



# MATERNITY, PATERNITY AND ADOPTION POLICY AND PROCEDURE

Version	2.0
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Last review date	March 2024
Date of next review	March 2025
Approved by Directors	27 <sup>th</sup> June 2024



Summary of amendments:

V1.1 Point 2.2 Maternity Leave, Adoption Leave & Shared Parental Leave (Amendment) Regulations 2024

Point 3, 15.1, 15.2, 23.6 – redundancy protection

Point 12, 13, 14.1 paternity leave eligibility & entitlement

V2.0 staff to meet HT to apply for leave which falls within the policy/updated section

17.1/HT to authorise application before submitting to payroll. Appendices wording tweaked for better understanding.

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## **1. Introduction**

- 1.1 This policy serves to assist the headteacher in dealing and supporting staff with leave relating to maternity, paternity, shared parental leave or adoption purposes in accordance with legal and contractual obligations.
- 1.2 This policy is designed to ensure that such entitlements are dealt with appropriately, fairly and consistently at all times and in full accordance with regulations.

## **2. Purpose and scope**

- 2.1 This policy is applicable to all staff working in the trust.
- 2.2 The policy takes into account the Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024.
- 2.3 Teachers and support staff may have different contractual entitlements in accordance with (respectively) the Conditions of Service for School Teachers in England and Wales (generally referred to as the Burgundy Book) and the Conditions of Service for Local Government Services (generally referred to as the Green Book). For establishments which adhere to those conditions of service, the differences between these entitlements are outlined, where applicable, under appropriate headings in the sections which follow.

## **3. Rights of pregnant employees**

- 3.1 Pregnant employees have five principal legal rights:

- paid time off for antenatal care
- maternity leave
- maternity pay or maternity allowance

Redundancy protection which means priority in being offered a suitable alternative vacancy where one exist in a redundancy situation for up to six months after taking twelve months leave. (Redundancy protection is calculated from the first day of the expected week of childbirth (or from the actual date of the birth once we are notified) for a period of eighteen months (in respect of employees who have suffered a miscarriage the protection applies for a period of two weeks after the pregnancy ends) Please note this is effective from 6<sup>th</sup> April 2024.

- protection against unfair treatment, discrimination or dismissal.

## **4. Ante-natal entitlement**

- 4.1 Employers must give pregnant employees time off for antenatal care – this is paid (although an employee is not entitled to take time off for antenatal appointments until they have told the employer about the pregnancy).
- 4.2 Ante-natal care is not limited to medical appointments but can extend to antenatal or parenting classes when these have been recommended by a doctor or midwife.

- 4.3 The father or pregnant woman's partner also has the right to time off work to accompany them in attendance at two antenatal appointments (this is addressed in more detail within the Leave of Absence Policy).

## 5. Maternity leave: eligibility and entitlement

- 5.1 The statutory arrangements provide that pregnant employees will be entitled, regardless of length of service, to a total of 52 weeks leave. This is made up of 26 weeks Ordinary Maternity Leave (OML) followed by 26 weeks Additional Maternity Leave (AML).

## 6. Maternity leave: notification

- 6.1 There is a requirement for a woman to provide notification of pregnancy to the employer by the end of the 15th week before her expected week of childbirth (this may also be referred to as expected week of confinement or, as hereafter in this policy, EWC).
- 6.2 Under the statutory arrangements it will also be possible for an employee to change the date her leave commences provided she gives 28 days' notice (unless this is not reasonably practicable).
- 6.3 Employees must make arrangements to meet with their headteacher to confirm pregnancy and discuss maternity/shared parental leave ideally as soon as is practical. (Please note that, the employee has a duty to notify the employer of the following at least 28 days before their maternity leave absence begins):
- that they are pregnant (in which event employers may wish to consider the advisability of undertaking appropriate risk assessment)
  - the expected week of childbirth (EWC)
  - the date from which they wish their maternity leave to commence (to be notified in writing by completing appendix one if a teacher or appendix two if a member of support staff) - this cannot be earlier than the 11th week before the EWC.
- 6.4 Employers are entitled to request the following:
- written notification of the date an employee wishes to start their maternity leave
  - that an employee produces a MAT B1 certificate from a registered medical practitioner or midwife stating the EWC.
- 6.5 The assumption will be that maternity leave will last for the maximum period of twelve months **unless** the employee specifically states otherwise (by intimating that they will return to work at an earlier date).

## 7. Maternity leave: acknowledging requests

- 7.1 The headteacher after meeting with the employee will notify central payroll who must write to the employee within 28 days of the head receiving the completed form (either appendix one or two) from the employee, to acknowledge their request and they must inform the employee of their expected date of return should they take their full entitlement.

## 8. Maternity leave: commencement date

- 8.1 The earliest date a woman is able to start her maternity leave is 11 weeks before her EWC (unless the baby is born before this time). A woman can choose to commence her maternity leave on any day of the week.
- 8.2 A woman's maternity leave will start automatically if she is absent from work for a pregnancy related illness during the four weeks before the start of her EWC, regardless of when she has said she actually wants her maternity leave to start.
- 8.3 Employees **must** take at least 2 weeks' maternity leave after the birth.

## 9. Maternity leave: notification of return to work

- 9.1 Under the provisions of both the Burgundy Book and the Green Book (both of which override statutory provision which specifies 8 weeks' notice) any employee who wishes to return to work early from maternity leave must notify the school (in writing if requested) at least 28 days before the day on which they propose to return. (This means that notice must be given no less than 28 days in advance of an earlier return date, or, if return is to be delayed, no less than 28 days in advance of the original date given.)
- 9.2 Where this notice is not given, the employer may postpone their return to ensure 28 days' notice has elapsed (but may not postpone beyond the end of the maternity leave period).
- 9.3 An employee is normally entitled to return to work in the position they held before starting maternity leave, and on the same terms of employment.
- 9.4 However, if AML has been taken and it is no longer reasonably practicable for the employer to allow return into the same position, the employee may be given another suitable and appropriate job on terms and conditions that are no less favourable.

## 10. Maternity pay

- 10.1 An employee must have 26 weeks' continuous service with the employer at the 15th week before the EWC and must be in employment during the qualifying week. In addition, earnings must be above the lower limit for the payment of National Insurance contributions. (Additional entitlements are available for employees who have a minimum of one year's continuous service – see below.)
- 10.2 Those members of staff who meet the criteria will be entitled to receive Statutory Maternity pay (SMP) for 39 weeks as follows:
  - 6 weeks at 90% of the employee's average weekly earnings
  - 33 weeks at standard rate SMP (or 90% of the employee's average weekly earnings if this is lower)
  - whilst the remaining 13 weeks of maternity leave are unpaid.
- 10.3 If an employee is not entitled to SMP in accordance with the above they must be given a Form SMP1 so that they can claim Maternity Allowance (MA) from the Benefits Agency.

## Teachers

10.4 Those teachers who, at the 11th week before the EWC, have **one year's continuous service** will be entitled to receive 18 weeks' Occupational Maternity Pay (OMP) as follows:

- 4 weeks at full pay
- 2 weeks at 90% of a week's pay
- 12 weeks at half pay plus SMP (reduced by the extent to which the combined half pay and SMP may exceed full pay)
- 21 weeks Statutory Maternity Pay (SMP)

whilst the remaining 13 weeks of maternity leave are unpaid.

## Support staff

10.5 Those members of staff employed on NJC terms and conditions who, at the 11th week before the EWC, have **one year's continuous service** will be entitled to receive 18 weeks' Occupational Maternity Pay (OMP) as follows:

- 6 weeks at 90% of a week's pay
- 12 weeks at half pay plus SMP (reduced by the extent to which the combined half pay and SMP may exceed full pay)
- 21 weeks Statutory Maternity Pay (SMP)

whilst the remaining 13 weeks of maternity leave are unpaid.

10.6 Where an employee (whether a teacher or a member of support staff) has declared in writing her intention to return to work she will receive half pay without deduction except to the extent that the half pay plus SMP (or Maternity Allowance and any dependent's allowances if the employee is not eligible for SMP) exceeds full pay.

10.7 OMP is paid on the understanding that the employee will return to the school's employment (on the same terms as previously) for at least 13 weeks. Where the employee returns on reduced hours the duration of her return to employment may be extended pro rata: in other words, she will be required to work for a period which equates (in accumulated hours of work) to 13 weeks' service in relation to her previous contract of employment.

10.8 In the event of the employee not returning to employment with the same employer for the prescribed length of time she may retain the first 6 weeks' OMP but will be required to refund the subsequent 12 weeks' half pay.

10.9 Accordingly, if the employee is uncertain about her future intentions, she may wish to delay a decision on receiving payment of OMP until a later date.

## **11. Keeping in Touch (KIT) days**

11.1 An employee should make arrangements to meet with the headteacher to discuss and agree to work (or to attend training) for up to ten days during maternity leave without bringing their period of maternity leave to an end or impacting on their right to claim maternity pay for that week.

- 11.2 The application form attached as appendix three must be completed prior to the meeting and discussed with the Headteacher for approval (and forward to payroll accordingly).
- 11.3 Any work carried out on a day or part of a day shall, for these purposes, constitute a day's work (the latter being defined in accordance with the employee's existing contract of employment).
- 11.4 The employer is under no obligation to offer the employee any work (or training) during the employee's maternity leave and work undertaken is a matter for agreement between the employer and the employee.
- 11.5 An employee taking a KIT day will receive their normal full pay for any day worked (the calculation is detailed in appendix three). If a KIT day occurs during a week when the employee is receiving maternity pay, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any KIT days worked do not extend the period of maternity leave.

## **12. Paternity leave (birth and adoption)**

- 12.1 Paternity leave is a period of either one or two weeks that fathers or partners can take off from work to care for their baby or child. These can be taken in separate one-blocks any time within the 52 weeks after the birth or adoption takes place.
- 12.2 There is currently no occupational entitlement to paternity leave, either with or without pay, set out in either the Conditions of Service for Teachers in England and Wales (the Burgundy Book) or (for support staff) the NJC Terms and Conditions of Service (the Green Book). There is no current intention to introduce any new clause into conditions of service for either teachers or support staff, but the minimum statutory provisions apply. However, if employees fulfil the criteria below SHARE Multi Academy Trust will pay the leave taken at the full pay. This will be a maximum of two weeks.
- 12.3 Paternity leave is only available to employees who fulfil all three criteria listed below:
- have (or expect to have) responsibility for the child's upbringing;
  - are the biological father of the child or the mother's husband or partner (including same sex relationships) **or** the partner of the primary adopter; and
  - have worked continuously for their employer for 26 weeks ending with the 15th week before the baby is due or the end of the week in which the child's adopter is notified of being matched with the child.
- 12.4 In addition to satisfying the requirements specified in the preceding clause, the employee must make arrangements to meet with the Headteacher in order to request and give notice of their intention to take paternity leave.
- 12.5 The application form attached as appendix four must be completed prior to the meeting and discussed with the Headteacher for approval (and forward to payroll accordingly).

12.6 Notice must be given at least 28 days before the week the baby is due (the notice period is different if the employee is adopting) and must specify the baby's due date, the amount of paternity leave to be taken (which must be either one or two weeks), and when they want their leave to commence (this date can be changed later but 28 days' notice is required for any alteration).

12.7 An employee can choose for their leave to begin on:

- the day the baby is born
- a certain number of days after the baby is born
- a specific date which is not earlier than when the baby is due.

12.8 Paternity leave cannot start before the baby is born and the baby may not arrive on time: an employer should therefore be prepared (where this is reasonably practical) to be flexible with cover arrangements for employees planning to take paternity leave.

12.9 Employees are required to complete their paternity leave within 56 days of the actual date of birth of the child.

12.10 Notwithstanding the above clauses, up to 3 days paid Special Leave (normally around the time of the birth) **may** be granted by the headteacher **at their discretion**. In such cases the employer may request appropriate proof of the relationship and the EWC, and a written declaration that the partner is:

- in an enduring relationship with the mother;
- will be responsible for the upbringing of the child; and
- will be taking time off to support the mother of the child or care for the child.

12.11 As Special Leave is a locally agreed term and condition, there is no qualifying period of service, as is required for the Statutory Paternity Leave described above.

### 13. Paternity pay (birth and adoption)

13.1 Those staff who are eligible can choose to take either one week or two weeks' paid paternity leave (not odd days) at the current rate of Pay

### 14. Shared Parental Leave: eligibility and entitlement

*NB Please note **Shared Parental Leave** (legislation active from 2015) should not be confused with **parental leave** which is dealt with in the Leave of Absence Policy.*

14.1 Legislation which is of relevance to Shared Parental Leave (SPL) includes the following:

- The Employment Rights Act 1996;
- The Equality Act 2010;
- The Child and Families Act 2014;
- The Shared Parental Leave Regulations 2014;



- The Shared Parental Pay (General) Regulations 2014;
  - The Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014.
  - Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024.
- 14.2 Shared Parental Leave (SPL) enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. There may also be an entitlement to Shared Parental Pay (ShPP).
- 14.3 Eligibility for SLP is as follows: SPL can only be used by two people, both of whom must share the main responsibility for the care of the child at the time of birth/adoption – these persons must be:
- the mother/adopter **and**
  - one of the following:
    - the father of the child (in the case of birth) **or**
    - the spouse, civil partner or partner of the child's mother/adopter.
- 14.4 Additionally, an employee seeking to take SPL must satisfy each of the following criteria:
- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave (or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements);
  - the employee must still be working for the employer at the start of each period of SPL;
  - the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
  - the employee's partner must meet the 'employment and earnings test' requiring them, in the 66 weeks leading up to the child's expected due date/matching date, to have worked for at least 26 weeks and earned (over any 13 of these weeks, which need not be consecutive) a total figure which is no less than the minimum qualifying figure (which may alter on an annual basis) determined by the government; and
  - the employee must correctly notify the employer of their entitlement and provide evidence as required.
- 14.5 Eligible employees are entitled to take up to 50 weeks SPL during the child's first year in their family, based on the mother's/adopter's entitlement to maternity/adoption leave of up to 52 weeks.
- 14.6 If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the maximum entitlement of 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

14.7 SPL can commence as follows:

- the mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- the adopter can take SPL after taking at least two weeks of adoption leave
- the father/partner/spouse can take SPL immediately following the birth (or placement) of the child but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

14.8 SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see below).

14.9 SPL must end no later than one year after the birth (or placement) of the child. Any SPL not taken by the first birthday (or first anniversary of placement for adoption) is lost.

## **15. Redundancy Protection (effective from 6<sup>th</sup> April 2024)**

15.1 For employees who have taken six or more consecutive weeks of shared parental leave but who have not taken maternity or adoption leave redundancy protection ends eighteen months after the date of birth of the child or from the date the child was placed for adoption.

15.2 For employees taking less than six consecutive weeks, redundancy protection will apply where the redundancy situation arises during any period the employee is on shared parental leave.

## **16. Shared Parental Leave: evidence of eligibility**

16.1 An eligible employee who intends taking SPL must give their line manager notification (in writing) of at least eight weeks before they can take any period of SPL. The written notification must include all of the following information:

- their full name;
- the name of the other parent;
- the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
- the date on which the child is expected to be born or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- the amount of SPL the employee and their partner each intend to take; and
- a non-binding indication of when the employee expects to take the leave.

16.2 The employee must provide the employer with a signed declaration stating that:

- they confirm (if they are not the mother/adopter) that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;

- they meet, or will meet, the eligibility conditions and are entitled to take SPL;
  - the information they have given is accurate; and
  - they will immediately inform the employer should they cease to be eligible.
- 16.3 The employee must provide the employer with a signed declaration from their partner confirming:
- their name, address and national insurance number (or a declaration that they do not have a national insurance number);
  - that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
  - that they satisfy the 'employment and earnings test' (see 'eligibility' above), and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
  - that they consent to the amount of SPL that the employee intends to take;
  - that they consent to the employer processing the information contained in the declaration form; and (in the case where the partner is the mother/adopter)
  - that they will immediately inform their partner should they cease to satisfy the eligibility conditions.
- 16.4 Should further evidence of eligibility be required the employer may, within 14 days of the SPL entitlement notification being given, request the following information (which the employee must provide within 14 days):
- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead);
  - in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth); and (in the case of an adopted child)
  - documentary evidence of:
    - the name and address of the adoption agency;
    - the date on which they were notified of having been matched with the child; and
    - the date on which the agency expects to place the child for adoption.
- 16.5 If any of the information provided is found to be fraudulent, the employee will be subject to the trust's disciplinary at work procedures.
- 16.6 In consideration of good practice, an employee considering taking SPL is encouraged to speak to their line manager/HR Advisor as early as possible to arrange an informal discussion to talk about their plans. Any meeting should be held in private and be confidential. At the meeting the employee may, if they wish, be accompanied by a workplace colleague or trade union representative.
- 16.7 Where a request for discontinuous leave has been submitted, this discussion may also focus on how the leave proposal could be agreed, whether a modified

arrangement would be agreeable to the employee and the employer and what the outcome may be if no agreement is reached.

## **17. Shared Parental Leave: notification**

- 17.1 In addition to notifying the employer of entitlement to SPL/ShPP, an employee must make arrangements to meet with the Headteacher to discuss, plan and agree how the shared parental leave will work. (This will include consultation with regard the work to be undertaken so that it is reasonable and meaningful, in the event the employee intends to return to work during a holiday period).
- 17.2 The application form attached as appendix five must be completed prior to the meeting and discussed with the Headteacher for approval (and forward to payroll accordingly).
- 17.3 The employee has the right to submit up to a maximum of three notifications specifying leave periods they are intending to take. Each notification may contain **either**:
- a) a single period of continuous leave (measurable in complete weeks); **or**
  - b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.
- 17.4 SPL can only be taken in complete weeks but may begin on any day of the week.
- 17.5 An employee has the right to take a continuous block of leave (a given number of weeks taken in a single unbroken period) notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (as specified in the notice of entitlement).
- 17.6 Alternatively, an employee has the right to request two or more periods of discontinuous leave. This means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement whereby an employee will take six weeks of SPL whilst working alternate weeks over a period of three months).
- 17.7 The employer must consider a discontinuous leave notification but has the right to refuse it.
- 17.8 If the requested leave pattern is refused, the employee can either withdraw the request within 15 days of its submission (thus retaining the right to submit a further application without losing one of their (three) notifications) or can take the total amount of leave requested in a single continuous block.

## **18. Shared Parental Leave: response to notification**

- 18.1 Once the leave booking notice has been received, it will be dealt with as soon as possible, but a written response should be provided no later than 14 (calendar) days after the leave request was received.
- 18.2 Each request for discontinuous leave will be considered on a case by case basis, taking into full account employee welfare and any potentially adverse impact on the academy or service. Acceptance of any specific request will not set a

precedent or create the right for another employee to be granted a similar pattern of SPL.

- 18.3 The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than 14 days after the leave notification was made. The request may be granted in full or in part: for example, the employer may propose a modified version of the request.
- 18.4 If the requested discontinuous leave pattern is refused, the employee can either withdraw the request within 15 days of its submission (thus retaining the right to submit a further application) or can take the total amount of leave requested in a single continuous block.
- 18.5 If the employee chooses to take the leave in a single continuous block, the employee must choose, within 19 days of the notification being submitted, the date from which they want the period of leave to commence. The leave cannot start sooner than eight weeks from the date the original notification was submitted. Should the employee fail to specify a start date then the leave will begin on the first leave date requested in the original notification.

## **19. Shared Parental Leave: variations to agreed arrangement**

- 19.1 The employee is permitted to vary or cancel an agreed and booked period of SPL provided they advise the employer in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 19.2 Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, any change to accommodate a child being born early, or in response to the employer requesting it be changed, and the employee being agreeable to this change, will not count as further notification. Any variation will be confirmed in writing by the employer.

## **20. Shared Parental Leave: returning to work**

- 20.1 The employee is expected to return on the next working day following the end of their SPL period unless they notify the employer otherwise. If they are unable to attend work due to sickness or injury the employer's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 20.2 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give their employer at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the employer need not accept the notice to return early but may elect to do so if it is considered to be reasonably practicable.
- 20.3 On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less.

- 20.4 If their maternity/paternity/adoption leave and SPL amounts in aggregate to more than 26 weeks, the employee is entitled to return to the same job they held before commencing the last period of leave if this is reasonably practicable. However, if this is **not** reasonably practical the employee is still entitled to return to another job which is both suitable and appropriate and on terms and conditions which are no less favourable.
- 20.5 If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave as long as the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.
- 20.6 If the employee also takes a period of unpaid parental leave of 5 (or more) weeks, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee is similarly entitled to return to the same job they held before commencing the last period of leave if this is reasonably practicable. However, if this is **not** reasonably practical the employee is still entitled to return to another job which is both suitable and appropriate and on terms and conditions which are no less favourable.

## 21. Statutory Shared Parental Pay (ShPP)

- 21.1 Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The number of weeks available will depend on the amount by which the mother (or adopter) reduces their maternity (or adoption) pay period or maternity allowance period. ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.
- 21.2 In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:
- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
  - the employee must intend to care for the child during the week in which ShPP is payable;
  - the employee's average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
  - the employee must remain in continuous employment until the first week of ShPP has begun; and
  - the employee must give proper notification in accordance with the rules set out below.
- 21.3 Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their employer written notice advising of their entitlement to ShPP. To avoid duplication this should, if possible, be included as part of the notice of entitlement to take SPL.



- 21.4 In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:
- the start and end dates of any maternity/adoption pay or maternity allowance;
  - the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP; and
  - a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the employer should they cease to be eligible.
- 21.5 It must be accompanied by a signed declaration from the employee's partner confirming:
- their eligibility to partake in ShPP (in terms of an enduring relationship, an ongoing responsibility (this may be shared) for childcare and satisfying the earnings test);
  - their agreement to the employee claiming ShPP and for the employer to process any ShPP payments to the employee;
  - that they (in the case whether the partner is the mother/adopter) have reduced their maternity/adoption pay or maternity allowance; and
  - that they (in the case whether the partner is the mother/adopter) will immediately inform their partner should they cease to satisfy the eligibility conditions.
- 21.6 Any ShPP due will be paid at a rate set by the government for the relevant tax year.
- 21.7 SPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it does not remain untaken at the end of the employee's holiday year.

## **22. Shared Parental Leave in Touch (SPLIT) days**

- 22.1 An employee can agree to work for the employer (or to attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.
- 22.2 The employer is under no obligation to offer the employee any work during the employee's SPL and work undertaken is a matter for agreement between the employer and the employee.
- 22.3 An employee taking a SPLIT day will receive their normal pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

22.4 An employee, with the agreement of the employer, may use SPLIT days to work part of a week during SPL. The employer may agree that the employee can use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

### **23. Adoption leave and pay**

23.1 Employees who become parents by adoption are entitled to identical treatment to employees who become parents by birth.

23.2 No defined length of service is required before an employee becomes eligible for adoption leave. Entitlement to adoption pay is determined by equivalent length of service (with regards to both teachers and support staff) to that applicable to maternity pay.

23.3 Eligible employees who adopt will be able to opt in to Shared Parental Leave on the same terms as birth parents.

23.4 Where a couple plan to adopt a child, the main adopter (to be nominated by the couple themselves) is able to take paid time off for up to 5 adoption appointments. The secondary adopter is able to take unpaid time off for up to 2 adoption appointments.

23.5 Employees must give their employer documentary proof to show that they have the right to adoption leave and (where applicable) pay. This usually consists of a matching certificate from the adoption agency. The adoption agency must be one which is recognised in the UK.

23.6 With regard redundancy protection, employees taking adoption leave have a protected period of eighteen months from the date the child is placed with the employee for adoption.

### **24. Parental Bereavement Leave**

24.1 All eligible individuals have the statutory right to parental bereavement leave (and may, dependent on circumstances, additionally have the statutory right to parental bereavement pay) for up to two weeks during the first 56 weeks following either a stillbirth (after 24 weeks of pregnancy) or the death of their child (as long as the latter is under the age of 18).

24.2 In this context, the definition of parent includes, in addition to biological and adoptive, the parent of a child born to a surrogate, and additionally extends to the partner of the child's or baby's parent, as long as the individual had day to day responsibility for the child or baby's care at the relevant time.

24.3 An eligible employee or worker can, from the first day of their employment, take leave for either one or two weeks (if two weeks these may be either continuous or separate) for each child who has died or was stillborn. Appropriate notice must be given (see below). This leave can start on or after the date of the death or stillbirth, and must finish within 56 weeks of that date.

24.4 If the employee was on another type of statutory leave (such as maternity leave) when the death or stillbirth happened, parental bereavement leave



cannot commence until after that other leave has ended. However, if an employee's parental bereavement leave is interrupted by the start of another type of statutory leave, they can still take their remaining entitlement after that other leave has ended, as long as it is taken within 56 weeks of the date of death or stillbirth.

- 24.5 An employee must give notice for parental bereavement leave. The notice requirement is dependent upon the period in which the leave is taken. In the initial 8 weeks following the death or stillbirth, notice must be given before the time the individual would normally start work on the first day of the period they want to take off work, whereas for the period from 9 to 56 weeks after the death or stillbirth notice must be given at least one week before the commencement of the leave.
- 24.6 An employee giving notice should tell the employer:
- the date of the child's death or stillbirth
  - when they want their parental bereavement leave to begin
  - how much leave they are taking (which must be either one or two weeks).
- 24.7 Such notice may be given informally, for example by phone, text message or email. The employer cannot ask for evidence of entitlement for leave, or details about the employee's relationship to the child or baby.
- 24.8 An employee may cancel their parental bereavement leave as long as they give no less than the required notice for taking leave.
- 24.9 To qualify for statutory parental bereavement pay, the employee or worker must have been continuously employed for at least 26 weeks up to the end of the 'relevant week', which is the week (ending with a Saturday) immediately before the week of the death or stillbirth, and must earn (on average) no less than £120 a week (gross). They must also give the employer the correct notice.
- 24.10 Parental bereavement pay for an eligible employee or worker is set at the current statutory weekly amount or (if lower) 90% of the individual's average weekly earnings (tax and national insurance to be deducted as normal).
- 24.11 If an employee is asking for statutory parental bereavement pay, they must do so in writing (this may be either letter or email) within 28 days, starting with the first day of the week they want to claim pay for, specifying:
- their name and the dates of the period they want to claim statutory parental bereavement pay
  - the date of the child's death or stillbirth.
- 24.12 The employee will also need to give the employer a self-declaration to confirm they are eligible because of their relationship to the child or baby – they need only provide this once when they first ask for pay.

## **25. Other policies and procedures**

- 25.1 This policy will be supported by the following policies and procedures:
- Leave of Absence Policy

This form should be completed and submitted to your Headteacher prior to your meeting with them to discuss, plan and agree maternity leave.

**EMPLOYEE NAME:**

**ACADEMY:**

**Maternity Leave Start Date (Please ensure you give your first day you want your Maternity payments to start not your last working day):**

**PART ONE: PAY OPTIONS**

Please be advised that it is your choice whether you declare your intention to return to work after maternity leave, you are under no obligation to formally state your intention and/or date of return to work. However, if you wish to give an indication it will help the trust to accurately assess your pay during your period of maternity leave. We acknowledge that your option choice is subject to change due to personal circumstances.

I would like my maternity pay to be paid as follows (please tick one option)

**Option One**

I am not entitled to Contractual Maternity Pay, therefore wish to receive Statutory Maternity Pay as per UK employment law.

**Option Two**

I am planning on returning to work following my maternity leave, the first 4 weeks of my maternity leave is paid at 100% followed by 2 weeks at 90% of my salary. I then wish to be paid my Contractual Maternity Pay (i.e. half pay for 12 weeks – weeks 7-18) which will commence at the same time as my 33 weeks Statutory Maternity Pay (weeks 7-39 – please note weeks 19-39 will be SMP only).

Please note SMP for weeks 1-6 form part of your full and 90% pay.

**Option 3**

I am planning on returning to work following my maternity leave, the first 4 weeks of my maternity leave is paid at 100% followed by 2 weeks at 90% of my salary, I then wish to be paid my 33 weeks Statutory Maternity Pay. I would then like my Contractual Maternity Pay (i.e. half pay for 12 weeks – weeks 7-18) to be paid as a lump sum on my return to work from maternity leave in my first salary.

Please note SMP for weeks 1-6 form part of your full and 90% pay.

**I understand that if I receive any Contractual Maternity Pay (i.e. half pay) and then decide not to return to work (or do not return to work for 13 weeks), I will be expected to repay all or a proportion of it back.**

#### Option 4

I am **not** planning on returning to work following my maternity leave and I will be resigning from my job in writing to my manager (or Principal/Headteacher).



I will therefore receive the first 4 weeks of my maternity leave paid at 100%, plus weeks 5 and 6 paid at 90% of my salary, I will then only be entitled to receive my 33 weeks Statutory Maternity Pay.

Please note SMP for weeks 1-6 form part of your full and 90% pay. Please ensure you submit a resignation letter if this is your intention.

## PART TWO: PENSION DEDUCTIONS WHILST ON MATERNITY

*"I hereby give notice that I intend to return to work after my maternity leave period and understand that I must continue to pay pension contributions for any period of paid maternity leave and that the appropriate amount will be deducted from my contractual maternity pay."*

Once you have received all of your maternity pay then you will no longer be contributing to the pension scheme for any remaining period of unpaid maternity leave. You have a choice whether you would like to pay pension on your period of no maternity pay.

Please tick an option, even if you are planning on returning to work before any unpaid leave is due to commence, just in case your circumstances change.

### Option 1

I wish to pay pension contributions on any unpaid maternity leave that I take. I note that I will be required to contact Teachers Pension myself on my return to arrange to re-pay the additional pension contributions.  
(Payroll will send you an email confirming the details you need)

### Option 2

I do not wish to pay pension contributions on any unpaid maternity leave that I take. I appreciate that the period of my leave of absence once deductions have ceased will not be counted as reckonable service in any way for pension purposes and my pension scheme record will show a break in membership.

Signed:

Date:

To be scanned and forward to [share.payroll@sharemat.co.uk](mailto:share.payroll@sharemat.co.uk) as soon as possible and to be uploaded onto the electronic HR system by the Admin Manager and stored on file.  
To notify absence insurance company if applicable.

**PART THREE: INTENTIONS TO RETURN AFTER MATERNITY**

This form must be completed and returned to the Admin Manager at least **four weeks** before your intended date of return. Please consult with the Head in advance if you are wishing to apply for flexible working as this will need to be considered, taking in to account both curriculum and staffing circumstances at the time of your proposed return. **Please note the latest date you can return is 52 weeks after your commencement date.**

<b>EMPLOYEE NAME:</b>	<b>ACADEMY:</b>
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<b>DATE MATERNITY LEAVE COMMENCED:</b>	
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**Option One:**

I can confirm I am proposing to return on (Please insert): \_\_\_\_\_

On the same terms and conditions.

**Option Two:**

I can confirm I am proposing to return on (please insert): \_\_\_\_\_

And I have made a flexible working request to the Head.

**Option Three:**

It is not my intention to return after maternity leave.

(Please note, we will advise you in writing if pay needs to be recouped)

Employee signature:	Date:
Headteachers' signature:	Date:

To be scanned and forward to [share.payroll@sharemat.co.uk](mailto:share.payroll@sharemat.co.uk) as soon as possible and to be uploaded onto the electronic HR system by the Admin Manager and stored on file, To ensure pay is correct, please forward a change form if the Head has approved a change to hours/salary

This form should be completed and submitted to your Headteacher prior to your meeting with them to discuss, plan and agree the maternity leave.

**EMPLOYEE NAME:**

**ACADEMY:**

**Maternity Leave Start Date (Please ensure you give your first day you want your Maternity payments to start not your last working day):**

**PART ONE: PAY OPTIONS**

Please be advised that it is your choice whether you declare your intention to return to work after maternity leave, you are under no obligation to formally state your intention and/or date of return to work. However, if you wish to give an indication it will help the trust to accurately assess your pay during your period of maternity leave. We acknowledge that your option choice is subject to change due to personal circumstances.

I would like my maternity pay to be paid as follows (please tick one option)

**Option One**

I am not entitled to Contractual Maternity Pay, therefore wish to receive Statutory Maternity Pay as per UK employment law.

**Option Two**

I am planning on returning to work following my maternity leave, the first 6 weeks of my maternity leave is paid at 90% of my salary. I then wish to be paid my Contractual Maternity Pay (i.e. half pay for 33 weeks) which will be paid alongside my 33 weeks Statutory Maternity Pay (weeks 7-39). Please note SMP for weeks 1-6 form part of your 90% pay.

**Option 3**

I am planning on returning to work following my maternity leave, the first 6 weeks of my maternity leave is paid at 90% of my salary, I then wish to be paid my 33 weeks Statutory Maternity Pay. I would then like my Contractual Maternity Pay (i.e. half pay for 33 weeks – weeks 7-39) to be paid as a lump sum on my return to work from maternity leave in my first salary.

Please note SMP for weeks 1-6 form part of your 90% pay.

**I understand that if I receive any Contractual Maternity Pay (i.e. half pay) and then decide not to return to work (or do not return to work for 33 weeks), I will be expected to repay all or a proportion of it back.**

**Option 4**

I am **not** planning on returning to work following my maternity leave and I will be resigning from my job in writing to my manager (or Principal/Headteacher). I will therefore receive the first 6 weeks of my maternity leave paid at 90% of my salary, I will then only be entitled to receive my 33 weeks Statutory Maternity Pay.



Please note SMP for weeks 1-6 form part of your 90% pay. Please ensure you submit a resignation letter if this is your intention.

## PART TWO: PENSION DEDUCTIONS WHILST ON MATERNITY

*"I hereby give notice that I intend to return to work after my maternity leave period and understand that I must continue to pay pension contributions for any period of paid maternity leave and that the appropriate amount will be deducted from my contractual maternity pay."*

Once you have received all of your maternity pay then you will no longer be contributing to the pension scheme for any remaining period of unpaid maternity leave. You have a choice whether you would like to pay pension on your period of no maternity pay.

Please tick an option, even if you are planning on returning to work before any unpaid leave is due to commence, just in case your circumstances change.

### Option 1

I wish to pay pension contributions on any unpaid maternity leave that I take. I note that I will be required to contact West Yorkshire Pension Fund on my return to arrange to re-pay the additional pension contributions.   
(Payroll will send you an email confirming the details you need)

### Option 2

I do not wish to pay pension contributions on any unpaid maternity leave that I take. I appreciate that the period of my leave of absence once deductions have ceased will not be counted as reckonable service in any way for pension purposes and my pension scheme record will show a break in membership.

Signed:

Date:

To be scanned and forward to [share.payroll@sharemat.co.uk](mailto:share.payroll@sharemat.co.uk) as soon as possible and to be uploaded onto the electronic HR system by the Admin Manager and stored on file.  
To notify absence insurance company if applicable.



**PART THREE: INTENTIONS TO RETURN AFTER MATERNITY**

This form must be completed and returned to the Admin Manager at least **four weeks** before your intended date of return. Please consult with the Head in advance if you are wishing to apply for flexible working as this will need to be considered, taking into account both curriculum and staffing circumstances at the time of your proposed return.  
**Please note the latest date you can return is 52 weeks after your commencement date.**

<b>EMPLOYEE:</b>	<b>ACADEMY:</b>
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<b>DATE MATERNITY LEAVE COMMENCED:</b>	
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**Option One:**

I can confirm I am proposing to return on (Please insert):   
On the same terms and conditions.

**Option Two:**

I can confirm I am proposing to return on (please insert):   
And I have made a flexible working request to the Head.

**Option Three:**

It is not my intention to return after maternity leave.   
(Please note, we will advise you in writing if pay needs to be recouped)

Employee signature:	Date:
Headteachers' signature:	Date:

To be scanned and forward to [share.payroll@sharemat.co.uk](mailto:share.payroll@sharemat.co.uk) as soon as possible and to be uploaded onto the electronic HR system by the Admin Manager and stored on file, To ensure pay is correct, please forward a change form if the Head has approved a change to hours/salary



**APPENDIX THREE**

**KEEPING IN TOUCH APPLICATION  
FORM**

**Employee Name:**

**Post:**

**Academy:**

**Line Manager:**

This form should be completed and submitted to your Headteacher prior to your meeting with them to discuss, plan and agree the keeping in touch days. You may apply to work and/or attend training for up to ten days during maternity/shared parental/adoption leave without bringing your leave or pay to an end (other than during the first two weeks following birth).

The arrangements, including pay, would be set by agreement with your line manager and the Headteacher.

These are known as 'Keeping in Touch days'. You are not obliged to undertake any such Keeping in Touch days; the rules simply exist to allow you to work if you wish whilst retaining the benefit of maternity leave and pay.

Please note that support staffs' KIT days payments are calculated at a rate of hourly rate x normal full day hours. Teachers' KIT days payments are calculated at a rate of 1/365.

**CONDITIONS FOR CLAIMING KIT DAYS**

1. The form must be completed and signed by both your Line Manager and Headteacher before submission for payment to Payroll. Claimants may not submit claims until after the work is complete;
2. It is MAT's policy that claims must be submitted by 1<sup>st</sup> of the month for payment. Any forms not fully completed and authorised by this deadline will not be paid until completed correctly and will miss that month's payroll;
3. It is the individual employee's responsibility to get the form signed by the relevant people and then submit to the Admin Manager;
4. No claim will be paid if it is more than three months after the date of the work done.
5. There can be no cash advances made;
6. Please seek advice if you have more than one contract;
7. Please note that if the hours worked are greater than six hours, an employee must take a break of thirty minutes, in accordance with Employment Law.

Please detail each KIT day to be taken. A single KIT day is any day where work-related activity is undertaken for a period up to the staff member's normal hours of work. A maximum of ten KIT days can be taken during the maternity/adoption leave period and will be paid upon return to work, therefore only one claim form is needed.

- The above KIT days have been mutually agreed by the staff member and their line manager;
- The KIT days do not occur within the two weeks following childbirth; and
- The total number of KIT days taken by this member of staff does not exceed 10 days.



This form should be completed and submitted to your Headteacher prior to your meeting with them to discuss, plan and agree the paternity leave. When this form has been approved by the Headteacher it should be returned along with a **copy** of the MAT B1 Form or the matching certificate to the Payroll Department by the qualifying week.

Your request will be considered by the Headteacher and you will receive a written response within twenty eight days of your request (or will be advised of the reason for, and anticipated length of, a delay in the process).

**EMPLOYEE:**

**ACADEMY:**

**CONTINUOUS SERVICE DATE:**

**RELATIONSHIP TO MOTHER/PRIMARY ADOPTER:**

**For birth cases please confirm the week the baby is due:**

Please inform HR if your baby is premature:

**I wish to commence my paternity leave from (date):**

**I intend to return from paternity leave on (date):**

**I can confirm at least one of the following statements is true and I have enclosed the MATB1 form:-**

I expect to have responsibility for the child's upbringing **Yes/No**

I am the biological father of the child or the mother's/primary adopter's husband or partner (including same sex partner) **Yes/No**

I have continuous service for 26 weeks leading to the 15<sup>th</sup> week before the baby is due/week in which I or my partner are notified by an adoption agency that I/they have been matched with a child for adoption **Yes/No**

No one else (e.g. the mother's partner) is eligible to claim Statutory Paternity Pay **Yes/No**

**Employee Signature:**

**Date:**

I approve the paternity leave with full pay as detailed above.

**Headteacher Signature:**

**Date:**

To be scanned and forward to share.payroll@sharemat.co.uk as soon as possible copy and to be uploaded onto the electronic HR system by the Admin Manager and stored on file. To notify absence insurance company if applicable.



APPENDIX 5  
**SHARED PARENTAL LEAVE  
 APPLICATION AND PAY FORM**  
 To be issued by Admin Manager to employee

This form should be completed and submitted to your Headteacher prior to your meeting with them to discuss, plan and agree the shared parental leave. (Please note this should be not less than eight weeks before the date you intend your SPL to start).

Please note that at least 2 weeks Maternity/Adoption Leave must be taken by the mother/adopter before Shared Parental leave can commence.

Please be aware you will need to submit a copy of the birth certificate/adoption matching certificate as soon as this has been issued.

**EMPLOYEE:** \_\_\_\_\_ **ACADEMY:** \_\_\_\_\_

**CONTINUOUS SERVICE DATE:** \_\_\_\_\_

**NAME OF OTHER PARENT:** \_\_\_\_\_ **JOB TITLE:** \_\_\_\_\_

**THEIR HOME ADDRESS:** \_\_\_\_\_ **NI NUMBER:** \_\_\_\_\_

**EMPLOYER CONTACT DETAILS:** \_\_\_\_\_

**This information must be provided to be compliant with the Shared Parental Leave legislation even if your partner is not sharing the leave.**

**Start/end date of Maternity/Adoption Leave:**

**I wish to take my shared parental leave as follows:** (please state if it is to be taken as one continuous block or up to a maximum of 3 separate blocks).

**I will be sharing the leave with my partner and we have informed their employer of these arrangements:** Yes / No

Dates	Parent 1 (SHARE MAT E'ee)		Parent 2 (If applicable)	
	Start Date	End Date	Start Date	End Date
Working Period 1				
Shared Parental Leave Block 1				
Working Period 2				
Shared Parental Leave Block 2				
Working Period 3				
Shared Parental Leave Block 3				

I declare that both I and the aforementioned other parent meet the statutory conditions enabling us to claim SPL and ShPP.

**Employee Signature:**

**Date:**

**Headteachers Signature:**

**Date:**

Please pass this form to the Admin Manager who will notify the Headteacher.  
Once the dates are agreed with the Headteacher the Admin Manager must forward the form to payroll and also notify the absence insurance company if applicable.

**For Central Payroll Use ONLY**

- Request received at least 8 weeks before requested start date
- Copy of birth certificate/matching certificate received
- Letter sent to employee confirming entitlement and pay

**Check of dates/blocks:**

Shared Parental Leave – maximum 52 weeks	
Maternity/Adoption weeks already taken (A) =	
Remaining weeks 52 – A =	
SPL Allocated to employee:	SPL Allocated to other parent if applicable:
Shared Parental Pay – maximum 39 weeks	
Maternity Pay already paid (B) =	
Remaining weeks 39 – B =	
ShPP Allocated to employee:	ShPP Allocated to other parent if applicable: