




LIGHTHOUSE
SCHOOLS PARTNERSHIP

Maternity Leave and Pay Policy Non-Statutory

This Policy applies to all schools and employees within the Lighthouse Trust Partnership.

Policy approved by Trust Executive Team	
Signed: 	Date: 24 June 2024
Name: Gary Lewis	Role: Chief Executive

Document History

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MATERNITY LEAVE AND PAY POLICY

NON-STATUTORY

CONTENTS

1.	INTRODUCTION TO THE MATERNITY LEAVE POLICY	3
2.	SCOPE OF THE POLICY	3
3.	DATA PROTECTION	3
4.	KEY PRINCIPLES	3
5.	HOW THE TRUST SUPPORTS THIS POLICY	4
6.	INTRODUCTION TO MATERNITY PAY & LEAVE	4
7.	NOTIFICATION	4
8.	TIME OFF FOR ANTENATAL APPOINTMENTS	4
9.	SICKNESS	5
10.	HEALTH & SAFETY	5
11.	ENTITLEMENT TO MATERNITY LEAVE	5
12.	STARTING MATERNITY LEAVE	6
13.	STATUTORY MATERNITY PAY AND MATERNITY ALLOWANCE	6
14.	CONTRACTUAL MATERNITY PAY	7
15.	TERMS AND CONDITIONS DURING OML & AML	8
16.	ANNUAL LEAVE	9
17.	PENSIONS	10
18.	KEEPING IN TOUCH (KIT) DAYS	10
19.	RETURN TO WORK DATE	11
20.	RETURNING EARLY	11
21.	RETURNING LATE	11
22.	DECIDING NOT TO RETURN	12
23.	YOUR RIGHTS WHEN YOU RETURN	12
24.	REQUESTS TO CHANGE YOUR WORKING PATTERN	12
25.	SHARING MATERNITY LEAVE WITH A PARTNER	13
26.	USEFUL LINKS FOR EXPECTANT MOTHERS	13
27.	FOR PARENTS WHO HAVE LOST A BABY	13

Maternity Leave Policy

1. Introduction

This policy sets out statutory and contractual rights in relation to maternity leave for employees at the Lighthouse Schools Partnership Trust. Contractual parts of the policy are indicated by an asterisk*. 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.

2. Scope of Policy

This policy applies to all employees of the Trust who are pregnant or have recently given birth. It does not extend to agency workers, consultants, or those who are self-employed.

In some cases, you and your spouse or partner may be eligible to opt into the shared parental leave (SPL) scheme which gives you more flexibility to share the leave and pay available in the first year after birth. However, you must take a period of compulsory maternity leave first. Details of SPL are set out in section 25 of this policy and further information can be obtained from the Trust Shared Parental Leave Policy.

If you become pregnant through IVF, you have all the same pregnancy and maternity rights as non-IVF pregnancies. Please refer to the Leave of Absence Policy 7.5 for more information.

3. Data Protection

All discussions and sensitive medical and personal information about staff members will be treated confidentially by all parties concerned. This data will be collected, used and stored in-line with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018). Please refer to our privacy notice for more detail on how data will be processed. This is available via iTrent Employee Self Service (ESS) Alternatively, you can access via the LSP website.

4. Key Principals

4.1 All eligible staff are entitled to take up to a maximum of 52 week's maternity leave, combining both paid and unpaid maternity leave, regardless of the number of hours they work or their length of service.

4.2 The Trust maternity pay provision, which is an enhanced provision and incorporates the statutory entitlement where applicable, is available to staff who meet specific eligibility criteria. Where this criteria is not met an individual may alternatively be able to meet either the Statutory Maternity Pay (SMP) or Maternity Allowance (MA) eligibility criteria.

4.3. All contractual benefits with the exception of pay will continue to accrue during the whole period of maternity leave.

4.4. Keeping in touch (KIT) days are available to support continued communication during the Maternity absence.

4.5. Annual leave can be used flexibly outside of the maternity absence; subject to agreement/business needs to support effective planning.

5. How the Trust supports this policy

A maternity toolkit has been designed to guide both staff and managers through the maternity process by providing a concise overview of what to expect and consider before, during and after maternity leave. In addition to the above, there are also a number of family friendly policies aimed at supporting staff achieve work/life balance and meet demands faced when caring for dependents e.g. flexible working, parental leave, the ability to purchase additional leave, the use of additional paternity/partner leave (to enable the sharing of the responsibilities for the care of the child during its first year).

6. Introduction to Statutory Maternity Leave and Pay

Sections 7 to 13 below outline the statutory rights and responsibilities of employees who are pregnant or have recently given birth.

7. Notification

7.1 You must inform us as soon as possible that you are pregnant to enable us to ensure that, where appropriate, any reasonable steps are taken to safeguard the safety of your unborn child and that you are not subject to any unnecessary risks at work. Also, the intended Maternity Leave start date can be before, on, or after the expected birth date, provided on the MAT B1 certificate. However, the employee must start their maternity Leave the day after the birth if this is prior to the intended start date.

Before the end of the Qualifying Week (15th weeks before the baby is due), or as soon as reasonably practical afterwards, you must tell your Headteacher (for LSP staff, Executive Principal) in writing:

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

7.2 You **must** provide a certificate from a doctor or midwife (usually on a MAT B1 form) confirming your Expected Week of Childbirth. This is usually provided to you by your midwife after your 20 week scan.

8. Time Off for Ante-Natal appointments

8.1 If you are pregnant, you may take reasonable paid time off during working hours for antenatal care. This may include any relaxation or parenting classes that your doctor, midwife or health visitor has advised you to attend. You need to give the Trust/School as much notice as possible of the appointment and wherever possible, try to arrange these near to the start or end of the working day.

9. Sickness*

9.1 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.

9.2 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.

9.3 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).

10. Health & Safety

10.1 The Trust has a general duty to take care of the health and safety of all employees including carrying 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.

10.2 The Trust/School 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 the Trust/School considers 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:

- Changing your working conditions or hours of work;
- Offering you suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- Suspending you from duties, which will be on full pay unless you have unreasonably refused suitable alternative work.

11. Entitlement to Maternity leave

All pregnant employees, regardless of hours worked or length of service, are entitled to:

- Up to 52 weeks' maternity leave which is divided into: Ordinary maternity leave of 26 weeks (OML)

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

Employee's do not have to take the full 52 weeks, but they must take

- A minimum of 2 weeks' leave following the birth of the baby (this is known as Compulsory Maternity Leave)
- All of the maternity leave in one go

12. Starting Maternity Leave

12.1 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.

12.2 You must notify your Headteacher/line manager in writing of your Intended Start Date before the end of the Qualifying Week (in accordance with paragraph 2.2). The Trust/School 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**).

12.3 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.

12.4 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.

12.5 Maternity leave shall start on the earlier of: Your Intended Start Date (if notified to us in accordance with this policy); or 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 The day after you give birth.

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

12.8 Shortly before your maternity leave starts, you and your line manager 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. However, an 'out of office' message will be left on your Trust/School email account.

13. Statutory Maternity Pay and Maternity Allowance (all staff)

13.1 Statutory maternity pay (**SMP**) is payable for up to 39 weeks. SMP will stop being payable if you return to work (except where you are simply keeping in touch in accordance with paragraph 18). You are entitled to SMP if: 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;

- 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 - see the latest figure at <https://www.gov.uk/maternity-pay-leave/eligibility>;
- You provide us with a doctor or midwife certificate (MAT B1 form) stating your Expected Week of Childbirth;
- 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
- You are still pregnant 11 weeks before the start of the Expected Week of Childbirth or have already given birth.

13.2 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. See the rate set by the Government at https://www.gov.uk/maternity-pay-leave/pay .

13.3 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:

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

13.4 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. 13.5 If you are not eligible for statutory maternity pay, you may be eligible for maternity allowance (MA) from the Government - read more about the allowance, including eligibility criteria and how much you can get, [at https://www.gov.uk/maternity-allowance](https://www.gov.uk/maternity-allowance).

13.5 Statutory Maternity Pay weekly amounts are set by the government, and if reviewed, will tend to change on the 1 April of any given year. If your maternity

leave occurs during a time when SMP rates are increased, payroll will apply the increases from the 1 April and recalculate your payment schedule.

14. Contractual Maternity Pay*

14.1 Teaching Staff

14.1.1 Teaching staff with at least twelve months continuous service at the 11th week before the EWC will be entitled to receive contractual maternity pay as follows, in addition to payments set out in 13 (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.

14.1.2 You must return to your job for at least 13 weeks as a qualifying condition to receive this contractual 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.

14.1.3 If you request to reduce your hours on your return and your request is agreed, this 13-week period will be extended to equate to 13 weeks of service based on the number of hours you worked prior to your reduction in hours.

14.2 Support Staff

14.2.1 Support staff with twelve months' continuous service at the 11th week before the EWC, will be entitled to receive contractual maternity pay as follows, in addition to payments set out in 13:

Weeks 1 - 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.

14.2.2 You must return to your job for at least 13 weeks as a qualifying condition to receive this contractual 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.

14.2.3 If you request to reduce your hours on your return and your request is agreed, this period will be extended to equate to 13 weeks of

service based on the number of hours you worked prior to your reduction in hours.

15. Terms and Conditions during OML & 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:

- Benefits in kind such as life insurance and health insurance shall continue;
- Annual leave entitlement under your contract shall continue to accrue where applicable (see paragraph 16, Annual leave); and
- Pension benefits shall continue (see paragraph 17, Pensions).

16. Annual Leave*

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

16.2 Teaching Staff

16.2.1 The salary calculation for teaching staff includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.

16.2.2 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 Headteacher.

16.3 Support Staff - term time only/term time plus days

16.3.1 The salary calculation for support 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.

16.3.2 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 Headteacher.

16.4 Support Staff - full working year

16.4.1 Annual leave entitlement will continue to accrue at the rate provided under your contract. If your maternity leave will continue 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 annual leave year and must be taken immediately before returning to work unless your Headteacher agrees otherwise. You should try to limit carry over to one week's holiday or less. Carry over of more than one week is at the Headteacher's discretion. Please discuss your annual leave plans with your line manager in accordance with the Trust annual leave policy and procedures, before starting maternity leave. All holiday dates are subject to approval by your manager. The Trust annual leave year runs from 1 September to 31 August.

17. Pensions*

17.1 During OML and any further period of paid maternity leave we shall continue to make any employer pension contributions that is usually made, 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 Avon Pension Fund on 01225 477000.

17.2 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 up 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.

18. Keeping in Touch (KIT) Days

18.1 The Trust/School will make reasonable contact with you from time to time during your maternity leave.

18.2 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 however the Trust protocol is that payment for KIT day will be at your normal hourly/daily rate and the number of hours worked offset against SMP.

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 must be agreed in advance with your Headteacher/line manager. You are not obliged to undertake any such work during maternity leave. Equally the Trust/School may refuse a request from you for you to work a KIT day.

18.3 Shortly before you are due to return to work, the Trust/School will contact you to invite you into School 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 updating you on any changes that have occurred during your absence; any training needs and any changes to working arrangements that you may have requested.

18.4 You are not obliged to use KIT days, however the Trust encourages you to do so.

18.5 KIT days are pensionable.

19. Return to Work Date*

19.1 Once you have notified the Trust/School in writing of your Intended Start Date the Trust/School will write to you within 28 days to acknowledge your intention to start maternity leave and confirm your Expected Return Date. If your maternity 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) the Trust/School will write to you within 28 days of the start of maternity leave with a revised Expected Return Date.

19.2 The Trust/School will expect you back at work on your Expected Return Date unless you notify the Trust/School otherwise. It will help us if, during your maternity leave, you are able to confirm that you will be returning to work as expected.

19.3 The Trust assumes all employees will take their full leave entitlement and will return on their original contract.

20. Returning Early*

20.1 If you wish to return to work earlier than the Expected Return Date, you must give the Trust/School 21 days' prior notice in writing. If insufficient notice is given, the Trust/School may postpone your return date until eight weeks after you gave notice, or to the Expected Return Date if sooner.

21. Returning Late*

21.1 If you wish to return later than the Expected Return Date, you may request unpaid parental leave in accordance with section E, 'Parental Leave', giving the Trust/School as much notice as possible but not less than 21 days.

21.2 If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and the Trust's Managing Attendance Policy will

apply.

21.3 Alternatively, staff who have annual leave entitlement remaining (where applicable) may request paid annual leave in accordance with your contract, which will be at the CEO/Headteacher's discretion.

21.4 In any other case, late return will be treated as unauthorised absence, and unless there is production of the doctor's certificate, will be unpaid.

21.5 If an employee on maternity leave, does not contact the Trust/School and does not respond to messages/letters sent to confirm returning to work AND fails to arrive back at work on the expected Start date, the Trust will terminate employment with immediate effect on that date.

22. Deciding Not to Return*

22.1 If you do not intend to return to work, or are unsure, it is helpful if you discuss this with the Trust/School 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 the Trust/School may require you to return to work for the remainder of the notice period.

22.2 Once you have given notice that you will not be returning to work, you cannot change your mind without the Trust's agreement and Section 21 may apply.

22.3 This does not affect your right to receive SMP.

23. Your Rights when you Return

23.1 26 weeks or less: You are guaranteed the same position in which you were employed under your original contract, and on terms and conditions that are at least as favourable.

23.2 More than 26 weeks: you are guaranteed the same position in which you were employed under your original contract, unless it is not reasonably practicable for us to allow you to return into the same position. If your position no longer exists or there have been changes to the organisation, the Trust will offer you a suitable alternative position which has terms and conditions that are at least as favourable.

23.3 Employees who are pregnant have a 'protection period' relating to redundancies. This means they are protected from the date they inform the Trust/School of the pregnancy and ends 18 months after the birth date of the child.

23.4 If you intend to continue breastfeeding after returning to work from maternity leave, please speak to the Headteacher/School Business Manager/Line Manager/nominated female member of staff. The Trust/School will provide a suitable area where staff who are breastfeeding can rest. For example, an unoccupied office that can be discreetly screened. Staff who are breastfeeding are entitled to more frequent breaks, so you are encouraged to discuss the timing and frequency of breaks also.

24. Requests to Change your Working Pattern

24.1 All staff can request flexible working, not just parents and carers. However, we recognise that becoming a parent or carer and looking after children might make you think again about your flexible working options. The Trust/School 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. To find out more about flexible working arrangements, please refer to the Trust's Flexible Working Policy which is available via iTrent Employee Self Service (ESS).

25. Sharing Maternity Leave with a Partner

25.1 Shared Parental Leave (ShPP), gives parents flexibility to share the care of their child in the first year. The pregnant parent has to take at least two weeks of maternity leave immediately after the baby is born, but the remaining 50 weeks of leave and up to 37 weeks of pay may be shared between you. To qualify for Statutory Shared Parental Leave Pay (ShPP), you and your partner both need to meet the eligibility criteria - see our Shared Parental Leave & Pay Policy for further details.

26. Useful links for expectant Mothers

[Health & Safety Executive at www.hse.gov.uk/mothers/](http://www.hse.gov.uk/mothers/)

Support Networks:

You can access free, professional and confidential counselling 24 hours a day through **Health Assured**. The best way to access this is via the mobile app or if you prefer you can call them on **0800 028 0199**. More information about our EAP (Employee Assistance Programme) can be found under employee health benefits on LSP Gateway - www.lspgateway.org.uk.

Risk Assessment:

Risk Assessment can be found on Foldr under LSP Communications/HR/Templates.

<https://www.mumsnet.com/>

Offering a collective pool of knowledge, forums and advice for parents to children of all ages.

The following section provides details on parents who have lost a baby.

27. For parents who have lost a baby

The following section provides details on parents who have lost a baby before 24 weeks.

For legal purposes this is known as a late miscarriage and mums don't qualify for Maternity Pay. This might feel very unfair if you lost a baby very close to 24 weeks but it is the current situation. However, you will be entitled to Sick Leave, immediately after the miscarriage. You may need a Fit Note (previously called a Sick Note) from your GP.

If you've had a late miscarriage, you should be entitled to Statutory Sick Pay, paid for up to 28 weeks (depending on your employment contract).

In some circumstances, the Trust/School may give you Compassionate Leave and Time Off for Dependants. (TOFD). Please refer to the Trust's Leave of Absence Policy for further details.

Parents, including the mother's partner (who has the same rights as a father), may be entitled to Sick Leave and Sick Pay, Compassionate Leave or Time Off for Dependants. You'll need to look at your contract and contact your Headteacher/Line Manager (for the Central Team) about this.

For parents who lost a baby after 24 weeks, or if the baby was born alive at any stage of pregnancy and then died

- Mothers are entitled to 52 weeks' maternity leave
- If you gave birth before your maternity leave started, your leave starts the day after you gave birth.

In addition to the above, parents who experience the loss of a baby after 24 weeks may be eligible for Parental Bereavement Leave. This is designed to provide support and time off during this difficult period. Please refer to the Trust Leave of Absence Policy for further details.

Parents, including the mother's partner (who has the same rights as a father), may be entitled to one or two consecutive weeks' Paternity Leave, Sick Leave and Sick Pay or Time Off for Dependants. You will need to look at your contract and contact your Headteacher/Line Manager (for Central Team).

It's important that you contact your Headteacher/School Business Manager/Line Manager as soon as possible if you are affected by pregnancy loss, so that they know what's happening and how they can support you. If you don't feel like you can speak to your Headteacher/School Business Manager/Line Manager, we have an Employee Assistance Programme (EAP) who can provide support. You can contact them on 0800 028 0199.

If you would prefer to speak to someone who is specially trained in the kind of pregnancy loss you have experienced, you can contact one of the specialist external organisations listed below.

[The Miscarriage Association at www.miscarriageassociation.org.uk](http://www.miscarriageassociation.org.uk) - an organisation which offers support and information for those affected by miscarriage, ectopic or molar pregnancy as well as signposting for counselling services.

[Petals at petalscharity.org](http://petalscharity.org) - provides specialist support and counselling after pregnancy loss

[SANDS at www.sands.org.uk](http://www.sands.org.uk) - can offer you support if your baby dies during pregnancy or after birth.

Other specialist organisations providing support or guidance during pregnancy include.

[Tommy's at www.tommys.org/](http://www.tommys.org/) - a charity that funds research into pregnancy problems and provides information for parents-to-be.

[The Ectopic Pregnancy Trust at ectopic.org.uk](http://ectopic.org.uk) - supporting people with early pregnancy complications