heavily. Alcohol consumption should certainly be reduced and if possible, avoided during pregnancy

Medication

Some women take continuing medication for various general health problems and their use will be monitored during ante-natal care. In general it is advised that no other drugs or medicines be taken during pregnancy, even the more routine ones like paracetamol or aspirin, without medical advice. The most common complaint for which medicine is taken is a headache, most of which are caused by stress or tension. Relaxing for half an hour or massaging the temples can have the same effect as pain killers.

Stress

This is one aspect which is relevant to both general health and to health at work. A certain amount of pressure is part of the daily routine and without it no-one can perform to their optimum capability. But again moderation is essential and situations which produce excessive amounts of tension should be avoided. Employees should try to find time in each day just to relax, and have time just for themselves. It is also a good habit to carry on after the pregnancy.

Exercise

Exercise is beneficial to muscles, heart and lungs. If there are no complicating factors during the pregnancy, most forms of exercise which were undertaken prior to the pregnancy may be continued for as long as it is comfortable to do so.

Any particular strenuous activity should be discussed during your ante-natal visit for individual advice.

Lifting and Handling

As with stress, lifting and handling is another area which overlaps between home and work and where there are no hard and fast rules. How much or how little lifting may be undertaken is very much dependant on the individual, her present state of health and any past history of pregnancy difficulties.

Generally, heavy lifting should be avoided and a pregnant employee should not be asked to lift "heavy" loads e.g. children, equipment, etc. (Consult the Manual Handling Section of the Health, Safety and Risk Management Handbook). Most other tasks around the home and at work may be carried out unless advised to the contrary by the ante-natal clinic or hospital. Obviously, increasing size as the pregnancy progresses will curtail activities in a natural way.

Posture

This is important in relation to the information on lifting and handling and also in its own right. Correct lifting procedures are especially important in pregnancy - irrespective of the weight of the load. Keeping the back straight, knees bent and never turning or twisting to lift a load are essential rules to follow.

Trying to maintain a good posture when standing or sitting assists back and neck muscles and changes of position i.e. sitting to standing and vice-versa, are preferable to either standing or sitting for long periods of time. A chair providing good lumbar support is useful both at home and at work. It is lovely to sink into the depths of a soft armchair, but it does not help sagging muscles in the back.

Communicable Diseases

The pregnant employee should not have contact with children or adults known to be carrying an infectious disease, such as rubella, chicken pox, shingles, scabies, etc, until at least seven days after the infection has cleared. Consult with the pregnant employee's GP if she has already had these diseases. (Consult the Communicable Diseases Handbook.)

Violence and Aggression

As far as reasonably practicable the pregnant employee should not be allowed to come into contact with pupils or others with violent tendencies.

Contact with Animals

The pregnant employee should not have contact with animals and should not visit farms or zoos.

Slips, Trips and Falls

The pregnant employee should not work at height ie, on ladders or stepladders. She should remain on the floor level at all times. Thought also needs to be given to slipping on wet or icy floors/paths and tripping hazards such as loose or worn carpets etc.

Non-Specific Factors

Finding some time during the day or in the evening just to relax is important to everyone but especially when pregnant.

Relaxation techniques are part of the ante-natal process and they can be usefully carried on after the birth of your baby.

Recommendations

- Provision should be made to allow the pregnant employee to take a rest period as and when required (short regular rests would probably be more beneficial than longer rests taken when feeling tired).
- Follow any advice given to the pregnant employee by her GP, midwife or any other appropriate medical adviser.
- The pregnant employee should keep school management informed of any changes to her condition or that of her unborn child.
- Review this assessment periodically throughout the pregnancy and for six months after the birth, in particular if there is a significant change in the health

and condition of the pregnant worker or her unborn child.

- This risk assessment should remain in place for six months following the birth.

5.10 Ante-Natal Procedure

Most women have shared care, between the General Practitioner and the Hospital Obstetric Unit. At each ante-natal visit, urine will be tested, blood pressure will be taken and weight will be recorded.

The time for the initial visit is usually twelve weeks, where a full medical history and examination are undertaken, and an expected date of delivery assessed.

Blood is taken to check for anaemia, blood group and Rubella (German Measles) antibodies. (If this last one is negative, a reminder is attached to the notes. The rubella injection is not to be given during pregnancy and must be given after the baby is born). The results of these tests can be checked at the next ante-natal visit. Many hospitals have ultra-sound assessment around 16-18 weeks to get an idea for foetal size and to confirm the stage of pregnancy.

Blood tests are carried out later in the pregnancy as it is necessary to check for possible anaemia. In some cases, it may be necessary to take iron tablets, but those eating sufficient amounts of red meat should not find it necessary to take these supplements.

A specific blood test may be undertaken around 16 weeks to check alpha fetoprotein concentrations. When raised, these are an indication of certain abnormalities.

Further assessments and procedures depend on local circumstances and the mother's individual health factors.

Taking advantage of the excellent ante-natal care that is offered in this country is one of the most important elements of pregnancy. Any pending problems can be diagnosed early; advice and practical guidance are available on all aspects of pregnancy and care of the baby; and also difficulties can be discussed and anxieties can be relieved.

**MANAGEMENT OF HEALTH AND SAFETY AT WORK
REGULATIONS 1999**

Expectant/Nursing Mothers: Risk Assessment

Name of Person Assessed:

Date of Assessment:

Workplace:

Job Title:

Expected Date of Delivery:

Job Tasks:
.....
.....

Name of Assessor: Position:

Signature of Assessor: Date:

Signature of Pregnant Employee: Date:

Name of Head of Establishment:

Signature of Head of Establishment: Date:

Review Date:

APPENDIX III

This model letter may be used to advise your Headteacher/Personnel Officer that you are pregnant. Notification must be at least *28 days* before you go on maternity leave. You should keep a copy of this letter for yourself.

Dear.....

I am writing to tell you that I am expecting a baby, and it is due on.....

At present I intend to take maternity leave from..... and I expect to return to work after the baby is born. Please send me all relevant information.

If my circumstances change I will let you know.

Please arrange for a risk assessment to take place as soon as possible.

Yours sincerely,

Note: Please quote your employee number and the location of employment on all correspondence.

CALENDAR OF MATERNITY RIGHTS AND BENEFITS
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The week of your pregnancy	What you need to know
In the early weeks	Check your contract with your School's Personnel Officer to see what rights and benefits the Authority offers.
	When your pregnancy is known if you are sacked for any reason connected with your pregnancy it will automatically be unfair dismissal and sex discrimination.
	Health and safety risks can develop at any stage of the pregnancy. You should inform your Headteacher in writing and ask for a risk assessment.
	You are entitled to paid time off to go to antenatal appointments.
	All pregnant women are entitled to free prescriptions and free dental treatment throughout the pregnancy and for 12 months after the birth of the child.
Week 18	You will be entitled to Statutory Maternity Pay (SMP). This is 90% of your average earnings for six weeks and approximately £108.85, variable from year to year, for 33 weeks. Your average earnings are the average of what you actually get over the next 8 weeks or so. If they fall below £84 then you will not qualify for SMP but may be able to claim Maternity Allowance.
Week 24	If your baby is stillborn after the 24 th week of pregnancy all maternity rights apply in the same way as with a live birth.
Week 25	If your partner wishes to take paternity leave at the time of the birth this is the time he should inform his employer.
Week 26	Your doctor or midwife will give you your MAT B1 certificate. If you have been employed for 26 weeks by the end of this week and your average earnings are at least £84 you are entitled to SMP. This is the latest week in which you should inform your Headteacher of your intention to take maternity leave along with the proposed date of commencement. All women are entitled to Ordinary Maternity Leave.
Week 29	You can start your leave and pay this week – provided you have given the right notice. If you do not want to start your leave at week 29 you can start it whenever you choose (see week 34). If you are in receipt of Income Support or Working Families Tax Credit (WFTC) you can claim a Sure Start Maternity Grant to help with costs of your new baby.
Week 36	It is entirely up to you when you start your maternity leave but if you are absent from work for a pregnancy-related reason in the last <i>four</i> weeks of your pregnancy the Authority can start your maternity leave and pay. If the baby is born early your leave and pay starts from that date.
Week 37	If your partner wishes to take parental leave at the time of the birth this is the time your partner should send their employer 21 days notice.
Week of childbirth	The date of the birth is the latest you can start your leave.

APPENDIX IV

The week following childbirth	What you need to know
Week 1	If your family is on a low income and you or your partner usually work more than 16 hours a week you may be entitled to Working Families Tax Credit (WFTC) once your child is born. If you are already in receipt of WFTC your entitlement may go up and you should inform the Tax Credit office of the birth of your baby.
	Whatever your income you should claim Child Benefit within 3 months of the birth of your baby in order for it to be paid from the date of birth. You must get a birth certificate as proof of birth
Week 2	Women are not allowed to return to work within 2 weeks of giving birth. If you are taking 26 weeks OML and want to return early you must give 3 weeks' notice. OML also includes the weeks taken before the birth. You do not have to give any notice of return if you are going back at the end of 26 weeks leave.
Week 6	You should see your GP, midwife or obstetrician for postnatal health check
Week 10	If you are taking AML the Headteacher can write to you asking when your baby was born and if you still want to return to work. You must reply within 21 days but do not have to decide on a return date yet.
Week 11	If you are getting Income Support or WFTC this is the last week in which you can submit your claim for Sure Start Maternity Grant.
Week 12	If you decide later not to return you must resign in the usual way by giving the period of notice stated in your contract. Your notice can run at the same time as your maternity leave.
Week 23	If you wish to take parental leave at the end of your maternity leave you should send your Headteacher 21 days notice now.
Week 26	If your maternity leave started at the birth of your baby and you taken only OML then you will return to work this week. You have the right to return to exactly the same job. SMP lasts up to 39 weeks but will stop if you go back to work before the end of 39 weeks. If you are ill at the end of OML the normal sick pay and procedures apply.
Week 39	Statutory Maternity Pay will cease at the end of Week 39 if your maternity leave started at the birth of your baby.
Week 49	If you wish to take parental leave at the end of AML this is the latest you must send your Headteacher 21 days notice.
Week 52	This is your last week of AML. If you want to return to work sooner than this you must give 3 weeks' notice in writing of your return date. You do not have to give any notice if you are returning at the end of 26 weeks leave. You have the right to return to the same job, or, only if that is not reasonably practicable a suitable job on very similar terms and conditions. If you are ill at the end of AML the normal sick pay and sickness procedures apply.
After maternity leave	The employer has a health and safety duty towards women who have given birth in the last six months or who are breast-feeding. If your work is difficult or dangerous ask for a risk assessment.