



## **Maternity, Adoption and Surrogacy Policy**

### **1. Introduction**

This Policy outlines the options and entitlement for employees intending to take maternity or adoption leave. It sets out the statutory and occupational rights and responsibilities of employees, who are pregnant or who have recently given birth. It gives details of the arrangements for antenatal care, pregnancy related illness, maternity leave and pay. It also confirms the statutory and occupational rights of adoptive parents to adoption leave. Adoption leave rights also apply to partnerships of the same sex, so references in this policy to father, male employee, men, he, him, etc, should be taken as including women in same sex partnerships.

It sets out the policy and procedures for both the employee and the School to follow for the time before the birth or placement, during the leave period and upon return to work.

This Policy will assist in how to:

- further meet the diverse needs of its workforce, ensuring equal and fair treatment is given to all employees;
- attract and retain skilled employees, by being an employer of choice;
- improve working lives and work-life balance;
- manage and reduce sickness absence; and
- meet legislative requirements.

### **2. Scope**

This policy applies to all employees in Community and Voluntary Controlled schools where the Local Authority (LA) is the employer. It is also commended to all other schools in the borough.

### **3. Roles and Responsibilities**

**Employee** – You should submit your application to the school stating that you wish to take maternity or adoption leave, by completing the relevant form in line with section 9 of this Policy (see Appendix 1 and Appendix 2).

**Manager** – In the case of pregnancy your manager must consider any health and safety implications and arrange for a workplace risk assessment (see Appendix 3) to be carried out and for any adjustments to be made to your role. Accordingly it is important that you notify your manager that you are pregnant where this may have health and safety implications in your workplace. Once completed by your manager you the opportunity to provide your feedback on the risk assessment and any

measures you feel are required to be put in place. Your manager will also ensure that all maternity/adoption leave notification paperwork is completed and forwarded to HR. In the case of adoption your manager is responsible for managing requests for leave to attend pre-adoption meetings, prior to a match for adoption taking place – see section 8.

**Human Resources (HR)** – Will respond to the employee’s notification to take leave in line with the requirements set out in section 9 of this policy and ensure necessary payroll arrangements are made. They will ensure all correspondence is placed on an employee’s personal file in line with current UK data protection legislation

#### **4. Definitions**

Definitions of wording used in this document can be found at the end of this policy.

#### **5. Eligibility**

##### **5.1 Maternity Leave**

Regardless of your length of service, you will be entitled to up to 52 weeks leave made up of:

Ordinary maternity leave	Regardless of your length of service, you will be entitled to 26 weeks’ ordinary maternity leave
Additional maternity leave	Regardless of your length of service, you will be entitled to 26 weeks’ additional maternity leave.

##### **5.2 Adoption Leave**

To qualify for adoption leave and pay, you must:

- have been notified that you have been newly matched by an approved adoption agency with the child for the purposes of adoption
- if the adoption is from overseas, be in possession of a copy of the official notification of adoption and evidence of the child’s date of entry into the UK
- have been continuously employed by your current employer for 26 weeks leading into the week in which notification of being matched for placement/official notification (if overseas adoption) is given

The leave is only available to one member of a couple where a couple adopt jointly (they identify which partner is taking the adoption leave and adoption pay).

The other member of a couple, who is adopting jointly, may be entitled to adoption support leave.

You will not qualify for adoption leave where a child is not newly matched for adoption, for example, if you are a step parent adopting your partner’s child.

Only one period of leave is available irrespective of whether more than one child is placed for adoption at the same time.

If you meet the qualifying conditions, regardless of your length of service you will be entitled to up to 26 weeks' Ordinary Adoption Leave (OAL) followed by 26 weeks' Additional Adoption Leave (AAL) – A total of up to 52 weeks leave.

### **Surrogacy**

Surrogacy is when someone else carries and gives birth to a baby for which you will obtain parental responsibility.

Under this policy

- if you use a surrogate for a child who legally becomes yours you will be entitled to the same leave and pay as if you were to adopt
- if you are the surrogate you are entitled to the same maternity leave and pay as any other pregnant employee

The relevant statutory and occupational rights for each must be followed. Further advice can be obtained from your HR provider.

## **6. Time off for antenatal care**

Regardless of your length of service, you are entitled to paid time off for antenatal care to a maximum of a standard day. You must be prepared to show evidence of appointments if requested. Employees should where possible arrange appointments on a non-working day or, if this is not practicable, they should be arranged as early or late as possible during the working day.

If practicable, employees must attend work prior to the appointment and return afterwards. Time off will be granted on the basis of actual time required to attend the appointment.

## **7. Expectant Fathers**

Regardless of your length of service, from 1<sup>st</sup> October 2014, if your wife, partner or civil partner is expecting a child, you will be entitled to unpaid time off to attend two ante-natal appointments with them during their pregnancy. As with expectant mothers attending ante-natal appointments, you must be prepared to show evidence of appointments if requested. Time off will be granted on the basis of actual time required to attend the appointment. If practicable, you must attend work prior to the appointment and return afterwards.

## **8. Leave to attend pre-adoption meetings**

Providing you give your manager reasonable notice you may take paid leave (up to a maximum of 5 days) in order to attend meetings in connection with the adoption. If requested by your manager, you must be prepared to provide evidence of attendance at such meetings and your manager should keep a record of the number of days taken. This leave is in addition to any other leave entitlement.

## **9. Timing of Adoption Leave**

### **9.1 Timing of Adoption Leave (adoption within the UK)**

Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier.

## **9.2 Timing of Adoption Leave (adoption from overseas)**

Adoption leave can start from the day on which the child enters the UK or on a chosen date no later than 28 days after the child enters the UK.

In order to make administration as easy as possible, the employee should discuss the timing of their adoption leave with their immediate manager as early as possible.

If the child's placement ends during the adoption leave period, you will be able to continue adoption leave for a further eight weeks' after the end of the placement.

## **10. Notice of intention to take Maternity / Adoption Leave**

### **10.1 Notice of intention to take Maternity Leave**

You can tell your manager that you are pregnant as soon as you want to. However, please see section 3 above in respect of health and safety at work considerations. In all circumstances you should notify your manager by at least the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC), or as soon after this as is reasonably practical. This can be before you have decided when to take your maternity leave.

You must notify your manager in writing using the Maternity Form (Appendix 1), as soon as is practicable and, as a minimum, 28 days before your absence begins, of the following:

- That you are pregnant;
- Your EWC;
- When you wish to start your leave, which cannot be earlier than the 11<sup>th</sup> week before your EWC;
- Whether you intend to return to work following your maternity leave;
- You must also forward your MATB1 certificate as soon as it is practicable.

If you do not have access to the Intranet, please ask your manager or contact HR for a Maternity Form.

**Once your notification has been received by Human Resources, you will receive a response within 28 days, stating your expected date of return from maternity leave.**

Employees will be entitled to 52 weeks from the start of the maternity leave. If you wish to change the date on which you will start your maternity leave you must advise your manager in advance providing notice in line with your contract of employment, unless this is not practicable.

### **10.2 Notice of intention to take Adoption Leave (adoption within the UK)**

You may discuss your intention to adopt at any time with your manager. You are required to inform your manager providing notice in line with your contract of employment of your intention to take adoption leave within seven calendar days of being notified by your adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable. Please complete the standard Adoption Form (Appendix 2).

You will need to inform your manager of the following:

- when the child is expected to be placed with you or the date on which the child is expected to enter the UK (if overseas adoption)
- when you will want your adoption leave to start (see section 9)

You will be able to change your mind about the date you wish your adoption leave to start providing you advise your manager in advance providing notice in line with your contract of employment, unless this is not practicable.

Your manager will send your adoption form to HR who will write to you within 28 days of receipt of your application to confirm your leave arrangements and your expected date of return from adoption leave; they will always assume this to be 52 weeks after commencement.

### **10.3 Notice of intention to take Adoption Leave (adoption from overseas)**

You may discuss your intention to adopt at any time with your manager. You are required to inform your manager providing notice in line with your contract of employment of your intention to take adoption leave within 28 days after the date you receive official notification, or the date on which you complete 26 weeks continuous service (whichever is the later). You must give notice of both the date the official notification was received and the date the child is expected to enter the UK. Please complete the standard Adoption Form (Appendix 2).

At least 28 days prior to the date you have chosen as the beginning of your adoption period, you must inform your manager of the following:

- when you will want your adoption leave to start (see section 9)
- a declaration that you have chosen to receive SAP and not statutory paternity pay (adoption)

You must also provide a copy of the official notification.

Within 28 days of the child's entry into the UK you must inform your manager of the date of entry and provide evidence of this date in the form of the airline flight ticket or copies of entry clearance documents.

You will be able to change your mind about the date you wish your adoption leave to start providing you advise your manager in advance and give notice in line with your contract of employment, unless this is not practicable.

Your manager will send your adoption form to HR who will write to you within 28 days of receipt of your application to confirm your leave arrangements and your expected date of return from adoption leave; they will always assume this to be 52 weeks after commencement.

## **11. Early births and pregnancy related absences**

If your baby is born before the date you notified or before any notification has been provided, your maternity leave period starts automatically from the day after childbirth and you must provide your manager with notification as soon as possible.

If your maternity leave has not already started it will be triggered by the birth of your child, or by pregnancy-related absence from the beginning of the 4<sup>th</sup> week before the EWC.

In both these situations, you should notify your manager, who will inform HR that you have given birth or that you are absent wholly or partly because of your pregnancy, giving the date your absence began or the date your baby was born.

## 12. Other absences

If in the early months of pregnancy you are advised by an approved medical practitioner to be absent because of the risk of rubella, you shall be granted leave with full pay, provided that you do not unreasonably refuse to serve in another suitable position or location, where there is no such risk.

## 13. Pay

### 13.1 Maternity Pay

To qualify for Occupational Maternity Pay (OMP) you must continue to be in the school's employment (whether or not at work) immediately before the start of your maternity leave and you must return to the school's employment for 3 calendar months.

#### **Green Book Employees**

**For employees with less than 26 weeks continuous service at the week before the EWC:**

Weeks 1-52	Unpaid, however you may be eligible for Statutory Maternity Allowance for weeks 1-39 from the Benefits Agency
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**For employees with at least 26 weeks continuous service at the 15th week before the EWC but less than one year's service at the 11<sup>th</sup> week before EWC:**

Weeks 1-6	9/10 <sup>th</sup> of a week's pay (offset against SMP or SMA if eligible)
Weeks 7-39	SMP
Weeks 40-52	Unpaid

**For employees with at least 26 weeks continuous service at the 15th week before the EWC but more than one year's service at the 11<sup>th</sup> week before EWC:**

Please note: You must have at least 26 weeks service at the 15<sup>th</sup> week before the EWC to qualify for SMP

Weeks 1-6	9/10 <sup>th</sup> of a week's salary (offset against SMP or MA if eligible)
Weeks 7- 18	½ pay plus SMP or MA (except to the extent to which the combined pay and SMP, or MA and any dependents' allowances exceeds full pay).
Weeks 19-39	SMP or MA if eligible
Weeks 40-52	Unpaid

**Conditions of Service for School Teachers in England and Wales (Burgundy Book & School Teachers' Pay and Conditions Document)**

**For teachers with less than 26 weeks' continuous service with their current employer at the EWC:**

Weeks 1-39	Unpaid, however contact the Social Security Office for further information about other financial support.
Weeks 40-52	Unpaid

**For teachers with less than 26 weeks continuous service with their current employer at the EWC but at least 1 year's continuous service at the 11<sup>th</sup> week before EWC with one or more LAs:**

Weeks 1-4	Full pay (offset against SMP/financial support)
Weeks 5-6	9/10 of a week's salary (offset against SMP/financial support)
Weeks 7-18	½ pay plus financial SMP/support, if eligible (except to the extent this exceeds full pay)
Weeks 19-39	SMP (if eligible)
Weeks 40-52	Unpaid

**For teachers with at least 26 weeks continuous service with their current employer at the 15<sup>th</sup> week before the EWC, but less than 1 year's continuous service at the 11<sup>th</sup> week before the EWC as a teacher with one or more LAs:**

Weeks 1-6	9/10 <sup>th</sup> of a week's salary (offset against SMP)
Weeks 7- 39	SMP
Weeks 40-52	Unpaid

**For teachers with at least 26 weeks continuous service with their current employer at the 15<sup>th</sup> week before the EWC, but at least 1 year's continuous service at the 11<sup>th</sup> week before the EWC as a teacher with one or more educational/LA setting**

**The Soulbury Committee (Soulbury)**

The provisions as set out in the Green Book and local agreements will apply.

Weeks 1-4	Full pay (offset against SMP/financial support)
Weeks 5-6	9/10 of a week's salary (offset against SMP/financial support)
Weeks 7-18	½ pay plus financial SMP/support, if eligible (except to the extent this exceeds full pay)
Weeks 19-39	SMP or financial support (if eligible)
Weeks 40-52	Unpaid

Employees who are not intending to return to work to the school will not receive the occupational pay.

**Please note: We are unable to standardise an employee's full maternity pay entitlement so that payments are equal each month during the maternity leave period**

## 13.2 Adoption Pay

You must give your employer proof of adoption to qualify for both SAP and Local Adoption Pay (LAP).

The proof must show:

- your name and address and that of the agency
- the match date – e.g. the Matching Certificate
- the date of placement – e.g. a letter from the agency
- the relevant UK authority's 'official notification' confirming you're allowed to adopt (overseas adoptions only)
- the date the child arrived in the UK – e.g. plane ticket (overseas adoptions only)

Most adopters will be entitled to SAP as long as they have average weekly earnings at or above the Lower Earnings Limit for National Insurance which applied at the end of the matching week. Adopters who have average earnings below the Lower Earnings Limit for National Insurance contributions will not qualify for SAP and should contact their Social Security Office for further information about other financial support.

The employee must have been working continuously for the employer for at least 26 weeks up to the matching week to qualify for SAP.

SAP pay is a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings if this figure is lower than the Government's set weekly rate.

Weeks 1-6	9/10 <sup>th</sup> of a week's pay (offset against SAP)
Weeks 7-39	SAP
Weeks 40-52	Unpaid

Adoption Pay will be paid in line with your contract of employment and mirrors the pay provisions that apply in respect of maternity pay for the relevant terms and conditions of employment (e.g. Green Book, STPCD) – the additional pay above SAP is Local Adoption Pay (LAP).

The current arrangements are detailed below, however, should the maternity pay arrangements change (either nationally or locally) these changes will affect adoption pay arrangements with immediate effect.

### **Green Book Employees**

**For employees with less than 26 weeks' continuous service at the matching week:**

Weeks 1-39	Unpaid, however contact the Social Security Office for further information about other financial support.
Weeks 40-52	Unpaid

**For employees with at least 26 weeks continuous service at the 15th week before the 'matching week' but less than 1 years' service at the 11<sup>th</sup> week before the 'matching week':**



**For employees with at least 26 weeks continuous service at the 15th week before the ‘matching week’ and at least 1 years’ service at the 11<sup>th</sup> week before the ‘matching week’:**

Weeks 1-6	9/10 <sup>th</sup> of a week’s salary (offset against SAP)
Weeks 7- 18	½ pay plus SAP
Weeks 19-39	SAP
Weeks 40-52	Unpaid

**Conditions of Service for School Teachers in England and Wales (Burgundy Book & School Teachers’ Pay and Conditions Document)**

**For teachers with less than 26 weeks’ continuous service with their current employer at the matching week:**

Weeks 1-39	Unpaid, however contact the Social Security Office for further information about other financial support.
Weeks 40-52	Unpaid

**For teachers with less than 26 weeks continuous service with their current employer at the ‘matching week’, but at least 1 year’s continuous service at the 11<sup>th</sup> week before the ‘matching week’ as a teacher with one or more educational LA settings:**

Weeks 1-4	Full pay (offset against SAP/financial support)
Weeks 5-6	9/10 of a week’s salary (offset against SAP/financial support)
Weeks 7-18	½ pay plus financial SAP/support, if eligible (except to the extent this exceeds full pay)
Weeks 19-39	SAP (if eligible)
Weeks 40-52	Unpaid

**For teachers with at least 26 weeks continuous service with their current employer at the 15<sup>th</sup> week before the ‘matching week’, but less than 1 year’s continuous service at the 11<sup>th</sup> week before the ‘matching week’ as a teacher with one or more educational/LA settings:**

Weeks 1-6	9/10 <sup>th</sup> of a week’s salary (offset against SAP)
Weeks 7- 39	SAP
Weeks 40-52	Unpaid

**For teachers with at least 26 weeks continuous service with their current employer at the 15<sup>th</sup> week before the ‘matching week’, but at least 1 year’s continuous service at the 11<sup>th</sup> week before the ‘matching week’ as a teacher with one or more educational/LA settings:**

Weeks 1-4	Full pay (offset against SAP/financial support)
Weeks 5-6	9/10 of a week's salary (offset against SAP/financial support)
Weeks 7-18	½ pay plus financial SAP/support, if eligible (except to the extent this exceeds full pay)
Weeks 19-39	SAP or financial support (if eligible)
Weeks 40-52	Unpaid

### **The Soulbury Committee (Soulbury)**

The provisions as set out in the Green Book and local agreements will apply.

Employees not intending to return to work in the school will not receive the occupational pay.

**Please note:** We are unable to standardise an employee's full adoption pay entitlement so that payments are equal each month during the adoption leave period

## **14. Contact during Maternity/Adoption Leave**

The School will maintain reasonable contact with you from time to time during your maternity/adoption leave. Shortly before commencing your leave your manager should discuss arrangements for keeping in touch with you. This may be to discuss your plans to return to work or to discuss any special arrangements to be made. You may wish to discuss with your manager possible training to be given to ease your return to work or simply wish to be updated, on developments at work during your absence. Therefore your manager will discuss the option of 'Keeping-in-touch days'.

## **15. 'Keeping-in-touch' (KIT) days**

Except during the first two weeks after childbirth you can mutually agree with your manager to work for up to 10 KIT days during either your Ordinary Maternity/Adoption Leave or Additional Maternity/Adoption Leave without it affecting your leave or pay. Such work will be paid at your normal contractual rate for the number of hours worked on each KIT day with any maternity/adoption pay being offset against this. Even if only one hour is worked on this day it will be classed as one KIT day.

The School has no right to require you to carry out any work and similarly you have no right to undertake work during your maternity/adoption leave. Any work undertaken including the amount of hours to be paid is entirely a matter for agreement between you and the School.

## **16. Right to return to work**

If you resume work following either Ordinary or Additional Maternity/Adoption Leave, then you are entitled to return to the same job on the same terms and conditions as if you had not been absent.

In exceptional circumstances, where it is not practicable by reason of redundancy (or general re-organisation) for you to return to your post, you will be informed and offered a suitable alternative vacancy where one exists, provided:

- the work to be carried out is suitable and appropriate to the circumstances, and;

- the capacity and place in which you are to be employed and your terms and conditions of employment are not substantially less favourable to you than if you had returned to the post in which you were originally employed

If you are offered a suitable alternative vacancy and you decide not to take that vacancy you may have to repay your occupational maternity/adoption pay.

Managers should also refer to the Redundancy Policy under these circumstances and seek HR Advice on how to proceed.

## **17. Returning to work after Maternity/Adoption Leave**

The school will assume that you will be returning to work at the end of your additional maternity/adoption leave, unless you have indicated otherwise on your form. HR will write to you to confirm the date you are expected to return. Should you wish to return to work earlier than this, then you must notify your manager in writing providing notice in line with your contract of employment before the day on which you propose to return. Where the notice is less than your contract of employment the School may postpone the return to ensure contractual notice but not beyond the end of the leave period. Notification requirements are set out below.

If you are unable to return on the expected day due to sickness your absence will be covered by the sickness absence scheme in the normal way.

## **18. Notification of your return to work**

Should you wish to return to work earlier than this, then you must notify your manager in writing providing notice in line with your contract of employment before the day on which you propose to return. Where the notice is less than your contract of employment the School may postpone the return to ensure contractual notice but not beyond the end of the leave period

NB: Contractual notice – e.g. Green Book (8 weeks'), Teachers (21 calendar days')

You should note that you are not permitted to return to work for a period of two weeks following the birth of your child in the case of maternity.

Your manager will send a copy of your letter regarding your early return to HR.

## **19. Transfer of Maternity/Adoption Leave**

If an employee proposes to return to work by giving proper notification in accordance with the rules set above, his or her spouse, civil partner or partner may be eligible to take up to 26 weeks' additional paternity leave (and additional statutory paternity pay) on his or her return to work.

The earliest that additional paternity leave may commence is 20 weeks after the date on which the employee's child is born/after the adopted child's placement and it must end no later than 12 months after the date of birth/date of placement. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks. The employee must therefore have at least two weeks of her maternity/adoption leave that remains unexpired.

Further details should be obtained from the employee's spouse or partner's employer. The employee returning to work will be required to submit a written and signed declaration form to her/his spouse, civil partner or partner's employer, to verify the transfer of entitlement to additional paternity leave and pay.

## **20. Notification of Breastfeeding on your return to work**

The School have in place a Breastfeeding Policy that you can refer to for further information. You will need to write to your manager, prior to your return to work, to inform your manager if you wish to leave work at the appropriate times to breastfeed your child or wish to express and store milk at your place of work.

Upon your manager receiving written notice of your intentions, a risk assessment will be conducted in line with the Breastfeeding Policy.

## **21. Not returning from Maternity/Adoption Leave**

If you are not returning to work after your maternity/adoption leave, you must give notice in line with your contract of employment.

If you are not available, or are unable to return to work in the School for the required period of at least 13 consecutive calendar weeks, and you have received occupational adoption/maternity and LAP pay you will be required to repay the appropriate amount of LAP and/or Occupational Pay.

## **22. Death of a baby and still birth**

If your baby dies or is still born after 24 weeks of pregnancy, this policy will apply. Where this occurs before 24 weeks (miscarriage), sympathetic consideration will be given to the circumstances and where appropriate special leave or sick leave will be granted.

## **23. Break in service for Maternity/Adoption reasons**

If you decide to return to work following a break for maternity/adoption reasons, or reasons concerned with caring for children or other dependants you will be entitled to have previous service taken into account in respect of the maternity/adoption scheme, provided that the break in service does not exceed eight years and that no permanent paid full time employment has intervened.

## **24. Terms and Conditions of Employment**

**The contract of employment** continues throughout the whole period of your maternity/adoption leave unless either party expressly ends it or it expires. However, during your maternity/adoption leave period, you will have no right to continue to receive remuneration (monetary salary or wages) other than that described in section 13 (Maternity/Adoption Pay) of this policy.

## **24.1 Annual Leave and Bank Holidays**

Annual leave entitlement is not affected by maternity/adoption leave - if you are on paid or unpaid OML/OAL and AML/AAL, you continue to accrue your entitlement to annual leave as normal. You are also entitled to accrue bank holidays that fall within the whole period of your maternity/adoption leave.

For any term time workers, very often the entitlement will have been met during school closure periods either before or following the period of maternity/adoption leave.

For those that are full year workers, you should take any outstanding annual leave due to you before the commencement of OML/OAL. Where this is not possible you should take leave immediately following the period of maternity/adoption leave, prior to returning to work. Where it has not been possible to take leave in the year that it has been earned, due to the leave year ending whilst on maternity/adoption leave, then such leave should be taken prior to your return to work (i.e. effectively extending your maternity/adoption leave period).

Only in exceptional circumstances, and where it has been agreed in advance with your manager, will you be allowed to take such leave after you have returned to work.

If you are an essential car user, you will continue to receive the full lump sum during the ordinary adoption leave period. If your adoption leave continues beyond this period no further payments will be made.

## **24.2 Car Loan**

If you have a car loan, at the time of starting your leave, the deductions will continue to be made for the whole time you are on paid leave. During unpaid leave you must make other arrangements for the required amount to be paid.

**24.3 Pension** If you are a member of the Teachers' Pension Scheme, any period of maternity/adoption leave for which you receive statutory pay is classed as pensionable employment. The contributions you pay will be based on the pay you actually receive during this time. You should seek advice from the Teachers' Pension Service with regard to effects on your pension whilst on adoption leave.

If you are a member of the Local Government Pension Scheme, during the OML/OAL period, the school will pay pension contributions based on the pay you would have received had you been at work. The contributions you pay will be based on the pay you actually receive during this time.

During additional leave when you are not receiving pay, you do not make contributions to the pension scheme. However, after the end of the leave period you can, within 30 days, elect to pay contributions for this unpaid period. The contributions will be based on the pay received immediately before the unpaid additional leave period commenced. If you have any queries or require further information with regard to your pension, you should seek advice from your pensions service regarding your payments and membership whilst on maternity/adoption leave.

## **Monitoring and Review**

HR will work with the LA, Head teachers and governing bodies to monitor the application of this policy. They may review any aspect of the procedure in light of changing legislation at any time, in consultation with the trade unions and teacher associations.

### **25. Further Guidance**

If managers require any general advice regarding the application of policy and guidance, please contact your HR provider. If schools require specific guidance or a LA view on any aspect of policy and guidance they may contact the LA for further advice.

### **26. Document Control**

<b>Approving Body</b>	LJNCC (Schools Policy Development Group)
<b>Date Agreed</b>	January 2021
<b>Date of Next Review</b>	January 2024
<b>Review Period</b>	Every 3 years (unless there is a change to the organisation or statutory legislation, whichever is sooner)

## Definitions

**Childbirth** – In this policy childbirth means the live birth of a child, or a still-birth after a pregnancy lasting at least 24 weeks’.

**Adoptive Child** – The statutory provisions apply to children adopted from birth up to 18 years of age.

Continuous Service – Recognised service in an **educational/LA setting**:

**Continuous Service for OMP** – you must have completed at least 1 year’s continuous service as a Teacher with one or more **educational/LA settings**:

**Continuous Service for SMP** – you must have at least 26 weeks’ continuous service with your current employer at the 15th week before the EWC to qualify for SMP.

**Current Employer** – In most instances, you will be employed by the governing body if you work at a Foundation, Voluntary Aided or Foundation Special School. If you work at a Community, Voluntary Controlled, Community Special and Maintained Nursery School, in most instances you will be employed by the LA.

**EWC** – The week, starting on a Sunday, during which the employee is expected to give birth.

**Keep in Touch Days** – up to ten days’ paid work during either ordinary or additional maternity leave (Section 11)

**LA** – Local Authority

**Manager** – This could be a Headteacher, Deputy Headteacher, Chair of Governors, or another nominated person.

**MA** – Maternity Allowance

**OML** – Ordinary Maternity Leave

**OMP** – Occupational Maternity Pay

**OMP & A week’s Pay** – For the purposes of occupational pay, a week’s pay shall be treated as the amount payable to you under your current contract of employment. If there are significant variations in your salary, the average salary over the 12 weeks’ preceding the date of absence shall be treated as a week’s salary.

**Matching Certificate** – A document issued to you when you are notified that you have been matched with a child for adoption through an approved adoption agency.

**OAL** – Ordinary Adoption Leave.

**AAL** – Additional Adoption Leave.

**SAP** – Statutory Adoption Pay.

**LAP** – Local Adoption Pay. This is an additional pay entitlement provided by the school which mirrors the maternity pay arrangements applicable to the employee's terms and conditions of employment.

**Reasonable Contact** – This can be in the form of telephone, by e-mail, by letter, visits through mutual agreement and will vary according to circumstances. Such agreements should be arranged between the Headteacher and employee prior to the start of the maternity leave.

**SMP** – Statutory Maternity Pay

**SMP & A Week's pay** – if there are variations in your salary, your earnings are assessed over an 8 week period, this period is determined by HMRC. For further guidance please contact Capita Human Resources or the HMRC helpline.