

Changes to Teachers' Maternity and Adoption Leave Schemes from 1 April 2007

The Work and Families (Northern Ireland) Order, and associated regulations, introduced a number of changes to the statutory maternity and adoption leave and pay arrangements. These changes apply to mothers-to-be and adopters whose expected week of childbirth (EWC) or date of placement for adoption begins on or after 1 April 2007.

The Teachers' Negotiating Committee is currently reviewing the Teachers' Occupational Maternity and Adoption Leave Schemes. However, employers are obliged to implement the statutory entitlements, regardless of whether they have been incorporated into the occupational schemes.

The effects of the new statutory provisions, as they impact the existing provisions in the Occupational Schemes, are set out below:

Maternity

- Leave entitlement

All teachers are entitled to a year's maternity leave consisting of 26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave.

- Statutory Maternity Pay (SMP)/Maternity Allowance (MA)

For those entitled, SMP has been increased from 26 weeks to 39 weeks, made up of 6 weeks at 9/10ths of a week's pay plus 33 weeks at standard rate SMP. For those not entitled to SMP, MA has been increased from 26 weeks to 39 weeks.

Occupational Maternity pay remains unchanged – pay entitlement therefore is as follows:

4 weeks full pay (SMP offset)
2 weeks at 9/10ths of a week's pay (SMP offset)
12 weeks half pay + SMP/MA
21 weeks SMP only

- Contact During Maternity Leave

The school may make reasonable contact with the teacher from time to time while she is on maternity leave in order to discuss,

for example, arrangements for her return to work or to keep her informed of developments at the workplace. However, no contact should be made during the 2-week period following the birth.

- Keeping In Touch Days

A teacher may agree with the Principal to work for up to 10 keeping in touch (KIT) days during her maternity leave without losing SMP/MA or bringing her maternity leave to an end as a result. This provision is intended to help to ease the teacher's return to work. For the purposes of this arrangement "work" means any work done for the school under her normal contract of employment and may include training/Baker days. In such circumstances, normal pay (abated by payments made by way of statutory/occupational maternity pay) is payable for any KIT days worked. This provision is different from contact during maternity leave described above. Any KIT days worked under this provision must be by agreement between the teacher who is on maternity leave and the Principal. The Principal has no right to demand that any such KIT work is undertaken, and the teacher has no right to undertake such work.

- Early return to work

The statutory changes also enable the extension of the period of notice a woman must give if she wants to return to work earlier than previously notified from 28 days to 8 weeks. However, it has been agreed not to introduce this change at present. Consequently the 28 day notice period remains in place.

Further Information

Further details on these arrangements are available in the Department of Employment and Learning booklet - ER 16 Maternity Rights - a guide for employers and employees, which is available to download from the Employment Rights page on the DEL website www.delni.gov.uk . Alternatively, hard copies are available from DEL's Employment Rights Branch, 39-49 Adelaide Street, Belfast BT2 8FD (Tel: 028 9025 7580).

Adoption

- Statutory Adoption Pay (SAP)

For those entitled, SAP has been increased from 26 weeks to 39 weeks, paid at a flat rate or the average of the adopter's weekly earnings if this amount is **lower**.

Occupational Adoption Pay remains unchanged - pay entitlement therefore is as follows:

4 weeks full pay (SAP offset)

2 weeks 9/10ths of a week's pay (SAP offset)

6 weeks half pay plus any entitlement to SAP. There will be no deductions unless the combined half salary and Statutory Adoption Pay exceeds full salary

27 weeks Statutory Adoption Pay

- Contact During Adoption Leave

The school may make reasonable contact with the teacher from time to time while he/she is on adoption leave in order to discuss, for example, arrangements for his/her return to work or to keep him/her informed of developments at the workplace.

- Keeping In Touch Days

A teacher may agree with the Principal to work for up to 10 keeping in touch (KIT) days during his/her adoption leave without losing or bringing his/her adoption leave to an end as a result. This provision is intended to help to ease the teacher's return to work.

For the purposes of this arrangement "work" means any work done for the school under his/her normal contract of employment and may include training/Baker days. In such circumstances, normal pay (abated by payments made by way of statutory/occupational adoption pay) is payable for any KIT days worked. This provision is different from contact during adoption leave described above. Any KIT days worked under this provision must be by agreement between the teacher who is on adoption leave and the Principal. The Principal has no right to demand that any such KIT work is undertaken, and the teacher has no right to undertake such work.

- Early return to work

The statutory changes also enable the extension of the period of notice an adopter must give if he/she wants to return to work earlier than previously notified from 28 days to 8 weeks. However, it has been agreed not to introduce this change at present. Consequently the 28 day notice period remains in place.

- Adopting from outside the UK

New provisions provide for leave and pay for adopting a child from outside the UK. Arrangements are similar to those adopting a child within the UK, although the detailed operation of the scheme differs slightly for practical reasons.

Further Information

Further details on these arrangements are available in the Department of Employment and Learning booklet - ER 35 Adoptive parents: a guide for employers and employees, which is available to download from the Employment Rights page on the DEL website www.delni.gov.uk. Alternatively, hard copies are available from DEL's Employment Rights Branch, 39-49 Adelaide Street, Belfast BT2 8FD (Tel: 028 9025 7580).

Revised Maternity and Adoption Leave Schemes, taking account of these changes, will issue to schools in due course. In the meantime, any queries in relation to these provisions should be directed to **[insert employing authority]**. Individual queries in relation to payment issues should be directed to the Department of Education, Teachers Salaries Branch, Waterside House, 75 Duke Street, Londonderry, BT47 6FP (Tel 028 7131 9000).