



Xavier Catholic Education Trust
Teaching Staff,
Maternity/Paternity Policy

**The Maternity and Paternity Policies have been
approved and adopted by the Xavier Catholic Education
Trust
To be reviewed in April 2026**

Committee Responsible: HR Committee

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Xavier Catholic Education Trust – Teachers Maternity Pay Policy Staff appointed from January 2021
(For staff appointed before Jan 2021 please request contact your HR manager or
hr@xaviercet.org.uk **for the correct maternity policy)**

Who does this scheme apply to?

This scheme offers the enhanced occupational maternity pay entitlements from the national scheme for teachers. The Xavier Catholic Education Trust (XCET) mirrors the National Teachers Pay and Conditions (Burgundy book) and applies to all employees of the XCET schools, appointed after 1st January 2021.

Qualifying Service

To qualify, teachers must continue in employment with Xavier Catholic Education Trust up until the date on which they commence maternity leave.

Qualifying teachers must also have completed at least nine months of continuous service (full or part time) as a teacher, as at the beginning (the Sunday) of the expected week of childbirth (EWC).

Teachers with less than nine months' service who therefore do not qualify for the occupational maternity scheme will be entitled to receive statutory maternity benefits where they meet the qualifying conditions for either Statutory Maternity Pay (SMP) or Maternity Allowance (MA).

It is possible for a teacher to meet the qualifying service conditions to receive occupational maternity pay but not be eligible for SMP. Where this is the case, this will affect the underlying entitlement in accordance with the arrangements described under the relevant options below.

Notice of Entitlement

In order to exercise this right to take maternity leave, you must complete a Notice of Entitlement to notify the school in writing no later than the end of the 15th week before your expected week of childbirth ('EWC'). The notification should include:

- The fact that you are pregnant;
- The date on which you intend to commence maternity leave; and
- Your expected week of childbirth.

The Notice of Entitlement and Intention to Take Maternity Leave and/or Maternity Pay form is available from the HR lead or Office Manager for mothers to complete to provide this information.

The earliest date for commencing maternity leave is the beginning of the 11th week before the EWC. It is possible for mothers to change their mind about the date they wish maternity leave to commence but they should notify the school of the revised start date at least 28 days before the

start of either the new date or the original date (whichever is sooner). If there are reasons why it is not practical to meet this deadline, they must make the notification as soon as possible, thereafter, explaining the circumstances.

Upon receipt of their notification of pregnancy, employers will respond in writing within 28 days, confirming the date on which your maternity leave will end (assuming at this stage that they will take all their entitlement).

Mothers must provide evidence of their pregnancy in the form of a MAT B1 certificate. This is available from their midwife or doctor, usually after week 20 of pregnancy.

There are circumstances in which maternity leave will be triggered automatically. If you give birth prematurely, maternity leave will commence on the day after the date of birth. You should let us know the actual date of birth as soon as it is practical to do so. Absence from work for a pregnancy-related reason in the four-week period before the EWC will also automatically trigger the start of maternity leave. Again, you must notify us of your reasons for absence as soon as possible.

Maternity Pay Scheme

Different maternity benefits are payable depending on whether or not the teacher intends to return to work following maternity leave and the date of employment at Xavier Catholic Education Service. All new appointments from January 2021 will be entitled to the Teachers National Maternity Pay Scheme 1 below.

For the purposes of this scheme, a week's pay shall be treated as the amount payable to a teacher under the current contract of employment (including allowances such as TLRs or SEN). If there are significant variations in a teacher's salary, the average salary over the 12 weeks preceding the date of absence will be treated as a weeks salary.

A. Pay Scheme 1 – Teachers returning to work (appointed from 1st January 2021)

4 weeks	Full pay (offset against entitlement to SMP or MA
2 weeks	90% of normal pay (offset against entitlement to SMP or MA
12 weeks	50% pay (plus SMP if eligible, to not exceed full pay)
21 weeks	Lower rate Statutory Maternity Pay (SMP if eligible or MA)

B. Teachers Not Returning to Work

4 weeks	Full pay (offset against entitlement to SMP or MA)
2 weeks	90% of salary (offset against entitlement to SMP or MA)
33 weeks	Lower rate of SMP (if eligible for SMP)

C. Teachers Undecided about Returning to Work

Teachers who are unsure whether or not they intend to return to work can opt to receive payments in accordance with Option B above and then have the enhanced element of maternity pay (Option A entitlement, minus the maternity pay already paid in respect of those 18 weeks) paid as a lump sum if and when they return to work for the requisite qualifying period. Notice provisions apply both for returning early and for resigning, as outlined below under 'Giving Notice'.

D. Teachers on Fixed Term Contracts

A teacher on a contract of fixed duration, where the contract expires without renewal before or during maternity leave, cannot opt to receive payment under A ('Teachers Returning to Work') above because she will be unable to make a declaration that she will be returning to work for her employer.

Return to Work Provisions

Teachers who have opted to take the enhanced maternity pay scheme (Option A above) must return to their original post for at least 13 weeks of service. This period can include school closure periods and therefore does not have to be served exclusively in term time; however, teachers must still give their contractual notice (expiring at the end of an academic term) if they intend to leave the school after serving this period. There is no automatic right to leave after serving 13 weeks and any agreement to leave at a point other than the end of a term is by negotiation only. Teachers who do not return for at least this period are liable to repay the equivalent of the enhanced element already paid (i.e. The difference between option A and Option B)). SMP is not reclaimable.

Teachers who return to work on reduced hours with the agreement of the school will still have to serve 13 weeks on their return. The 13-week period is not increased proportionately to reflect the reduction in hours.

The 13 week period starts from the date the teacher returns to work or the date during the school holiday on which the teacher is declared medically fit to be available to work. Teachers must notify their HR manager if they are returning to work during a school closure period.

Giving Notice

Giving Notice to Return

Under the terms of the Burgundy Book teachers are only required to give a minimum of 21 days' notice of their intention to return to work early from maternity leave. This overrides the statutory notice provision of 8 weeks however, in order for the school to plan appropriately, teachers are encouraged to give as much notice as possible of their intended date of return. Teachers who are, however, contemplating making a request for flexible working to take effect from the date of their return are strongly encouraged to do so at the earliest opportunity. This is because the process for agreeing or rejecting a request can take up to 8 weeks alone and there may also be the requirement for a recruitment period, for example in a job-share arrangement.

Giving Notice to Resign

Teachers who decide to resign before the end of maternity leave should give contractual notice. It may be possible to mutually agree a shorter notice period with the school and therefore teachers are advised to discuss this with the school at the earliest opportunity. It is unlikely that the school will be able to agree to a notice period of less than 8 weeks. The last day of service in these circumstances would be the date of formal resignation plus the agreed notice period.

Teachers who do not wish to take maternity leave and instead intend to leave their employment, may notify the employer in writing, that they wish to terminate their employment. This notification shall be given at least 21 days before such termination to take effect within the period 11 weeks prior to the expected week of childbirth.

Redundancy Protection

In the event of a redundancy situation, employees on maternity leave, adoption leave and shared parental leave have the right to be offered a suitable alternative vacancy, if one is available, before being made redundant and have priority access to redeployment opportunities.

The redundancy protection starts from the date of notification of pregnancy and ends 18 months after the child's date of birth.

Time off for antenatal appointments

Pregnant employees, regardless of length of service or number of hours worked, have the right to reasonable paid time off work for antenatal appointments, including relaxation and parentcraft classes, which are recommended by their doctor, nurse, or midwife.

Pregnant employees will be paid at their normal weekly rate of pay to attend antenatal appointments.

Managers cannot ask a pregnant employee to provide evidence of their first antenatal appointment but can ask to see evidence of subsequent antenatal appointments and this should be provided when requested.

Pension and Flexible benefits during Maternity/ Adoption leave

During any period of paid maternity leave an LGPS member's pension is worked out to make sure their pension is not affected by the reduction in pay. This means that they will continue to build up a pension in the section of LGPS they are in, as if they were working normally and receiving pay.

However, any period of unpaid additional maternity leave (normally from weeks 39-52) will not count for pension purposes.

XAVIER PATERNITY POLICY

INTRODUCTION

If your spouse or partner becomes pregnant; you have used a surrogate to have a baby; or you are taking the time off to support the person adopting a child or to care for the adopted child, you may be entitled to take up to two weeks away from work after the birth of the child known as Ordinary Paternity Leave. This policy explains your rights and obligations under current legislation.

ELIGIBILITY

All eligible employees, regardless of length of service, are entitled to up to two weeks paternity leave to be taken as full weeks. This is inclusive of the Statutory Paternity Leave entitlement to which employees with at least 26 weeks continuous service at the qualifying week are entitled.

The employee can choose to take their paternity leave as either one single block of one week, one single block of two weeks or two separate blocks of a week each. A week equals the length of time an employee normally works over 7 days.

The leave may be taken at any time within the 52 weeks after the birth or date the child is placed with the adopter.

You must be the father of the child, or be married to, or the civil partner or "partner" of, the child's mother or adopter. "Partner" in relation to a child's mother or adopter means a person (whether of a different sex or the same sex) who lives with the mother, or adopter, and the child in an enduring family relationship but is not a relative of the mother or adopter (a relative is defined as a parent, grandparent, sister, brother, aunt or uncle).

You must have, or expect to have, responsibility for the upbringing of the child.

Only one per period of leave is available per pregnancy/adoption, irrespective of whether more than one child is born as a result of the same pregnancy or adopted as part of the same arrangement.

You must formally notify your employer of the date on which you intend to take paternity leave and, where applicable, produce evidence supporting this claim.

To remain eligible, you must continue in employment until the birth of the child.

NOTIFICATION REQUIREMENTS

You are required to give us notice, in writing, of your intention to take paternity leave. This information can be provided on the standard HMRC form SC4 or via email which covers notification for both leave and pay purposes. 4 weeks' notice must be given for each period of leave.

The notice must specify:

- a. if applicable, the date on which the adopter was notified of having been matched with the child;
- b. the expected week of birth or placement for adoption;
- c. whether you wish to take one or two weeks' leave; and
- d. when you want your leave to start.

You must also give us a signed declaration as to the purpose of the absence and that the eligibility conditions have been met.

You are able to change your mind about the date on which you want your leave to start providing you notify us at least 28 days in advance unless this is not reasonably practicable. You must give us a further notice, in writing, as soon as is reasonably practicable after the child's birth or placement for adoption, of the date on which the child was born or placed.

In the case of surrogacy, the school may ask for a written statement to confirm that the employee intends to apply for a Parental Order in the 6 months after the child's birth. The employee must sign this in the presence of a legal professional.

If an employee wishes to take shared parental leave, they must take their parental leave first. An employee cannot take parental leave if they have already taken a period of shared parental leave in relation to the same child.

PATERNITY PAY

All employees who are eligible for Paternity leave will also be eligible for Paternity Pay

Employees will be entitled to up to two weeks' paternity pay as full contractual pay. This is inclusive of the Statutory Paternity Pay entitlement to which employees with at least 26 weeks' continuous service at the Qualifying week and earning at or above the Lower earnings Limit are entitled.

Paternity pay is paid through payroll and is:

- Subject to Income Tax, National Insurance Contributions and where opted in Pension contributions
- Payable only for complete weeks (a week can start on any day)

Employees will receive full contractual pay during periods of paternity leave and all other normal terms and conditions of the employee's employment will continue to apply during a period of paternity leave.

An employee is protected from being subjected to detriment (such as denial of promotion or training opportunities) and is protected from dismissal because they either took paternity leave or sought to take paternity leave. Employees have the right to return to their job at the end of their paternity leave.

Paternity leave cannot be taken at the same time as sick leave or annual leave. If there is bank holiday during the week of paternity leave this will not count as part of the full week, the week will therefore be extended by one day. The one year period in which paternity leave must be taken is not extended if sick leave or annual leave are taken.

TIME OFF FOR ANTENATAL APPOINTMENTS

Employees are requested to act reasonably when booking antenatal or pre-adoption appointments and wherever possible are encouraged to book appointments outside normal working hours. There may be circumstances where it is reasonable for the manager to refuse a request for unpaid time of work if the employee could reasonably arrange the appointments outside their normal working hours.

Time off during working hours to attend appointments will be unpaid , unless it is exceptional circumstances and agreed by the Headteacher/ CEO.

SHARED PARENTAL LEAVE

For information on Shared parental leave please arrange a meeting with your Line manager or HR lead. The shared parental leave policy can be found on the Xavier share point.