

Featherstone High School



Teachers Maternity/Parenting Policy Guidance for Managers and Employees

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The Maternity/Parenting Leave Scheme for Teachers has been adopted in line with the guidance from the Local Authority and has been ratified by the Governing Body

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1. Introduction

This scheme applies to all teachers of the London Borough of Ealing regardless of length of service and number of hours worked.

The scheme details the extent to which entitlement to maternity pay is determined by length of service and provides an explanation as to the difference between statutory and contractual elements.

The scheme also includes provisions relating to parenting/nominated carer leave and adoption and fostering.

2. Maternity Pay

This is the pay you receive when you go on leave to have your baby:

- Statutory Maternity Pay (SMP) or Maternity Allowance (MA) - Pay which you may be entitled to receive by law.
- Occupational Maternity Pay - Pay which you may be entitled to receive from your employer.

Your entitlement to the amount of maternity pay will be determined by your length of service.

Statutory Maternity Pay (SMP)

The rules and rates for this payment are set by the Government, who then require the employer to be responsible for paying and administering SMP on it's behalf. The Council can reclaim from the Government part of the SMP payments it makes to the employee. To qualify for SMP you must satisfy two basic rules, the Continuous Employment Rule and the Earnings Rule:

Continuous Employment Rule

- You must have been employed continuously by the same employer (regardless of the number of hours worked) for at least 26 weeks at the qualifying week (see definition below)

Earnings Rule

- You must be earning an average of at least £97 a week (before tax) in 2010/11. This rate changes annually.

SMP can be paid for a period up to, but not exceeding 39 weeks. There are two levels of payment and all women who qualify for SMP are entitled to both levels of SMP. Payment for the first 6 weeks is at the higher rate, which is the equivalent of 90% of the woman's normal weekly earnings. Payment for the remaining weeks is at a fixed

standard weekly rate (£124.88 for 2010/11) or rate equal to 90% of average weekly earnings (you will get whichever rate is lower).

Qualifying Week - This is the 15th week before the week in which your baby is due. It is used to work out your statutory entitlements.

Maternity Allowance

If you are not entitled to receive SMP you may be able to claim state Maternity Allowance (MA) from your Job Centre Plus office/Social Security office, provided that you satisfy the contribution conditions based on your previous employment or self employment. Payments are made weekly for a maximum period of 39 weeks.

To claim Maternity Allowance you must have received a completed form (SMP1) which is available online <http://www.jobcentreplus.gov.uk> if you have supplied your MATB1 and you have been assessed as not being eligible for the payment of SMP. To claim MA you will need to complete a claim pack which is available from either your local Job Centre Plus or on line at <http://www.jobcentreplus.gov.uk>

Expected Week of Childbirth (EWC)

This is the week in which your baby is due. This is the week beginning with midnight between Saturday and Sunday during which it is expected that the baby will be born. This date will be shown on your medical statement (MATB1 certificate) which you should get from your doctor or midwife once you reach the 14th week before the EWC (from the Sunday of your 27th week of pregnancy.)

Week of Childbirth

This is the week beginning with midnight between Saturday and Sunday during which the child is actually born.

Childbirth

The birth of a living child, or the birth of a child whether living or not after 24 weeks of pregnancy

Average or Weekly Pay

Occupational Maternity Pay (OMP) - a week's pay shall be as constituted in accordance with the National scheme. A week's pay shall be treated as the amount payable to the teacher under the current contract of employment. If there are significant variations in the teacher's salary, the average salary over the twelve weeks preceding the date of absence shall be treated as a week's salary.

Statutory Maternity Pay (SMP) – normal weekly earnings for the purpose of calculating SMP is the woman's actual earnings over the period of eight weeks up to and including the qualifying week (15 weeks before the expected week of childbirth)

Statutory Maternity Leave Period

Subject to observing notification requirements, all pregnant employees are entitled to a statutory 52 weeks maternity leave period regardless of their length of service or hours of work. This includes 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave. The 26 week period of Additional Maternity Leave will immediately follow the 26 week period of Ordinary Maternity Leave.

This leave entitlement should not be interpreted as giving any rights to maternity pay, for which there are specific qualifications outlined in this guidance.

Maternity Pay

The amount of maternity pay that you will be entitled to will depend on the amount of service you have:

- If you have **at least 7 months continuous Local Education Authority** service as a teacher immediately before your absence starts you will qualify for occupational maternity pay as set out in part A.
- If you have been **continuously employed by the Council for at least 26 weeks into the qualifying week (week 15)** then you will be entitled to SMP.

Please note that in some circumstances your SMP entitlement is set against your occupational maternity pay. This is explained in detail in part A.

3. Maternity Provisions

The maternity provisions in this guidance have been divided into two sections, part A and part B.

Part A

- If you have **at least 7 months continuous Local Education Authority** service as a teacher immediately before your absence starts your entitlements are outlined in part A.

Part B

- If you have **less than 7 months continuous Local Education Authority** service as a teacher immediately before your absence starts your entitlements are outlined in part B

4. Part A

Part A applies to teachers with at least 7 months continuous Local Education Authority service as a teacher immediately before your absence starts.

To qualify for all elements of the occupational scheme, you will be required to complete, sign and return the form of intent at the back of the guidance and comply with any other notification requirements detailed.

Initial Obligations of the Teacher

To qualify for the scheme you must:

- Be pregnant
- Continue to be employed by the Council (whether at work or not) immediately before the start of your absence.
- Notify the school and the Personnel Manager in writing, as soon as practicable, but not later than 15 weeks (unless there is a good cause) before the expected week of childbirth (EWC) that you wish to be absent for maternity leave.
- Declare that you are pregnant; state your expected date of childbirth; when you would like your maternity leave to start (no earlier than 11 weeks before the EWC) and whether you intend to return to work, by completing the Intent Form attached to this guidance. Send the Intent Form to the Personnel Manager (a copy also needs to be given to your school) at least 21 days before you are due to commence maternity leave.
- Produce a certificate from a registered medical practitioner or certified midwife stating the EWC (MATB1)
- Not remain at work if certified medically unfit to do so.

The Personnel Manager will write to you within 28 days of receipt of your notification to confirm the maximum period of maternity leave to which you are entitled, including a projected date of return from maternity leave. You may choose to return earlier than the projected date of return provided that you give 21 days notice.

Commencement of Maternity Leave

You may commence maternity leave any time from the 11th week before the expected week of childbirth.

You may continue to work later into your pregnancy if you wish, providing that you are not certified medically unfit to do so.

The commencement of your maternity leave is triggered by one of the following:

- The date you notify your school and the Council as the date you intend to start maternity leave; or
- If earlier, the day after the first complete day of any absence from work wholly or partly because of a pregnancy-related illness which occurs after the beginning of the 4th week before the expected week of childbirth; or
- If childbirth occurs before the day on which you would otherwise have commenced maternity leave, the day after the birth will be the start of your maternity leave.

You may change the date your maternity leave commences provided you give 28 days notice.

Time Off To Attend Appointments

Any pregnant employee has the right to paid time off to attend antenatal care appointments and relaxation and parent craft classes. Evidence of these appointments must be produced if requested to do so by the school, except in the case of the first appointment.

Length of Maternity Leave

You may start your maternity leave from the 11th week before the week of childbirth and remain absent for a period of up to 52 weeks from the beginning of the week in which your child is born. This allows you to care for your child during its first year of life. It is statutory requirement that you take a period of at least two weeks leave after the date of childbirth.

Maternity Pay

There are two elements to maternity pay. Both elements are administered by your employer. They are Occupational Maternity Pay and Statutory Maternity Pay (SMP). Entitlement to one may not necessarily mean entitlement to the other. You will also note that some payments are made offset against SMP and some are made in relation to SMP.

If you intend to return to work for a period of at least three months (13 weeks) having completed the form of intent, and having the necessary service as outlined above you will be entitled to the following pay during your maternity leave:

- For the **first four weeks** of absence – full pay, offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.
- For the **next two weeks** of absence – 9/10ths of a weeks salary, offset against payments made by way of SMP or MA for employees not eligible for SMP.
- For the **next twelve weeks** of absence* – half pay plus lower rate SMP, without any deductions except by the extent to which the combined half pay and lower rate SMP (or if not eligible for SMP, maternity allowance and any dependent' allowances) exceeds full pay.
- For the **next twenty one weeks** – twenty one weeks lower rate SMP for employees eligible to receive SMP.

*Staff with twelve months continuous service with the **London Borough of Ealing** at the EWC will qualify for an **extra six weeks half pay**, making a total of 18 weeks half pay. This is **followed by 15 weeks lower rate SMP** not 21 as stated above (4)

In the event of you not returning to work for a period of at least 13 weeks at your original contracted hours, or if it is agreed that you may reduce your contracted hours, at the equivalent extended period, you will be asked to refund the half pay or such part thereof as the Council at its' discretion may decide. Alternatively, you can choose to defer the half pay (this option is shown on the form of intent at the back of this guidance) if you are not certain as to whether you will be returning and do not want to consider the prospect of paying back half pay. In the event that you choose to defer the half pay and then decide to return to work and for a period of at least 13 weeks at your

contracted hours or an equivalent extended period if returning on reduced hours, you will be entitled to receive the half pay upon completing the required 13 weeks service (or the equivalent extended period).

The period of 13 weeks shall run from the date upon which you return to duty and shall be inclusive of school holidays and dates of school closure.

Following a return to work the normal provisions of termination upon notice shall apply.

Holiday Pay

If you commence your maternity leave within the last three working weeks of the end of term you will receive holiday pay on a pro-rata basis for each day worked within these three weeks (including weekends, part days disregarded). For example, if you work 10 calendar days into this period you will receive a holiday pay entitlement worked out as $10/21 \times$ number of holiday days. If the holiday was 21 days long you would be entitled to receive 10 days pay. If your child is born during this three week period, then maternity leave and pay commence automatically.

If you continue working until the last working day of term you will receive your full entitlement of holiday pay **unless** your child is born during the holiday period in which case the day after childbirth should be regarded as the first day of maternity leave.

Accrual of Annual Leave During Maternity Leave

Under the Working Time Regulations (WTR) employees (including teachers) have a statutory right to 28 days annual leave. This is not a right that teachers have on top of the current school closure arrangements so for most no additional leave is granted. However maternity leave is not regarded as annual leave for these purposes so there may be circumstances where teachers who take maternity leave become entitled to additional annual leave.

A teacher who takes maternity leave must be able to take the 28 days statutory annual leave at a time outside of her maternity leave. No part of the maternity leave period may be treated as annual leave. Annual leave can however be offset by any period of school closure that has taken place in the leave year commencing 1 September i.e. both before and after the maternity leave period.

Subject to the timing and length of a teacher's maternity leave, there will be circumstances where there will not be sufficient school closure dates within the leave year for the teacher to offset the whole of the annual leave entitlement. In these circumstances the teacher will be entitled to additional annual leave during term time. This should be taken during the leave year in question or, where there is insufficient time remaining in that leave year for all of the additional leave to be taken, any remaining part should be offset against school closure dates in the following leave year.

Sickness and Other Absence

If you are absent from work due to sickness up to the fourth week before the EWC , including absence due to miscarriage, you will be treated as being on **sick leave**, even if the absence is attributable to your pregnancy. The conditions normally governing such absences will apply.

If you are absent from work due to sickness **from the fourth week before the EWC** and the illness is wholly or partly attributable to pregnancy then **maternity leave will automatically commence** on the day after the first day of absence.

If in the early months of pregnancy a teacher is advised by an approved medical practitioner to absent herself from school because of the risk of rubella, she shall be granted leave with full pay, provided that she does not unreasonably refuse to serve in another school where there is no risk.

Health & Safety Considerations for New and Expectant Mothers

The Council is mindful that some employees may have concerns about the use of display screen equipment. Any pregnant employee who works with display screen equipment may, if she wishes, consult the Occupational Health Unit. If, after consulting Occupational Health, an employee feels unable to work with display screen equipment arrangements will be made to address that situation without detriment to existing salary and conditions of employment.

An employer is required, under Health and Safety at Work Regulations, to carry out a "Risk Assessment" and take "protective measures" in relation to working conditions for new and expectant mothers. If you do have any concerns in this respect you should bring them to the attention of your Head Teacher immediately who may seek advice.

An employer is also required to provide pregnant and breastfeeding employees with a place to rest and with suitable rest periods.

Notification of the Birth

Should your baby be born after the expected date of childbirth please inform the Personnel Manager of your baby's date of birth. This will enable the Personnel Manager to confirm your maternity leave entitlement and adjust your anticipated date of return.

Keeping in Contact During Maternity Leave

During your maternity leave period your Head Teacher may make reasonable contact with you and in the same way you may make contact with your Head Teacher.

Before your maternity leave starts it may be helpful to discuss arrangements for staying in touch with each other. This will include agreements on the way in which contact will happen, how often, and who will initiate the contact. It will also cover the reasons for making contact and the type of things that could be discussed. Your Head Teacher must, in any event, keep you informed of promotion opportunities and other information relating to your job that you would normally be aware of if you were working.

Work During the Maternity Leave Period – "Keeping in Touch Days"

You may, by agreement with your Head Teacher, work for up to 10 days during your maternity leave period. This will not affect your maternity leave or right to receive maternity pay. However, work cannot be undertaken during the 2 weeks of compulsory maternity leave immediately after the birth.

Keeping in Touch Days (KIT) are different from the "reasonable contact" days as during KIT days you will be paid.

The KIT days do not have to be consecutive and may be used for an activity, which would normally be classed as work under your contract of employment, for which you would be paid. KIT days may be useful, for example, to undertake work-related activities such as attending a conference, undertaking a training activity or attending meetings. Any work and the type of work undertaken during the maternity leave period must be by agreement with the Head Teacher and yourself. There is no obligation on either party for work to be offered or accepted. **Any work done on any day during the maternity pay or maternity leave period will count as a whole KIT day.** Any days of work undertaken will not extend the maternity leave period.

An employee who works **up to half a KIT day** during the unpaid maternity leave period will receive the equivalent of **half a day's pay**. An employee who works **more than half** a KIT day will receive the equivalent of a **full day's pay**.

Where a KIT day occurs during the paid maternity leave period, contractual pay receivable under the preceding paragraph will be paid without deduction, except to the extent to which the combined pay, OMP and SMP exceed full pay.

Returning to Work

Right to Return

A teacher has the right to return to work to the job she was employed to do under her original contract of employment and on terms and conditions not less favourable than those which would have been applicable to her if she had not been absent on maternity leave. This means that you have the right to return to the job that you left to start your maternity leave, subject to the remaining paragraphs of this section. Job for this purpose, means the nature of the work which you are employed to do and the capacity and place in which you are so employed.

Where it is not practicable, by reason of redundancy, for the school or Council to permit you to return to work in your job as defined above, you shall be offered a suitable alternative vacancy, where one exists, provided that the work in that post is suitable to you and appropriate to the circumstances, and that the capacity and the place in which you are to be employed and your terms and conditions of employment are not substantially less favourable than if you had been able to return to the job in which you were originally employed.

Suitable alternative employment may also be offered in exceptional circumstances other than redundancy (e.g. a major reorganisation), which would have occurred if you had not been absent. This may involve a change in the duties and responsibilities of the post in which you were employed prior to your absence. The new duties should be suitable to you and appropriate to the circumstances and the capacity and place in which you are to be employed and your Terms and Conditions of employment should not be substantially less favourable than if you had been able to return to the duties you were originally employed to perform.

Returning Part Time or as a Job Share

You may request to return to work on a part time basis and such a request will be considered by the relevant body responsible for your employment. Your request may be to return to work part-time for a temporary period with a view to resuming full time

hours eventually or to change your contract to a permanent part time working arrangement. In the event that your request is agreed, and you have received half pay, you will need to be mindful of your obligation to return to work for a period which equates to 13 weeks of your full time service.

You can also request to return to work on a job share basis. If you wish to return to work on a job share basis, you must advise the relevant body responsible for your employment and they must then consider your request.

If the relevant body* cannot agree a request for job share or part-time working they should advise you of the grounds upon which your request was not agreed.

*In the case of a school operating a delegated budget, the Governing Body is the relevant body. In the case of a teacher employed at a Nursery centre or employed within another teaching service whose budget is controlled by the LA the relevant body is the LA

Parents of children aged under 6 or of disabled children aged under 18 have the right to request to work flexibly. Your employer has a duty to consider such requests seriously. For further information and advice on flexible working please contact Personnel Manager.

Exercising the Right to Return

Your anticipated date of return from maternity leave will be confirmed in writing to you before you commence your leave. However, should you wish to return before the end of your maternity leave period you are required to give 21 days notice. Failure to provide 21 days notice may result in your early return date being postponed for up to 21 days from the date the notification is received.

If because of an interruption of work (whether due to industrial action or some other reason) it is unreasonable to expect you to return at the end of your maternity leave (or notified date if you are returning early) you may instead return when work resumes, or as soon as reasonably practicable thereafter.

Resignation

If you resign whilst on maternity leave your last day of service will be the date when the confirmation of resignation is received. It would not be the intention of either party that a notice period should be worked. However, you should endeavour to give as much notice as possible of your intention to resign.

5. Part B

Part B applies to teachers with less than 7 months continuous Local Education Authority service as a teacher immediately before your absence starts.

Initial Obligations of the Teacher

To qualify for the scheme you must:

- Be pregnant
- Continue to be employed by the Council (whether at work or not) immediately before the start of your absence.
- Notify your school (Personnel Manager) in writing, as soon as practicable, but not later than 15 weeks (unless there is a good cause) before the expected week of childbirth (EWC) that you wish to be absent for maternity leave.
- Declare that you are pregnant; state your expected date of childbirth; when you would like your maternity leave to start (no earlier than 11 weeks before the EWC) and whether you intend to return to work by completing the intent form attached to this guidance. Send the Intent Form to the Personnel Manager (a copy also needs to be given to your school) at least 21 days before you are due to commence maternity leave.
- Produce a certificate from a registered medical practitioner or certified midwife stating the EWC (MATB1)
- Not remain at work if certified medically unfit to do so.

The Personnel Manager will write to you within 28 days of receipt of your notification to confirm the maximum period of maternity leave to which you are entitled, including a projected date of return from maternity leave. You may choose to return earlier than the projected date of return provided that you give 21 days notice.

Commencement of Maternity Leave

You may commence maternity leave any time from the 11th week before the expected week of childbirth (EWC)>

You may continue to work later into your pregnancy if you wish, providing that you are not certified medically unfit to do so.

The commencement of your maternity leave is triggered by one of the following:

- The date you notify your school and the council as the date you intend to start maternity leave; or
- If earlier, the first day of any absence from work wholly or partly because of a pregnancy related illness which occurs after the beginning of the 4th week before the expected week of childbirth; or
- If childbirth occurs before the day on which you would otherwise have commenced maternity leave, the day after the birth will be the start of your maternity leave.

You may change the date your maternity leave commences provided you give 28 days notice.

Time Off To Attend Appointments

Any pregnant employee has the right to paid time off to attend ante-natal care appointments and relaxation and parentcraft classes. Evidence of these appointments must be produced if requested to do so, except in the case of the very first appointment.

Length of Maternity Leave

You may start your maternity leave from the 11th week before the week of childbirth and remain absent for a period of up to 52 weeks from the beginning of the week in which your child is born. This allows you to care for your child during its first year of life. It is statutory requirement that you take a period of at least two weeks leave after the date of childbirth.

Salary Entitlement During Maternity Leave

You will not qualify for Occupational Maternity Pay. You may qualify for Maternity Allowance (MA), please refer to the glossary of terms for information about MA.

Holiday Pay

If you commence your maternity leave within the last three working weeks of the end of term you will receive holiday pay on a pro rata basis for each day worked within these three weeks (including weekends, part days disregarded). For example, if you work 10 calendar days into this period you will receive a holiday pay entitlement worked out as $10/21 \times$ number of holiday days. If the holiday was 21 days long you would be entitled to receive 10 days pay. If your child is born during this three week period, then maternity leave will commence automatically.

If you continue working until the last working day of term you will receive your full entitlement of holiday pay unless your child is born during the holiday period in which case the day after childbirth should be regarded as the first day of maternity leave.

Accrual of Annual Leave During Maternity Leave

Under the Working Time Regulations (WTR) employees (including teachers) have a statutory right to 28 days annual leave. This is not a right that teachers have on top of the current school closure arrangements so for most no additional leave is granted. However maternity leave is not regarded as annual leave for these purposes so there may be circumstances where teachers who take maternity leave become entitled to additional annual leave.

A teacher who takes maternity leave must be able to take the 28 days statutory annual leave at a time outside of her maternity leave. No part of the maternity leave period may be treated as annual leave. Annual leave can however be offset by any period of school closure that has taken place in the leave year commencing 1 September i.e. both before and after the maternity leave period.

Subject to the timing and length of a teacher's maternity leave, there will be circumstances where there will not be sufficient school closure dates within the leave year for the teacher to offset the whole of the annual leave entitlement. In these circumstances the teacher will be entitled to additional annual leave during term time. This should be taken during the leave year in question or, where there is insufficient time remaining in that leave year for all of the additional leave to be taken, any remaining part should be offset against school closure dates in the following leave year.

Sickness and Other Absence

If you are absent from work due to sickness **up to the fourth week** before the EWC , including absence due to miscarriage, you will be treated as being on **sick leave**, even if the absence is attributable to your pregnancy. The conditions normally governing such absences will apply.

If you are absent from work due to sickness **from the fourth week** before the EWC and the illness is wholly or partly attributable to pregnancy then **maternity leave will automatically commence** on the day after the first day of absence.

If in the early months of pregnancy a teacher is advised by an approved medical practitioner to absent herself from school because of the risk of rubella, she shall be granted leave with full pay, provided that she does not unreasonably refuse to serve in another school where there is no risk.

Health & Safety Considerations for New and Expectant Mothers

The Council is mindful that some employees may have concerns about the use of display screen equipment. Any pregnant employee who works with display screen equipment may, if she wishes, consult the Occupational Health Unit. If, after consulting Occupational Health, an employee feels unable to work with display screen equipment arrangements will be made to address that situation without detriment to existing salary and conditions of employment.

An employer is required, under Health and Safety at Work Regulations, to carry out a "Risk Assessment" and take "protective measures" in relation to working conditions for new and expectant mothers. If you do have any concerns in this respect you should bring them to the attention of your Headteacher immediately who may seek advice.

An employer is also required to provide pregnant and breastfeeding employees with a place to rest and with suitable rest periods.

Notification of the Birth

Should your baby be born after the expected date of childbirth please inform the Personnel Manager of your baby's date of birth. This will enable the Personnel Manager to confirm your maternity leave entitlement and adjust your anticipated date of return.

Keeping in Contact During Maternity Leave

During your maternity leave period your Head Teacher may make reasonable contact with you and in the same way you may make contact with your Head Teacher.

Before your maternity leave starts it may be helpful to discuss arrangements for staying in touch with each other. This might include agreements on the way in which contact will happen, how often, and who will initiate the contact. It might also cover the reasons for making contact and the type of things that could be discussed. Your Head Teacher must, in any event, keep you informed of promotion opportunities and other information relating to your job that you would normally be aware of if you were working.

Work During the Maternity Leave Period – “Keeping in touch Days”

You may, by agreement with your Head Teacher, work for up to 10 days during your maternity leave period. This will not affect your maternity leave or right to receive maternity pay. However, work cannot be undertaken during the 2 weeks of compulsory maternity leave immediately after the birth.

Keeping in Touch Days (KIT) are different from the “reasonable contact” days as during KIT days you will be paid.

The KIT days do not have to be consecutive and may be used for an activity, which would normally be classed as work under your contract of employment, for which you would be paid. KIT days may be useful, for example, to undertake work-related activities such as attending a conference, undertaking a training activity or attending meetings. Any work and the type of work undertaken during the maternity leave period must be by agreement with the Head teacher and yourself. There is no obligation on either party for work to be offered or accepted. **Any work done on any day during the maternity pay or maternity leave period** will count as a **whole KIT** day. Any days of work undertaken will not extend the maternity leave period.

An employee who works **up to half a KIT** day during the unpaid maternity leave period will receive the equivalent of **half a day’s pay**. An employee who works **more than half a KIT day** will receive the equivalent of a **full day’s pay**.

Where a KIT day occurs during the paid maternity leave period, contractual pay receivable under the preceding paragraph will be paid without deduction, except to the extent to which the combined pay, OMP and SMP exceed full pay.

Returning to Work

Right to Return

A teacher has the right to return to work to the job she was employed to do under her original contract of employment and on terms and conditions not less favourable than those which would have been applicable should she not have been absent on maternity leave. This means that you have the right to return to the job that you left to start your maternity leave, subject to the remaining paragraphs of this section. Job for this purpose means the nature of the work which you are employed to do and the capacity in which you are so employed.

Where it is not practicable, by reason of redundancy, for the school or Council to permit you to return to work in your job as defined above, you shall be offered a suitable alternative vacancy, where one exists, provided that the work in that post is suitable to you and appropriate to the circumstances, and that the capacity and the place in which you are to be employed and your terms and conditions of employment are not substantially less favourable than if you had been able to return to the job in which you were originally employed.

Suitable alternative employment may also be offered in exceptional circumstances other than redundancy (e.g. a major reorganisation), which would have occurred if you had not been absent. This may involve a change in the duties and responsibilities of the post in which you were employed prior to your absence. The new duties should be suitable to you and appropriate to the circumstances and the capacity and place in

which you are to be employed and your terms and conditions of employment should not be substantially less favourable than if you had been able to return to the duties you were originally employed to perform.

Returning Part Time or as a Job Share

You may request to return to work on a part time basis and such a request will be considered by the relevant body responsible for your employment. Your request may be to return to work part time for a temporary period with a view to resuming full time hours eventually or to change your contract to a permanent part time working arrangement. In the event that your request is agreed, and you have received half pay, you will need to be mindful of your obligation to return to work for a period which equates to 13 weeks of your full time service.

You can also request to return to work on a job share basis. If you wish to return to work on a job share basis, you must advise the relevant body responsible for your employment and they must then consider your request.

If the relevant body* cannot agree a request for part time or job share working they should advise you of the grounds upon which your request was not agreed.

*In the case of a school operating a delegated budget, the governing body is the relevant body. In the case of a teacher employed at a Nursery centre or employed within another teaching service whose budget is controlled by the LA the relevant body is the LA

Parents of children aged under 6 or of disabled children aged under 18 will have the right to request to work flexibly. Your employer has a duty to consider such requests seriously. For further information and advice on flexible working please contact Personnel Manager.

Exercising the Right to Return

Your anticipated date of return from maternity leave will be confirmed in writing before you commence your leave. However, should you wish to return before the end of your maternity leave period you are required to give 21 days notice. Failure to provide 21 days notice may result in your early return date being postponed for up to 21 days from the date the notification is received.

If because of an interruption of work (whether due to industrial action or some other reason) it is unreasonable to expect you to return at the end of your maternity leave (or notified date if you are returning early) you may instead return when work resumes, or as soon as reasonably practicable thereafter.

Resignation

If you resign whilst on maternity leave your last day of service will be the date when the confirmation of resignation is received. It would not be the intention of either party that a notice period should be worked. However, you should endeavour to give as much notice as possible of your intention to resign.

6. Statutory Paternity Leave

An employee qualifies for Statutory Paternity Leave if they have 26 weeks continuous service with Ealing by the end of the 15th week before the expected week of childbirth. They have to be the child's father, or the spouse, partner (same or opposite sex) of the child's mother and have or expect to have responsibility for the child's upbringing.

The entitlement is two weeks paid leave. The weekly rate for Statutory Paternity Pay will be the lesser of £108.85 (2007/8) or 90% of the employee's average weekly earnings.

To claim SPP a self-certification form needs to be completed. Forms are available from the Personnel Manager.

The self-certification form must be submitted in or before the 15th week before the expected week of childbirth.

7. Parenting/Nominated Carer Leave

This is an Occupational Scheme and incorporates Statutory Paternity Leave and Pay for those employees eligible. **It is not an additional entitlement.**

Employees who are the partner or "nominated carer" of an expectant mother and who have less than 7 months Local Education Authority service at the expected date of childbirth are entitled to **5 days paid** "maternity support" leave. This would normally be taken around the time of the birth.

Employees who are the partner or "nominated carer" of an expectant mother and who have 7 months or more Local Education Authority service at the expected date of childbirth are entitled to **an additional 5 days paid** "maternity support" leave (i.e. a total of 10 working days paid leave). This would normally be taken around the time of the birth.

All employees with one year's service with Ealing are entitled to request thirteen weeks unpaid statutory parental leave to be taken within the first 5 years following the birth of a child for whom they have parental responsibility. In the case of a child born with a disability (who is eligible to receive a Disability Living Allowance) this is extended to the first eighteen years. Where paid maternity support leave is taken this will form part of the overall thirteen week entitlement (i.e. the combined maximum period of paid and unpaid leave is thirteen weeks). The paid provision should normally be taken around the time of the birth with the remaining period of unpaid leave taken within the first five years after the birth. The full entitlement may be taken at the time of the birth subject to the eligible employee giving three months written notice of this intention.

All of the above entitlements are based on full time employment. Part time employees will have pro rata entitlement.

A copy of the Maternity Certificate will be required in support of the application along with a completed leave of absence form (available from Personnel Manager).

Those employees eligible for Statutory Paternity Pay (see above paragraph "Statutory Paternity Leave") are required to complete a self-certification form. This form must be submitted in or before the 15th week before the expected week of childbirth.

Where both the mother and the partner/nominated carer work for Ealing the partner/nominated carer will be entitled to any unpaid maternity leave not taken by the mother. To exercise this right the partner/nominated carer must confirm their intention in writing at the earliest opportunity and in any event no later than 28 days before they wish to commence the unpaid leave. The partner/nominated carer must also notify his/her date of return within the period of outstanding unpaid leave, to the school before commencing the leave. This is a separate provision from the above.

When taken, maternity support and /or parental leave will not count against either holiday or sick leave entitlement.

Employees transferring to Ealing from another employer who have parental responsibility for a child will be entitled to a maximum of four weeks unpaid leave in any twelve month period up to the fifth birthday (or 18th as appropriate) of the child.

The above provision for a period of unpaid parental leave is intended to incorporate the entitlements under the Employment Rights Act 1999. The terms described are subject to amendment as necessary to comply with any statutory regulations, which may be brought forward, covering eligibility and/or entitlements to parental leave.

8. Pensions, Tax and National Insurance

Pensions

During your period of paid absence, pension contributions will be based on the actual amount of maternity pay you receive during the maternity leave period. The employers pension contributions are, however, calculated as if you were working normally and receiving the normal remuneration for doing so. During any period of unpaid absence, neither the employer nor the employee pays any contributions.

It is however possible for you to cover any gap in your contribution record. Please contact Teachers Pensions for advice at: <http://www.teacherspensions.co.uk/> or telephone them on 0845 6066166, this is a BT local call rate number. Alternatively you may contact them on 01325 745000, this is a standard national rate number, Minicom 0845 6099899 or fax 01325 745789.

The address is:

Teachers' Pensions

Capita Hartshead
Mowden Hall
Darlington
DL3 9EE

Tax and National Insurance (NI)

Occupational maternity pay is liable to tax and deduction of NI contributions, in the same way as normal pay.

During any period of unpaid maternity leave no NI contributions will be made on your behalf.

If your earning falls below the lower earnings limit for NI contributions you will not be liable to pay them.

If the total of your NI contributions fall below the minimum threshold at the end of the tax year you should receive a notice from the HM Revenue & Customs (HMRC), National Insurance Contributions office, inviting you to make up the contributions. It is up to you to decide whether or not you wish to pay them but you should note that non-payment might affect your ability to claim contributions related benefits in the future.

9. Adoption/Fostering Leave

Adoption Leave

i. Statutory Adoption Leave and Pay

Eligible employees who are adopting are entitled to 52 weeks adoption leave.

An employee is entitled to 39 weeks paid statutory adoption leave and a further 13 weeks unpaid leave if they have been continuously employed by **Ealing** for a period of not less than 26 weeks ending with the week they are notified of having been matched with the child. An employee must also earn above the lower earnings limit.

To qualify for Statutory Adoption Pay verification from the adoption agency will be required as set out below.

Occupational Adoption Leave Scheme

This scheme incorporates Statutory Adoption Leave and Pay for those employees eligible. It is not an additional entitlement.

This Adoption Leave Scheme applies to all teachers employed in schools or teaching services maintained by the Council who have at least seven months continuous service with **Ealing or other LAs** immediately prior to the start of any absence under these provisions. If both partners work for the Ealing, the leave can be shared between the partners provided they both have the requisite qualifying service.

If more than one child is being adopted, the same benefits apply, i.e. there is no enhancement for more than one child being adopted at the same time. However, each eligible employee will have the right to a maximum of 13 weeks unpaid parental leave for each adopted child. This leave is to be taken within 5 years of the date of the adoption or before the eighteenth birthday of the adopted child whichever occurs first.

To qualify for the entitlements under this scheme verification will be required in the form of a letter/matching certificate from the adoption agency, which confirms the adoption. The adoption agency must be approved and a representative of the Director of Children's Services must verify this approval. The letter must contain:

- The name and address of the agency
- The name and date of birth of the child
- The date on which the employee was notified that they had been matched with the child.
- The date on which the agency expects to place the child with the employee.

If an employee is not going to be the principal carer, they are still entitled to the benefits of pre-adoption provisions (see below). In addition, the principal of the Parental and Maternity Support Leave Scheme will apply.

For overseas adoptions the employee must produce a letter from the approved British adoption agency which conducted the Home Study Report for the applicant confirming that they have been approved to adopt from overseas and stating which country the child is from. The employee must also produce a letter from the overseas organisation/agency, confirming the arrangements.

For overseas adoption the employee is also required to provide evidence that the child has entered Great Britain. The earliest the adoption leave and pay may begin is the date the child enters Great Britain. Adoption leave and pay must begin within 28 days of the child's entry to Great Britain and must be completed within 56 days of the child's entry.

All paid leave is granted on the condition that the employee return to work for at least 13 weeks at their contracted hours or they will be asked to refund an amount not more than 12 weeks half pay, or such part thereof, as the Council at its discretion may decide.

A maximum of one week's leave with pay and one week's unpaid leave can be transferred from post adoptive provisions to cater for pre-adoption meetings (e.g., with children's services).

Employees are entitled to a maximum of 52 weeks leave commencing from either the official date of placement or a pre determined date no earlier than 14 days before the expected date of placement (and no later than the expected date of placement).

There are two elements to adoption pay, Occupational Adoption Pay (OAP) and Statutory Adoption Pay (SAP). Entitlement to one may not mean entitlement to the other. Also, some payments are made offset against SAP and some made in relation to SAP.

Entitlements to pay will depend upon the age of the child being adopted and are as follows:

For adoption of children under one

Pay during the leave period – 4 weeks full pay (offset against payments made by way of SAP), 2 weeks at 9/10 pay (offset against SAP) 12 weeks at half pay plus SAP (combined half pay and SAP must not exceed full pay) and 21 weeks SAP.

Any other leave taken up to 52 weeks is without pay.

For adoption of children between one and four

Pay during the leave period – 4 weeks full pay (offset against payments made by way of SAP), 2 weeks at 9/10 pay (offset against SAP) 10 weeks at half pay plus SAP (combined half pay and SAP must not exceed full pay) and 23 weeks SAP.

Any other leave taken up to 52 weeks is without pay.

For adoption of Primary age children (5-11)

Pay during the leave period – 2 weeks full pay (offset against payments made by way of SAP), 4 weeks at 9/10 pay (offset against SAP) 6 weeks at half pay plus SAP (combined half pay and SAP must not exceed full pay) and 27 weeks SAP.

Any other leave taken up to 52 weeks is without pay

For adoption of Secondary age children (11-18)

Pay during the leave period – 2 week's full pay (offset against payments made by way of SAP), 1 week at 9/10 pay (offset against SAP) 3 weeks at half pay plus SAP (combined half pay and SAP must not exceed full pay) and 33 weeks SAP.

Any other leave taken up to 52 weeks is without pay

An employee is required to notify the school and the Personnel Manager within seven days after the date on which they are notified of having being matched with the child the date on which the child is expected to be placed and the date they intend to begin their leave.

An employee can change their mind about when they want their leave to start as long as they provide at least 28 days notice before the original date or the new date they want their leave to start, whichever is later.

The Personnel Manager will write to the employee within 28 days of receipt of the notification to confirm the maximum entitlement to adoption leave and pay including a projected date of return to work.

Employers may make reasonable contact with an employee on adoption leave for a number of reasons, such as to discuss arrangements for their return to work.

Employees may undertake up to ten "Keeping In Touch (KIT) days" during their adoption leave. This allows work under their contract of employment and will be paid. Any work undertaken is a matter for agreement between the two parties.

Employees have a right to return to the same job after adoption leave.

Should an employee wish to return to work before the end of the maximum entitlement they are required to give 21 days notice. Failure to provide 21 days notice may result in your early return date being postponed for up to 21 days from the date the notification is received.

Fostering Leave

Providing that you have seven months continuous service you will be entitled to apply for up to a **maximum** of 5 days leave at half pay and 5 days unpaid leave in any 12 month period. Applications should be made on a Leave of Absence form and verification will be required in the form of a letter from the appropriate authorities. As with adoption leave these provisions can be shared if both partners work for the Ealing



Notification of Maternity Leave Form Form (MAT2)

I (name) _____

(Address) _____

Employed at _____ School
have received and read the maternity/parenting leave conditions for teachers employed
by the London Borough of Ealing.

I wish to select the following arrangements:-

Part A

Employees with at least 7 months continuous **Local Education Authority** service as a
teacher

Tick box as required

- ☐ Employees with at least 7 months continuous **Local Education Authority**
service as a teacher intending to return to work

I intend to return to duty with the Authority at the school stated above. I understand
that I must return to work no later than 52 weeks after the Sunday before the week of
childbirth. To secure half pay I must return to work on my contracted hours for a
period of 13 weeks immediately after the expiration of my maternity leave. If I change
my hours of work, i.e. full time to part time, I understand that this period will be longer.
If I do not return to work for this period I will be expected to repay the half pay due to
me. I therefore request the payment of 4 weeks at full pay, 2 weeks at 9/10 of pay
and 12 weeks* at half pay due to me.

*Staff with twelve months continuous service with the **London Borough of Ealing** will
qualify for an **extra 6 weeks half pay**, making a total of 18 weeks half pay.

- ☐ Employees with at least 7 months continuous **Local Education Authority**
service as a teacher intending to return to work but requesting **deferment of
half pay** (in case of actual non return to work).

At present I intend to return to duty with the Authority at the school stated above. I understand that in order to safeguard my right to return to work I must return no later than 52 weeks after the Sunday before the week of childbirth. As I am not entirely sure that I am returning I would, however, request that I be paid only the four weeks full pay and two weeks at 9/10 of pay to which I am entitled if I do not return to work. I therefore wish payment of half pay (to which I am entitled if I return to work for a period of at least 13 weeks) to be deferred until I actually return to work. I understand that upon completion of 13 weeks contracted service immediately after the expiration of my maternity leave; I will be paid the half pay due to me.

- ☐ Employees with at least 7 months continuous **Local Education Authority** service as a teacher **not wishing to return to work**

I have completed seven months Local Government service at the time I wish to absent myself from work and I do not intend to return to duty. Therefore I request the payment of 4 weeks at full pay, two weeks at 9/10 of pay.
I understand that only if I select (a) or (b) will my post be kept open for me until the end of my maternity leave.

Part B

Employees with less than 7 months continuous **Local Education Authority Service** as a teacher

Tick box as required

- ☐ Employees with less than 7 months continuous **Local Education Authority** service as a teacher intending to return to work
- ☐ Employees with less than 7 months continuous **Local Education Authority** service as a teacher **not wishing to return to work**

I wish to commence my leave on _____ and attach a copy of a certificate indicating the expected week of childbirth.

Signed _____ Date _____



Work/Keeping in Touch (KIT) Payments Form (Form MAT8)

Employee Name:	Job Title:
Employee No:	Place of Work:
Contact No:	Manager/Head:

The above employee has worked the following KIT days:

Date	Activity i.e. training, team meeting, project work	Half Day/ Full Day*

*half a day worked or less = half a day's pay. More than half a day worked = full day's pay

The total number of days to be paid are _____

For Payroll use only:

Mth/Yr paid	Code	Amount	Processed By	Authorised By



Appendix 3

Risk Assessment for Pregnant Woman/Nursing Mothers

To minimise any risks to which they may be exposed to during the course of their pregnancy and where appropriate, on their return to work the Personnel Manager / HR Representative should complete this form, following a discussion with the individual concerned

Name	
Department	
Job Title	
Hours	

Ante-Natal/Expectant Mothers

Received written confirmation of pregnancy:

Expected leaving date:

Estimated date of delivery:

How many weeks pregnant is the employee:

Post-Natal / New Mothers

Date of delivery:

Date of return to work:

Is the colleague breastfeeding:

Pregnancy Risk Assessment Guidelines

Aspects of Pregnancy	Factors in Work
Morning sickness	Early shift work
Headaches	Exposure to nauseating smells
Backache	Standing/manual handling/posture
Varicose veins	Standing/sitting
Haemorrhoids	Working in hot conditions
Frequent visits to the toilet	Difficulty in leaving job/site of work
Increasing size	Use of protective clothing work in confined areas manual handling
Tiredness	Overtime, evening work
Comfort	Problems of working in tightly fitting work uniforms
Balance	Problems of working on slippery wet surfaces



Risk Assessment for Pregnant Woman/Nursing Mothers

Checklist questions	Yes	No	Further Action
Morning sickness Does the job involve shift work? Exposure to bad smells? Is there adequate access to drinking water/toilet facilities?			
Backache Does the job involve long periods of standing or sitting? Does the job involve driving a vehicle? If Yes, does it involve getting in and out of the vehicle many times? Is manual handling involved, Yes, has a Risk Assessment been completed?			
Tiredness Is there a requirement to work overtime? Is evening/night work involved? Are hours arranged so that there is sufficient time to take rest breaks? Are there suitable facilities within the rest area to lie down? Are there facilities to express and store milk?			
Balance Are there problems of working on wet/slippy floors/unstable surfaces? Is there a requirement for climbing on ladders or kick stools?			
Stress/confrontations Does the job involve contact with members of the public i.e. home visits, counter interviews etc. Are any of the tasks which are known to be particularly stressful, for example dealing with customers or complaints and handling cash and valuables? Has a VDU/DSE assessment been completed?			
Does the job involve exposure to: Vibration Noise Chemicals Biological agents e.g., Legionnaires disease, tetanus, hepatitis, German measles, chicken pox			

NB Hazard data sheets + COSHH Assessments must be referred to, in order to determine if the chemicals/substances used could cross the placenta and affect the unborn child/foetus.

Review date:
Referral to Occupational Health:
Date Contracted Occupational Health:

Use this space below to summarise the discussion taken place and or if you have identified any medium /high risks in part one and / answered 'yes' to statements above please state proposed temporary actions/recommendations.

--

Risk Assessment for:

Date completed:

Completed by:

Signed by colleague:

Appendix 4

Risk Assessment for Display Screen Equipment

Checks	Yes	No	Acceptable /Not Acceptable Control Measures
<p>Equipment Screen Stable/flicker-free/correct angle, glare-free, and clear image.</p> <p>Keyboard Mouse/use of mouse mat, any defects</p> <p>Desk/Table Glare-free big enough/clear and unobstructed</p> <p>Cabling/Electrical Are there any running under your chair or catching your feet under the desk?</p> <p>Environment Temperature Is there a fresh supply of air – is it too hot/cool/stuffy</p> <p>Too noisy</p> <p>Static Do you get any static shocks from the carpet or cabinets/cupboards</p> <p>Lighting Appropriate for the tasks, enough space, are traffic routes clear from slips and trips</p> <p>Information and Training Software Suitable/adequate to do your job, taking breaks. To give your eyes a rest, do something else for 10 minutes</p> <p>Health and Safety Requirements Eyesight Tests (2 years) Free</p>			

Risk Assessment for:

Date completed:

Completed by:

Signed by colleague: