

Addendum to Maternity Leave Scheme

Statutory Leave Entitlement during Maternity Leave

1. Introduction

- 1.1 The Working Time (Amendment) Regulations 2007 provide that all workers who work a 5 day week have a statutory right to leave of 28 days (5.6 weeks) (pro rata for part time workers).
- 1.2 Teachers are contractually required to be available to work during term time, and their statutory leave forms part of normal holidays during school closure periods. This document, which has been agreed by the Management and Teachers' Sides of the Negotiating Committee, explains how statutory annual leave entitlement is to apply when a teacher is absent on maternity leave, and should be read in conjunction with TNC 2008/1 Teachers' Occupational Maternity Leave Scheme.
- 1.3 The "leave year" is defined as 1 September – 31 August.

2. How this will apply

- A teacher's entitlement to statutory leave is not affected by maternity leave, paid or unpaid.
- A teacher who takes maternity leave must be able to take the 28 days statutory annual leave at a time outside of her ordinary and additional maternity leave.
- This entitlement will be offset by any period of school closure that has taken place in the leave year in question, i.e. both before and after the maternity leave period.
- 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 school 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 school 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 will be required to take this during the remaining periods of school closure after the 28 days' annual leave for that leave year has been accommodated.
- It is not possible for either the teacher or the Board of Governors 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 school closures or in term time.

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- A teacher cannot receive payment in lieu of untaken annual leave unless she does not return to her job following maternity leave. This will be calculated on a pro rata basis for the leave year in question. However, it should be noted that a teacher who does not return to her job may be required to refund any OMP paid - this may be offset by payments due in respect of holiday pay.
- The May Day bank holiday is classed as a school closure day and will count against the statutory leave entitlement.

3. Further Advice

Further advice may be obtained from (Employing Authority).