



EDUCATION

A STATES OF GUERNSEY GOVERNMENT DEPARTMENT

Maternity, Adoption, Maternity Support and Career Break Provisions

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Maternity, Adoption, Maternity Support and Career Break Provisions

1. These provisions are effective from 1 April 2012. Throughout these provisions references to “teacher” can also be taken to apply to anyone employed under teacher and lecturer terms and conditions. A Headteacher may relate to a Head of Service or the College Principal.

A – Maternity Leave

Right to return to post on same terms and conditions

2. A teacher who becomes pregnant has the right to return to her post on the same terms and conditions, not later than 1 year from her last expected working day, subject to the following conditions:
 - that she has completed at least 12 months continuous service prior to her expected date of confinement;
 - that she is medically fit to resume work and has a compulsory 6 weeks absence after the birth;
 - that she signs an undertaking to return (in accordance with this paragraph).

Note: A teacher who has not completed 12 months continuous service prior to her expected date of confinement should make an application to her line manager in writing for unpaid leave. However, in those cases some provisions of this document may still apply (e.g. Health and Safety, “Keeping in Touch” sessions etc). A teacher is not required to complete 12 months continuous service between applications for Maternity or Adoption Leave. (Continuous service can include service as a teacher with other Education Authorities.)

3. If a teacher wishes to return in accordance with paragraph 2 her absence shall be regarded as maternity leave.
4. Headteachers are expected to maintain appropriate contact with a teacher during their maternity leave.

Note: Appropriate contact could, for instance, be a phone call a month after the birth (possibly to explore whether or not “keeping in touch” sessions would be appropriate for both parties). The overriding point of the contact will be to ensure that the teacher does not feel forgotten about or marginalised and to assist with a less stressful return to work.

Return to work under alternative conditioned hours

5. A teacher can apply to her Headteacher to return to her post under a different working arrangement. Should her Headteacher support such a request he/she will make the recommendation to the Department.

Should the request be approved the absence will be considered as Maternity Leave under the conditions detailed in paragraphs 2 and 3.

Paid Maternity Leave

6. Where a teacher takes maternity leave, she will be entitled to an allowance as follows:
 - 12 weeks at full pay (less an amount equivalent to the full rate of the Social Security Maternity Allowance);
 - 28 weeks at half pay (with no deduction of the Maternity Allowance).
7. These payments are on condition that she signs an undertaking to repay the allowance should she fail to return, in accordance with paragraph 2, and remain in post for 26 weeks.

Maternity Leave rates of Pay

8. For the purpose of the allowance in respect of paid maternity leave the full rate of pay shall be the normal remuneration¹ of the teacher.

Pension Implications

9. The period of maternity leave will be deemed not to break pensionable service². However, the period of maternity leave will not be counted as reckonable service³ unless the teacher opts to contribute to the Scheme as if they were not on maternity leave during the whole period of that leave.
10. Teachers returning to work on a part-time basis may choose whether or not to remain in the pension scheme to which they are members.

Maternity Leave Dates

11. Maternity leave will normally start from the last expected working day. This day shall be a date that has been agreed by the teacher and Headteacher and approved by the Department after the start of the eleventh week before the expected date of confinement. If the child is born before that day, maternity leave will start on the day the child is born or the day after if the teacher attended work on that day.
12. The teacher is required to give at least 4 weeks written notice to the Human Resources Officer, Education Department of her intention to

¹ **Normal remuneration** means the level of pay that the teacher would have received had she not been on maternity leave

² **Pensionable service** means the period during which the teacher is a member of the Scheme

³ **Reckonable service** means the period of service during which the teacher has made a contribution to the Scheme

return to work. The teacher is also required to give the Department an indication of her intended date of return to work.

13. Any outstanding allowance in respect of paid maternity leave will cease with effect from the day prior to the return to work.

Sickness Allowance Entitlement

14. The whole period of maternity leave (paid and unpaid) will count as service in order to accrue sickness allowance entitlement.
15. Teachers who suffer complications during pregnancy and are not able to work until after the birth will be deemed to be on pregnancy related sick leave and as such should commence their paid maternity leave. The period of paid maternity leave should commence with effect from the first day of the absence, provided that this date is no earlier than the start of the eleventh week before the date of confinement (i.e. 29 weeks gestation). Should maternity related sick leave commence prior to 29 weeks gestation this absence should be deemed to be sick leave until the teacher reaches 29 weeks gestation, at which point she should commence paid maternity leave.
16. Where a teacher is on non-pregnancy related sick leave immediately prior to their last expected working day, then the sickness absence will be deemed to cease with effect from the last expected working day (please refer to point 11 regarding the teacher's last expected working day).
17. Should a teacher fall sick whilst on her maternity leave, she should remain on maternity leave. Should the sickness continue into her return to work then the teacher will be deemed to commence sick leave from the first day of her expected return to work.

Infant Mortality

18. In the unfortunate circumstances that an infant dies, then the teacher will not be covered by these maternity provisions. The teacher will, however, from that point be covered by normal sickness provisions and will not be expected to return to work until she is medically authorised as fit to do so.

B – Adoption Leave

Right to Return to post on same terms and conditions

19. A female teacher who adopts a child has the right to return to her post, on the same terms and conditions, subject to the following conditions:
 - that she has completed at least 12 months continuous service prior to the official adoption of the child;

- that she signs an undertaking to return (in accordance with this paragraph).

Note: A female teacher who has not completed 12 months continuous service prior to her expected date of adoption should make an application to the Department in writing for unpaid leave 8 weeks before the adoption date.

20. If a female teacher wishes to return in accordance with paragraph 19, her absence shall be regarded as adoption leave.
21. Headteachers are expected to maintain appropriate contact with the teacher during their adoption leave.

Return to work under alternative conditioned hours

22. A teacher can apply to her Headteacher to return to her post under a different working arrangement. Should her Headteacher support such a request he/she will make the recommendation to the Department. Should the request be approved the absence will be considered as adoption leave under the conditions detailed in paragraph 19.

Paid Adoption Leave

23. Where a female teacher takes adoption leave, she will be entitled to an allowance as follows:

Age of Child	Period of Paid Leave (weeks)	
	at full rate	at half rate
0 – 12 months	12	28
1 to under 5	8	21
5 to under 11	5	12
11 and above	3	5

24. This is on condition that the teacher signs an undertaking to repay the allowance should she fail to return to her post for the same number of weeks as the period of paid leave.

Adoption Leave rates of pay

25. For the purpose of the allowance in respect of paid adoption leave the full rate of pay shall be the normal remuneration of the teacher.

Pension Implication

26. The period of adoption leave will be deemed not to break pensionable service. However, the period of adoption leave will not be counted as reckonable service unless the teacher opts to continue to contribute to the Scheme as if they were not on adoption leave during the whole of their absence.

27. Female teachers returning to work on a part-time basis may choose whether or not to remain in the pension scheme to which they are members.

Adoption Leave Dates

28. Adoption leave will normally start from the teacher's last working day. The last working day shall be a date determined by the Education Department with the teacher. However, adoption leave is expected to commence on or before the first day that the child officially enters the care of the new family.
29. The teacher is required to give 4 weeks written notice to the Education Department of her return to work.
30. Any outstanding allowance in respect of paid adoption leave will cease with effect from the day prior to the return to work date.

Sickness Allowance Entitlement

31. The whole period of adoption leave (paid and unpaid) will count as service in order to accrue sickness allowance entitlement.

C – Career Break

32. A female teacher who becomes pregnant or adopts a child may wish to take a career break.
33. A career break will be granted subject to the following conditions:-
 - that the teacher has completed 12 months' continuous service prior to her expected date of confinement or official date of adoption;
 - that the teacher signs an undertaking to return to work within five years;
34. There is no absolute right for the teacher to return to the same post or school.
35. A teacher choosing to take a career break will have a total of six months after the date of her intended return to secure a new permanent post. During this period the Department will endeavour to identify a suitable position for the teacher returning if one becomes available. If an appropriate or suitable post is available the teacher will be invited to take the position.
36. Should the teacher not have secured a permanent appointment after this period and/or has refused to accept a reasonable offer of re-employment by the Department then she will be deemed to have resigned.

- 37. A teacher is required to give at least three months' written notice to the Education Department of her return to work.
- 38. Paid re-entry training to prepare the member of staff to come back effectively, to a similar post, will be provided where appropriate.
- 39. The career break will count as continuous non-pensionable leave of absence and will not count for sickness absence entitlement accrual. Service prior to the career break will be deemed continuous with service after the break for the purposes of both pension and sickness.
- 40. Career breaks will not constitute essential employment for housing licence purposes and teachers with essential licences should check with the Housing Department on their position before applying to take a career break.

D – Procedure

- 41. At least 6 weeks before the last expected working day prior to the birth or adoption of a child, a female teacher who wishes to opt for maternity leave, adoption leave or career break, should complete the relevant form. This needs to be countersigned by the Headteacher and forwarded to the Department.
- 42. If a female teacher who becomes pregnant or adopts a child does not wish to return to work she will need to resign in the normal way.

E – Maternity Support Leave

- 43. Paid maternity support leave of 10 days shall be granted to the child's father or the partner of an expectant mother at or around the time of birth. However, in the absence of the child's father or the partner of the expectant mother a nominated carer may be granted maternity support leave. (A nominated carer is the sole person nominated by the mother to provide full-time assistance in the care of the baby and to provide sole 24-hour support to the mother at or around the time of the birth.)
- 44. Paid maternity support leave of 10 days with pay shall be granted to an adoptive father or the partner of an adoptive mother at or around the time of the adoption. However, if the adoptive mother is the sole adoptive parent of the child a carer may be nominated and may be granted maternity support leave.
- 45. Maternity support leave which may be taken as 2 full weeks or split as deemed appropriate by the carer shall be granted to teachers who have completed at least 12 months continuous service prior to their partner/friend's expected date of confinement or official date of adoption.
- 46. A teacher should request maternity support leave by completing the maternity support leave application form and forwarding it to the

Education Department. Teachers who are the nominated carer of an expectant mother must ensure that the expectant mother also completes the form.

Note: Maternity support leave will not be granted to grandparents, friends or relatives who simply wish to provide assistance to mothers, unless the member of staff concerned is the one and only person nominated by the mother to provide full-time sole support to the mother and her child e.g. to assist a single mother.

F – Health and Safety

47. All pregnant teachers (regardless of length of service) should be allowed, within reason, paid time off to attend appointments for antenatal care and “preparation for birth” classes. As with any other medical appointment, staff should be asked to discuss arrangements with their Headteacher..

G – Keeping in Touch Sessions

48. Headteachers may arrange appropriate “keeping in touch” sessions with a teacher taking either paid or unpaid maternity or adoption leave, subject to both parties agreement and the teacher’s fitness for work. It is recommended that “keeping in touch” sessions should take place during the latter half of the maternity or adoption leave period. For health & safety reasons it is recommended that this does not take place in the first 6 weeks following the birth of a baby.
49. “Keeping in touch” sessions can be limited to a couple of hours or can cover a whole day (e.g. for attendance at a training event). Teachers will be paid for these sessions at their normal rate of remuneration.

H – Responsibility of the Headteacher

50. Headteachers are expected to assess risks of all employees, including new and expectant mothers (i.e. a teacher who is pregnant, who has given birth within the previous 6 months, who is breastfeeding or those who have lost a child). If there is a genuine significant risk (i.e. a risk that cannot be managed) which goes beyond the level of risk to be expected outside the workplace, then steps should be taken to remove the teacher from the risk. Any absence from work in such circumstances would be regarded as leave of absence without loss of pay.
51. In addition to the above, there are other aspects of pregnancy that may affect work (i.e. morning sickness, backache, tiredness). Headteachers are expected to keep the impact of these under review.

Note: Risks include those to the unborn child as well as to the teacher herself.

I - Responsibility of the Teacher

52. Pregnancy should not be equated with ill health. It is part of normal life and its health and safety implications should be addressed by customary health and safety management procedures.
53. However, all new and expectant mothers (i.e. a teacher who is pregnant, who has given birth within the previous 6 months, who is breastfeeding or those who have lost a child) are required to be aware of possible implications for their health and safety at work and are expected to take extra care and not expose themselves or their unborn/dependent child to risks.
54. Should a teacher believe that there is a workplace risk to either herself or her unborn/dependent child, she should report it immediately to her Headteacher. In addition staff are also expected to make known to their Headteacher any other aspects of pregnancy which may have an adverse impact on them or their work, as and when they occur (e.g. high blood pressure). The Headteacher will, after considering the risk, make an appropriate response to the teacher.