



Support Staff Maternity, Paternity and Adoption Policy

Author	C Bowyer / E Price	Source	BCC Model Policy
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Details of Policy Updates

Date	Details
September 2024	5.3 Insert legal requirements of the Protection from Redundancy Act 2023.
	6.1 Insert 'Every employee has a statutory right to request flexible working. This right applies from the first day of employment.'
	6.2 Insert 'You must submit a written application using the form in Appendix 3.'
	7.1 Insert 'Paternity leave can be taken as one two week block or two one week blocks anytime in the first year' and 'You must give 28 days' notice of your intention to take paternity leave.'

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1. Introduction

This Scheme sets out the rights and responsibilities of employees who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy related illness, maternity leave and pay. It also includes:

- Adoptive Leave
- Paternity/partner's Leave and Adoption Leave
- Parental Leave
- Shared parental leave
- Contact Scheme

This scheme does not apply to Teachers. For Teachers, please refer to the Teachers' Maternity, Paternity and Adoption Policy.

The following definitions are used;

'Expected week of childbirth' (EWC) means the week, starting on a Sunday, during which the employees GP or midwife expects her to give birth. 'Qualifying week' means the 15th week before the expected week of childbirth.

2. Maternity Scheme

2.1 Do the Trust's maternity provisions cover me?

Who does it apply to?	Exceptions	Where can I get further advice?
All women employees	<p>They may not apply if you are employed on a temporary, fixed term, casual or call-out contract. You will need to check the conditions and dates of your appointment and any projected contract termination date to establish your entitlements. This is because the Trust can only grant you maternity leave, maternity pay, the right to return to work and certain other benefits if you have a current contract in force at the relevant time.</p> <p>For example, a woman employed on a temporary contract which covered the period 1 June 2021 to 31 January 2022 could commence maternity leave on 1 December 2021. She would not however be able to return to work after 31 January 2022 because beyond that date there is no contract of employment.</p>	<p>You should discuss your contractual position and its effect upon your maternity entitlements with the Trust HR adviser.</p> <p>If your pregnancy or expected week of childbirth (EWC) falls outside your period of employment (in part or in full) with the Trust you should contact your local Department for Work and Pensions Office (formerly the Department of Social Security) to find out if you are entitled to any payments from the State.</p>

	<p>In this instance, when her contract ends, she will no longer be entitled to be paid Occupational Maternity pay, but payroll will continue to pay her SMP until her entitlement is exhausted or is notified that she has found employment elsewhere.</p>	
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2.2 What am I entitled to under the Trust's maternity scheme?

If you qualify for the Trust's scheme, you are entitled to the following benefits, which are explained in more detail below:

- Time-off with pay for antenatal care.
- Time off with pay for fertility treatment.
- Maternity & Adoption leave up to a maximum of 52 weeks.
- Maternity & Adoption pay.
- Up to a maximum of 10 paid keeping-in-touch days, without affecting your maternity rights. See section 5.5.
- The right to return to work after maternity leave- See sections 2.1 and 5.3 if you are on a fixed term contract.
- The right not to be unfairly treated because of your pregnancy or for a reason connected with your pregnancy.
- Paternity/Partner's leave.

2.3 Antenatal care

During your pregnancy you will be entitled to paid time off as necessary for appointments which have been advised by your midwife, health visitor or GP. You may be asked to produce evidence of appointments (e.g. an appointment card). Antenatal care may include up to six relaxation or parent craft classes that your GP, midwife or health visitor has advised you to attend, in addition to medical examinations.

2.4 Fathers-to-be/partners (including same sex partners) time off for ante-natal appointments

If you are employed within the Trust and your partner is pregnant you are entitled to attend up to two antenatal sessions with her. You must produce your partner's certificate of expected week of childbirth (MATB1). These appointments will be with pay.

2.5 Time off for Fertility treatment

Paid time off for fertility treatment will be granted to both partners (including same sex partners), who are school employees to attend one fertility programme of treatment. You may be asked to produce evidence of appointments.

2.6 Maternity leave - how much can I have and how soon can it start?

When does it apply from?	How much?	When is earliest date I can take it?	When is the latest date I can take it?
Your first day of employment	Up to 52 weeks You must take a minimum of two weeks following the birth of your baby. See Note 1 below	Beginning of 11 th week before your baby is due See Note 2 below	The date that your baby is due, or the day after it is born if it arrives early. However if you are off sick for a reason associated with your pregnancy less than four weeks before the birth, your maternity leave will start automatically (See 2.11)

Note 1: It is recommended that you take more leave than this, in order to give yourself enough time for recovery. Working right up to the birth no longer affects the maternity payments you receive however, it is not normally recommended that you work beyond 4 weeks before the birth. This is so that you can take adequate rest, although this will vary according to individual circumstances and the nature of the work you do.

Note 2: If you leave work before the 11th week prior to the expected week of childbirth, without your headteacher's agreement or without a doctor's certificate, you will be in breach of contract. You may not be eligible to claim OMP or SMP from the Trust although you may qualify for maternity allowance from the Department of Work and Pensions

2.7 What must I tell the Trust and when?

In order to receive these entitlements to maternity leave and to other benefits such as the right to return to work, you must provide the Trust with all the necessary information within time:

Who do I tell?	What must I tell them in writing and send to them?	When must I tell them?	What will they do?
The Headteacher and Central HR team	That you are taking maternity leave to have a baby. The expected date of birth of	At least 15 weeks before the expected week of childbirth to enable your employer to plan for your leave	You will receive an acknowledgement within 28 days from the Trust's payroll provider, setting out the date that you are expected to return to work if you take your full entitlement to maternity leave. It will be assumed that you will be returning on this date unless you inform the Trust otherwise. Please also confirm your return to work

	your child Completed maternity scheme form and MATB1 certificate		date with your Headteacher and the Central HR team 28 days before the actual return date.
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2.7.1 I intend to return to work at the end of my full entitlement

If you take your full entitlement to maternity leave (52 weeks), you will not be expected to give notice of your intention to return to work, as this will have already been set out in the acknowledgement letter referred to above. We will write to you during the sixth month following the birth of your baby asking whether it is still your intention to return to work. It would be helpful, if, at this stage, you could confirm your return to work date with the Trust.

Unless an agreement has been drawn up between yourself and your headteacher, prior to your return, you will be expected to return to work on the same hours and similar duties that you worked prior to your maternity leave. See section 5.3 (and section 2.1 if on a fixed term contract). This is subject to contractual terms and conditions. See section 4.

2.7.2 I intend to return to work before my full entitlement

Who do I tell?	What must I tell them in writing and send to them?	When must I tell them?	What will they do?
The Headteacher and the Central HR team	When you want to return If you want to return on a flexible basis see Note 1	As soon as possible and at least 8 weeks in advance of your intended return to work date	If you do not give 8 weeks notice of your return to work date, your headteacher could postpone your return to work to ensure that the required 8 weeks notice period is given. The postponement cannot extend beyond the end of the maternity leave period. Your headteacher may agree with you a shorter notice period. If they do it should be confirmed in writing

Note 1: If you are interested in returning to work on a flexible basis you must discuss this possibility with your headteacher well in advance of your return. This is very important if arrangements need to be made, for example, to recruit a job-share partner. For further information refer to section 6.

2.7.3 I have found a new job or I am in custody

If at any time during your maternity leave you commence work for another employer or you are in legal custody you must inform your headteacher. No further maternity payment will be paid.

2.8 Maternity pay - how much do I get and for how long?

Maternity pay is broken down into two elements, occupational and statutory. Please refer to the Trust's payroll provider for details of your particular entitlement.

2.8.1 Occupational maternity pay (OMP)

In order to receive OMP you must

- Still be pregnant at the 11th week before the week the baby is due or have had the baby by that time
- Have given medical evidence of the date the baby is due or born within three weeks of the start of the maternity pay period.
- Have stopped working to go on maternity leave
- Have given at least 15 weeks' notice of the expected date of the birth of your child and given at least 28 days' notice of the exact date that you wish your maternity absence to start

First 6 weeks	Next 12 weeks	Final 21 weeks	After 39 weeks
90% of basic earnings	Up to 50% of basic earnings, plus lower rate SMP can be paid as well if the qualifying conditions are met as outlined in 2.8.2 below.	Basic rate SMP or 90% of earnings if less.	Unpaid

2.8.2 Criteria for entitlement to Statutory Maternity Pay

To get Statutory Maternity Pay (SMP) you must satisfy **all** these conditions:

- Have been employed continuously by a Trust school for at least 26 weeks up to the end of 15th week before the baby is due. This 15th week is known as the "qualifying week".
- Have weekly earnings of not less than the lower earnings limit for the payment of National Insurance, which applies at the end of the qualifying week.
- Still be pregnant at the 11th week before the week the baby is due or have had the baby by that time.

- Have given medical evidence of the date the baby is due or born within 28 days of the start of the maternity pay period (MATB1).
- Have stopped working to go on maternity leave
- Have given and confirmed notice of the exact date that your maternity absence is due to start at least 28 days before the expected week of childbirth.

Should your contract end at some time after the start of the 15th week before the week your baby is due but you satisfy both the continuous employment rule and the earnings rule you will receive SMP.

The payments due for this scheme are:

- For the first six weeks - 90% of pay (using the average of the last two calendar months pay before the end of the qualifying week as a basis for calculation). This is known as higher rate Statutory Maternity Pay.
- 33 weeks lower rate Statutory Maternity Pay

If you do not qualify for Statutory Maternity Pay you may be entitled to Maternity Allowance from the Department for Work and Pensions, in which case please contact the Trust's payroll provider for further information.

If you are due to go on maternity leave and get called to undertake jury service (and this would fall within the period when maternity pay is calculated) the school will continue to pay you at the contractual rate when you are called to jury service and you can claim any loss of income (e.g. expenses and travel) from the court.

2.9 What happens to my pension?

If you are a member of the Local Government Pension Scheme (LGPS), the 39-week paid maternity leave period will count as pensionable service. This also means that deductions for your pension will be made automatically from all maternity pay that you receive from the Trust during the 39 weeks.

You can choose to pay contributions for the unpaid period of maternity leave upon your return to work. This would mean that your total period of absence on maternity leave is counted for pension purposes - as though you had never been away. You should contact the Trust's payroll provider upon your return to work to ask about how to make retrospective contributions and how this will work.

2.10 Probationary Period

If you commence your maternity leave whilst you are within your probationary period, the probationary period will be paused and any outstanding time will re-commence upon your return from maternity leave.

2.11 Sickness absence immediately before your maternity leave

Pregnancy related sickness absence will not count towards trigger points under the Managing Attendance policy. If your sickness is unrelated to pregnancy, it will be treated as normal sickness absence. If your sickness continues past the date you have said that you wish to begin maternity leave, your maternity leave will start at this date, as will maternity pay rather than sick pay.

If you choose to work beyond the four weeks before the expected week of childbirth and are sick during this period for a pregnancy related reason, your maternity leave will start from the first day of sickness. You will receive maternity pay rather than sick pay from this date.

2.12 Sickness absence at the end of your maternity leave or absence

If you are ill and cannot return to work at the end of your maternity leave you must inform your line manager immediately. The provisions of the Managing Attendance Policy will then apply.

2.13 Dismissal during pregnancy

You have a statutory right not to be dismissed because of your pregnancy or for a reason connected with your pregnancy. Such a dismissal would automatically be unfair. If your pregnancy made it impossible for you to do your job or it was against the law for you to do that particular job while you were pregnant the school will try to redeploy you into a suitable alternative job.

2.14 Premature Births

If your baby is born prematurely before the start of your maternity pay period, you must inform the headteacher and the Central HR team in writing as soon as reasonably practicable informing him/her of the actual date of the birth. This is so that your maternity pay can be correctly calculated and paid. Where the birth is before or during the qualifying week, "average earnings" for SMP purposes will be calculated on the eight weeks immediately before the week during which the birth occurred. The start of your maternity leave and Maternity Pay Period will be calculated following the birth.

2.15 Stillbirths

If your baby is stillborn and the stillbirth occurs after the start of the 25th week of pregnancy you will be entitled to the same rights to maternity leave and pay. If the stillbirth occurs before reaching the 25th week of pregnancy you will not receive maternity pay but you will be eligible for Statutory Sick Pay or incapacity benefit.

If your baby dies during the maternity pay period, full maternity entitlement (SMP & OMP) would continue.

You should discuss your individual needs with your headteacher together with the advice from your doctor. Your headteacher may discuss with you a referral to Occupational Health, who can arrange for counselling and can give advice with regards to workplace adjustments and/or return to work arrangements.

3. Health and Safety Provisions

3.1 Introduction

Health & Safety provisions cover employees who are pregnant or recent mothers. They apply from the time you notify your headteacher / line manager that you are pregnant until six months from the date of birth of your child, or until you stop breast feeding, whichever is the later date.

3.2 Risk assessment

A risk assessment must be undertaken by your headteacher/ line manager with your involvement as soon as practicable to consider any potential risks. This risk assessment must be reviewed whenever there is a change, which significantly alters the level of risk.

Where an unacceptable risk is identified in your workplace or where you have a doctor's note stating the potential risks to you and your unborn child, the Trust will take any preventative or protective measure required by health and safety legislation to eliminate the risk. Where this does not avoid the risk, then the following options will apply in the order stated, to remove you from the risk: -

- Temporary adjustment of your working conditions;

or if this is not possible

- Redeployment to another job; or if this is not possible
- Paid leave

It is envisaged that in the majority of cases the first option will be to remove the risk, and that only in exceptional circumstances would the third option be used. If alternative work is found for you during this period, it may be quite different from the work you were originally employed to do. Your normal rate of pay will be maintained, excluding any non-contractual overtime payments but including average bonus over the preceding eight weeks if applicable.

A facility to lie down or recline will be provided at locations with over 100 employees.

3.3 Emergency situations

You may find it useful to advise your school first aider that you are an expectant or new mother. The first aider may be called to assist you in cases of emergency.

4. Adoption Leave

4.1 Information on Adoption leave

Who does it apply to?	How long?	Who must I tell in writing?	What must I tell them?	When must I tell them?
Parents adopting a child or children up to age of 18	Up to 52 weeks (39 weeks OAL and 13 AAL) See Note 1 below	The Headteacher and the Central HR team	Your intention to adopt. When the child is due to be placed with you. When you want your leave to start (see note 2 below). Documentary evidence as proof of your entitlement to adoption leave. The adoption agency will be able to provide you with a matching certificate. If you are adopting a child from overseas you must be able to provide official notification.	Within 7 days of being notified by your adoption agency that you have been matched with a child, unless this is not reasonably practicable

Note 1: OAL = ordinary adoption leave AAL = additional adoption leave

Note 2: You can choose to start your leave either from the date of the child's placement or from a fixed date, which can be up to 14 days before the expected date of placement. You can change your mind about the date on which you want your leave to start but you must give your manager 28 days' notice and notify the Central HR team.

4.2 Am I entitled to paid adoptive leave?

To be eligible for paid adoptive leave you must have weekly earnings of not less than the lower earnings limit for the payment of National Insurance. If you do not qualify for paid adoptive leave you may be able to seek financial support from other sources. Further information is available from the Department for Work and Pensions.

4.3 How much Adoption pay will I get?

Adoption pay is broken down into two elements, occupational and statutory. Please refer to the Trust's payroll provider for exact details of your particular entitlement.

4.3.1 Occupational Adoption pay (OAP)

To qualify for OAP, you must:

- Have provided the manager with evidence of the adoption and have been matched to a child by the adoption agency
- Have stopped working to go on adoption leave

First 6 weeks	Next 12 weeks	Next 21 weeks	Remaining 13 weeks
90% of basic earnings	Up to 50% of basic earnings, plus Statutory Adoptive Pay (SAP) can be paid if the qualifying conditions are met	Basic rate SAP or 90% of your average weekly earnings if this is less	Unpaid

It can start from the date of the child's placement or up to 14 days before the expected date of the placement.

4.3.2 Statutory Adoption Pay (SAP)

If you do not qualify for OAP, then you may qualify for Statutory Adoption Pay.

To qualify for SAP, you must:

- Have provided the manager with evidence of the adoption and have been matched to a child by the adoption agency
- Have been employed without a break for at least 26 weeks up to and including the week the adoption agency told you that you had been matched with a child for adoption
- Have average earnings of at least the lower earnings limit (before tax)

First 39 weeks	Remaining 13 weeks
Basic rate SAP or 90 % of your average weekly earnings if this is less	Unpaid

It can start from the date of the child's placement or up to 14 days before the expected date of the placement.

4.4 I have found a new job or I am in custody

If any time during your adoption leave you commence work for another employer or you are in legal custody you must inform your line manager and the Central HR team. No further maternity payment will be paid.

4.5 What happens to my pension?

If you are a member of the LGPS the 39-week paid adoptive leave will count as pensionable service. This means that deductions will be made from all adoptive pay received during the first 39 weeks. As with maternity leave you can elect to pay contributions for the unpaid period of adoptive leave when you return to work.

4.6 What about the secondary carer/my partner?

Employees who are going to be the secondary carer may have an entitlement to shared parental leave. This includes same sex partners. See Section 7.

4.7 What if the adoption is delayed or disrupted?

You must be sure that the placement is going ahead if you are starting adoption leave before the actual date of placement, as you cannot stop the leave and start again if there are any delays. Where adoption is disrupted, adoption leave and pay will end 8 weeks after the event in question. This may be one of the following:

- The death of the child
- Ending of the placement
- The placement not going ahead

4.8 What about returning to work?

You will have received an acknowledgement from the Trust's payroll provider setting out the date you are expected to return if you take your full entitlement to adoption leave. If it is your intention to return to work at the end of your full adoption leave entitlement (52 weeks) you do not have to give any further notification but it would be helpful if you could confirm with your line manager, your return to work date at least 28 days before this date. If you are returning to work before the end of your adoption leave period you must give your line manager 8 weeks' notice of the date you intend to return. If you do not give this notice the Trust may postpone the date of your return.

5. Maternity and Adoption rights

5.1 Annual leave

When you are on maternity leave or adoption leave you accrue an annual leave entitlement during the period of your paid and unpaid leave. You are advised to take any annual leave accrued from the start of your leave year to the date of your maternity or adoption leave before going on your maternity or adoption leave and are advised to discuss when you will be taking accrued annual leave with your line manager prior to going on maternity or adoption leave. Accrued annual leave can be carried forward from one leave year to another if it has not been possible to take this within the leave year in question.

Employees continue to accrue an entitlement for paid bank holidays during Maternity/Adoption leave in the same way that they would if not absent. Any untaken bank holidays accrued within the maternity/adoption leave period should be added to their leave upon return to work.

Term time only staff on factorised pay are on a notional leave year of 1 September to 31 August.

5.2 Sickness absence at the end of your maternity/adoption leave or absence

If you are ill and cannot return to work at the end of your maternity or adoption leave you must inform your line manager immediately. The provisions of the Managing Attendance Policy will then apply.

5.3 Your right to return

Providing you have a current contract of employment at the date when you would like to return to work and you have completed the compulsory period of maternity or adoption leave, your right to return is as follows;

- i) If you return within 26 weeks of maternity/adoption leave, you have the right to return to the same job as that which you were employed to do before you went on maternity leave, on the same terms and conditions as if you had not been absent.
- ii) If you return after 26 weeks of your maternity/adoption leave, you have the right to return to the same job as that which you were employed to do before you went on maternity leave. However, if it is not reasonably practical for you to return to the same job, you will be offered a suitable and appropriate job, not necessarily at the same location on terms and conditions no less favourable than if you had not taken maternity leave.

Consideration will be given to ensure that your working location does not change to cause you unreasonable detriment.

Protection from Redundancy (Pregnancy and Family Leave) Act 2023 effective from 6th April 2024:

The Act introduces enhanced job security during pregnancy and family leave and extends protection to

- a pregnant employee who is in a protected period of pregnancy.
- an employee who has recently suffered a miscarriage.
- maternity returners.
- adoption leave returners; and
- shared parental leave returners.

If you are at risk of redundancy whilst on maternity leave, you must be offered a suitable alternative vacancy where one exists. There is no requirement for you to compete for a role. This right is subject to you complying with the appropriate provisions on notifying your headteacher of your intention to return.

5.4 Employees resigning during maternity or adoption leave

If you have advised that you intend to return to work and then decide while on maternity or adoption leave that you do not want to come back, you should write to your headteacher to formally resign in accordance with the terms of your contract. If the notice period will expire after your maternity leave has ended, your headteacher can require you to return to work for the remainder of your notice period. Your resignation will take effect from the date your letter is received. The Trust's payroll provider will need to have written confirmation of your resignation so that they can issue you with your P45.

5.5 Contact from your line manager whilst on maternity leave and 'Keeping in touch' days

Your headteacher and / or line manager is entitled to make reasonable contact with you (and you with them) whilst on maternity or adoption leave without this being treated as work. The purposes of such contact would be for such things as informing you about work place developments, vacancies which will be advertised and clarifying return to work arrangements. The frequency and nature of reasonable contact will depend upon things like; the nature of the work and your job, any agreement that you may have reached with your headteacher before you went on leave and whether you, or your headteacher need to communicate important information to the other, such as changes in the workplace that might affect you upon your return.

In addition to this, 'keeping-in-touch' (KIT) days enable you to agree with your headteacher to undertake work for up to 10 days during your statutory maternity or adoption leave period without

- i) bringing the period of maternity or adoption leave to an end and;
- ii) without the loss of a week's statutory maternity or adoption pay as a result of carrying out that work.

You may choose to work only a few hours on each occasion, however the hours worked will count as 'days' under the scheme. You will be paid at your contractual rate for any hours worked under the keeping in touch days scheme.

KIT days may only be worked if both you, and your headteacher agree in advance what work will be undertaken and the duration of any such work. For these purposes, 'work' may include training or any other agreed activity undertaken to support your return to work. This could include attending conferences, appraisals or team meetings. The opportunity to work 'keeping in touch' days will apply to the entire period of ordinary and additional maternity or adoption leave, except during the initial two weeks after childbirth, which is a period of compulsory maternity leave during which you are prohibited from working. You will be responsible for any childcare costs arising from working keeping in touch days.

6. Job Share and other forms of Flexible Working

6.1 Working on a Flexible basis

Flexible working is an option that a parent may wish to consider. Every employee has a statutory right to request flexible working. This right applies from the first day of employment.

The Trust has some guidelines on how to request flexible working.

6.2 What do I do?

You must submit a written application using the form in Appendix 3. This must be submitted to your headteacher stating the working pattern you wish to undertake, the date from which you would like it to be effective from and an explanation of how your request may be accommodated. You must also state whether you would like the change to be made

on a temporary or permanent basis.

6.3 What happens next?

Within 28 days of receipt of your application, the headteacher will arrange to meet you to discuss your desired work pattern and how it might be accommodated. This meeting will also provide an opportunity to consider alternative-working patterns should there be any problems in facilitating the proposed arrangement. You may bring a colleague to the meeting if you wish. Within 14 days after the date of the meeting your headteacher will write to you to either agree to a new work pattern and a start date; or to provide a clear business case as to why the application cannot be accepted.

6.4 Why might my application be refused?

Your application may be refused on the following grounds:

- Burden of additional costs
- Detrimental effect on the ability to meet customer demand
- Inability to reorganise work amongst existing staff
- Inability to recruit additional staff
- Detrimental impact on quality
- Detrimental impact on performance
- Insufficiency of work during periods employee proposes to work
- Planned structural changes

6.5 What happens if my request is not agreed to?

If you do not agree with the decision made you may appeal by putting your appeal in writing to the Clerk to Governors

6.6 Career Break

It may be possible / advantageous for you to take unpaid leave for an agreed period of up to 12 months without pay following your maternity leave. Career breaks (regardless of duration) are limited to one every five years. You will need to apply for a career break to your headteacher in writing. If you take a career break immediately after maternity leave and then become pregnant again during the career break, occupational maternity pay cannot be claimed unless you return to work between the career break and your next maternity leave for a minimum period of three months. This is separate to parental leave.

7. Paternity/Partner's Leave & Paternity/Partner's Adoption Leave

Partners or fathers are entitled to 10 days ordinary paternity/partner's leave at the birth or adoption of a child.

7.1 Ordinary Paternity/Partner's Leave

Who does it apply to?	How long?	Who must I tell in writing	What must I tell them?	When?
Partners of mothers expecting a child Primary carers for expectant mothers Partners of a person adopting a child (see note 1) This includes same sex couples.	Two weeks which can be taken as one block or split into two blocks of one week at any point in the first year after the birth or adoption of the child.	The Headteacher and the Central HR team	When the baby is due How long you intend to take When you want the leave to start A completed self certificate form	You must give 28 days' notice of your intention to take paternity leave. The leave can be taken at any point in the first year after the birth or adoption of the child.

Note 1: This leave is not available in circumstances where a child is not newly matched for adoption, for example when a stepparent is adopting a partner's children.

Note 2: In both cases you can change your mind about the date on which you want your leave to start or how many days you require but you must give your manager 28 days notice, unless this is not reasonably practicable.

7.2 How much will I be paid?

First 6 working days	Next 4 working days
Full basic pay	For most employees this will be unpaid (unless you qualify for Paternity Pay for these days) and you may wish to consider taking annual leave as an alternative.

The Trust is not liable to pay SPP if an employee works for another employer during this leave. However, if you have two employers and are eligible for SPP from both, you may receive SPP from one whilst working for the other.

Statutory paternity/partner's leave and pay does not apply to immediate relatives. However, in cases where a relative is the only person available they may be able to access the initial six days leave for care around the birth of a child as outlined in section 7.1.1.

To qualify for statutory paternity pay (SPP) an employee must have worked continuously for their employer for at least 39 weeks ending with the week immediately preceding the 14th week before the expected week of the child's birth. If you do not meet this criterion and wish to take the full 10 days paternity/partner's leave, this will have an effect on your salary as the Trust will be unable to claim statutory paternity pay on your behalf.

8. Parental Leave

8.1 What is Parental Leave?

Right to applies from?	Applies to?	How Much and when?	What for?	Paid/unpaid?
First day of employment	All employees with parental responsibilities (see note 1)	<p>Up to a total of 18 weeks for each child</p> <p>Leave can be taken in a single block or a number of shorter periods of a day or more</p> <p>It can also be taken in patterns, which provide a part-time reduced hours working arrangement for a period, equivalent to taking 18 weeks leave</p> <p>The entitlement is pro rata for part-time workers.</p>	<p>To care for a child or make arrangements for the child's welfare, up to their 18th birthday or the 18th anniversary of the adoption of the child, or 18th birthday, whichever comes first.</p> <p>In the case of twins or multiple births, leave can be taken for each child, eg where twins are born, both parents can take 18 weeks for each child.</p>	The leave is unpaid

Note 1: Such as birth and adoptive parents, foster parents, adoptive parents prior to placement, grandparents with a significant parenting role and step parents, including same sex couples.

8.2 Notice arrangements

Employees must give a minimum of seven days' notice for parental leave periods of one week or less. For periods in excess of one week, 21 days' notice is required. Notice must be given in writing to the headteacher and the Central HR team. In special circumstances parental leave may be granted without the required notice at the manager's discretion.

8.3 Postponement

Parental leave may be postponed by the Trust if business needs will be unduly disrupted, but not for any longer than three months. Postponement should be avoided if at all

possible. Where it is necessary, efforts should be made to agree on an alternative arrangement. These might include:

- A different pattern of leave
- A shorter or longer period of leave
- Alternative dates within the 3-month period.

Reasons for the postponement must be supplied in writing to the employee within 7 days of their request. Postponement cannot be used in the following circumstances:

- Following maternity leave
- Following leave around the birth of a child
- At the time of adoption.

8.4 Pension Implications

Employees should be aware of the pension implications of taking parental leave. Contributions must be paid for the first 30 days, for any leave taken in excess of 30 days employees are advised that they can pay arrears contributions.

8.5 Sickness

Employees who become sick during a period of parental leave and provide the relevant notification are entitled to pay under the sickness scheme and the period will not count towards their parental leave entitlement.

8.6 Return to work

Employees returning to work after a period of parental leave of four weeks or fewer, have the right to return the same job. For periods of parental leave lasting longer than 4 weeks, or where parental leave has been added to other statutory leave e.g maternity leave, paternity/partners leave, employees have the right to return to the same job or a suitable alternative, if it is not reasonably practicable to return to the same job. Employees at risk of redundancy whilst on parental leave will be treated in accordance with the Managing Change policy.

8.7 Record-Keeping

The Trust can make any enquiries of a previous employer or seek a declaration from an employee about how much parental leave they have taken. The Trust will keep records of the amount of parental leave taken by every employee.

8.8 Do employees denied parental leave have any rights?

Employees have the right to appeal against the decision made through the NSAT Employee Grievance Procedure. An employee who takes parental leave is also protected from victimisation, including dismissal, for taking it. Please refer to the NSAT Employee Grievance Procedure for further information.

9 Shared Parental Leave (Maternity and Adoption Leave)

9.1 Shared parental leave (SPL) is a statutory right which gives parents the option of sharing up to 50 weeks' leave (the leave remaining after the two weeks compulsory maternity leave) and 39 weeks of pay (minus the two weeks paid on compulsory maternity leave) subject to meeting the necessary eligibility criteria. The parents can decide to be off work at the same time and/or take it in turns to have periods of leave to look after their child.

9.2 Eligibility Criteria

For an employee to be eligible for shared parental leave or shared parental pay, both parents need to meet certain qualifying criteria. It is the employee's responsibility to check s/he is eligible for shared parental leave and/or pay and s/he must give the Trust declaration confirming that s/he is eligible. S/he must also provide a declaration from his/her partner that s/he meets the 'employment and earnings test' and consents to the Trust's employee taking shared parental leave and/or pay. To be eligible for shared parental leave, you (or your partner) must be entitled to maternity / adoption leave, or statutory maternity / adoption pay (or maternity allowance from the Government) and you must share the main responsibility for caring for the child with your partner. In addition, you and your partner will also be required to follow a two-step process to establish eligibility as follows

9.3 Step 1 - Continuity test: if you are seeking to take shared parental **leave**, one parent / adopter must have worked for the same employer¹ for at least 26 weeks at the end of the 15th week before the week in which the child's birth is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and that parent/adopter should still be employed in the first week that the shared parental leave is to be taken.

The other parent /adopter has to have worked for 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold in 13 of the 66 weeks.

9.4 Step 2 - Individual eligibility for pay: To qualify for shared parental **pay** the parent / main adopter must, as well as passing the Continuity test, also have earned an average salary of the National Insurance lower earnings limit or more for the eight weeks prior to the 15th week before the expected birth / adoption.

If you and your partner meet the eligibility criteria:

- You can effectively "convert" a period of maternity / adoption leave and pay into shared parental leave and pay that can be taken by either parent.
- Your partner can take shared parental leave concurrently with you when you are on maternity leave or shared parental leave.
- Shared parental leave may be taken at any time within the period which begins on the date the child is born or date of the adoption placement and ends 52 weeks after that date
- Shared parental leave does not have to be taken in a single continuous block, it can be taken in chunks with a minimum period of one whole week.

- When on shared parental leave you will be entitled to the same terms and conditions that would have applied had you been at work, with the exception of pay.

9.5 Requesting Shared Parental Leave (where eligible)

- 1 The mother / main adopter must formally bring his/her period of maternity / adoption leave to an end (curtail it). Maternity leave cannot be brought to an end before the end of the two-week compulsory maternity leave period. At that point the balance of maternity leave becomes available for the partner to share as shared parental leave.

Before the Birth/Placement

The mother / main adopter must let the Trust know at least eight weeks before the date she intends to curtail the period of maternity / adoption. **If this notice is given before the birth / placement, the notice is binding.**

After the Birth/Placement

The mother / main adopter must let the school know at least eight weeks before the date that they intend to curtail the period of maternity / adoption. If this notice is given after the birth/placement, there is a six-week window after the child's birth / adoption, during which the mother / primary adopter can change their mind and decide to remain on leave. The latest that this notice can be given is nine weeks before the 52 weeks of maternity leave is due to end.

- 2 Both parents must let their respective employers know in writing that they are eligible for, and intend to take, shared parental leave. They should also give an indication of how much shared parental leave and pay each one intends to take and when. Please complete the form at Appendix 1 and send it to the headteacher and the Central HR team.
- 3 You should provide a copy of the child's birth certificate to the headteacher and the Central HR team within 14 days of letting the school know your intention to take shared parental leave, or if this is not yet available, confirmation from your midwife or GP of the date of the child's birth. In the case of adoption, you should provide details of the adoption agency, the date you (or your partner) were informed of the adoption match, and the expected date that the child will be placed with you. You must provide the information requested within 14 days.
- 4 The information about how and when you and your partner are intending to take shared parental leave is non-binding (excepting the notice of curtailment of the mother's maternity leave given prior to the birth) – you can change your minds about how leave and pay are to be allocated between you by letting the headteacher and the Central HR team know of the variation in writing. To do this, please complete the form at Appendix 2 (**Notice to Take or Vary a Period of Shared Parental Leave** form). You must give the school at least 8 weeks' notice of each period of leave. You can submit up to a total of three requests. ie you can take up to three periods of shared parental leave.
- 5 Shared parental leave may be taken in a single continuous block, or may be taken in smaller blocks of leave (a minimum of a week at a time), interspersed with time at work (in contrast to maternity leave which has to be taken in a single continuous block)

- 6 A request for a single continuous period of shared parental leave (e.g. a single block of X weeks) will be granted automatically.
- 7 A request for discontinuous leave (e.g. X weeks shared parental leave followed by Y weeks at work followed by another Z weeks' shared parental leave etc.) may need to be discussed with you to determine whether the school's business can support such a work pattern. Where it cannot the school will try to agree an alternative arrangement with you, or may refuse the request.
- 8 You must stay in touch with the school during you shared parental leave. This could be for training purposes, meetings or just to keep generally up to date with the business.
- 9 You can work for up to 20 days without bringing your period of shared parental leave to an end. Any days worked do not extend your leave period. When you work you will receive your normal rate of pay, inclusive of any shared parental pay. You are under no obligation to undertake any work during your shared parental leave period, and the school is under no obligation to offer you any work. These 20 days are in addition to the 10 KIT days available during maternity or adoption leave.

Examples to help clarify how shared parental leave works.

1. *The mother / main adopter ends her leave after 26 weeks, and the balance of the leave and pay - 26 weeks leave and 13 weeks **statutory** maternity / adoption pay is available to be shared between the parents as they choose. The father takes 10 weeks leave and pay, while the mother returns to work. He then returns to work and the mother takes the remaining 16 weeks leave and three weeks' pay.*
2. *Baby is born prematurely and the mother immediately commits to taking 27 weeks maternity leave and pay leaving 25 weeks leave and 12 weeks' pay to be shared with the father. The father takes 2 weeks paternity leave when baby is born and then immediately takes the 25 weeks leave and 12 weeks' pay. Both parents return to work after 27 weeks having used all their shared parental leave.*
3. *The main adopter takes the first 10 weeks adoption leave and pay, and then commits to returning to work at week 22. This then frees up 30 weeks shared parental leave and 17 weeks' pay. His partner takes 12 weeks' leave and pay to coincide with weeks 11 to 22 of the main adopter's adoption leave so she and the main adopter can look after the child together. She then takes a further 8 weeks' leave and last 5 weeks of pay while the main adopter returns to work. When the partner then goes back to work, the main adopter takes the last 10 weeks of shared parental leave. In total the main adopter has taken 32 weeks leave and 22 weeks' pay while the partner has taken 20 weeks leave and 17 weeks' pay.*

9.6 Returning to Work from Shared Parental Leave

If you wish to alter the date of your return to work from shared parental leave you must use the form at Appendix 2 (**Notice to Take or Vary a Period of Shared Parental Leave** form) to give the school notice as follows:

- If you wish to extend your SPL, at least 8 weeks' notice from the originally agreed return date.
- If you wish to shorten your SPL, at least 8 weeks' notice from the new return date.

If you return to work after a period of shared parental leave (including any maternity / adoption leave) which was **26 weeks or fewer**, then you are entitled to return to the same job that you left with terms and conditions no less favourable than would have applied had you not been on leave.

If you return to work from a period of shared parental leave (including any maternity / adoption leave) which was **greater than 26 weeks** the school will try to allow you to return to the same job you left. If it is not practicable for you to return to your original job then you will be offered a suitable alternative post on terms and conditions no less favourable than would have applied had you not been on shared parental leave.

Appendix 1

Notice of Entitlement and Intention to Take Shared Parental Leave

(Please read the **Policy on Shared Parental Leave**)

Trust support staff wishing to take shared parental leave must submit this form to the headteacher and the Central HR team at least **8 weeks** before the start of the first period of shared parental leave.

In order to calculate the amount of shared parental leave you are eligible for please complete the following.

Basic Details

Employee Name:	
Are you the mother / main adopter of the child or the partner of the mother / main adopter?	
Date on which mother or main adopter commenced (or will commence) maternity / adoption leave:	

Notice of curtailment of maternity / adoption leave

Please complete this if you are the **mother or main adopter**. If on maternity leave, this date must be at least two weeks after the birth of your baby (or four weeks if you are employed in factory work).

I wish my maternity / adoption leave to end on the following date:	
Signed: _____	Date: _____

Please complete this if you are the **partner** of the mother or main adopter.

I confirm my partner's maternity / adoption leave ended / will end on the following date:	
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Shared Parental Leave Details

Maximum number of weeks of shared parental leave available (52 weeks minus the number of weeks taken according to the above dates)	
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Maximum number of weeks of shared parental pay available (39 weeks minus the number of weeks taken according to the above dates)	
Number of weeks of shared parental leave / pay you intend to take	
Number of weeks of shared parental leave / pay the other parent intends to take	

Shared Parental Leave and Pay Dates

<p>Please detail the start and end dates of the shared parental leave/ pay that you intend to take. This should tally with the number of weeks you have indicated above that you will take.</p>	
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The above dates do not constitute a formal binding request at this stage. However, if you wish them to do so please indicate “Yes”: **Yes / No**

If you indicate “No”, then please complete Appendix 2 - **Notice to Take or Vary a Period of Shared Parental Leave** for each period of shared leave requested.

Declarations

By the Employee

Please confirm your eligibility by ticking the appropriate boxes below and signing the form

- I am the mother, father or main adopter of the child and will share the care of the child with my partner named below
- I meet the eligibility criteria for shared parental leave

If appropriate:

- I meet the eligibility criteria for shared parental pay
- I am the mother or main adopter and have completed the **notice of curtailment of maternity / adoption leave** section and understand that this is **binding** subject to certain conditions outlined in the policy

- I consent to you retaining and processing the information contained in this form

Signed: _____

Date: _____

Please return this form to the headteacher and the Central HR team

By the Employee's Partner

Name	
Address	
Name and Address of Employer	
National Insurance Number	

I confirm that I meet the following criteria for eligibility for shared parental leave:

- I have worked either directly, for an agency or self-employed, for 26 weeks in the 66 weeks leading up to the due date
- I have earned above the maternity allowance threshold of £30 a week in 13 of the 66 weeks
- I consent to your employee taking shared parental leave and shared parental pay as detailed above

If appropriate:

- I am the mother / main adopter and confirm I have curtailed my maternity / adoption leave and pay with my employer (or will have done so by the time your employee takes shared parental leave)
- I consent to you retaining and processing the information contained in this form

Signed: _____

Date: _____

Please return this form to the headteacher and the Central HR team

Appendix 2

Notice to Take or Vary a Period of Shared Parental Leave

(Please read the **Policy on Maternity, Adoption, Paternity and Parental Leave**)

You should complete this form if you wish to request a period of shared parental leave / pay, or to vary a previously approved period.

You must have previously submitted a **Notice of Entitlement and Intention to Take Shared Parental Leave** (Appendix 1) and have had your eligibility for shared parental leave confirmed.

Name of Employee	
Name of Partner	

Requested Shared Parental Leave / Pay Dates

Start date	End date	Number of weeks leave	Number of weeks pay (if applicable)

Request to Vary Previously Requested Parental Leave / Pay Dates

Previously Approved Start date	Previously Approved End date	Detail the change you would like to request

We confirm that we agree to the request / variation outlined above.

Signed: (Employee) _____ Date: _____

Signed: (Employee's Partner) _____ Date: _____

Please return this form to the headteacher and the Central HR team

Flexible Working Request Form

Name	Job Title	Grade

School	
Manager's Name	
Manager's Job Title	
Date of Application	

Part 1: Flexible working request to be completed by the employee

Describe your current working arrangements (for example hours, days, responsibilities)

Describe your proposed working arrangements (please state whether you wish these to be temporary (maximum 18 months) or permanent, the hours/days/ times requesting to be worked,

--

Date you would like to start this new working pattern:

I confirm this is a statutory request for flexible working YES / NO

Have you made any previous applications YES / NO

Please give dates of any previous applications:

Part 2: Flexible working request to be completed by the Headteacher

Date of meeting:

Names of employee and/or trade union representatives consulted:	
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Details of agreed working arrangements

Revised working arrangements agreed with the employee or their trade union representative:

Summary of impact on service delivery from discussions with employee and/or trade union representative

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Start date of new working arrangement	
Temporary or permanent change	
Job Title	
Days to be worked per week	
Hours to be worked per week	
If temporary, length of trial period	
If temporary, review date and end date	

Details of declined working arrangements (if applicable)

<p>Please tick the reason(s) given for the decline:</p> <ul style="list-style-type: none">• <input type="checkbox"/> burden of additional costs• <input type="checkbox"/> detrimental effect on ability to meet customer demand• <input type="checkbox"/> inability to reorganise work amongst existing staff• <input type="checkbox"/> Inability to recruit additional staff• <input type="checkbox"/> detrimental impact on performance• <input type="checkbox"/> detrimental impact on quality• <input type="checkbox"/> insufficient work for the periods that employee proposes to work• <input type="checkbox"/> planned structural changes.

Please explain your reason for decline and if any alternatives have been explored?

Headteacher Signature	
Employee Signature	