

INTO FACT SHEET

Maternity / Paternity and Adoptive Leave

This fact sheet reflects changed to the teachers maternity / paternity and adoptive leave schemes that came into force on 1st April 2007.

Maternity Leave

All pregnant employees regardless of length of service will be entitled to 52 weeks ordinary maternity leave

Qualifying Service.

Entitlement

Less than 26 weeks' service	52 weeks' maternity leave; Statutory maternity allowance (SMA) will be payable if the teacher has been in employment for at least 26 of the 66 weeks ending with the week before her EWC. SMA is £112.75 per week from April 2007. This will have to be claimed from the local Jobcentre
26 weeks' continuous service before the 15 th week before Expected Week of Childbirth (EWC).	6 weeks' 90% pay; 33 weeks' SMP 13 weeks' unpaid leave.
52 weeks' continuous service immediately prior to the beginning of the 11 th week before EWC.	4 weeks' full pay; 2 weeks' 90% pay; 12 weeks' half pay plus SMP; 21 weeks' SMP; 13 weeks' unpaid leave.

Contact during maternity leave

There is a new provision entitling the employer to make "reasonable contact" with the employee while she is on maternity leave. The Regulations give an example of when this might be appropriate: "to discuss an employee's return to work". The teacher should be informed of any important developments at the school and any promotion opportunities or job vacancies that arise during maternity leave. However, it is important that the amount and type of contact must not be excessive or intrusive and that the teacher must not be asked to do any work at home.

Keeping in touch days

Teachers will be able to have up to ten days during their maternity leave when they can go into work without ending their maternity leave or losing maternity pay. These days are intended to be used for "keeping in touch" and could be for training or work. The employer does not have to offer these days and the employee is not obliged to accept them. Women are legally protected against any detrimental action for refusing the days. A keeping in touch day constitutes a day's work and the teacher should receive full pay for these days.

Relationship with sickness leave.

A teacher who wishes to return before the end of the 39 weeks paid maternity leave must give 4 weeks notice, in writing of the intention to return. In addition they must submit a fitness to return certificate from their GP prior to returning to school.

Where a teacher subsequently falls ill after their return to work, but still is within the 39 week paid maternity period the provisions of the maternity scheme will apply and the teacher will be paid the appropriate rate of maternity pay. A teacher is not entitled to sickness pay until she has completed the 39 weeks of paid maternity leave.

Paternity Leave

The arrangements for Paternity leave remain unchanged.

Eligibility.

Teachers must satisfy the following conditions in order to qualify for paternity leave. They must:

- have or expect to have responsibility for their child's upbringing;
- be the biological father of the child or the mother's husband or partner or be the adopter's spouse or partner; and
- have completed 26 weeks' continuous service as a teacher with one or more employing authority leading into the fifteenth week before the baby is due or the adopter is notified of being matched with a child.

Length of Paternity Leave

Teachers may take their statutory paternity leave in blocks of either one week or two consecutive weeks, but not odd days.

Payment

Eligible teachers are entitled to 3 days full pay and the remainder of the period at the standard rate of Statutory Paternity Pay. It is however important to note that Statutory Paternity Pay is paid for either 1 or 2 consecutive whole weeks as the teacher has chosen. A teacher who applies for and is granted 5 working days' leave, for example, Monday to Friday, would only be paid full pay their 3 days' discretionary leave and would not be eligible for SPP.

The rate of Statutory Paternity Pay is the same as the standard rate of Statutory Maternity Pay.

Adoptive leave

The arrangements for Adoptive leave as follows:

To benefit from this scheme a teacher must-

- (a) be newly matched with a child for adoption by an approved adoption agency;
- (b) notify the school principal, using Form TR160(A), within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable:
 - (i) of their intention to take adoption leave;
 - (ii) when the child is expected to be placed with them; and
 - (iii) when they want their adoption leave to start.

Rights Of The Teacher To Adoption Leave

Teachers who have completed 26 weeks' continuous service with one or more employing authority leading into the week in which they are notified of being matched with a child for adoption will be entitled to up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave – a total of up to 52 weeks' leave.

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

Should the child's placement end during the adoption period, the teacher will be able to continue adoption leave for up to 8 weeks after the end of the placement.

Adoption Pay

A teacher who has less than 52 weeks', but at least 26 weeks', continuous service as a teacher with one or more employing authority immediately prior to the commencement of the absence shall receive an entitlement to 39 weeks' Statutory Adoption Pay.

A teacher who has completed not less than 52 weeks' continuous service as a teacher, with one or more employing authority, immediately prior to the commencement of the absence receive adoption pay as follows on the condition that he/she will be available, or able, to return to work for the required period specified in paragraph 5:

- a. a teacher eligible for Statutory Adoption Pay will have the payments made in the first 6 weeks of absence offset against the payments made under b. and c. below.
- b. for the first 4 weeks of absence – full pay, offset against payments made by way of SAP.

- c. for the next 2 weeks of absence – 9/10ths of a week's salary, offset against payments made by way of SAP.
- d. half salary for the next 6 weeks of the absence. If the teacher is also entitled to Statutory Adoption Pay he/she will be entitled to these payments in addition to half salary. There will be no deductions unless the combined half salary and Statutory Adoption Pay exceeds full salary.
- e. a further 21 weeks at Statutory Adoption Pay.
- f. no pay for any remaining period of absence up to the date of return.

Future Changes

It is proposed that paid maternity and adoption leave will be extended to 12 months by the end of 2009.

There is now legislation to give mothers the right to transfer a proportion of their paid maternity leave to the child's father, if the mother returns to work. If a couple split up during maternity leave, and the father is no longer the parent with the day-to-day care of the child, the mother can take over the remaining paid maternity leave. It is not yet known when this will come into force.

What happens to my pension when I am on maternity or paternity leave?

- If you are receiving contractual or statutory pay, your pensionable service will continue to increase.
- If you are not receiving any pay, you will no longer be a member of the scheme.

What level of contributions will I have to pay?

- Contributions will be based on the pay you get while absent.

What happens if I adopt a child and have leave of absence?

- This absence will be treated the same as maternity or paternity absence, provided you are receiving contractual or statutory pay.

What happens to my pension if I decide to take a longer break after my contractual and statutory pay has expired?

You can:

- leave your service in the scheme and this can add to any further service you do in the future. If the break is for more than five years, you would be treated as a new entrant upon returning;
- transfer your pension to another scheme;
- take your contributions out of the scheme if you have less than two years' service