

MATERNITY, PATERNITY AND PARENTAL LEAVE AND PAY
ENGLAND

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This advice booklet contains information for teachers working in schools and colleges in England on statutory maternity and paternity pay and leave, parental rights and the national occupational schemes applicable to teachers working in maintained schools.

Separate advice for adopting parents is available in the NASUWT advice document *Adoption, Paternity and Parental Leave and Pay*.

Some local authority and other employers may have made improvements to the national occupational schemes. All teachers are advised to request from their employer details of the occupational maternity, paternity and parental rights schemes applicable to them.

Teachers employed in independent schools, further education (FE) colleges or academies (including technical academies, university technical colleges (UTCs), studio and free schools) will only be entitled to the national occupational schemes if their contract expressly incorporates these provisions. Otherwise they will only be entitled to the statutory schemes and any other occupational scheme included in their contract.

Where an academy has replaced an existing school/s there will usually be a transfer under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) 2006. In such cases, staff of the closing school/s who have a substantive contract at the point of closure will have the right to transfer to the academy on their existing terms and conditions and will still be eligible for the national occupational maternity scheme if it was expressly stated in their original contract. Affected members should contact their Local Association Secretary or Regional Centre for advice.

MATERNITY AND ADOPTION LEAVE AND PAY

Changing employer prior to taking maternity leave can affect your entitlements – see the section entitled 'Effect of changing schools or sector' on page 6 and seek advice from your Local Association Secretary or from your Regional Centre before accepting a new post. See Appendix 4 for NASUWT Regional Centre contact details.

The advice below explains maternity leave and pay provisions. In addition, the 'Maternity Pay and Leave Flowchart' in Appendix 3 can be used to determine your eligibility for maternity pay and leave.

MATERNITY LEAVE

Statutory minimum entitlement

All pregnant employees are entitled to 52 weeks' statutory maternity leave (comprising 26 weeks of Ordinary Maternity Leave and 26 weeks of Additional Maternity Leave) regardless of length of service, hours worked or size of employer. Employees must notify their employer of the intention to take maternity leave no later than 15 weeks before the expected week of childbirth (EWC). Model letters for requesting maternity leave and changing the start date of leave can be found in Appendix 2.

A woman may commence maternity leave at any point from the eleventh week before the EWC onwards. The latest date maternity leave can start is the date childbirth occurs if it has not already been started before. It is a legal requirement to take two weeks'

'compulsory' maternity leave commencing with the day of childbirth. The start of maternity leave can be any day of the week during either term time or school closure periods; it does not have to be at the beginning or end of a term.

If a pregnant employee takes sick leave for pregnancy-related reasons in the last four weeks before the EWC, the employer can require her to start maternity leave.

MATERNITY PAY

There are two types of maternity pay:

Statutory Maternity Pay (SMP) – this is provided by the state, paid by the employer and administered through HM Revenues and Customs (HMRC).

Occupational Maternity Pay (OMP) – this is provided by the employer and set out in the woman's contract of employment or, in the case of those employed in state schools, in the *Conditions of Service for School Teachers in England and Wales* (Burgundy Book). OMP will be higher or endure for longer than SMP.

Statutory Maternity Pay (SMP)

Women who qualify for maternity leave are entitled to up to 39 weeks' paid maternity leave followed immediately by 13 weeks' unpaid maternity leave. To qualify for SMP, women must have 26 continuous weeks of employment with the same employer (which includes maintained schools within the same local authority) by the fifteenth week before the EWC. SMP is paid at 90% of normal pay for the first six weeks, followed by 33 weeks, at the standard rate. Any pay rise awarded after the beginning of the period used to calculate SMP (the eight-week period ending with the fifteenth week before the EWC) but before the end of the maternity leave period must be taken into account when calculating the amount of SMP payable.

Women who do not qualify for SMP may qualify for 39 weeks' Maternity Allowance (MA) if they have been employed for at least 26 weeks (aggregate not continuous) over the course of the 66 weeks ending with the week before the EWC. An application for MA should be submitted to your local Jobcentre Plus office. The application form and accompanying guidance can be downloaded from the Gov.uk website at www.gov.uk/maternity-allowance/how-to-claim.

The current standard rate for both SMP and MA can be found on the Gov.uk website at www.gov.uk/maternity-benefits.

Further information is available in '*A guide to Maternity Benefits*', which is produced by the Department for Work and Pensions (DWP) and is available at www.dwp.gov.uk.

Occupational Maternity Pay (OMP)

School teachers in local authority-maintained schools and teachers who have TUPE transferred to an academy may also be entitled to the Burgundy Book provisions which enhance the statutory scheme outlined above. To qualify for this occupational scheme, teachers must have one year's continuous service with one or more local authority schools

at the beginning of the eleventh week before the EWC. Teachers will receive four weeks' full pay followed by two weeks at 90% of normal pay and 12 weeks' half pay. Teachers must also notify their employer in writing no later than 14 weeks before the EWC that they wish to take maternity leave.

Therefore, eligible teachers will receive: four weeks' full pay, two weeks at 90% of normal pay, 12 weeks at half normal pay plus SMP (as long as it does not exceed full pay), 21 weeks' SMP/MA and 13 weeks' unpaid leave.

Some local authority and other employers may have made improvements to the Burgundy Book scheme. Some independent schools, colleges, academies and free schools offer their own occupational maternity scheme. All teachers are advised to request information from their employer on the occupational maternity scheme applicable to them.

EFFECT OF CHANGING SCHOOLS OR SECTOR

The existing eligibility conditions for SMP are different from those determining entitlement to OMP as defined in the Burgundy Book. Changing jobs, or the status of the school, can affect your maternity entitlements.

Where a school changes category, for example from a maintained school to an academy, it is likely that continuity of service would not be affected for current employees. However, where a teacher moves to a different school or college, continuity of service may be affected. Where continuity of service is broken, this will affect eligibility for both SMP and OMP, as the table below illustrates.

Table 1: Effect of changing schools or sector

School move	SMP	Occupational scheme (Burgundy Book)
From one maintained school to another maintained school within the same local authority	Continuity maintained	Continuity maintained
From one maintained school to another maintained school in a different local authority	Continuity broken	Continuity maintained. However, with foundation schools there is only automatic continuous service if the move is between the local authority and a foundation school in the same local authority.
From an FE college, independent school or academy to a maintained school in a local authority	Continuity broken	Continuity broken unless conditions of service state that service in FE, an independent school or an academy is deemed continuous for this purpose or agreement is reached when the job offer is made.

From a maintained school in a local authority to an FE college, independent school or academy	Continuity broken	Continuity broken unless conditions of service state that service in FE, an independent school or an academy is deemed continuous for this purpose or agreement is reached when the job offer is made.
From a maintained school in a local authority to a sixth-form college	Continuity broken	National agreement on conditions of service state that service with a local authority is deemed continuous for this purpose. However, members must check their contracts to ensure this provision is incorporated into it.
From a sixth-form college to a maintained school in a local authority	Continuity broken	Continuity broken unless conditions of service in the sixth-form college are deemed continuous for this purpose or agreement is reached when the job offer is made.

ANTENATAL CARE

Statutory minimum entitlement

Any pregnant teacher, however long she has been in the post, is entitled to reasonable time off work, paid at her normal rate of pay, for antenatal care that has been recommended by an appropriately qualified medical professional (including midwives and health visitors). This includes teachers working for a supply agency, who have been entitled to paid time off for antenatal appointments since 1 October 2011.

A pregnant teacher must produce evidence of appointments if requested to do so by her employer. Partners who wish to attend appointments should check local agreements to determine whether they have any entitlement to leave or request time off for dependants (further details below).

CONSECUTIVE PERIODS OF MATERNITY OR ADOPTION LEAVE

Statutory minimum entitlement

On occasion, an employee may become pregnant during her maternity leave or adopt another child and, as a result, will begin a second period of maternity/adoption leave immediately following maternity/adoption leave without returning to work in between. In these circumstances, where the employee received occupational pay for the first period of leave, it is likely to be paid for the second (as long as there was no change of employer) but it is unlikely that she will qualify for SMP/Statutory Adoption Pay (SAP) as she would need to have worked in the eight weeks prior to the fifteenth week before the new EWC or eight weeks ending with the week they are notified of the placement. However, pregnant women

may qualify for MA in these circumstances. There are no equivalent MA provisions for adoption leave.

Separate advice for adopting parents is available in the NASUWT advice document *Adoption, Paternity and Parental Leave and Pay*.

KEEPING-IN-TOUCH DAYS

Statutory minimum entitlement

Employees on maternity or additional paternity leave can take up to ten 'keeping in touch' (KIT) days during their leave when they can go into work without bringing their leave to an end or losing their entitlement to pay. These days could be used for catching up with what is going on in the school, for training or to work.

The employer does not have to offer these days and the employee is not obliged to accept them. Employees are protected against any detrimental treatment for refusing the days. Each KIT day constitutes a day's work and the teacher should receive full pay for these days. However, statutory pay can be offset against this and therefore teachers should consider whether they wish to take KIT days while they are still receiving statutory pay.

SCHOOL CONTACT DURING MATERNITY LEAVE

The employer has the right to make reasonable contact with an employee while she is on maternity leave. However, no contact should be made during the two-week period immediately following the birth. Contact could be to discuss plans for returning to work, or to keep her informed of important developments at the workplace. The employee should be informed of any promotion opportunities or job vacancies that arise during her leave. The amount and type of contact must not be excessive or intrusive and you should contact your Local Association Secretary or Regional Centre if you are concerned, and they will, where appropriate, put you in touch with your local NASUWT Representative.

TEACHERS ON TEMPORARY FIXED-TERM CONTRACTS

It is possible for teachers who are on temporary fixed-term contracts to take maternity, paternity and parental leave. The same eligibility conditions for entitlement to pay apply to these teachers as to permanently employed teachers.

If the contract ends while the teacher is on maternity leave, under the terms of the Burgundy Book, OMP would cease but SMP would continue to be paid. Teachers should check the provisions of the occupational maternity scheme that applies to them.

There is no obligation on the employer to renew the temporary fixed-term contract. However, if it is not renewed, it will amount to a dismissal and if it can be shown that the reason for non-renewal was due to the pregnancy, it will be treated automatically as an unfair dismissal and direct sex discrimination. If the reason for non-renewal is the fact that there is a redundancy situation, the employer will be obliged to offer the employee a suitable alternative vacancy. In either of these circumstances, make direct contact with your Regional Centre for further advice.

More information regarding temporary fixed-term contracts can be found in the NASUWT *Temporary Contracts* leaflet.

SUPPLY TEACHERS

Teachers who are employed by agencies are entitled to the statutory scheme or any better provisions included in their contract. Following 12 continuous weeks in the same 'role' with the 'same hirer', pregnant agency workers will have the right to paid time off for antenatal appointments during an assignment and the same 'basic' pay and conditions as they would have received if they had been directly employed. 'Basic' is defined as rate of pay, hours of work, rest breaks and annual leave, but does not extend to other occupational schemes such as OMP.

Teachers employed by an agency will still be eligible to receive statutory sick, maternity, paternity and adoption pay.

Further information for teachers employed by a supply agency is available in the NASUWT leaflet *Know Your Rights: Supply Teachers* and on the Gov.uk website at www.gov.uk/agency-workers-your-rights/maternity-rights-for-agency-workers.

RETURNING TO WORK

Notice requirements

Statutory minimum requirement

If a teacher wishes to return to work either earlier than the end of their 12-month maternity leave or change the date of return, she will need to give her employer eight weeks' notice of the new date of return. The teacher does not have to give notice if she is returning on the previously agreed date or at the end of the 12 month period. A model letter requesting a change to the return-to-work date can be found in Appendix 2.

National occupational scheme requirement

If a teacher's conditions of service incorporate the Burgundy Book, only 21 days is contractually necessary. Some local agreements may have changed the 21 days to 28 days and, if this is the case, 28 days is required. Where statutory and contractual changes differ, a teacher can choose whichever right is, in any particular respect, the more favourable. All teachers are advised to give as much notice as possible and to check the notice periods applicable in their circumstances.

If the Burgundy Book provisions apply, in order to retain all occupational maternity pay, a teacher can be required to return to work for 13 weeks, based on her normal working week. If a teacher changes from full to part-time employment, her employer can require her to work the equivalent of 13 full-time weeks on return from maternity leave. **If a teacher does not return for this length of time, her employer can ask her to repay the 12-week half-pay element of her OMP.** The employer does have discretion to waive this requirement, so if a teacher does not intend to return to work it is advisable to request that this discretion is exercised. The teacher cannot be required to repay the full-pay element or SMP.

Rights on return to work

A teacher who only takes ordinary maternity leave (weeks one to 26) has the right to return to the same job in the same capacity in which she is employed under her contract of employment. If she takes additional maternity leave (weeks 27 to 52), she has the right to return to the same job or one that is not significantly different from the one specified in her contract. Under legislation, this includes seniority, terms and conditions, pension rights and similar rights associated with her post.

There is no right to return to the same timetable, age group or even the same room. If a teacher has concerns about changes to her working arrangements on her return, she should discuss them straightaway with her employer and if necessary seek assistance from her Local Association Secretary or Regional Centre.

Sickness absence on return to work

A teacher who is unable to return to work on the notified date of return due to sickness will end her maternity leave and begin normal paid sick leave. A medical certificate will be required.

If a teacher's return to work is delayed due to sickness, the period of sick leave will not count towards the Burgundy Book requirement to return to work for a minimum of 13 weeks to retain full occupational maternity pay.

Teachers who are not employed in a school where the Burgundy Book provisions apply should check their terms and conditions of employment and relevant school or college policies to determine the provisions in place at their workplace.

HOLIDAY ENTITLEMENT

National occupational scheme entitlement

Where a teacher's conditions of service incorporate the Burgundy Book and the *School Teachers' Pay and Conditions Document* (STPCD) there is no holiday entitlement; instead the STPCD states that a teacher employed full time must be available for work 195 days and 1,265 hours per year. This may differ in an academy, college or independent school and teachers should check their contract of employment to determine their holiday entitlement or the number of days they are required to work.

Where maternity/adoption/paternity leave is concerned, there is no distinction between term time and the school holidays (school closure periods). A teacher can therefore begin and end their leave during school holidays. It is possible to begin leave at the start of a term and return at the beginning of a school holiday. A teacher, therefore, is unlikely to have a year when they do not get the minimum statutory requirement of 5.6 weeks (28 days) of annual leave under the Working Time Regulations 1998 (see the following paragraph on Accrual of Statutory Annual Leave during Maternity Leave).

Accrual of Statutory Annual Leave during Maternity Leave

Teachers now have an entitlement to accrue statutory annual leave during their maternity

leave, which can be taken following the period of maternity leave. However, for the majority of teachers returning from maternity leave, this will have no practical effect for the reasons set out below.

The annual leave year in schools usually runs from 1 September to 31 August. The statutory minimum legal entitlement to annual leave is 5.6 weeks (28 days) for a full-time teacher or the pro-rata equivalent for a part-time teacher.

Statutory annual leave entitlement can be offset by any period of school closure (including public and bank holidays) that takes place in the leave year in question, either before or after the maternity leave period. For most teachers this will usually mean that periods of school closure either side of their maternity leave will add up to at least the 28 days' statutory minimum legal entitlement.

Where the return from maternity leave is so close to the end of the leave year that there is not enough time for a teacher to take all of her annual leave entitlement, she must be allowed to carry over any balance of her leave to the following leave year. However, the employer can require a teacher to take the 'carried over' leave during the remaining periods of school closure, after the 28 days' leave due in the new leave year has been accommodated.

If a teacher resigns from her post and does not, therefore, return to work at the end of her maternity leave period, she may be entitled to a payment in lieu of accrued statutory annual leave. However, it is likely that any additional payment would be used to offset any OMP that may need to be re-paid, following a failure to return to work for 13 weeks after a period of maternity leave.

PATERNITY LEAVE AND PAY

The advice below outlines the statutory paternity leave and pay provisions. There is no national occupational paternity scheme in the Burgundy Book. Some employers, particularly local authorities, offer paid paternity leave. Therefore, teachers should ask their employer for a copy of their policy.

Changing employer prior to taking paternity leave can affect your entitlements; seek advice from the Local Association Secretary or the Regional Centre before accepting a new post.

Statutory minimum entitlement

Ordinary Paternity Leave and Pay

Statutory Ordinary Paternity Leave is available for an employee who either:

- has a newborn or adopted child; or
- has responsibility for the upbringing of the child; or
- is the biological father/adopter of the child or is the mother's/adopter's husband or partner (including same-sex relationships).

AND

- has been continuously employed for at least 26 weeks ending with:
 - the fifteenth week before the expected week of childbirth; or
 - the end of the week in which they are notified that they have been matched with a child for adoption.

Statutory Ordinary Paternity Leave is available for either one or two consecutive full weeks. It cannot be taken in odd days nor can it be taken as two separate weeks at different times or either side of a school closure period. The leave has to be taken within 56 days of the date on which the child is born. If the child is born early, the leave must be taken within 56 days of the EWC.

An employee is required to inform their employer of their intention to take Ordinary Paternity Leave by the fifteenth week before the EWC unless this is not reasonably practicable. A model letter can be found in Appendix 2. The current standard rate for Statutory Paternity Pay (SPP) can be found on the Gov.uk website at www.gov.uk/paternity-pay.

Additional Paternity Leave and Pay

Fathers or the partner of a mother have the right to Additional Paternity Leave. The eligibility criteria are the same as Ordinary Paternity Leave. Eligible employees may take up to 26 weeks' Additional Paternity Leave within the first year of the child's life or placement for adoption, provided that the person taking maternity leave has returned to work before using their full leave entitlement of 52 weeks.

The leave cannot be taken earlier than 20 weeks after the date on which the child is born, and it must end no later than 12 months after the date of birth. Additional Paternity Leave must be taken as a single block in multiples of complete weeks. The minimum period is two consecutive weeks and the maximum period is 26 weeks.

The statutory provisions allow the 39 weeks' entitlement to statutory pay to be shared between partners. Therefore SPP will be paid once the mother has returned to work, for the remaining weeks up to 39 weeks from the start of the original maternity leave. For example, where a mother returns to work after 20 weeks' leave, the partner can take the remaining 32 weeks' leave (i.e. up to one year) and be paid SPP for 19 weeks (39 weeks minus 20 weeks).

An employee is required to give eight weeks' notice of their intention to take the leave. A model letter can be found in Appendix 2.

Occupational scheme entitlement

There may be a local agreement which provides an improvement on the statutory provisions and therefore teachers should request information from their employer for further details.

Changing employer prior to taking paternity leave can affect your entitlements; seek advice from your Regional Centre before accepting a new post.

OTHER TYPES OF LEAVE

PARENTAL LEAVE

Statutory minimum entitlement

Parental leave is an additional right, and can be taken immediately following maternity, adoption or paternity leave if you have one year's continuous service by the date on which you intend to take the leave. Eighteen weeks' **unpaid** leave can be taken up to the child's fifth birthday, or eighteenth birthday if the child qualifies for disability living allowance.

Unless there is an agreement with the employer to the contrary, the following provisions will apply:

- leave must be taken in blocks or multiples of a full normal working week, except for parents of disabled children who can take leave in blocks or multiples of one day;
- a maximum of four weeks' parental leave can be taken in one year in respect of each child;
- 21 days' notice of the commencement of leave must be given;
- unless the parental leave immediately follows birth or adoption, the employer can postpone the leave for up to six months if the school considers that there would be serious disruption if the leave were to be taken at the time requested.

A model letter requesting parental leave can be found in Appendix 2.

Occupational scheme entitlement

There may be a local agreement which provides an improvement on the statutory provisions and therefore teachers should request information from their employer for further details.

TIME OFF FOR FAMILY AND DOMESTIC REASONS

Statutory minimum entitlement

All employees have a legal right to take a reasonable amount of unpaid time off to deal with domestic emergencies or an emergency involving a dependant. There may be local agreements regarding paid time off in these circumstances. The leave is discretionary; however, it cannot be unreasonably withheld.

DISCRIMINATION

Pregnancy and maternity leave

It is unlawful sex discrimination for employers to treat women less favourably because of their pregnancy or because they take maternity leave. The following are examples of this:

- trying to cut their hours without their permission;
- suddenly giving poor performance management reviews;
- giving them unsuitable work;
- making them redundant because of their pregnancy;

- treating days off sick due to pregnancy as a disciplinary/capability issue.

Employers cannot change an employee's terms and conditions of employment while they are pregnant without their agreement. If they do, they will be in breach of contract. In these circumstances, members should contact their Regional Centre as soon as possible for assistance.

A woman also has protection against dismissal or unfair treatment that has occurred simply because she is pregnant or has given birth, or is seeking to take parental leave.

Members who experience discrimination should contact the NASUWT Regional Centre for further help and advice as soon as possible and in any event within three months of when the discriminatory act took place, because beyond this deadline it will not be possible to lodge a claim on their behalf in the Employment Tribunal.

Adoption, paternity and parental leave

It is unlawful to deny eligible employees their entitlement to adoption, paternity or parental leave, to dismiss, select for redundancy, victimise or subject them to any other detriment as a result of making a request for leave. It is also unlawful to challenge or question any alleged infringement of those rights. If you are in this position, you need to contact your NASUWT Regional Centre for further help and advice as soon as possible as there is a three-month time limit for appropriate legal action to be initiated. Separate advice for adopting parents is available in the NASUWT advice document *Adoption, Paternity and Parental Leave and Pay*.

PENSION ISSUES

Effect of leave on pension

During paid leave, whether for maternity, paternity or potentially for parental leave, pension contributions for teachers who are members of the Teachers' Pension Scheme (TPS) will be based upon the pay received when on leave. Where a teacher is receiving not less than half her/his salary or statutory adoption, maternity or paternity pay during this time, paid leave is treated as normal pensionable service and the teacher does not suffer any reduction in pensionable service as a result of taking paid leave.

Periods of unpaid leave (which are usually at the end of maternity/paternity leave or during parental leave) do not constitute pensionable service and pension contributions to the TPS cannot be paid during such periods.

There is a general right available to all members of the TPS to purchase Additional Pension on return to work and so teachers who have had periods of unpaid maternity/paternity/parental leave could use this right to increase their pension benefits should they wish to do so.

Further information on the TPS is available on the website: www.teacherspensions.co.uk.

Teachers who are members of pension schemes other than the TPS should contact their

schemes directly for advice about the effect of their maternity/paternity/parental leave on their pension.

NASUWT MEMBERSHIP DURING MATERNITY, PATERNITY AND PARENTAL LEAVE

Members going on leave should ensure that whilst they are employed they retain full membership in order to call upon the services of the Union if any problems arise with their employer.

However, members are reminded that they will be entitled to pay a reduced subscription if their amount of teaching drops below 50% of the calendar year. If you wish to reduce your subscription, contact the Membership Team on 0121 457 6211 or e-mail membership@mail.nasuwt.org.uk.

SPECIFIC RIGHTS OF PREGNANT WORKERS

HEALTH AND SAFETY AT WORK FOR PREGNANT WORKERS

A healthy pregnant woman can generally do most of the jobs she did before she became pregnant. However, employers are required to protect the health and safety at work of all employees and there is extra protection for pregnant women. The employer must carry out an initial risk assessment of the job to identify any risks to the woman or her unborn child. Subsequent assessments should be undertaken if there are any changes to the job, and the teacher can request an assessment if her condition requires this. These risks might be caused by:

- lifting or carrying heavy loads;
- standing or sitting for long periods;
- exposure to toxic substances;
- an outbreak of an infectious disease, such as rubella;
- long working hours.

If a risk is identified, the employer should first try to remove the risk. If this is not possible, further steps should be taken to change the woman's working conditions. If neither of these is possible, the employer should suspend the teacher from work on full pay.

The NASUWT maintains that an employer should agree to the types of requests outlined below:

- a later start in the day if you experience 'morning sickness' during the first three months of pregnancy;
- removal of break duty requirement;
- reallocation of teaching rooms to reduce risks associated with travelling around the school between lessons – if possible, a pregnant woman should be allocated a single classroom to teach from, which is close to sanitary facilities and on the ground floor, so that the need to use stairs or travel between classrooms at busy periods are

removed or minimised;

- timetabling to allow more rest periods (with no reduction of salary);
- elimination of the need to carry materials and books;
- the provision of rest facilities where you can lie down. These should be close to sanitary facilities.

Members who are concerned that their working practices or working environment are putting them at risk, and their employer does not agree, should consult the NASUWT Representative and the Health and Safety Representative in their school. Guidance for new and expectant mothers who work is available on the Health and Safety Executive website at www.hse.gov.uk/mothers.

SICKNESS ABSENCE DURING PREGNANCY

Sickness absence during pregnancy, whether connected with the pregnancy or not, should be treated as ordinary absence on sick leave. This would include absence due to a miscarriage prior to 24 weeks of pregnancy. However, any pregnancy-related sickness absence from the fourth week before the expected week of confinement but prior to the notified date of commencement of leave will trigger the start of maternity leave. Teachers who are eligible for the occupational scheme and who suffer a miscarriage, stillbirth or neonatal death after 24 weeks of pregnancy remain entitled to the full maternity leave and pay.

In cases where there is an outbreak of rubella, parvovirus or other contagious diseases in the school, teachers should seek advice from their doctor. If they are signed off from work as a result, they should receive leave with full pay, as long as they do not unreasonably refuse to work in another school where there is no such risk. Members should seek advice from the Local Association Secretary or Regional Centre in these circumstances.

OTHER ENTITLEMENTS FOR PARENTS

CHILDCARE VOUCHERS

Childcare vouchers can be purchased through a 'salary sacrifice arrangement'. Childcare vouchers effectively subsidise the purchase of professional childcare. They enable employees to use some of their gross salary to buy childcare vouchers, thereby avoiding having to pay tax and national insurance contributions on the value of the childcare purchased. Basic rate taxpayers save 20% on the cost of their childcare and higher rate taxpayers save 40%. Consequently, using the childcare voucher scheme makes it cheaper for the teacher to buy professional childcare.

Although teachers are eligible to enter childcare voucher schemes there is no requirement on employers to offer the schemes. However, the only cost to employers of participation is administration and this should be minimal. Each parent can claim a salary sacrifice for childcare vouchers up to the maximum. Childcare vouchers can be used to pay for

childcare for 0-16 year olds, including: day nurseries, childminders and before and after school clubs. Any member whose employer has not arranged a childcare voucher scheme should contact their Local Association Secretary for advice and support in persuading the employer to introduce a childcare voucher scheme.

A salary sacrifice scheme reduces pay and therefore your pension and some statutory benefits may be adversely affected. Sick pay and maternity pay would be based on the lower salary, and tax credits could be affected. Further information concerning pensions should be available from your employer, and concerning benefits from HMRC at www.hmrc.gov.uk/childcare. Working Tax Credit/Child Tax Credit Helpline – 0345 300 3900 (textphone 0345 300 3909).

A 'Childcare vouchers and tax credits – better off calculator' is available from the HMRC website at www.hmrc.gov.uk/calcs/ccin.htm.

RIGHT TO REQUEST FLEXIBLE WORKING

Parents of children aged 16 or under or of disabled children aged 18 or under have the right to apply to work flexibly. There is also the right to request flexible working for employees who have a caring responsibility for relatives of any age who live with them or who are a near relative. The 'near relative' definition includes a parent, parent-in-law, adult child, adopted adult child, sibling (including those who are in-laws), uncle, aunt or grandparent, step-relatives and adoptive relatives.

There is no automatic right to work flexibly, only a right to make the request, but employers have a statutory duty to consider any requests seriously. The NASUWT recommends that any teacher wishing to vary their working arrangements to accommodate carer responsibilities should use the statutory process to make their request to the employer. Requests should be made in plenty of time to the employer and, if applicable, before the end of any maternity leave period.

Detailed information regarding flexible working and the statutory application process can be found in the NASUWT *Flexible Working* leaflet. Members who experience difficulties should contact their Local Association Secretary or Regional Centre for assistance.

APPENDIX 1

Glossary of terms

Additional Maternity/Adoption Leave	26-week period immediately following Ordinary Maternity/Adoption Leave
Additional Paternity Leave	Up to 26 weeks' leave taken within the first year of the child's life or placement for adoption
Blue Book	School Teachers' Pay and Conditions Document (STPCD)
Burgundy Book	Conditions of Service for School Teachers in England and Wales
Childbirth	The birth of a living child, or the birth of a child whether living or dead after 24 weeks of pregnancy
EWC	Expected Week of Childbirth
KIT day	Keeping-in-touch days – up to ten days when an employee on maternity or additional paternity leave can go into work
MA	Maternity Allowance
Ordinary Maternity/Adoption Leave	First 26 weeks of leave
Ordinary Paternity Leave	Either one or two consecutive full weeks taken within 56 days of the date on which the child is born or placed with the employee for adoption
SAP	Statutory Adoption Pay
SMP	Statutory Maternity Pay
SPP	Statutory Paternity Pay
STPCD	School Teachers' Pay and Conditions Document

APPENDIX 2

Model Letters

Please amend the following model letters as appropriate

MATERNITY LEAVE

Model letter to employer to request maternity leave

Send by the 15th week before EWC and include a copy of your MATB1 form.

Dear _____ date _____

This is to let you know that:

- I am pregnant.
- My expected week of childbirth is...
- I will be starting my maternity leave on...

Yours sincerely

Model letter to employer to change the start date of maternity leave

Give at least 28 days' notice – this letter is not required if you give birth early

Dear _____ date _____

I previously notified you that I wished to commence my maternity leave on I wish to now vary this date. Instead of commencing my maternity leave on the above date, I would like to start my leave on...

My expected date of childbirth is...

Yours sincerely

Model letter to employer to change return date

Give at least eight weeks' notice if possible

Dear

date

This is to let you know that I now wish to return to work after my maternity leave on...which is prior to the expiry of my additional maternity leave.

Yours sincerely

PATERNITY LEAVE AND ADDITIONAL PATERNITY LEAVE

Model letter to employer to request ordinary paternity leave

For maternity-related leave – send by the fifteenth week before EWC and include a copy of the MATB1 form.

Dear

date

This is to let you know that:

- I intend to take [one week's/two weeks'] ordinary paternity leave from...to...
- I declare that I am [the child's biological father/married to the child's mother/the civil partner of the child's mother/ the cohabiting partner of the child's mother]

and

- I will have responsibility for the child's upbringing and will be absent from work for the purpose of caring for the child or supporting the child's mother
- The leave requested relates to [the birth of a baby which is due on ...]

Yours sincerely

Model letter to employer to change the start date of ordinary paternity leave
Give at least 28 days' notice

Dear _____ date _____

I previously notified you that I wished to take [one week's/two weeks'] ordinary paternity leave from...to... I wish to now vary these arrangements. Instead of the above, I would like to take [one week's/two weeks'] ordinary paternity leave from...to...

The leave requested relates to [the birth of a baby which is due on...]

Yours sincerely

Model letter to employer to request additional paternity leave

Give at least eight weeks' notice if possible and provide a declaration from the person who took maternity leave

Dear _____ date _____

This is to let you know that:

- I intend to take additional paternity leave from...to...
- I declare that I am [the child's biological father/married to the child's mother/the civil partner of the child's mother/the cohabiting partner of the child's mother]

and

- I will have responsibility for the child's upbringing, and the purpose of the period of my additional paternity leave will be to care for the child, and I intend to care for the child during the additional statutory paternity pay period
- I expect the school's liability to pay additional statutory paternity pay to begin on...
- The leave requested relates to [the birth of a baby which was born on...]
- [I enclose a copy of the child's birth certificate]
- The name and address of the child's [mother] employer

Yours sincerely

Model declaration to employer from the person who took maternity leave
Send with the letter requesting additional paternity leave

Dear _____ date _____

[my name, address and national insurance number]

I declare that I started [maternity/adoption] leave on... and intend to return to work on...
...is [my spouse/partner/civil partner] and will be the only person exercising the entitlement to additional paternity leave and I consent to ...'s employer processing the information set out in the declaration.

Yours sincerely

PARENTAL LEAVE

Model letter requesting parental leave
Give at least 21 days' notice

Dear _____ date _____

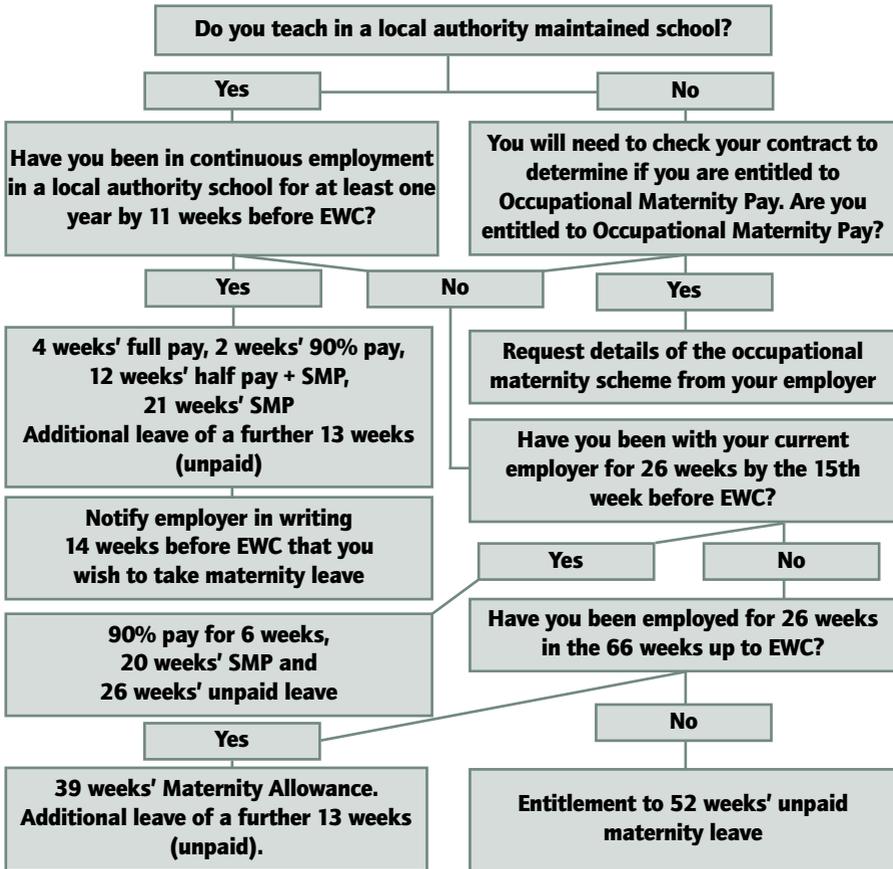
This is to let you know that:

- I would like to apply for ...[weeks'] unpaid parental leave from...to...
- The leave requested relates to my child [name][due on.../born on.../adopted on...][and who has been awarded disability living allowance]
- I attach a copy of the [birth certificate/adoption papers]
- I understand that the school is entitled to make enquiries of all or any of my previous employers in relation to any previous periods of parental leave

Yours sincerely

APPENDIX 3

Maternity Pay And Leave Flowchart



1. All pregnant employees are entitled to 52 weeks' maternity leave regardless of length of service, hours worked or size of employer, but you must notify your employer of the intention to take the leave no later than 15 weeks before the EWC.
2. You can choose when you want to start maternity leave, which can be taken any time between 11 weeks before the EWC and the EWC itself, but you must give your employer 21 days' notice (Burgundy Book) or 28 days' notice.
3. You also choose when you want to return to work, giving your employer 28 days' notice.
4. You have to return to work for 13 weeks or you have to pay back the half pay your employer paid you. If you change to part-time, you have to work the pro-rata equivalent to 13 weeks' full-time work.

APPENDIX 4

Regional Centre Contact Details

NASUWT Headquarters

Hillscourt Education Centre
Rose Hill, Rednal
Birmingham B45 8RS
Tel: 0121 453 6150, Fax: 0121 457 6208
E-mail: nasuwt@mail.nasuwt.org.uk

Eastern Regional Centre

NASUWT, St James House, The Anderson Centre,
Olding Road, Bury St Edmunds, Suffolk IP33 3TA
Tel: 01284 772300 Fax: 01284 772309
E-mail: rc-eastern@mail.nasuwt.org.uk

East Midlands Regional Centre

NASUWT, Colliers Way, Phoenix Park,
Nottingham NG8 6AT
Tel: 0115 976 7180 Fax: 0115 976 7189
E-mail: rc-eastmids@mail.nasuwt.org.uk

Greater London Regional Centre

NASUWT, 65 St John Street,
Farringdon, London EC1M 4AN
Tel: 020 7490 6130 Fax: 020 7490 6138
E-mail: rc-london@mail.nasuwt.org.uk

North East Regional Centre

NASUWT, Witney Way, Boldon Colliery,
Tyne & Wear NE35 9PE
Tel: 0191 519 5300 Fax: 0191 519 5309
E-mail: rc-northeast@mail.nasuwt.org.uk

North West Regional Centre

NASUWT, North Quarry Business Village,
Skull House Lane, Appley Bridge,
Lancashire WN6 9DL
Tel: 01257 256800 Fax: 01257 256809
E-mail: rc-northwest@mail.nasuwt.org.uk

South East Regional Centre

NASUWT, Milestone House, Portsmouth Road,
Send, Surrey GU23 7JZ

Tel: 01483 226130 Fax: 01483 226139

E-mail: rc-southeast@mail.nasuwt.org.uk

South West Regional Centre

NASUWT, 2 Marlborough Court, Manaton Close,
Matford Business Park, Exeter EX2 8PF

Tel: 01392 822500 Fax: 01392 822509

E-mail: rc-southwest@mail.nasuwt.org.uk

West Midlands Regional Centre

NASUWT, Ludgate Court, Water Street,
Birmingham B3 1EP

Tel: 0121 232 9400 Fax: 0121 232 9409

E-mail: rc-westmids@mail.nasuwt.org.uk

Yorkshire & Humberside Regional Centre

NASUWT, 241 Leeds Road, Rothwell,
Leeds LS26 OGR

Tel: 0113 201 4600 Fax: 0113 201 4609

E-mail: rc-yorksandhumb@mail.nasuwt.org.uk

NASUWT

The Teachers' Union

Hillscourt Education Centre,
Rose Hill, Rednal, Birmingham B45 8RS.

Tel: 0121 453 6150

Fax: 0121 457 6208

E-mail: nasuwt@mail.nasuwt.org.uk

Website: www.nasuwt.org.uk

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The largest teachers' union in the UK