



Plymouth Nursery Schools Federation

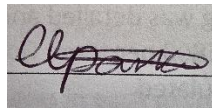
MATERNITY TEACHERS (model) POLICY

Headteacher



Dated 05/06/2024

Chair of Governors



Dated 05/06/2024

Review date- June 2024

To be Reviewed- June 2027

CHANGES

1st December 2009: Policy Implemented

June 2010: Styling revised in line with corporate guidelines

October 2010: Legislative changes from April 2011

July 2011: Pension section amended

November 2013: Sections 13 and 14 revised

August 2014 – Section 13 updated re pay progression and maternity leave – V5

August 2015 - changes to legislation April 2015 and styling revised in line with corporate policy – V6

April 2024 – Legislative Changes; Redundancy

Contacts

If you have any questions regarding this policy please contact the school's HR Provider.

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1. Policy Overview

1.1 Policy Statement

This policy sets out the rights and responsibilities of teachers who are pregnant, the help and support that the school will give them, and the law and conditions of service (Burgundy Book) relating to maternity entitlements.

1.2 Scope

This policy and procedure applies to all staff employed under the Burgundy Book. This includes temporary, part time and fixed term employees, but excludes agency and self-employed workers. This policy will not apply to teachers who are opting to use Shared Parental Leave (see Shared Parental Leave Guidance for more information).

1.3 Eligibility

To qualify for maternity leave a woman must be a pregnant teacher and have a contract of employment with the school, or in the case of supply teachers with the Local Authority (LA). This includes temporary, part time and fixed term teachers, but excludes agency and self-employed workers.

1.4 Shared Parental Leave

Eligible working parents (mothers, fathers, partners and adopters) have a legal right to choose to share time off for the purpose of caring for a child(ren) in the year following birth or adoption. Eligible parents can elect to convert unused maternity/adoption leave and pay into Shared Parental Leave and pay. For further information see the School's guidance on Shared Parental Leave.

2. KEY PRINCIPLES

Pregnant teachers have certain rights in law, some of which depend on how long they have been employed by the school or Local Authority (LA). These rights are as follows:

2.1 Discrimination

Pregnant teachers have the right not to be dismissed or discriminated against for any reason connected with their pregnancy or maternity leave.

2.2 The right to time off work for antenatal care

All pregnant teachers regardless of length of service, or number of hours worked, are entitled to paid time off to attend appointments for antenatal care. These appointments must be made on the advice of a medical practitioner, registered midwife or registered health visitor. Antenatal care can include medical examinations, and/or relaxation or parent-craft.

Teachers will be required to show a certificate from a registered medical practitioner, midwife or health visitor confirming that she is pregnant, and/or an appointment card or some other document showing an appointment has been made. Such time off will be on full pay. A pregnant teacher will **not** be required to make up the hours lost. The teacher must agree with her line manager/Headteacher the appropriate amount of time off required to attend appointments. Consideration will be made to the time of the appointment and travel time.

The baby's father or the mother's partner has the right to take **unpaid** time off during working hours to accompany the mother to an antenatal appointment on up to two occasions for a maximum of six and a half hours on each occasion.

2.3 NEW AND EXPECTANT MOTHERS RISK ASSESSMENT

When the teacher notifies her Headteacher that she is pregnant it is important that a Risk Assessment is undertaken by the school. It is the Headteacher's responsibility to take action to ensure a pregnant teacher is not exposed to any risk that could cause harm to the baby or pregnant teacher, and/or remove the teacher from the workplace if the level of risk is greater than the level of risk expected outside the workplace. The line manager must therefore complete the New and Expectant Mothers Risk Assessment Form (see Appendix 3 for details).

If significant risks are identified, the Headteacher will take action, in consultation with the pregnant teacher and/or the Occupational Health provider.

This may include;

- Removing or reducing the hazard(s)
- Reduce or avoid exposure to any risk(s)
- Advise pregnant teacher of identified risk(s)

This can be done by either temporarily adjusting the working conditions and/or hours of work. It is possible that adjustments may last until the teacher commences maternity leave.

If the risks are significant and the Headteacher is unable to offer suitable alternative work, the teacher can be asked to stay at home on full pay for as long as necessary to protect the safety of the child. (This action should only be undertaken on the advice of Occupational Health provider.)

These provisions do not apply where the teacher's doctor has signed them off sick, but only where the teacher is able to attend work but unable to carry out the particular duties of their post.

In these circumstances, the teacher will retain their entitlement to statutory maternity pay (if eligible) and their right to return to work after maternity leave.

3. CONTRACTUAL RIGHTS DURING MATERNITY LEAVE

Subject to certain exceptions (e.g. redundancy) employees have the right to return to the job which they were employed under the original contract of employment and on terms and conditions not less favourable than those which would have applied if they had not been absent.

The contract of employment continues during maternity leave. The terms and conditions relating to the teacher's employment, with the exception of normal pay, will apply during the statutory maternity period of 52 weeks.

Where access to purchase Child Care Vouchers is provided for by the School as part of a salary sacrifice scheme these will continue to be provided during the statutory maternity pay period and any period of no pay.

4. STATUTORY MATERNITY LEAVE ENTITLEMENT

All pregnant teachers are entitled to take up to 52 weeks' maternity leave (comprising 26 weeks of Ordinary Maternity Leave and 26 weeks of Additional Maternity Leave). This right applies to all pregnant teachers **regardless** of their length of service or the number of hours they work per week. To be eligible for maternity leave teachers must comply with the notification requirements set out in this policy.

4.1 Ordinary Maternity Leave (OML)

Ordinary Maternity Leave (OML) is the first 26 weeks.

4.2 Additional Maternity Leave (AML)

AML of 26 weeks follows OML and there must be no gap between the two.

5. NOTIFICATION REQUIREMENTS

To qualify for Maternity Leave, the employee must notify her Headteacher in writing as soon as possible and at least by the end of the 15th week before the Expected Week of Childbirth (EWC) of the following:

- She is pregnant and the EWC, and

- The date on which her maternity leave will start.
- The teacher will also need to provide a certificate from her Doctor or Midwife confirming the date her baby is expected. This is known as a MATBI form.

The Headteacher/line manager will contact the school's payroll provider with the following information:

- Notification of intention to take leave
- Notification of commencement of leave
- Notification of return.

The employer must, within 28 days of receiving notice of the teacher's intention to take maternity leave, give written notice of the date that her maternity leave entitlement will end.

Written notification will usually be provided by the school's payroll provider.

6. Date of Starting Maternity leave

Maternity leave can be started at any time from the beginning of the 11th week before the EWC.

Maternity leave can start on any day of the week. It starts on the day the employee specified in her notice.

Employees can change the start of their maternity leave. They must, however, inform their Headteacher/line manager in writing at least 28 days before their absence begins, or, as soon as reasonably practicable.

6.1 Sickness and the start of the Maternity Leave Period (MLP)

Employees who become ill whilst pregnant are entitled to sick pay in the normal way, whether or not the illness is pregnancy related. However, if any employee is absent from work **due wholly or partly to a pregnancy-related illness** at any time after the beginning of the fourth week before baby is due, the maternity leave period will begin automatically on the day after the first day on which they are absent from work due to that illness.

6.2 When the Maternity Leave Period Begins Automatically

Where a teacher gives birth before the maternity leave is due to commence, the day following the date of the birth will be regarded as the first day of maternity leave and pay.

7. Returning from Maternity Leave

By law, a new mother may not under any circumstances return to work within two weeks of the birth of the baby.

Before a teacher goes on maternity leave, the school's payroll provider will advise on the date the teacher is expected to return. This will be based on the teacher taking their full entitlement to maternity leave.

Employees who intend to return to work at the end of their full maternity leave entitlement will not have to give any further notification. It will be assumed that they will return to work on the first available working day after the last date of their maternity leave.

Under the provisions of the Burgundy Book (Conditions of Service for School Teachers in England and Wales) teachers who want to return before the end of their maternity leave must give at least 21 days' notice of the date they intend to return to work.

Where an early return date has already been agreed and the employee wishes to change this date again a further period of 21 days' notice must be given.

Failure to give the correct notice of an early return may result in the employee's return being postponed for the period of the notice required, or until the end of their maternity leave entitlement, whichever is sooner. If the employee returns to work early, the payment of maternity pay will cease on their return.

If a teacher is unable to return to work at the end of their maternity leave due to sickness, normal sickness procedures will apply.

8 MATERNITY PAY

There are three types of maternity pay:

- Statutory Maternity Pay (SMP)
- Occupational Maternity Pay (OMP)
- Maternity Allowance (MA)

The eligibility criteria for SMP and OMP are different and this means that where a teacher qualifies for one type of pay they may not automatically qualify for the other.

8.1 Statutory Maternity Pay (SMP)

To be eligible for Statutory Maternity Pay an employee must:

- have at least 26 weeks' continuous service with the current employer by the end of the 15th week before 'EWC' ('the qualifying week').
- have average weekly earnings, in the eight weeks up to and including the qualifying week, which meets at least the lower earnings limit for Class I National Insurance Contributions
- be employed during (but not necessarily until the end of) the qualifying week.
- provide medical evidence of the expected date of childbirth by the qualifying week.
- Must still be pregnant at the 11th week before the EWC, or have given birth earlier. (But not during or before 24th week of pregnancy)

SMP is payable for 39 weeks. The rates are fixed by law, are subject to tax and National Insurance deductions and are paid at either 90% of an employee's average earnings or the standard rate, whichever is the lesser.

Payments for supply teachers will depend on length of continuous service. To clarify what entitlements a supply teacher may be eligible for please contact the school's HR Adviser.

8.2 Teachers excluded from receiving SMP

A teacher is excluded from receiving SMP under the following conditions:

- Earnings are too low (Earnings during set period must be at least equal to the lower earnings limit to pay class IB National Insurance Contributions).
- They are not employed by the LA during the qualifying week (i.e. the 15th week before the expected week of childbirth)
- SMP will end if the teacher works after the childbirth and during the maternity pay period for another employer.

8.3 OCCUPATIONAL MATERNITY PAY (OMP) FOR TEACHERS UNDER THE BURGUNDY BOOK

Entitlement to the provisions of the Burgundy Book maternity scheme and to occupational maternity pay during maternity leave, depend on the length of continuous service with one or more local authorities, including previous employment in other community and voluntary controlled schools in the same or other local authorities where there has not been a break in employment. Plymouth City Council will count service in maintained, voluntary controlled, trust and voluntary aided schools towards continuous service. Teachers who have TUPE transferred to an Academy may also be entitled to the Burgundy Book provisions.

For the purposes of working out entitlements to maternity pay teachers will fall into one of the four entitlement categories set out below depending on their length of continuous service.

Entitlement 1 – Teachers who are eligible for statutory maternity pay (SMP) and occupational maternity pay (OMP)

Teachers who meet the eligibility criteria for SMP (set out above) and who have at least one year's continuous employment with one or more local authorities or maintained schools at the beginning of the 11th week before EWC, will be entitled to the full entitlement under the occupational scheme.

Eligible teachers will be entitled to the following maternity pay benefits:

| | | |
|---------------|-------------|--|
| First 4 weeks | Weeks 1-4 | Full pay (offset against SMP payments) |
| Next 2 weeks | Weeks 5-6 | 90% of pay (offset against SMP payments) |
| Next 12 weeks | Weeks 7-18 | Half pay plus SMP |
| Next 8 weeks | Weeks 19-26 | SMP |
| Next 13 weeks | Weeks 27-39 | SMP (as AML) |
| Next 13 weeks | Weeks 40-52 | Unpaid leave (AML) |

Entitlement 2 – Teachers who not eligible for SMP but qualify for OMP

Teachers who do not meet the eligibility criteria for SMP will not have an entitlement to SMP. However, if they have at least one year's continuous employment with one or more local authorities or maintained schools at the beginning of the 11th week before EWC they will be entitled to the full benefits of the Burgundy Book scheme.

Eligible teachers under entitlement 2 will be entitled to the following benefits:

| | | |
|---------------|-------------|--------------|
| First 4 weeks | Weeks 1-4 | Full pay |
| Next 2 weeks | Weeks 5-6 | 90% of pay |
| Next 12 weeks | Weeks 7-18 | Half pay |
| Next 29 weeks | Weeks 19-52 | Unpaid leave |

Entitlement 3 – Teachers who are eligible for SMP but not OMP

Teachers who meet the eligibility criteria for SMP but do not have at least one year's continuous employment with one or more local authorities or maintained schools at the beginning of the 11th week before EWC, will not be entitled to the occupational maternity provisions of the Burgundy Book, although they can benefit from maternity pay and leave under the statutory maternity scheme.

Entitlement 4 – teachers who are not eligible for SMP or OMP

Teachers who do not meet the eligibility criteria for SMP or OMP (set out above) will be entitled to take up to 52 weeks' maternity leave but will have only limited statutory entitlements to pay.

8.4 MATERNITY ALLOWANCE (MA)

If a teacher is ineligible for SMP, she may be able to claim state Maternity Allowance (MA) instead, which is paid by the Department for Work and Pensions (DWP), provided that she satisfies the contribution conditions based on her previous employment or self-employment. Payments are made weekly for a maximum of 39 weeks. Further information can be obtained from Jobcentre Plus or at www.gov.uk/browse/benefits.

9 PAY AWARDS/PAY PROGRESSION

9.1 THE IMPACT OF A PAY INCREASE DURING MATERNITY LEAVE

If a pay rise is awarded any time from the start of the eight week set period for calculating SMP and the end of the statutory maternity leave, statutory payments (SMP) will be recalculated and arrears paid. For contractual payments (OMP), if the pay increase occurs whilst in receipt of OMP the amount will be recalculated to reflect that increase, if however OMP has come to an end, any change will take effect from the date the teacher returns to work.

9.2 Pay progression

For teachers who are on maternity leave, it is unlawful for the school to deny that teacher an appraisal and subsequent pay progression because of her maternity. When a teacher returns to work from maternity leave, the school must give her any pay increases that she would have received, following appraisal, had she not been on maternity leave.

It is advised that schools need to take a practical and flexible approach to conducting appraisals and making pay decisions for those absent on maternity leave, including where a teacher has been absent for part or all of the reporting year.

When making pay decisions, schools should ensure that they avoid discriminating against teachers on the grounds of their protected characteristics and ensure that part time teachers and those teachers on fixed term contracts are not treated less favourably.

10 REPAYING MATERNITY PAY

If a teacher received OMP during her absence and has declared her intention to return to work following the birth, she must return for a period of 13 weeks in order to 'protect' her contractual maternity payments. If a teacher (who was originally on a full-time contract) returns to work on reduced hours, the 13 week period will need to be extended. For example, if a full-time teacher is returning to work on a 0.5 FTE contract she will be required to return to work for a total of 26 weeks to protect their contractual maternity payment. Returning to another post within Plymouth City Council under these conditions will ensure contractual maternity pay is protected. However should a teacher either return to a teaching post with an employer other than Plymouth City Council or transfer to an employer other than Plymouth City Council within the 13 weeks period (or extended period), contractual maternity pay will cease to be protected and will be recoverable either in whole or in part depending on the circumstances.

If the teacher does not return for the full 13 week period she will be required to repay the 12 weeks of half occupational maternity pay. If she knows that she intends to leave she can elect not to receive this payment. The school's payroll provider will advise of the exact amount.

Where parental leave is taken as a full time block of leave following maternity leave, a teacher will be required to refund OMP unless she returns to local authority employment for a period of at least 13 weeks after the end of the parental leave period.

There is no requirement to refund SMP/MA payments received.

11 Returning to work

By law, a new mother may not under any circumstances return to work within two weeks of the birth of the baby.

Before a teacher goes on maternity leave, the school's payroll provider will advise on the date she is expected to return. This will be based on the teacher taking her full entitlement to maternity leave.

If the teacher wishes to return to work before the end of the maximum period of entitlement she must give notice in writing. The notice must be given to the employer at least 21 days before the date on which the teacher intends to return.

If a teacher is unable to return to work on the date expected to return from maternity leave due to sickness, they will begin a period of sickness absence. They will be treated as any other teacher who is absent due to sickness. In this situation the Headteacher will follow the school's Managing Attendance Policy and Procedure.

11.1 Returning to Work after Ordinary Maternity Leave Followed by Parental Leave

Teachers who have completed one year's continuous service, whether before or during maternity leave, are entitled to parental leave, which may be taken immediately after maternity leave (subject to notice requirement for taking parental leave – see Parental Leave Policy).

A teacher returning to work after ordinary maternity leave followed by four weeks parental leave (the maximum allowed in any leave year), or less than four weeks, is entitled to return to her original job on the same terms and conditions, unless a redundancy situation has arisen in which case she is entitled to be offered a suitable alternative vacancy where one exists.

11.2 Return to work after Additional Maternity Leave followed by a period of parental leave

A teacher who takes a period of parental leave immediately after additional maternity leave is entitled to return to her original job, or if that is not reasonably practicable, to a job that is similar in terms of duties, skills, status and rewards.

11.3 Teachers who return to work following consecutive periods of Maternity Leave

It is possible that a teacher who takes her full entitlement to maternity leave (52 weeks) may become pregnant whilst on leave and become entitled to another consecutive period of maternity leave without returning to work. Maternity leave does not break continuity of employment, so her right to maternity leave for this pregnancy will be based on total services with the LA. However, the teacher may not have earned enough (or anything) in the relevant calculation period to qualify for SMP. In this situation if the teacher does not qualify for SMP, they may be able to claim for Maternity Allowance.

If a teacher has consecutive periods of Occupational Maternity Pay and does not return to work for 13 weeks following maternity leave, she will be required to repay both lots of OMP received. The school's payroll provider will advise of the exact amount.

11.4 Choosing not to return to work

If a teacher resigns their last day of service will be their last day of maternity leave, unless they give written notice to resign on an earlier date.

Eligibility for SMP is not in any way connected with, or dependent on, the teacher's decision whether or not to return to work after maternity leave. Thus if a teacher resigns from employment, or is dismissed (e.g. for redundancy), payment will still be made provided she meets all the qualifying conditions.

12 RIGHT TO REQUEST FLEXIBLE WORKING

A parent is entitled to request Flexible Working. Further information can be found in the school's Flexible Working Policy.

13 WORKING DURING MATERNITY LEAVE (KEEPING IN TOUCH DAYS)

Teachers can work for up to 10 days during maternity leave, but not during the two week compulsory maternity period. These workdays are called 'Keeping in Touch' (KIT), and do not trigger the end of maternity leave or affect entitlement to SMP.

Keeping-in-touch days are not compulsory but Headteachers are encouraged to offer them, although the teacher is under no obligation to use them if they do not wish to do so. They do not have to be consecutive and can be used to attend any work-related activity including training, conferences, meetings etc.

Teachers who do work on a KIT day will be entitled to their normal rate of pay for the day/half day that they work, which will be offset against SMP (If the KIT day occurs during the period when SMP is received). Working for part of a day will count as one KIT day, out of a total of 10. The total duration of the maternity leave period will remain the same regardless of whether or not the teacher works on a KIT day, therefore the maternity leave period will not be extended or reduced as a result. If the school and teacher arrange KIT days, the Headteacher should advise the school's payroll provider so that appropriate payments can be arranged.

14 CONTACT DURING MATERNITY LEAVE

During the maternity leave period either the Headteacher or another member of staff should maintain reasonable contact with the teacher. For example, the Headteacher may contact the teacher to discuss their plans to return to work or to be brought up to date with a project. These conversations are not counted the same as KIT days. The Headteacher will also contact the teacher to keep them informed about other relevant issues such as any job vacancies, workplace development, organisational changes etc, if the teacher wishes.

15 PENSION SCHEME

If the teacher is a member of the Teachers Pension Scheme (TPS), and receives pay during the first 26 weeks, then both the teacher and PCC will pay the required pension contributions on the pay received. Benefits will continue to accrue to the employee as if she was working and receiving normal pay. If the employee does not receive any pay during the first 26 weeks, then the service will not count for pension purposes.

After the first 26 weeks, service will only count if the teacher receives at least half of her normal pay, with the required employee and employer pension contributions deducted from the pay. If

the teacher does not receive any pay, or less than half pay, then the service will not count for pension purposes.

For further advice on TPS contact the Teachers Pension Scheme directly.

16 RETURNING TO WORK

The Headteacher/line manager must notify the school's payroll provider that the employee has returned from maternity leave and normal pay will be commenced.

17. REDUNDANCY

If a redundancy situation arises, the employee will be entitled to priority as far as suitable alternative employment is concerned. Where an appropriate vacancy exists she must be offered the alternative employment under a new contract that begins on the day immediately following the day on which her previous contract comes to an end. The new work must be suitable in relation to the employee and appropriate for her to do under the circumstances, and the new terms and conditions must not be substantially less favourable than those of the previous contract. Where a suitable vacancy exists and the employer fails to offer it, the employee's dismissal will be automatically unfair. However, where the employee rejects the alternative employment, or no suitable vacancy exists, the employer is entitled to dismiss by reason of redundancy.

The employee will be afforded the above protections if they meet any one of the following criteria:

- A pregnant employee who is not on maternity leave will be protected from the date she informs her employer of the pregnancy.
- A pregnant employee who miscarries before 24 weeks who has informed their employer of the pregnancy will be protected for 2 weeks after the end of the pregnancy.
- A pregnant employee who miscarries after 24 weeks is entitled to maternity leave, so they assume the normal protection afforded by maternity leave.
- An employee on maternity leave will have their protection extended to 18 months from the date of childbirth if the employee informs the Council of the date of childbirth as soon as reasonably practicable. Where they do not inform the Council in this timescale, the 18-month period runs from the first day of the expected week of childbirth.

18 ANNUAL LEAVE

18.1 Annual leave entitlements

#Teachers do not have a contractual entitlement to paid annual leave, but will not normally be required to work during periods of school closure and public holidays. However, teachers are entitled to 28 days' statutory annual leave under the Working Time Regulations. 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. This entitlement can be offset by any period of school closure that has taken place in the leave year in question. **This is not an additional entitlement to annual leave on top of the current school closure arrangements.**

This annual leave entitlement can be offset by any period of school closure that has taken place in the leave year in question i.e. both before and after the maternity leave period. The Headteacher should advise the teacher prior to commencing the maternity leave that her statutory maternity entitlement to annual leave should be taken before or after the maternity leave period during school closure periods. On return from maternity leave, the teacher must be allowed to take any outstanding leave during term time if there are insufficient school closures to accommodate the statutory leave entitlement in that leave year.

Where the return from maternity leave is so close to the end of the leave year that there is not enough time for the teacher to take all her annual leave entitlement, the teacher must be allowed to carry over a balance of leave to the following year. The teacher is required to take this balance during the remaining periods of school closures after the 28 days annual leave for that leave year has been accommodated.

It is not possible for either the school or the teacher to decide to carry over the annual leave into the next year if there is time to take the leave in the current leave year i.e. in school closure periods or in term time.

It will not be possible for a teacher to obtain payment in lieu of untaken annual leave instead of taking leave, unless the teacher does not return to her job following maternity leave. For advice on entitlement in that scenario please contact your School's HR provider.

It is recommended that any such leave is taken during the period shortly after the return to work.

18.2 Leave year

The leave year is defined as 1st September to 31st August.

18.3 Public Holidays

Teachers do not have a contractual entitlement to paid leave on public or bank holidays. In the case of Easter or May Day falling during term time, the holiday will be classed as a school closure which counts against the statutory annual leave entitlement of 28 days.

Please see **Appendix 4** for scenarios relating to holiday entitlement

19 ACTIONS TO TAKE IF THERE ARE COMPLICATIONS WITH PREGNANCY

If any problems arise (such as premature or still birth) the teacher is strongly advised to contact her Headteacher (either personally or through a friend), as soon as possible. The school can then ensure arrangements are put in place to organise maternity entitlements and provide support.

If the pregnancy results in a non live birth (miscarriage) or termination, before 24th week of pregnancy, the school will grant either special leave or sick leave, as appropriate on the basis of the individual circumstances. The decision should be based on the needs of the teacher and medical opinion.

If the baby dies or is still-born after 24th week of pregnancy the maternity scheme applies and the teacher will be eligible to receive maternity leave and pay (subject to the usual qualifying criteria).

20 GENERAL ADVICE

Teachers are strongly encouraged to use their right to return to work. If the teacher resigns instead of taking maternity leave, they forfeit their right to return to work at a later date.

All periods of time that the teacher takes off work as maternity leave are subsequently counted as continuous service for the purposes of calculating any service-related statutory rights (e.g. redundancy payments). Therefore once the teacher returns to work, their length of service with the LA is calculated as if they had never been absent.

Teachers who have any queries regarding their rights or obligations under this maternity policy should raise them in the first instance with their Headteacher/line manager. If there are any further questions please refer to the School's HR provider.

Other relevant guides/policies

Flexible Working Policy

Parental Leave Policy

Shared Parental Leave Guidance

Paternity Leave Policy

APPENDIX I: TERMS AND ABBREVIATIONS

| TERM/ABBREVIATION | DEFINITION |
|-----------------------------------|---|
| A Week's Pay | This is usually the amount payable by the LA to the teacher under her current contract of employment for working her normal hours in a week. |
| Childbirth | The live birth of a child, or a stillbirth after a pregnancy has lasted at least 24 weeks. |
| EWC - Expected Week of Childbirth | This is the week the baby is expected to be born. |
| Compulsory Maternity Leave | The two weeks commencing the day of the childbirth during which employers are prohibited from allowing the teacher back to work. This is part of the OML entitlement. |
| MATBI | This is the certificate issued by the teacher's GP or Midwife (no earlier than 20 weeks before the WBD) to confirm the date of the WBD. |
| Actual Week of Childbirth (AWC) | This is the week the baby is born. |
| Qualifying Week | This is the 15 th week before the EWC. It is used to determine entitlement to Statutory Maternity Pay, as the teacher needs to have worked for the same employer for at least 26 weeks up to and including the Qualifying Week (in addition to paying appropriate National Insurance contributions). |
| OML Ordinary Maternity Leave | This is the first 39 weeks of maternity leave |
| AML Additional Maternity Leave | This is weeks 40-52 of maternity leave. |
| SMP Statutory Maternity Pay | Providing the Qualifying Week and National Insurance contribution criteria are met the teacher will be entitled to SMP. This payment is made by the LA on behalf of the Department for Work and Pensions for 39 weeks. |

| | |
|-----------------------------------|--|
| OMP Occupational Maternity Pay | This is the payment made by the LA over and above SMP, as part of the teacher's Conditions of Service, provided the teacher has at least 1 year's service. |
| MA Maternity Allowance | Where the teacher does not qualify for SMP she may be entitled to MA, which is paid directly by the Department for Work and Pensions. |

NB If yes to any of the above, except No's. 1 & 2, the control measures are to be listed overleaf. This form is to be completed in conjunction with the employee.

| ITEM No. | CONTROL MEASURE | IMPLEMENTED |
|----------|-----------------|-------------|
| | | |

ASSESSMENT RESULTS

The assessment shows the risks to this person are:-

*HIGH/MEDIUM/LOW. However, the control measures listed above will ensure the risk is:-

*UNACCEPTABLE/ACCEPTABLE. If the risks are unacceptable, you must consider:-

1. Adjusting work conditions
2. Adjusting hours of work
3. Offering alternative work

If you are unsure that the risks are acceptable, you should contact a member of the Health, Safety & Wellbeing Team on 01752 31(2523) or email healthandsafety@plymouth.gov.uk

| | NAME | SIGNATURE | COPIES TO:- |
|----------|------|-----------|--|
| ASSESSOR | | | 1. EMPLOYEE 2. ASSESSOR 3. MANAGER |
| MANAGER | | | |
| EMPLOYEE | | | |

* Delete as necessary

APPENDIX 3: HOLIDAY ENTITLEMENT SCENARIOS

Scenario 1

The teacher starts maternity leave on 1 October and takes OML only.

| | S e p | O c t | N o v | D e c | J a n | F e b | M a r | A p r | M a y | J u n | J u l | A u g |
|----------------------------|-------------|-------------|-------------|--------------|-------------|-------------|-------------|--------------|-------------|-------------|--------------|--------------|
| | | O M L | O M L | O M L | O M L | O M L | O M L | | | | | |
| Sch ool Clos ures | | 1 w k | | 2 w ks | | 1 w k | | 2 w ks | 1 w k | | 2 w ks | 4 w ks |

The teacher will benefit from up to 9 weeks of closure during Easter, July and August so there will be no additional entitlement to annual leave.

Scenario 2

The teacher starts maternity leave on 1 March and takes OML only

| | S e p | O c t | N o v | D e c | J a n | F e b | M a r | A p r | M a y | Ju n | Ju l | A u g |
|----------------------------|-------------|-------------|-------------|--------------|-------------|-------------|-------------|--------------|-------------|-------------|--------------|--------------|
| | | | | | | | O M L | O M L | O M L | O M L | O M L | O M L |
| Sch ool Clos ures | | 1 w k | | 2 w ks | | 1 w k | | 2 w ks | 1 w k | | 2 w ks | 4 w ks |

The teacher will already have had the benefit of 4 weeks (20 days) of school closure in October, December and February. There will be an additional entitlement of 8 days which will be carried over to the next leave year as the teacher is returning on 1 September. This will be taken following the first 28 days of annual leave entitlement in school closure periods.

Scenario 3

The teacher starts maternity leave on 1 October and takes OML & AML

Leave Year 1

| | S e p | O c t | N o v | D e c | J a n | F e b | M a r | A p r | M a y | J u n | J u l | A u g |
|--------------------|-------------|-------------|-------------|------------------|-------------|-------------|-------------|------------------|-------------|-------------|------------------|------------------|
| | | O M L | O M L | O M L | O M L | O M L | O M L | A M L | A M L | A M L | A M L | A M L |
| School Closures | | 1 w k | | 2 w k s | | 1 w k | | 2 w k s | 1 w k | | 2 w k s | 4 w k s |

Leave Year 2

| | S e p | O c t | N o v | D e c | J a n | F e b | M a r | A p r | M a y | J u n | J u l | A u g |
|--------------------|-------------|-------------|-------------|------------------|-------------|-------------|-------------|------------------|-------------|-------------|------------------|------------------|
| | A M L | | | | | | | | | | | |
| School Closures | | 1 w k | | 2 w k s | | 1 w k | | 2 w k s | 1 w k | | 2 w k s | 4 w k s |

Leave year 1 - the teacher has had no annual leave but has an entitlement to 28 days which will be carried over to the next leave year on her return from maternity leave

Leave year 2 - the teacher will benefit from 13 weeks of school closure. This will include her 28 days entitlement for that leave year and the 28 days entitlement from Leave year 1. She will not be entitled to any additional leave.

Scenario 4

The teacher resigns and does not return at the end of the maternity leave period.

| | S e p | O c t | N o v | D e c | J a n | F e b | M a r | A p r | M a y | J u n | J u l | A u g |
|----------------------------|-------------|-------------|-------------|------------------|-------------|-------------|-------------|------------------|-------------|-------------|------------------|------------------|
| | | | | | O M L | O M L | O M L | O M L | O M L | O M L | | |
| Sch ool Clos ures | | 1 w k | | 2 w k s | | 1 w k | | 2 w k s | 1 w k | | 2 w k s | 4 w k s |

The teacher has not worked a full leave year and will be entitled to a pro rated statutory annual leave entitlement (10 Months entitlement = 23 days) The teacher will have already had 15 days in school closure periods, so 8 days pay in lieu will be due on termination.

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