

MATERNITY, PATERNITY AND ADOPTION LEAVE AND PAY

Maternity
Paternity
Adoption

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This advice booklet contains information on the statutory maternity, adoption, paternity pay and leave and the parental rights of teachers working in maintained schools in England, Wales, Scotland and Northern Ireland. It also outlines the national occupational schemes applicable in the UK.

Some local authority employers may have made improvements to the national occupational schemes. Teachers should therefore request an information leaflet from their employer for further details.

Teachers who are employed in Academies or Independent 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 better provisions included in their contract.

Teachers who have transferred their employment from a maintained school to an academy under the Transfer of Undertakings (Protection of Employment) (TUPE) Regulations 2006 will still be eligible for the national occupational scheme, if it was expressly stated in their original contract. Effected members should contact their Regional/national office for advice.

MATERNITY AND ADOPTION LEAVE AND PAY

Changing employer prior to taking maternity/adoption leave can affect your entitlements – seek advice from your Regional/National Office before accepting a new post.

LEAVE ENTITLEMENT

Maternity leave

Statutory minimum entitlement

All pregnant employees are entitled to 52 weeks' maternity leave regardless of length of service, hours worked or size of employer but they must notify their employer of the intention to take the 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. The eleventh week before the EWC is the earliest date maternity leave can start but it is not necessary to start the leave on that date. The latest date maternity leave can start is the EWC. If a pregnant worker takes sick leave for pregnancy related reasons in the last four weeks before the EWC, the employer can require them to start their maternity leave.

Adoption leave

Statutory minimum entitlement

An employee who has adopted a child, or who is one of a couple who are jointly adopting a child, may be entitled to 52 weeks' adoption leave. To qualify for adoption leave, the employee must:

- be matched with a child for adoption by an approved adoption agency, or be one of a couple who have been jointly matched with a child for adoption;

- have been continuously employed in the same school for 26 weeks or more by the end of the week in which they are notified of being matched with a child for adoption; and
- have notified the agency that the adoption of the child has been agreed, together with the date of placement.

Adopters are required to notify their employer of their intention to take adoption leave within seven days of being notified of being matched with a child for adoption, unless this is not reasonably practicable. Model letters for requesting adoption leave and changing the start date of leave can be found in Appendix 2. The leave can start either from the date of the child's placement or from a date up to 14 days before the expected date of placement, and can start on any day of the week. If the placement ends for whatever reason during the adoption leave, the employee may elect to remain on adoption leave for up to eight weeks after the end of the placement.

Only one member of a couple can take adoption leave. The other person may be entitled to paternity leave (see page 12). The couple can decide who will take which type of leave.

PAY ENTITLEMENT

Maternity pay

Statutory minimum entitlement

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 Statutory Maternity Pay (SMP) women must have 26 continuous weeks of employment with the same employer 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 set 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 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 over the course of the 66 weeks (aggregate not continuous), ending with the week before the EWC. An application for MA should be made at your local Jobcentre Plus office.

England and Wales

National occupational scheme entitlement

School teachers in local authority-maintained schools may also be entitled to the Conditions of Service for School Teachers in England and Wales (Burgundy Book) provisions, which enhance the statutory scheme outlined above. To qualify for the 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 employers may have made improvements to the Burgundy Book scheme. Teachers should therefore request an information leaflet from their employer for further details.

Scotland

National occupational scheme entitlement

School teachers in local authority maintained schools may also be entitled to the Scottish Negotiating Committee for Teachers (SNCT) Handbook provisions, which enhance the statutory scheme outlined above. To qualify for the occupational scheme, teachers must have at least 26 weeks' continuous service at the beginning of the fifteenth week before the EWC and must notify the council in writing that they are pregnant, the EWC and the date they wish to start maternity leave, no later than 21 days before maternity leave commences or as soon as is reasonably practicable. Eligible teachers will receive 13 weeks' full pay.

Therefore, eligible teachers will receive: 13 weeks' full pay, 26 weeks' SMP/MA and 13 weeks' unpaid leave.

Northern Ireland

National occupational scheme entitlement

School teachers in all grant-maintained schools may also be entitled to the Department of Education Northern Ireland (DENI) provisions, which enhance the statutory scheme outlined above. To qualify for the 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 SAP (as long as it does not exceed full pay), 21 weeks' SMP/MA and 13 weeks' unpaid leave.

ANTENATAL CARE

Statutory minimum entitlement

Any pregnant teacher, however long she has been in the post, is entitled to reasonable time off work for antenatal care, paid at her normal rate of pay. She 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).

Employees who are adopting from a known mother or via a surrogacy arrangement and wish to attend antenatal classes do not have a statutory entitlement to leave but their employer may agree to use their discretion and permit them to take discretionary leave. There may be local agreements that allow leave in these circumstances. It is important to determine whether this leave is paid or unpaid before taking the leave. Members should consult their NASUWT Regional/National Centre for advice.

Adoption pay

Statutory minimum entitlement

Adopters who qualify for adoption leave are entitled to up to 39 weeks' paid adoption leave followed immediately by 13 weeks' unpaid adoption leave. Statutory Adoption Pay (SAP) is paid at a set rate or 90% of actual pay, whichever is the lower.

Employees will have to provide their employer with documentary evidence (e.g. a matching certificate) from their adoption agency as evidence of their entitlement to statutory adoption pay.

Any pay rise awarded after the beginning of the period used to calculate SAP (the eight-week period ending with the week the adopter is notified of the placement but before the end of the adoption leave period), must be taken into account when calculating the amount of SAP payable.

England and Wales

National occupational scheme entitlement

Local authority maintained schools have discretion to extend to adopting parents the relevant postnatal sections (leave and pay) of the Burgundy Book maternity scheme, outlined above. It is important to check your contract and any local agreement that may be in place to be sure of your entitlement as this might improve the basic statutory entitlements.

Scotland

National occupational scheme entitlement

School teachers in local authority maintained schools may also be entitled to the Scottish Negotiating Committee for Teachers (SNCT) Handbook provisions that enhance the statutory scheme outlined above. To qualify for the occupational scheme, teachers must

have at least 26 weeks' continuous service prior to the week in which they are notified of being matched with a child for adoption. Teachers will receive 13 weeks' full pay.

Therefore, eligible teachers will receive: 13 weeks' full pay, 26 weeks' SAP and 13 weeks' unpaid leave.

Teachers who do not have sufficient service are entitled to one year's unpaid leave.

Teachers who are adopting also have an entitlement to paid time off to attend pre-adoption meetings, on production of evidence of the appointment.

Northern Ireland

National occupational scheme entitlement

School teachers in all grant-maintained schools may also be entitled to the DENI provisions that enhance the statutory scheme outlined above. To qualify for the occupational scheme, teachers must have at least 26 weeks' continuous service prior to the week in which they are notified of being matched with a child for adoption.

Therefore, eligible teachers will receive: four weeks' full pay, two weeks at 90% of normal pay, six weeks' half pay plus SAP (unless it exceeds full pay), 27 weeks' SAP and 13 weeks' unpaid leave.

Consecutive periods of maternity/adoption leave

Statutory minimum entitlement

On occasion, an employee may become pregnant during maternity leave or adopts another child and, as a result, will begin a second period of maternity/adoption leave immediately following the first 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 they will qualify for SMP/SAP as they would need to have worked in the eight weeks prior to the fifteenth week before the new EWC/eight weeks ending with the week they are notified of the placement. However, pregnant employees may qualify for Maternity Allowance (MA) in these circumstances. There are no equivalent MA provisions for adoption leave.

KEEPING IN TOUCH DAYS

Statutory minimum entitlement

Employees on maternity, adoption 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.

Northern Ireland

National occupational scheme entitlement

In Northern Ireland both statutory and occupational maternity/adoption pay can be offset against the pay for a KIT day.

Scotland

National occupational scheme entitlement

The SNCT handbook contains a code of practice on KIT days that outlines arrangements for contact during maternity/adoption leave, examples of how KIT days can be used and the arrangements for payment for KIT days.

SCHOOL CONTACT DURING MATERNITY AND ADOPTION LEAVE

The employer has the right to make reasonable contact with an employee while they are on maternity or adoption leave. It could be to discuss plans for returning to work, or to keep them informed of important developments at the workplace. The employee should be informed of any promotion opportunities or job vacancies that arise during their leave. The amount and type of contact must not be excessive or intrusive and you should contact your Regional/National Centre if you are concerned and they will, where appropriate, put you in touch with your local representative.

TEACHERS ON TEMPORARY CONTRACTS

It is possible for teachers who are on temporary contracts to take maternity or adoption 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/adoption leave, occupational maternity/adoption pay would cease but SMP/SAP would continue to be paid.

There is no obligation on the employer to renew the temporary 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 or adoption leave, it will be treated as an automatically 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, contact your Regional/National Centre for further advice.

More information regarding temporary contracts can be found in the NASUWT Temporary Contracts leaflet.

Teachers who are employed by agencies are entitled to the statutory scheme or any better provisions included in their contract.

RETURNING TO WORK

Notice requirements

Statutory minimum entitlement

If a teacher wishes to return to work earlier than the end of their 12-month maternity or adoption leave or change the date of return, they will need to give their employer eight weeks' notice of the new date of return. The teacher does not have to give notice if they are 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.

England and Wales

National occupational scheme entitlement

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, they can choose whichever right is, in any particular respect, the more favourable.

If the Burgundy Book provisions apply, in order to retain all your occupational maternity/adoption pay, you can be required to return to work for 13 weeks, based on your normal working week. If you change from full- to part-time employment, your employer can require you to work the equivalent of 13 full-time weeks on return from maternity/adoption leave. If you do not return for this length of time, your employer can ask you to repay the 12-week half-pay element of your occupational pay, although the employer does have a discretion to waive this requirement. You will not be required to repay the full-pay element or statutory pay.

Scotland

National occupational scheme entitlement

Teachers are required to give their employer 28 days' notice of a change to the return date.

Northern Ireland

National occupational scheme entitlement

Teachers are required to give their employer 28 days' notice of a change to the return date, unless this is not reasonably practicable.

If the teacher is eligible for occupational pay, in order to retain the pay, you can be required to return to work for 13 weeks, based on your normal working week. If you change from full- to part-time employment, your employer can require you to work the equivalent of 13 full-time weeks on return from maternity/adoption leave. If you do not return for this length of time, your employer can ask you to repay the 12 weeks half pay element of your occupational pay, although the employer does have a discretion to waive this requirement. You will not be required to repay the full-pay element or statutory pay.

Rights on return to work

If you only take ordinary maternity/adoption leave (weeks one to 26), you have a right to return to the same job in the same capacity in which you are employed under your contract of employment. If you take additional maternity/adoption leave (weeks 27 to 52), you have a right to return to the same job or one that is not significantly different from the one specified in your contract. Under legislation, this includes seniority, terms and conditions, pension rights and similar rights associated with your post.

Sickness absence on return to work

Employees who are unable to return to work on the notified date of return due to sickness will end their maternity/adoption leave and begin normal paid sick leave. A medical certificate will be required.

To retain your full Burgundy Book, DENI or SNCT pay you need to return to work for a minimum of 13 weeks. If you delay your return because of sickness, the sick leave will not count as part of the 13 weeks.

HOLIDAY ENTITLEMENT

England and Wales

National occupational scheme entitlement

Where a teacher's conditions of service incorporate the Burgundy Book and STPCD there is no holiday entitlement. Instead, the contract simply states the number of days a full-time employee is required to work per year.

Where maternity/adoption/paternity leave is concerned, there is no distinction between term time and the school holidays. A teacher can therefore begin and end their leave during holiday periods. 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 requirement of 5.6 weeks (28 days) leave under the Working Time Regulations 1998.

Scotland

National occupational scheme entitlement

The annual leave entitlement of a full-time teacher or music instructor shall be the balance of days beyond the working year. A teacher on maternity/adoption/paternity leave will continue to accrue annual leave, even during the unpaid period. Teachers can take the outstanding leave on return from maternity/adoption leave. Teachers should refer to sections 7.19 to 7.28 of the SNCT handbook, which outline the entitlements.

- There is currently an attempt by Employers to reduce this entitlement, which NASUWT opposes. Please contact the National Office for up-to-date information.

Northern Ireland

National occupational scheme entitlement

Where a teacher's conditions of service incorporate the DENI provisions, there is no holiday entitlement. Instead, the contract simply states the number of days a full-time employee is required to work per year.

Where maternity/adoption/paternity leave is concerned, there is no distinction between term time and the school holidays. A teacher can therefore begin and end their leave during holiday periods. It is possible to begin maternity/adoption/paternity 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 requirement of 5.6 weeks (28 days) leave under the Working Time Regulations 1998.

PATERNITY LEAVE AND PAY

Changing employer prior to taking paternity leave can affect your entitlements – seek advice from your Regional/National Office before accepting a new post.

Statutory minimum entitlement

Statutory Ordinary Paternity Leave is available for an employee who:

- has a newborn or adopted child;
- has responsibility for the upbringing of the child;
- is the father of the child or is married to or the partner of the child's mother;
- has been continuously employed for at least 26 weeks ending with the fifteenth week before the expected week of childbirth or placement 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 or placed with the employee for adoption. 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 Statutory Ordinary Paternity Leave by the fifteenth week before the EWC or within seven days of being notified of being matched with a child in the case of adoption leave, unless this is not reasonably practicable. A model letter can be found in Appendix 2. Statutory Paternity Pay (SPP) is paid at a set rate per week.

STATUTORY ADDITIONAL PATERNITY LEAVE

Fathers or the partner of a mother where the EWC is on or after 3 April 2011, or adoptive parents who are notified of having been matched with a child on or after 3 April 2011, will 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/adoption 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 or 20 weeks after the date of placement of the child for adoption, and it must end no later than 12 months after the date of birth or placement. 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/adopter has returned to work, for the remaining weeks up to 39 weeks from the start of the original maternity/adoption leave. For example, where a mother/adopter 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-20 weeks).

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

England and Wales

National occupational scheme entitlement

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

Scotland

National occupational scheme entitlement

School teachers in local authority-maintained schools may also be entitled to the SNCT Handbook provisions, which enhance the statutory scheme outlined above. To qualify for the occupational scheme, teachers must be either:

- the father of the child; or
- be married to or the partner of the child's mother; or
- the spouse or partner of someone taking adoption leave; or
- the nominated carer of an expectant mother or someone taking adoption leave.

The 'nominated carer' is the person nominated by the mother or the person taking adoption leave to assist in the care of the child and to provide support to her/him. The nominated carer can apply for maternity/adoption support leave but would not be eligible for SPP.

Teachers will be entitled to one week of maternity/adoption support leave with full pay, which can be taken from either:

- (a) the date of the child's/children's birth or placement for adoption; or
- (b) another date after the child's/children's birth or placement for adoption.

Therefore, teachers can either take one week's support leave at full pay or two weeks' leave at full pay for the first week and SPP for the second week. They must fulfill the same notice requirements as for statutory paternity leave.

Northern Ireland

National occupational scheme entitlement

School teachers in all grant-maintained schools may also be entitled to the DENI provisions that enhance the statutory scheme outlined above. To qualify for the occupational scheme, teachers must either:

- have or expect to have responsibility for their child's upbringing; or
- be the biological father of the child or the mother's husband or partner or the adopter's spouse or partner; and
- have at least 26 weeks' continuous service with one or more authorities by the fifteenth week before the child is due or the adopter is notified of being matched with a child.

Teachers are entitled to take either one or two weeks' paid leave. Teachers will receive three days' full pay only for the first week and statutory pay for the second week.

Teachers can choose to start their leave from either:

- (a) the date of the child's/children's birth or placement for adoption; or
- (b) another date after the child's/children's birth or placement for adoption.

But the leave must be completed:

- within 56 days of the actual date of birth of the child or date of placement; or
- if the child is born early, within the period from the actual date of birth up to 56 days after the expected week of birth.

They must fulfill the same notice requirements as for statutory paternity leave and complete and submit Form SC3 (Form SC4 for an adoptive parent) to the school principal.

Teachers may change their mind about the date on which they want their leave to start, providing they give at least 28 days' notice, unless this is not reasonably practicable, to their school principal who will immediately inform Teachers Pay and Administration Branch.

OTHER TYPES OF LEAVE

PARENTAL LEAVE

Statutory minimum entitlement

Parental leave is an additional right, which 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. Thirteen weeks' UNPAID leave can be taken up to the child's fifth birthday, or 18th birthday if the child is disabled. If the child qualifies for disability living allowance, the parent is entitled to 18 weeks' unpaid parental leave.

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 one 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 considered they would be particularly disrupted if the leave were to be taken at the time requested.

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

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 reasonably 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. Members should contact their Regional/National 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. If you are in this position, you need to contact your NASUWT Regional/National Centre for further help and advice as soon as possible as there are short time limits within which any appropriate legal action would have to be initiated.

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/National Centre for further help and advice as soon as possible as there are short time limits within which any appropriate legal action would have to be initiated.

PENSION ISSUES

Effect of leave on pension

During paid leave, pension contributions are deducted at the same rate from the teacher's maternity/adoption/paternity pay. Even though the teacher is on a reduced salary during this time, maternity/adoption/paternity 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. Only service on which contributions have been made can count in the Scheme and therefore any period of unpaid leave does not count in the calculation of retirement benefits; this includes parental leave as it is unpaid. It is possible to purchase an additional pension on return to work.

Further information on the scheme in England and Wales is available on the Teachers Pension Scheme website: www.teacherspensions.co.uk. Further information on the scheme in Scotland is available on the Scottish Teachers' Superannuation Scheme website: www.sppa.gov.uk/scot_teachers/home.htm. Further information on the scheme in Northern Ireland is available on the DENI website: www.deni.gov.uk/index/teachers_pg/64_teachers-pensionscheme_pg.htm.

NASUWT MEMBERSHIP DURING MATERNITY, ADOPTION, 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 should their amount of teaching drop below 50% of the calendar year, they will be entitled to pay their subscription at the reduced rate applicable to part-time teachers. Part-time teachers get the full service of the Union.

Members who decide to terminate their employment at the end of their leave are encouraged to take out career break membership, which is specifically intended to provide advice and information to those who are taking a break and to facilitate their eventual return to the classroom. If you require this service or wish to reduce your subscription, write to the Membership Team, NASUWT, Hillscourt Education Centre, Rednal, Birmingham B45 8RS. A leaflet describing career break services is available on request.

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;
- 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 accede 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 so that they are closer to sanitary facilities and/or closer together;
- 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. A Guide for New and Expectant Mothers Who Work is available on the Health and Safety Executive website at www.hse.gov.uk.

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. However, any pregnancy-related sickness absence from the fourth week before the expected week of confinement (EWC) but prior to the notified date of commencement of leave will trigger the start of maternity leave. Teachers who are eligible for the occupational schemes who suffer a miscarriage or stillbirth after 24 weeks of pregnancy remain entitled to the full maternity leave.

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 service in another school where there is no such risk. Members should seek advice from their Regional/National centre in these circumstances.

OTHER ENTITLEMENTS FOR PARENTS

CHILDCARE VOUCHERS

Childcare vouchers can be purchased through a 'salary sacrifice arrangement'. This is an arrangement under which employees give up the right to receive part of their gross salary in return for the employer's agreement to provide a benefit in kind, childcare vouchers. Salary sacrifice is not the same as a deduction from pay. The 'sacrifice' is achieved by varying the employee's terms and conditions of employment relating to their gross pay. As the gross pay is reduced, there is a reduction in the amount the teacher pays in income tax and national insurance contributions.

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.

A salary sacrifice scheme reduces pay and therefore some statutory benefits could be adversely affected. Sick pay and maternity pay would be based on the lower salary and tax credits could be affected. Further information is available at www.hmrc.gov.uk/childcare. Working Tax Credit/Child Tax Credit Helpline – 0845 300 3900 (textphone 0845 300 3909).

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 and step-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.

Detailed information regarding flexible working can be found in the NASUWT Flexible Working leaflet. If you are experiencing difficulties, contact your NASUWT Regional/National Centre.

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.
DENI Circulars	Circulars issued by the Department of Education Northern Ireland.
EWC	Expected Week of Childbirth/Confinement.
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.
SNCT Handbook	Scottish Negotiating Committee for Teachers is a negotiating framework for teachers' pay and conditions of service.
SMP	Statutory Maternity Pay.
SPP	Statutory Paternity Pay.

APPENDIX 2

MODEL LETTERS

MATERNITY LEAVE

Model letter to employer to request maternity leave

Send by the fifteenth 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 8 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

ADOPTION LEAVE

Model letter to employer to request adoption leave

Send within seven days of being notified of being matched with a child for adoption and include a copy of your matching certificate.

Dear _____ date

This is to let you know that:

- I intend to take adoption leave commencing on....
- The date that I was notified by the adoption agency of being matched with a child was...
- I intend to return to work after my adoption leave.

Yours sincerely

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

Give at least 28 days' notice.

Dear _____ date

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

The leave requested relates to the adoption of a child that is due to be placed with me for adoption on...

Yours sincerely

Model letter to employer to change return date

Give at least 8 weeks' notice if possible.

Dear _____ date

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

For adoption related leave, send within seven days of being notified of being matched with a child for adoption and include a copy of the matching certificate.

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/married to the person adopting the child/the civil partner of the person adopting the child/the cohabiting partner of the person adopting the child]

and

[I am adopting jointly and have elected to receive statutory paternity pay and leave and not statutory adoption pay and leave]

- 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/primary adopter.
- The leave requested relates to [the birth of a baby which is due on.../the adoption of a child that I was notified by the adoption agency of being matched with a child was... and the date on which the child is expected to be placed for adoption is...

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 that is due on..../the adoption of a child that is due to be placed with me for adoption 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 or adoption 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/married to the person adopting the child/the civil partner of the person adopting the child/the cohabiting partner of the person adopting the child]

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 that was born on..../the adoption of a child that I was notified by the adoption agency of being matched with was... and the date on which the child was placed for adoption was...]
- [I enclose a copy of the child's birth certificate]
- [the name and address of the adoption agency]
- [the name and address of the child's mother's/primary's adopter's employer]

Yours sincerely

Model declaration to employer from the person who took maternity or adoption 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 enquires of all or any of my previous employers in relation to any previous periods of parental leave.

Yours sincerely

NASUWT

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Maternity
Maternity
Paternity
Paternity
Adoption
Adoption

11/03071

The largest teachers' union in the UK