

KNOW YOUR RIGHTS...

**PARENT TEACHERS**



The law gives special protection to parents, including adoptive parents, at work. They have rights to paid time off for antenatal care, statutory maternity/adoption leave and may get maternity/adoption pay or statutory paternity leave and pay.

They are also protected against unfair or detrimental treatment.

The NASUWT continues to support members when they are absent from work for parental leave.

Members taking maternity leave should ensure that whilst they retain their contract, they retain full membership of the NASUWT in order to call upon the services of the Union if any problems arise with their employer.

### **Antenatal care**

All pregnant employees, however long they have been in their jobs, are legally entitled to reasonable time off work for antenatal care. Any time off must be paid at the normal rate of pay. Employers can ask for evidence of antenatal appointments from the second appointment onwards. If asked, a medical certificate (MAT B1) confirming the pregnancy and an appointment card or some other written evidence of the appointment should be shown.

### **Maternity Leave**

All pregnant workers are entitled to 52 weeks' maternity leave (comprising ordinary maternity leave of 26 weeks and additional maternity leave of 26 weeks) regardless of length of service, hours worked or size of employer. An individual or one of the parents who are adopting can also claim the equivalent adoption leave.

### **Paternity Leave**

Partners are entitled to either one or two weeks' paternity leave if they have been continuously employed for at least 26 weeks ending in the 15th week before the expected week of childbirth or the date they are notified of being matched with a child for adoption.

### **Parental Leave**

Parents can also request parental leave. This leave is unpaid and a maximum of 13 weeks can be taken before the child reaches age five or age 18 if they are disabled.

More details on leave entitlements are available in the NASUWT *Maternity, Paternity and Adoption Leave and Pay* advice document.

### **Pay**

Pregnant workers and one adoptive parent may be entitled to statutory maternity/adoption pay (SMP/SAP) for 39 weeks or, if they do not qualify, pregnant workers can apply for maternity allowance (there is no equivalent for adopters). Teachers may also be entitled to occupational

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maternity pay under their contract of employment. Teachers in maintained schools will be covered by either the Conditions of Service for School Teachers in England and Wales (the Burgundy Book) in England and Wales, the Scottish Negotiating Committee for Teachers (SNCT) Handbook in Scotland or the circulars of the Northern Ireland Teachers' Negotiating Committee.

Partners who meet the eligibility requirements will be entitled to up to two weeks' statutory paternity pay (SPP).

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### **Teachers on Temporary Contracts**

Teachers on temporary contracts may still be entitled to maternity/paternity leave and pay if they fulfil the eligibility requirements.

Pregnant teachers have the right to have their contract extended until the end of their maternity leave. If the contract of a temporary teacher ends whilst on maternity leave, it will amount to a dismissal and, if the reason for non-renewal was due to the pregnancy, it will be treated as an automatically unfair dismissal and direct sex discrimination, which could form the basis of a claim against your employer.

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### **Discrimination and Pregnancy**

Pregnant women are protected by law from discrimination in the workplace. It is unlawful sex discrimination for employers to treat women less favourably because of their pregnancy, or because they take maternity leave, for example, by:

- trying to cut their hours without agreement;
- unexpectedly giving them 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 a teacher's terms and conditions of employment while they are pregnant without their agreement. If they do, they will be in breach of contract. A woman has protection against dismissal or unfair treatment that has occurred because she is pregnant or has given birth, or is seeking to take maternity leave.

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### **Risk Assessments**

Employers have a duty to ensure the health, safety and welfare of all workers. There are special rights for pregnant workers and those who have given birth within the last six months. Pregnant workers should inform their employer at the earliest opportunity of their pregnancy in order that a risk assessment can be undertaken. All employers have a statutory duty to undertake a review of their risk assessment for that person's role and identify any changes that are necessary to protect them and the unborn baby's health. A teacher can request an assessment if there are

any changes to the job and/or if changes to their condition requires this.

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 working conditions. If neither of these options is possible, the employer should suspend the teacher from work on full pay.

The employer must also conduct risk assessments for breast feeding mothers and make any necessary adjustments to working conditions. The Health and Safety Executive/Health and Safety Executive Northern Ireland (HSE/HSENI) also recommends that employers provide a suitable place to express and store milk.

### **Sickness and Maternity**

Teachers who are pregnant who suffer from pregnancy-related illnesses are entitled to take normal sick leave. However, sickness absence from the fourth week before the expected week but before the date maternity leave should start, will trigger the start of maternity leave and pay.

### **Pension**

During paid maternity/adoption leave, pension contributions for members of the Teachers' Pension Scheme (TPS) are deducted at the same rate from their maternity/adoption pay. Any paid maternity/adoption leave is treated as normal pensionable service and the teacher does not suffer any reduction in pension rights as a result of taking leave but any period of extended leave without pay, such as a career break, would be non-pensionable and therefore would not count towards the teacher's pension.

### **Rights on Returning to Work**

Teachers returning from maternity/adoption leave after the first six months are entitled to return to the same job on the same terms and conditions. Teachers who return from maternity/adoption leave after 12 months are entitled to return to the same job on the same terms and conditions unless it is not reasonably practicable, in which case it must be a suitable alternative job on similar terms and conditions.

Following maternity/adoption leave, employees may make a request to take unpaid parental leave.

Parents of children under the age of 17 (18 if the child is disabled) are entitled to make a request to adjust their hours under the Flexible Working Regulations. An employer must consider this request but there is no requirement for employers to agree to requests.

### **The Right Not to be Discriminated Against**

All of the rights set out in this document should be available to all teachers irrespective of their sex, race, disability, sexual orientation, gender assignment, religion or belief, age and trade union activity. This

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right includes access to training and development, pay, selection procedures for promotion and posts internally and externally, treatment in interviews and treatment in management procedures.

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### **NASUWT Membership During Maternity/Adoption Leave**

Members going on maternity/adoption leave are entitled, whilst they are employed, to retain full membership of the NASUWT and can call upon the services of the Union if any problems arise with their employer.

If their amount of teaching drops 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 receive the full service of the Union.

## Further information

Further detailed information and guidance from the NASUWT on pay, pensions and conditions of service issues can be found in the Pay, Pensions and Conditions section of the NASUWT website at [www.nasuwt.org.uk](http://www.nasuwt.org.uk).

### England and Wales

**NASUWT: 0121 453 6150. E-mail: [nasuwt@mail.nasuwt.org.uk](mailto:nasuwt@mail.nasuwt.org.uk).**

**NASUWT CYMRU: 029 2054 6080. E-mail: [rc-wales-cymru@mail.nasuwt.org.uk](mailto:rc-wales-cymru@mail.nasuwt.org.uk).**

School Teachers' Pay and Conditions Document: [www.teachernet.gov.uk](http://www.teachernet.gov.uk).

Teachers' Pension Scheme: [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk).

### Northern Ireland

**NASUWT Northern Ireland: 028 9078 4480. E-mail: [rc-nireland@mail.nasuwt.org.uk](mailto:rc-nireland@mail.nasuwt.org.uk).**

Department of Education Northern Ireland (DENI): [www.deni.gov.uk](http://www.deni.gov.uk).

Northern Ireland Teachers' Pension Scheme (NITPS): [www.deni.gov.uk/index/teachers\\_pg/64\\_teachers-pensionscheme\\_pg.htm](http://www.deni.gov.uk/index/teachers_pg/64_teachers-pensionscheme_pg.htm).

### Scotland

**NASUWT Scotland: 0131 226 8480. E-mail: [rc-scotland@mail.nasuwt.org.uk](mailto:rc-scotland@mail.nasuwt.org.uk).**

Scottish Negotiating Committee for Teachers Handbook: [www.snct.org.uk](http://www.snct.org.uk).

Scottish Teachers' Superannuation Scheme (STSS): [www.sppa.gov.uk/scot\\_teachers/home.htm](http://www.sppa.gov.uk/scot_teachers/home.htm).

### Further Advice, Help and Support

The first point of contact is the NASUWT Local Association or the NASUWT Regional or National Centre.

Contact details can be found on the NASUWT website, [www.nasuwt.org.uk](http://www.nasuwt.org.uk), or by phoning 0121 453 6150.

## **NASUWT**

The Teachers' Union

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