



Supplied by Education HR – September 2017

# Maternity Policy

Reviewed:

September 2017



St Margaret's  
Academy



# Contents

---

<b>Contents</b> .....	<b>2</b>
<b>1 Introduction</b> .....	<b>3</b>
1.1 Scope .....	3
1.2 Equality Statement .....	3
1.3 Definitions/Meanings .....	3
<b>2 Maternity Scheme</b> .....	<b>3</b>
2.1 ‘Expected Week of Childbirth’ .....	4
<b>3 Notification requirements</b> .....	<b>4</b>
<b>4 Health and Safety of New and Expectant Mothers</b> .....	<b>4</b>
<b>5 Antenatal Care</b> .....	<b>5</b>
5.1 Sick Leave – before planned maternity leave starts.....	6
<b>6 Maternity Leave</b> .....	<b>6</b>
6.1 Terms and Conditions during Maternity Leave .....	7
6.2 Pension Arrangements During Maternity Leave .....	7
6.3 Working during Maternity Leave.....	7
6.4 Contact during Maternity Leave.....	8
<b>7 Shared Parental Leave</b> .....	<b>8</b>
<b>8 Maternity Pay</b> .....	<b>8</b>
8.1 Maternity Allowance .....	10
<b>9 Annual Leave</b> .....	<b>10</b>
9.1 Statutory Annual Leave for Teaching staff .....	10
9.2 Annual Leave for Support Staff .....	11
<b>10 Special considerations</b> .....	<b>11</b>
<b>11 Returning to Work</b> .....	<b>11</b>
11.1 Notification of Early Return to Work.....	12
11.2 Sick Leave – at the end of maternity leave.....	12
<b>12 Appendix 1 - Example of Teachers Accrual of Statutory Annual Leave</b> .....	<b>13</b>
12.1 Scenario 1 .....	13
12.2 Scenario 2 .....	13
12.3 Scenario 3 .....	15
12.4 Scenario 4 .....	15
<b>13 Policy Feedback</b> .....	<b>17</b>
13.1 History of Policy Changes .....	17

This document can be made available in other languages, on tape, in Braille, large print and in other formats. For more information please contact 01803 207374

# 1 Introduction

---

## 1.1 Scope

This policy applies to all employees of the Trust.

## 1.2 Equality Statement

This policy applies equally to Academy employees regardless of their age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage or civil partnership. Care will be taken to ensure that no traditionally excluded groups are adversely impacted in implementing this policy. Monitoring will take place to ensure compliance and fairness.

## 1.3 Definitions/Meanings

**EWC** – Expected Week of Childbirth – the week in which the baby is expected to be born

**OML** – Ordinary maternity leave, i.e. covers weeks 1 - 26 of maternity leave

**AML** – Additional Maternity Leave, i.e. covers weeks 27 - 52 weeks of maternity leave

**SMP** – Statutory Maternity Pay

**MA** – Maternity Allowance

**SAP** – Statutory Adoption Pay

**OAL** – Ordinary adoption leave, i.e. covers weeks 1 - 26 of adoption leave

**AAL** – Additional adoption leave, i.e. covers weeks 27 – 52 of adoption leave

**SPP** – Statutory Paternity Pay

# 2 Maternity Scheme

---

This scheme adopts provisions provided through statutory requirements (Law) and agreed National Conditions of Service (i.e. 'Green Book' Conditions of Employment). It also adopts provisions provided through the Conditions of Service for School Teachers in England and Wales (i.e. 'Burgundy Book').

An expectant mother has certain rights under the law. These rights are as follows:

- The right not to be unreasonably refused (paid) time off work to attend appointments for antenatal care.
- The right not to be dismissed or discriminated against for any reason connected with pregnancy or maternity leave.
- The right to receive maternity pay.
- The right to take maternity leave and return to work.
- Special considerations to health, safety and welfare whilst pregnant, following childbirth and/or when breastfeeding.

These rights are available to all expectant mothers, regardless of whether they work full- or part- time or are 'permanent' or 'temporary'.

## 2.1 'Expected Week of Childbirth'

The Expected Week of Childbirth (EWC) is the week, beginning with the Sunday, in which the baby is **expected** to be born. This date is confirmed by a midwife or medical practitioner on the 'MATB1' certificate.

## 3 Notification requirements

---

**At least 28 days before she intends to take her maternity leave**, an expectant mother will be required to formally notify the Academy of her intention to take maternity leave and receive maternity pay.

The Trust requires this information is provided via the Maternity Leave Plan form which is an online form within the MyView Payroll system. If this is not reasonably practicable, for instance, she is unaware she is pregnant or the baby arrives before that date, she should complete this information as soon as possible. In exceptional circumstances, the expectant mother will not be expected to provide the information in writing if they are not able to do so, but they should provide medical certification where required.

In order to apply for maternity leave and pay, the expectant mother **will need to state**:

- That she is pregnant.
- The week her baby is expected to be born.
- When she wants her maternity leave to start.

An expectant mother will be **able to change her mind** about when she wants to start her leave providing she provides **notification at least 28 days** in advance (unless this is not reasonably practicable).

The Trust will (via its Payroll provider) send an acknowledgement letter responding to an expectant mother's notification of her maternity leave plans, giving an indication of what entitlement to maternity pay she should expect and the date on which she is expected to return to work. Confirmation will then be sent out to the employee approximately 4 weeks before the start date of her maternity leave giving a full breakdown of weekly maternity pay and benefits (if entitled).

## 4 Health and Safety of New and Expectant Mothers

---

Although formal notification of pregnancy is not required until 28 days before maternity leave begins, an expectant mother is **advised to inform her line manager as soon as she learns that she is pregnant**. This is in the employee's own interests, as such notification may instigate action **to safeguard the well-being of the mother-to-be and of her unborn child**. The Trust would be in breach of statutory obligations if it allowed an employee who it knows to be pregnant to expose herself or her unborn child to injury or disability. Early notification enables the line Trust to **carry out necessary risk assessments** and assist the employee in **arranging suitable time off for antenatal care**.

**If the expectant mother is found to be at risk** at any time during her pregnancy, during the 6 months following the birth of her child, or whilst she is breastfeeding the following steps will be taken:

- Temporary adjustment to working conditions and/or hours of work; or if that is not possible,
- offer of suitable alternative work; or if that is not feasible,
- suspension from work for as long as necessary to protect her or her child (if continuously suspended for the duration of the pregnancy, maternity leave will begin at the point the expectant mother intends her maternity leave to begin in normal circumstances or at the time of childbirth, whichever is earlier).

These provisions do not apply where the expectant mother is signed off sick by her GP, but rather where she is able to come to work but unable to perform her particular job duties for pregnancy related reasons.

Further guidelines and information regarding Risk Assessments for New and Expectant Mothers can be obtained via the HSE Website <http://www.hse.gov.uk/mothers/> or contact Torbay Council's **Health and Safety** team.

## 5 Antenatal Care

---

An expectant mother is entitled, regardless of her length of service or number of weekly hours worked, **not to be unreasonably refused** time off work for **antenatal care** if she has been advised to attend such an appointment by a GP, midwife or health visitor. Such time off will be on **full pay**, the expectant mother will **not be required to make up the hours** lost and the amount of time off will **include any reasonable time required to travel to/from appointments as well as the appointment itself**.

Time off to attend 'antenatal classes', which include relaxation, aqua-natal and parent-craft classes, will only be regarded as reasonable if they are **specifically recommended by a midwife**, GP or health visitor and where they cannot be attended outside of normal working hours.

The expectant mother should **provide reasonable notice to request time off** for attending antenatal appointments. The expectant mother should provide her line manager with an appointment card each time she requests time off work.

Employees and agency workers who have a qualifying relationship with a pregnant woman or an expected child are entitled to take time off work to accompany that pregnant woman at up to two antenatal appointments.

Employees will have the right from day one of their employment. The right to time off is capped at a maximum of six-and-a-half hours on each occasion, which can include travelling time, waiting time and attendance.

An employee has a qualifying relationship with a pregnant woman or her expected child if he or she:

- is the husband or civil partner of the pregnant woman;
- lives with the pregnant woman in an enduring family relationship, but is not her parent, grandparent, sister, brother, aunt or uncle;
- is the father of the expectant child; or
- is an intended parent in a surrogacy situation who meets certain conditions.

The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. The employee should **provide reasonable notice to request time off** for accompanying a pregnant woman at antenatal appointments. The employee should provide the Trust with an appointment card each time he/she requests time off work.

Time off to attend ante-natal appointments will be paid. Employees wishing to request this time-off must provide a record this to the Trust.

## 5.1 Sick Leave – before planned maternity leave starts

Maternity leave **will start automatically** if the expectant mother is absent from work for a **pregnancy related illness** during the **4 weeks before the start of her EWC**, regardless of when she has said she actually wants her maternity leave to start. Such sickness absence may affect the return to work date. Sickness absences that are not pregnancy related will not automatically trigger maternity leave and will count as normal sickness absence. Maternity leave and pay commences on the day after the first complete day of absence from work.

# 6 Maternity Leave

Maternity leave may not start before the 11th week before the EWC (or from the time of childbirth, if that is earlier).

All women will have the right to 52 weeks maternity leave in total.

The following table explains the different types of maternity leave available:

Type	Qualifying service	Duration
Compulsory Maternity Leave	None.	2 weeks.  2 week period immediately following childbirth (including a child who is stillborn at any time after 24 weeks of pregnancy). <b>It is unlawful to allow a woman to return to work during the compulsory maternity leave period.</b>  Compulsory Maternity Leave is <u>included</u> within the entitlement to Ordinary and Additional Maternity Leave detailed below.

Type	Qualifying service	Duration
Ordinary Maternity Leave	NONE	26 weeks
Additional Maternity Leave	NONE	26 weeks.  The 26 weeks immediately follows on from Ordinary Maternity Leave.  (Ordinary and Additional Maternity Leave = 52 weeks total).



**Other than Compulsory Maternity Leave, a mother may chose to take less than the full entitlement provided.** Also, there is the option for eligible parents to take Shared Parental Leave. Further details are contained in the Shared Parental Leave Policy, available via Google Staff Shared T Drive > Policies and Procedures > Academy Policies 2011 > HR Policies.

Planned maternity leave can start on any day of the week. SMP will therefore start to be paid on the day the expectant mother specifies in her maternity notice letter, provided she starts her maternity leave on this day. However, **if the baby is born more than 15 weeks before the EWC** or before the planned start of maternity leave, maternity leave and pay will commence the day after the birth and the weeks will run on a rolling 7 day basis (i.e. if the baby is born on a Monday, maternity leave and pay commences on the Tuesday and the mother's 'maternity pay weeks' run from Tuesday to Monday).

## 6.1 Terms and Conditions during Maternity Leave

During the period of Ordinary and Additional Maternity Leave **terms and conditions of employment, apart from receipt of normal pay, continue.** This includes, for example, accrual of annual leave and any other contractual benefits that the employee may be receiving, such as payment of child-care vouchers. The employer's duty of trust and confidence, and any terms which relate to notice of termination by the employer, redundancy pay, grievance and disciplinary procedures will also continue. The employee's duty of good faith is maintained, as are any terms relating to notice on termination, disclosure of confidential information, the acceptance of gifts or other benefits, and involvement in any other business.

Pay awards and other improvements to benefits continue in the normal manner as if the employee was still at work.

## 6.2 Pension Arrangements During Maternity Leave

If the employee is a member of the **Local Government Pension Scheme**, pension contributions will be paid and deducted from pay in the usual manner and at the same percentage rate during the period of **paid** maternity leave.

Any periods of authorised **unpaid** maternity leave will not be treated as pensionable and will reduce the amount of pension earned during the year. Employees can, however, choose to pay Additional Pension Contributions (APC) to buy the 'lost' pension. **Employees can elect to pay an APC within 30 days of returning to work and the Trust will pay 2/3rds of the APC.**

If the employee elects to pay an APC after 30 days of returning to work, the Trust will not be required to make a contribution and the employee will bear the full cost. For employees who want to pay additional contributions to buy the 'lost' pension for this period, they should complete the LGPS Calculator below and return one copy of their completed application form to Peninsula Pensions and the other copy to:- Pensions, Torbay Council, Lower Ground Floor, Town Hall, Torquay, TQ1 3DR. For any queries in completing the application for, please contact Pensions, Tel: 01803 207410.

Link to LGPS Calculator:- <http://lgps2014.org/apc/lostMPF.php>

## 6.3 Working during Maternity Leave

An employee will be able to work up to 10 days during her maternity leave without bringing her maternity leave to an end ('work' is defined as being any work done under contract of employment and may include training or any activity undertaken for the purpose of keeping in touch with the workplace). This will also extend to her entitlement to receive SMP and **provided that the employee works no more than 10 days during her maternity leave, she will not lose any SMP.** Any work carried out whilst on maternity leave will not have the effect of extending the period of maternity leave.

Any time worked as a 'Keeping in Touch Day' will be paid at the employee's normal full rate of contractual pay and will be paid in hours. The payment will be off-set against any SMP payment that the employee may be receiving. Working for part of a day will be recorded as one full Keeping in Touch day, e.g. if the employee works for 2 hours, this will be recorded as one Keeping in Touch day and will count against their 10 day allocation .

A 'Keeping in Touch' form will need to be completed by the line manager and returned to Payroll to ensure that the employee is paid at their usual contractual rate of pay for any hours worked (**up to a maximum of 10 days**). **The form is available from the Trust's HR intranet page.**

The Trust cannot insist that the employee carries out any work and is protected from suffering a detriment or being dismissed for refusing to do so. Equally, an employee cannot insist on being given any work to do.

Under no circumstances should the employee be expected to work nor should she expect to carry out work during the first two weeks following the birth of the child (during compulsory maternity leave). It is an offence to permit an employee to work during this period of time.

## 6.4 Contact during Maternity Leave

It is reasonable to expect that the employee and the Trust should remain in contact during the employee's period of maternity leave. This does not constitute 'work' and therefore does not form part of the 10 working days described above nor does such contact bring the maternity leave period to an end. This contact time aims to keep the channels of communication open between the employee and their manager during the leave period and also ensures that the employee is kept informed of workplace issues. Typical issues that *may* be discussed are: significant changes/workplace developments, training opportunities, job vacancies, return to work arrangements and any other work issues which may affect the employee. An employee's informal visits to her office location/normal place of work may also constitute contact time.

## 7 Shared Parental Leave

---

Eligible adoptive parents can share maternity leave and pay under Shared Parental Leave arrangements. Shared parental leave enables parents to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

For more information please refer to the Trust's Shared Parental Leave Policy.

## 8 Maternity Pay

---

The Maternity Pay Period lasts 39 weeks. It starts on the same day as maternity leave starts.

Rates of pay and how they are paid are dependent upon length of service and earnings. The amount of maternity pay received is based upon **average earnings in the 8 weeks up to and including the 'qualifying week'**.

The following will apply to maternity pay entitlement:-



Type	Qualifying service	Duration/Amount
Statutory	<p>Employed by the current Trust (current employer) for at least 26 weeks into the 15<sup>th</sup> Week before the EWC (known as the Qualifying Week);</p> <p>To have worked in the Qualifying Week and earned at least as much as the lower earnings limit for paying National Insurance Contributions.</p>	<p>Statutory Maternity Pay (SMP):*</p> <p>6 weeks at 90% of salary (weeks 1 - 6).</p> <p>33 weeks at the SMP rate per week (weeks 7 – 39).</p> <p>See <i>Maternity, Adoption, Support (Paternity) Pay Guidelines</i> for Pay Rates from 1<sup>st</sup> April</p>
Contractual (Green Book – applies to all support staff)	1 year's Local Government service at the 11 <sup>th</sup> week before the EWC.	<p>6 weeks (weeks 1 – 6) at 90% salary (offset against SMP or MA payments).</p> <p>Followed by:-</p> <p>12 weeks Half Pay (from week 7). The entitlement to Half Pay is fully recoverable if the employee does not return to work for the <b>Trust</b> for three complete months (immediately following maternity leave, and any other leave that is taken following on from a period of maternity leave for instance, parental leave).</p> <p>and</p> <p>33 weeks (weeks 7- 39) of SMP weekly rate, if entitled.</p> <p>SMP is in addition to Contractual Maternity Pay (Half Pay) but Half Pay plus SMP cannot exceed full pay.</p>
Contractual (Burgundy Book –Trust teachers)	1 year's Local Government service at the 11th week before the EWC.	<p>4 weeks (weeks 1 – 4) at full salary (offset against SMP or MA payments).</p> <p>2 weeks (weeks 4 – 6) at 90% salary (offset against SMP or MA payments).</p> <p>Followed by:-</p> <p>12 weeks Half Pay (from week 7). The entitlement to Half Pay is fully recoverable if the employee does not return to work for the <b>Trust</b> for three complete months (immediately following maternity leave, and any other leave that is taken following on from a period of maternity leave for</p>

		instance, parental leave).  and  33 weeks (weeks 7- 39) of SMP weekly rate, if entitled.  SMP is in addition to Contractual Maternity Pay (Half Pay) but Half Pay plus SMP cannot exceed full pay.
--	--	--

An expectant mother who wishes to discuss a variation in the distribution of the 12 weeks Half Pay entitlement during the remaining weeks of her maternity pay period should contact the Payroll Section or Human Resources. Any variation must be mutually agreed between the expectant mother and the Trust.

**No later than 28 days before** the expectant mother intends to **start her maternity leave**, the **MATB1 certificate** should be provided (by scanning this in and attaching it with the Maternity Leave Plan on the My View system) in order for the Payroll Section to determine whether SMP is payable by the Trust. If the expectant mother does not qualify for SMP from the Trust, the Payroll Section will notify the Academy so that the expectant mother can instead provide her MATB1 certificate to the Benefits Agency/Jobcentre Plus in order to claim maternity pay.

A MATB1 certificate cannot be accepted if a midwife or GP signs it earlier than 20 weeks before a baby is due.

## 8.1 Maternity Allowance

Expectant mothers who are not entitled to SMP may be entitled to Maternity Allowance (MA) which is paid by the Benefits Agency/Jobcentre Plus Office. The Payroll Section confirms whether an expectant mother qualifies for SMP. A form entitled 'SMP 1' can be obtained from Payroll for an expectant mother who does not qualify for SMP. Expectant mothers may also check with the Benefits Agency/Jobcentre Plus whether they would qualify for SMP or MA.

# 9 Annual Leave

## 9.1 Statutory Annual Leave for Teaching staff

Teachers do not have a contractual entitlement to paid annual leave nor a specified annual leave year, however, they are entitled to 28 days' statutory annual leave under the Working Time Regulations.

This means that a teacher who takes maternity leave must be able to take the 28 days statutory annual leave at a time outside of her maternity leave. The Trust may not treat any part of the maternity leave period i.e. ordinary maternity leave (OML) or additional maternity leave (AML), as annual leave;

Annual leave entitlement can be offset by any period of Academy closure that has taken place in the leave year in question, i.e. both before and after the maternity leave period, and a teacher should be advised prior to commencing her maternity leave that she has a statutory entitlement to 28 days annual leave and that this should be taken either before or after the maternity leave period during Academy closure periods. On her return from maternity leave, a teacher must be allowed to take any outstanding leave during term time during that leave year if there are insufficient Academy closures to accommodate her leave in that leave year;

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

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

It will not usually be possible for a teacher to obtain payment in lieu of untaken annual leave instead of taking leave during the leave year. As an employee has 28 days' leave under the Working Time Regulations 1998, the accrual of leave is not affected by what stage of maternity leave an employee is at or whether they are receiving pay.

## 9.2 Annual Leave for Support Staff

Where support staff are concerned, Trusts should have regard to ensuring that their employees do not lose out on their entitlement to paid annual leave whilst on Maternity Leave. Where an employee in Trust would be deemed to be on annual leave during a period of Academy closure but cannot take this because she is on maternity leave, the Trust may need to make alternative arrangements to ensure this employee receives their entitlement to paid leave. Any Trust wishing to clarify the arrangements for individuals should contact Human Resources for advice.

# 10 Special considerations

---

If a mother has a stillbirth from the start of the 25<sup>th</sup> week of pregnancy onwards, she would be eligible for maternity leave and pay in the usual way. If a mother gives birth prematurely to a living child, even in cases where the baby later dies, at any point in her pregnancy, she will be entitled to maternity leave and pay in the usual way.

# 11 Returning to Work

---

An employee who has taken maternity leave is entitled to **return to the same job on terms and conditions of employment as if they had not been absent**. Where it is not practicable, for instance by reason of redundancy, for the Trust to permit the employee to return to work in her job, the employee shall be entitled to be offered a suitable alternative vacancy where one exists.

Consideration will be given to the full range of flexible working arrangements when requested by a woman returning to work after maternity leave, including a temporary reduction in hours. Any adjustments should be discussed with the line manager as soon as reasonably practical and made in accordance with procedures.

Consideration will be given to introducing the employee back to the workplace by providing any necessary training or updating.

Unless otherwise notified, it will be assumed that the employee will return to work at the end of her maternity leave as stated in the Maternity Leave Plan. The employee is therefore expected back to work on the next working day after maternity leave finishes. NB. Where an employee's maternity leave ends during a period of Academy closure, this will still be deemed as being back to work.

Payroll will need to be informed by the employee's line manager when the employee is due back to work in order to ensure that she is paid correctly and on time. The form 'Change to Employment Details' should be used, or where the employee returns to a new job (i.e. with new post number), a New Starter's information should be completed.

Where the employee is granted a period of **annual leave or parental leave** at the end of the maternity leave period, the employee will be regarded as 'back to work' following maternity leave and on annual or parental leave etc. Normal procedures and entitlements apply when booking any other leave at the end of maternity leave.

## 11.1 Notification of Early Return to Work

**Employees on Green Book** terms and conditions of employment (support staff)

Where this employee wishes to come back to work early during maternity leave, she will need to give the Trust:

- **21 days' notice** of the date she wants to return to work following **Ordinary Maternity Leave** *or*
- **21 days' notice** of the date she wants to return to work following **Additional Maternity Leave**.
- (These are contractual notice periods which will prevail over the statutory notice period, currently 8 weeks)

**Employees on Burgundy Book** terms and conditions of employment (teaching staff)

Where this employee wishes to come back to work early during maternity leave, she will need to give the Trust:

- **21 days' notice** of the date she wants to return to work following **Ordinary Maternity Leave** *or*
- **21 days' notice** of the date she wants to return to work following **Additional Maternity Leave**.
- (These are contractual notice periods which will prevail over the statutory notice period, currently 8 weeks)

If an employee wishes to change her early return to work date to an even earlier date, or to postpone her early return date to a later date, she will need to give the Trust notice in accordance with the above time periods. The Trust will be required to forward this information to Payroll via email, who will then amend the employee's record.

If an employee returns to work before the end of the period in which she is entitled to receive any maternity pay (which currently lasts 39 weeks), she will not receive the full entitlement to maternity pay and will instead receive pay in accordance with her contracted hours.

If the employee does not give the required notice, the Trust reserves the **right to postpone** her return until the required notice has been given, or up until the day she would have been expected back.

An employee who does not want to return to work following maternity leave should give the Trust notice as per her terms and conditions of employment. Once resigned, the employee loses her statutory right to return to work after maternity leave and any contractual 'Half Pay' entitlement will be lost. Where this is the case, the proportion of Half Pay entitlement is likely to be recovered by the Trust. Annual leave will accrue up to the last day of service and not the last day worked.

## 11.2 Sick Leave – at the end of maternity leave

If a woman is unable to return to work at the end of her maternity leave because of sickness, then the period of maternity leave will end and the absence will be treated as sick leave and the normal sickness absence procedures apply.

## 12 Appendix 1 - Example of Teachers Accrual of Statutory Annual Leave

Teachers are entitled to 28 statutory day's annual leave per year under the Working Time Regulations. In most cases they will have had their leave entitlement in periods of Academy closure before or after maternity or adoption leave. However, assuming that the leave year for accrual of annual leave entitlement is from 1 September, in line with the academic year, the following examples would apply.

### 12.1 Scenario 1

The teacher starts maternity or adoption leave on 1 October and takes Ordinary Maternity Leave (OML) or Ordinary Adoption Leave (OAL) only.

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
		OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL					
Academy closures		1wk		2wks Xmas		1wk		2wks** Easter	1 wk		2wks	4wks

\*\* March or April

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

### 12.2 Scenario 2

The teacher starts maternity or adoption leave on 1 March and takes Ordinary Maternity Leave (OML) or Ordinary Adoption Leave (OAL) only.

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
							OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL
Academy closures		1wk		2wks Xmas		1wk		2wks** Easter	1 wk		2wks	4wks

The teacher will already have had the benefit of 4 weeks (20 days) of Academy closure in October, December and February. There will be an additional entitlement of 8 days which will be carried over to the next leave year as the

teacher is returning on 1 September. This will be taken following the first 28 days of annual leave entitlement in Academy closure periods.



### 12.3 Scenario 3

The teacher starts maternity or adoption leave on 1 October and takes Ordinary Maternity Leave (OML) or Ordinary Adoption Leave (OAL) & Additional Maternity Leave (AML) or Additional Adoption Leave (AAL).

#### Leave Year 1

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
		OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL	AML/ AAL	AML/ AAL	AML/ AAL	AML/ AAL	AML/ AAL
Academy Closures		1wk SC		2wks Xmas		1wk SC		2wks** Easter	1 wk		2wks SC	4wks SC

#### Leave Year 2

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
	AML/ AAL											
Academy Closures		1wk SC		2wks Xmas		1wk SC		2wks** Easter	1 wk		2wks SC	4wks SC

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

**Leave year 2** – the teacher will benefit from 13 weeks of Academy closure. This will include her 28 days entitlement for that leave year (which will be taken in the October, December, February and first 8 days of the April Academy closure periods) and the 28 days entitlement from Leave year 1. She will not be entitled to any additional leave.

### 12.4 Scenario 4

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

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
					OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL	OML/ OAL		
Academy Closures		1wk		2wks		1wk		2wks** Easter	1 wk		2wks	4wks

		SC*		Xmas		SC						SC	SC
--	--	-----	--	------	--	----	--	--	--	--	--	----	----

The teacher has not worked a full leave year and will be entitled to a pro rated statutory annual leave entitlement (10 months entitlement =23 days approx<sup>1</sup>). The teacher will have already had 3 weeks (15 days) in Academy closure periods (October and December) so 8 days pay in lieu will be due on termination.

Please contact Payroll who will calculate pay in lieu of annual leave.

## 13 Policy Feedback

---

Should you have any comments regarding this policy, please address them to the HR Policy mailbox –

[HRpolicy@torbay.gov.uk](mailto:HRpolicy@torbay.gov.uk)

### 13.1 History of Policy Changes

Date	Page	Details of Change	Agreed by:
March 2011	Various	Separate out Maternity, Adoption and Paternity from former Maternity, Adoption and Paternity Scheme.	
March 2011	Various	New information relating to Additional Paternity Leave	For info only – Trusts’ JCC 23.3.2011
April 2015	8	Addition of new section – Pension Arrangements During Adoption Leave	For info only – legislation change
April 2015	Various	Update to adoption rights – pay + leave. Addition of Surrogacy, removal of Additional Paternity Leave and Pay. Addition of Shared Parental Leave and Pay.	TJCC 12.3.15 – For information only - legislation changes April 2015
Sep 2017	Various	General update, reformat.	
Sep 2017	7	12 weeks half pay re-payment for not returning to the ‘Trust’	

This policy was produced by Education HR and is intended for paying subscribers only

#### Education HR

educationhr@torbay.gov.uk  
01803 207 361

#### Business Development

businessdevelopment@torbay.gov.uk  
01803 207 366

*Committed to being forward thinking, people orientated and adaptable – always with integrity*

