



Marple Hall School

## Parenting Policy & Procedure

Staff responsible for policy: C Sharp

Date reviewed: Autumn 2023

Date approved by Governors:

Signed by Chair of Committee:

Signed by Headteacher:

Date for next review: Autumn 2025

<b>Policy Title and Summary</b>	<b>Parenting Policy - This policy covers Leave and Pay matters related to Maternity, Paternity, Adoption, Parental and Shared Parental Leave</b>
<b>Audience</b>	All employees
<b>Consultation</b>	July 2021
<b>Related documents</b>	<ul style="list-style-type: none"> <li>● Health and Safety policy</li> <li>● Flexible Working policy and procedure</li> <li>● Leave Absences policy and procedure</li> <li>● Maternity Pack</li> </ul>
<b>Legal Framework</b>	<p>There are seven main areas of legislation that are relevant to sickness absence as follows:</p> <ul style="list-style-type: none"> <li>● Maternity and Parental Leave Regulations 1999; Employment Act 2002</li> <li>● The Work and Families Act 2006</li> <li>● Additional Paternity Leave Regulations 2010</li> <li>● The Equalities Act 2010</li> <li>● The Health and Safety at Work Act 1974</li> <li>● The Employment Relations Act 1999</li> <li>● Employment Act 2002 (amended 2008)</li> <li>● Data Protection Act 2018</li> <li>● National Joint Council Conditions of Service (Green Book)</li> <li>● Stockport Council Local Conditions of Service</li> </ul>
<b>Glossary of terms</b>	<p><b>Parents</b> - refer to the broad group of people who may fulfil the parenting role for children and young people. This may include, but is not limited to; parents, step-parents, grandparents, siblings, other family members, carers or foster carers.</p> <p><b>SMP</b> - Statutory Maternity Pay</p>

# Parenting Policy

## 1. Introduction

This policy sets out the rights of employees to statutory and occupational maternity leave and pay; paternity leave; adoption leave; shared parental leave and unpaid parental leave.

It explains the arrangements in place to ensure compliance with health and safety requirements and legislative timescales. It also identified the process for handling requests for leave and pay associated with parenting responsibilities.

## 2. Scope of the Policy

The Policy applies to all employees of the school. This policy does not apply to casual workers.

## 3. Policy statement

### a. Maternity

All pregnant employees (regardless of length of service) have the legal right to take up to 26 weeks' ordinary maternity leave and up to a further 26 weeks' additional maternity leave and to return work afterwards. Therefore, the employee is entitled to a total period of 52 weeks' maternity leave. Additional maternity leave follows on immediately from the end of the period of ordinary maternity leave.

All female employees who take maternity leave have the right to return to work at any time during either ordinary maternity leave or additional maternity leave, except during the first two weeks from the day of childbirth, subject to their following the correct notification procedures.

The school is committed to the health, safety and welfare of all employees who are pregnant and mothers returning to work following childbirth. Pregnant employees should inform their line manager that they are pregnant so that the manager can carry out a risk assessment with the employee to ensure that a healthy and safe working environment can be provided. Where it is deemed necessary for health and safety reasons, pregnant employees may be asked to alter their working location, hours or duties for the duration of the pregnancy.

### b. Paternity

An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to two weeks' ordinary paternity leave provided that they have 26 weeks' continuous service by the end of the 15<sup>th</sup> week before the week in which the child is expected.

### **c. Adoption**

An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave, provided they have been continuously employed for 26 weeks ending with the week in which they are matched with a child for adoption.

The employee's entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. The employee's maximum entitlement is therefore to take up to 52 weeks' adoption leave.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to their following the correct notification procedures.

### **d. Parental Leave**

The statutory right to parental leave entitles all eligible employees to take a period of up to 18 weeks unpaid leave to care for each child born or adopted subject to a maximum of 4 weeks in any one leave year.

### **e. Shared Parental Leave**

Shared parental leave allows mothers to end maternity leave/pay early so that one or both parents can take leave in a more flexible way during the baby's first year. Shared Parental leave is also available to adoptive parents. Parents can take time off at the same time or separately.

## **4. Roles and Responsibilities**

This section outlines the roles and responsibilities of managers and employees in the procedure for handling leave, pay and other arrangements associated with parenting.

Managers and employees are equally responsible for maintaining contact during periods of leave associated with parenting. Contact arrangements should be agreed prior to the beginning of the leave of absence.

Employees are responsible for notifying managers of their intention to take leave and their intention to return (including requests to change to working hours and arrangements) within agreed legislative timescales. Managers are responsible for responding to those requests within the agreed legislative timescales.

Failure to follow this procedure, and the legislative notification timescales, by employees and managers may result in payments being delayed or missed.

#### **4.1 Senior Managers (Headteacher and Senior Leadership Team)**

Senior managers are responsible for ensuring:

- Staff are aware of this policy and associated procedures and that managers are complying with legislative requirements;
- Appropriate action is taken against managers who fail to comply with legislative requirements.

#### **4.2 Line Managers**

Line managers are responsible for ensuring that

- A healthy and safe working environment is provided for pregnant and breastfeeding employees;
- They complete a pregnancy risk assessment if requested by the employee. The school issue a maternity pack which explains this to the employee.
- Any necessary adjustments are made to minimise risk to a pregnant employee such as altering working patterns, work locations and/or work duties for the duration of the pregnancy and whilst breastfeeding;
- They seek advice if needed from the appropriate agencies
- They check that employees are eligible to apply for leave and pay associated with parenting prior to agreement.
- They allow all employees to attend all appointments/meetings in line with the relevant legislative requirements;
- Employees' statutory entitlements to leave are not exceeded;
- Accurate records are kept of employees' leave;
- Encourage employees to take their accrued contractual annual leave and accrued contractual bank holidays immediately before or immediately after the period of parenting leave; and
- All staff are aware of and have access to this policy and associated procedures.

#### **4.3 Employees**

Employees are responsible for ensuring that they:

- Notify their line manager as soon as possible that they are pregnant;
- Agree to a change in working conditions for the duration of the pregnancy or whilst breastfeeding where a risk to their health, safety and wellbeing is identified;
- Are eligible for any leave and pay requested;
- Meet the legislative timescales for notification when requesting leave and pay associated with parents;

- Meet the legislative timescales for notification to return to work following parenting leave;
- Produce, where required, relevant documentation when requesting time off to attend appointments;
- Do not exceed statutory entitlements when making requests for parenting leave and pay;
- Take all accrued contractual leave and accrued contractual bank holidays immediately before or immediately after the period of parenting leave.

## **Maternity**

### **5. Introduction**

This procedure has been developed to explain all the employment-related matters about pregnancy. It includes information on maternity leave and pay entitlements, contact arrangements during maternity leave and returning to work.

For health and safety reasons, an employee should notify their line manager as soon as they know they are pregnant. If an employee has any concerns about the nature of their work or about any equipment they use, they should raise them with their line manager. This might include work that involves lifting, moving, handling, standing or sitting for long periods of time or stressful situations. They should work with their managers to identify and implement control measures to reduce the risk of harm or injury. This could include changing working conditions – work location, working pattern, and/or working duties for the duration of the pregnancy to ensure the health and safety of the employee. If required, school should carry out a work station assessment.

The manager will review the employees' circumstances and take any appropriate action. There is no legal requirement to undertake a pregnancy risk assessment however this is best practice.

### **6. Ante-natal care**

Once an employee's pregnancy has been confirmed, they have the right to take reasonable time off work with pay to attend ante-natal care including doctors, midwives and hospital appointments. It also includes relaxation and exercise classes and parent craft classes.

After the employee's first appointment, the manager has the right to ask to see written evidence from the doctor, midwife or health visitor of the pregnancy and/or evidence of the medical appointments, i.e. the appointment card or the certificate of pregnancy called a MAT B1 form which is only available from 20 weeks before the week the baby is due.

Employees will need to inform their line manager in advance about any intended absence from the workplace for ante-natal care. To minimise

disruption, employees should try to arrange their appointments as far in advance and as close to the start or end of the working day as possible.

## **7. Maternity leave**

### **7.1 Statutory Maternity Leave**

All pregnant employees are entitled to take up to one year's (52 weeks) maternity leave, regardless of length of service. To get maternity leave, the employee must give notice in writing to the School Business Manager on or before the 15th week before their baby is due. In order to take advantage of the right to ordinary and additional maternity leave employees must give the school the proper notification.

Within 28 days of receiving this notification, the employer must inform the employee of their 'expected date of return', calculated on the assumption that they will take the full entitlement of 52 weeks' maternity leave.

The start of the maternity leave must be no earlier than the 11<sup>th</sup> week before the expected week of childbirth. Employees can work beyond the 11<sup>th</sup> week and nearer the birth if they want to. In this circumstance, and dependent on the work they carry out, they may be requested to provide a medical certificate confirming their fitness to work.

Employees must tell the school:

- that they are pregnant
- the week the baby is due
- the date they wish to start their Statutory Maternity Leave.

As maternity leave is a single continuous period, employees do not have to give separate notice for Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML). The school will assume that the employee will take all the maternity leave they are entitled to unless the employee advises otherwise.

### **7.2 Compulsory Maternity Leave (CML)**

The law requires a period of compulsory maternity leave. A minimum of two weeks maternity leave must be taken following the date of childbirth.

### **7.3 Ordinary Maternity Leave (OML)**

All pregnant employees are entitled to a period of 26 weeks' Ordinary Maternity Leave (OML). This right to maternity leave applies regardless of an employee's length of service. The purpose of maternity leave is to allow the employee to give birth and to recover from giving birth. If an employee returns to work after OML, they have the right to return to the same job.

Once an employee has notified the School's Business Manager, the school of the date they wish to start their ordinary maternity leave, they can change this date as

long as they give 28 days' notice unless it isn't reasonably practicable to do so. This notification should be in writing.

#### **7.4 Additional Maternity Leave (AML)**

Additional Maternity Leave begins at the end of Ordinary Maternity Leave and runs for a maximum period of a further 26 weeks. If an employee returns to work after your AML they have the right to return to the same job, or to another suitable job if that is not reasonably practicable.

### **8. Maternity Pay (SMP)**

Employees are entitled to a maximum of 39 weeks' statutory maternity pay (SMP) if:

- they have been continuously employed for at least 26 weeks ending with the qualifying week - that is the 15<sup>th</sup> week before the expected week of childbirth;
- their average weekly earnings in the eight weeks up to and including the qualifying week (or the equivalent period if they are monthly paid) have been at least equal to the lower earnings limit for National Insurance contributions.
- they are still pregnant at the 15<sup>th</sup> week before their baby is due or have been confined by that time;
- to get SMP, an employee must give the school their form MATB1 at least 28 days before the date they wish to start their SMP. In practice, employees give notice in writing for both maternity leave and pay together by the 15<sup>th</sup> week before the baby is due.
- have ceased work (i.e. commenced maternity leave)

If an employee wishes to make changes to their plans about starting maternity leave, they must give at least 28 days' notice. Failure to do this could lead to a refusal to pay SMP or could lead to a postponement of the start of Maternity Leave.

Employees can give notice for their statutory maternity pay at the same time as they give their notice for taking maternity leave i.e. no later than the end of the 15<sup>th</sup> week.

#### **8.1 Calculating Statutory Maternity Pay**

Statutory maternity pay is based on the total earnings in the 8 weeks immediately prior to the 15<sup>th</sup> week before your baby is due. (If an employee qualifies for occupational maternity pay their 90% pay and half pay, if taken, is based on the contract of employment in force during the maternity leave).



If there are any annual cost of living rises or incremental increases in pay, which an employee would have received if they had not been absent, they will be entitled to these upon their return to work. If such pay increases come into effect during the maternity pay period the occupational maternity pay should include any additional amounts due.

## 8.2 The Rate of Statutory Maternity Pay

SMP is paid to qualifying employees at the following rates:

- for the first 6 weeks - 90% of the average weekly earnings (known as Higher Rate SMP)
- the remaining 33 weeks is paid at the Standard Rate SMP or the earnings related rate if this is less or if the employee qualifies for OMP.

## 8.3 Maternity Allowance (MA)

If an employee does not qualify for SMP they may be able to claim Maternity Allowance from the Job Centre Plus for up to 39 weeks. They will need to have paid standard rate NI contributions for any 26 weeks in the 66 weeks immediately preceding the baby's expected birth. On receipt of the MAT B1 certificate, employees who do not qualify for SMP will be issued with a form SMP1 which should be completed and taken to the local JobCentre Plus office.

## 8.4 Occupational Maternity Pay (OMP)

To be entitled to occupational maternity pay (OMP), an employee must have a continuous service date of at least one year at the 11<sup>th</sup> week before the expected week of childbirth. This means that:

- for the first 6 weeks of your maternity leave, **support staff** are entitled to 90% of their weekly pay (offset against your SMP/MA payments);
- for the first 4 weeks of your maternity leave, **teachers** are entitled to full pay (offset against your SMP/MA payments) then for the following 2 weeks teachers are entitled to 90% of their weekly pay (offset against your SMP/MA payments);
- if an employee states that they intend to return to work following their maternity leave, then for the following 12 weeks (weeks 7 to 18) of **all employee's** maternity leave will be paid, in addition to their SMP, half a week's pay without deduction as long as the two combined (half pay plus SMP/MA) do not exceed their full pay;
- if an employee states they are not coming back to work, they will be entitled to only the SMP (or MA) for those 12 weeks;
- for the last 21 weeks (weeks 19 to 39) of maternity leave, the employee will receive SMP (or MA) regardless of whether or not they are returning to work.

If an employee states that they are returning to work they may opt as an alternative to the above to have the 12 weeks' occupational half pay:

- spread over the remaining 33 weeks of their statutory maternity pay period (but they should check out implications if they are receiving any benefit payments) This assumes that an employee is taking their full entitlement of Statutory Maternity Leave, or
- deferred until they actually return to work in which case it will be paid as a lump sum.

The occupational half pay will be repayable if an employee does not return to the School employment full-time or part-time, for a minimum of three months (13 weeks).

#### **8.5 Employees not eligible for Statutory Maternity Pay**

Where the requesting employee is not eligible for Statutory Maternity Pay, an SMP1 form will be sent to the employee within the agreed legislative timescale along with an explanation of how the decision was made.

If the employee does not qualify for SMP, you can refuse it and send the employee an SMP1 form. This form must be given to the employee within 7 days of your decision and within 28 days of their request for SMP or the birth (whichever is earlier).

#### **8.6 Payment of Statutory Maternity Pay**

Maternity pay will be paid on a monthly basis as it falls due.

#### **8.7 Income Tax and National Insurance**

All payments under both SMP and the occupational maternity scheme are treated as income and are therefore liable for tax and deduction of NI contributions in the same way as normal pay. However, should pay fall below the employee earnings threshold in any pay period (i.e. week or month) the employee will not be liable for payment of NI contributions.

Employees may be eligible for tax refunds when the amount of their income goes down and during the unpaid period of leave. Payroll will deal with this and process it automatically.

#### **8.8 Pension matters**

Your contributions will automatically be deducted as long as you are being paid any periods of child related leave (both ordinary and additional). Even if this pay is reduced you won't lose any pension benefits.

If you have any period of unpaid child related leave this will not count towards the build-up of your pension. You can pay additional pension contributions (APC) to make up your 'lost' pension. If you elect to do so within 30 days of

your return to work, your contribution will be 1/3rd and your employer will pay 2/3rds of the cost. Should you make a late election you could still buy 'lost' pension but you must pay the whole amount.

## **8.9 SMP start date**

The maternity leave period will normally start on the date which an employee has notified the school. The SMP will start the day after that date. SMP is a weekly benefit and the benefit week usually begins on a Sunday. There are, however, two exceptions to this rule, which are described below.

### **a. Absence due to childbirth before the intended start date**

If an employee gives birth before the date they have notified, or before they have notified a date, the maternity leave and SMP period starts automatically on the day after the date of birth. The employee must notify the school as soon as is reasonably practicable of the date of birth.

### **b. Absence for a pregnancy-related reason before the intended start date.**

If an employee is absent from work due to a pregnancy-related reason after the beginning of the 4<sup>th</sup> week before the expected week of childbirth but before the date they have notified, the maternity leave and SMP period begins automatically on the day after the first day of absence. Employees must notify the school that they are absent from work wholly or partly because of pregnancy and of the date on which their absence for that reason began as soon as is reasonably practicable.

## **8.10 Unforeseen Circumstances/Complications**

It is hoped that employees will have a healthy, complication-free pregnancy and birth. But it is important for you to know the support/entitlements available in the following unforeseen circumstances. Employees should let their manager know what has happened when practicable so that support can be offered.

### **a. Miscarriage**

If a miscarriage occurs before the end of the 24<sup>th</sup> week of pregnancy the employee should claim sick leave, not maternity leave. Employees should also let their manager know what has happened so that appropriate support can be offered.

### **b. Premature birth**

If a baby is born prematurely and the employee has not notified the school that they intended to stop work and claim maternity pay the maternity pay

period (39 weeks' paid leave) will commence from the day after the birth takes place.

#### **c. Stillbirth**

Stillbirth is where a baby is born dead during or after the 25<sup>th</sup> week of pregnancy. Providing the employees satisfy the relevant criteria they will be entitled to Ordinary and Additional Maternity Leave. Employees should let their manager know what has happened when practicable so that support can be offered.

#### **d. Death of the baby**

If the baby is born alive but dies soon afterwards, that will be classed as a live birth. Provided employees satisfy the relevant eligibility criteria, they will be entitled to Ordinary Maternity Leave, Additional Maternity Leave and Statutory Maternity Pay and Occupational Maternity Pay.

If, after 24 weeks of pregnancy, the baby is still born, the employee is still entitled to the maternity leave and pay as above.

### **8.11. Annual leave and bank holidays**

Annual leave and relevant bank holidays continue to accrue throughout the period of ordinary and additional maternity leave.

If an employee's maternity leave is likely to span two holiday years it is recommended that the employee plan to take their leave in the relevant leave year, by normal agreement with their line manager.

If an employee decides not to return to work after maternity leave the entitlement to annual leave will be calculated to the date of the resignation. If at that time the employee has taken more annual leave than they have accrued, they will be asked to make the appropriate repayment to the authority in accordance with their contract of employment.

### **8.12. Surrogacy**

Every pregnant employee has a right to take maternity leave and what happens after the birth of the child does not alter that right. A statutory minimum of two weeks' maternity leave is required therefore no employee should be allowed to return to work before the 14<sup>th</sup> day after the birth.

### **8.13. Contact during maternity leave**

Managers and employees have a joint responsibility to maintain contact during periods of maternity leave. The frequency and type of contact should be agreed prior to the commencement of the maternity leave.

Managers must ensure that they keep employees taking maternity leave abreast of any changes to their working environment and conditions whilst they are absent. Where this involves a proposed redundancy or restructuring exercise, the employee taking maternity leave must be fully consulted about the proposed changes. Managers must bear in mind that employees taking maternity leave have the same redundancy rights as their colleagues and the right to be offered any suitable alternative post if they are selected for redundancy.

#### **8.14. Keeping in Touch days**

Employees taking maternity leave are entitled to 10 'Keeping in Touch' or KIT days throughout the leave period. These days are different to and in addition to maintaining contact during maternity leave as the employee can actually carry out work and be paid at the contractual rate of pay. Payment of KIT days will not affect entitlement to maternity pay.

These days must be agreed between the employee and the manager in advance of work being carried out.

When an employee undertakes work on any day during the maternity leave period this counts as one KIT day irrespective of the hours worked on that day.

The type of work that is undertaken on a Keeping in Touch day should be agreed between the manager and the employee. They may be used for any activity, such as attending a team meeting which would ordinarily be classed as work under the employee's contract.

#### **8.15. Returning to work**

Employees have the right to return to their job if they take Ordinary Maternity Leave.

Employees who take Additional Maternity Leave have the right to their job or a similar job if it is not possible to give them their original job back. Similar means the same or better terms and conditions. If an employee unreasonably refuses to take the similar job, the school may take this refusal as their resignation.

Employees can request a reduction in working hours or to work flexibly within their current hours. There is a statutory right to request flexible working and managers must give it due consideration taking into account the needs of the service. The request should be made in line with the school's Flexible Working policy

##### **a. The intended date of return to work after maternity leave**

Unless otherwise notified, the date on which an employee returns to work will be the first working day after the end of the 52 weeks maternity leave period.

If this is the date on which the employee returns to work, no written notice of the return has to be given. However, payroll should be notified of the return so that the employee's salary will be paid with minimal disruption. Due to payroll deadlines, the first salary payment after the employee's return is not guaranteed for the next payday.

#### **b. Return to work before the end of maternity leave**

If an employee wishes to return to work earlier than expected they must write to their manager to advise them of the date of return. The employee must give the school at least eight weeks' notice before the intended date of return. The manager must give consideration to the request and confirm to the employee in writing, the date of the return to work.

If an employee attempts to return to work earlier than the end of their maternity leave without giving eight weeks' notice, the date of return may be postponed until the full eight weeks' notice has elapsed. However, the return date cannot be postponed to a date later than the end of the 52 week maternity leave period.

#### **c. Return to work later than previously notified**

If an employee has previously notified the school that they wish to return to work before the end of their maternity leave and then they change their mind they must give the school at least eight weeks' notice of this new, later date of return before the earlier date occurs.

#### **d. Not returning to work**

If an employee does not wish to return to work after their maternity leave they must give the school their contractual notice of termination of employment. Employees who do not return to work will have to repay any Occupational Maternity Pay i.e. 12 weeks half pay, that they had previously received.

#### **e. Returning to work and breastfeeding**

If an employee wishes to breastfeed or express milk on her return to work, the manager should be given at least four weeks' notice to ensure appropriate arrangements can be made to facilitate this.

### **9. Paternity**

#### **9.1 Introduction**

This procedure has been developed to explain all the employment-related matters about paternity. It includes information on paternity leave and pay entitlements, starting paternity leave; maintaining contact with the school

during paternity leave and returning to work after taking Additional Paternity Leave.

## **9.2 Antenatal Care Appointments**

From 1 October 2014, an expectant father or the partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the partner to up to 2 of her ante-natal appointments. "Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long term relationship with her. The right applies for donor insemination and surrogacy arrangement if they intend to apply for a Parental Order.

Employees accompanying the expectant mother to her ante-natal appointments are entitled to unpaid leave for up to 2 appointments. The time off is capped at six and a half hours for each appointment which includes travelling and waiting time.

Managers are not entitled to ask for any evidence of the ante-natal appointments, such as an appointment card, as this is the property of the expectant mother. Managers may however, ask the employee for a declaration stating the date and time of the appointment, that the employee qualifies for the unpaid time off through his or her relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

## **9.3. Ordinary Paternity Leave**

In addition to any eligibility to Maternity Support Leave as described at paragraph 17.1, employees are entitled to two weeks' ordinary paternity leave providing that:

- they have 26 weeks continuous service by the end of the 15<sup>th</sup> week before the beginning of the week the baby is due or the week the adopter is matched with the child;
- have or expect to have responsibility for the child's upbringing
- be the biological father of the child or the mother's husband, civil partner or partner

A partner is defined as a person (whether of a different sex or the same sex) who lives with the mother and the child in an enduring family relationship, but is not a relative of the mother, i.e. a parent, grandparent, sister, brother, aunt or uncle. This means that a woman in a same-sex relationship would be able to take paternity leave.

Ordinary paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. Further information about adoption leave can be found in the Adoption section of this procedure.

Ordinary paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken between the time of the birth and eight weeks of the expected date of childbirth.

Employees will still qualify for paternity leave if the child is stillborn after 24 weeks of pregnancy or is born alive at any point during the pregnancy.

#### **9.4. Statutory Paternity Pay (SPP)**

Statutory Paternity Pay will be paid to eligible employees for either one or two consecutive weeks as chosen by the employee.

#### **9.5. Notice of Intention to take Paternity Leave**

Employees will be required to inform the school of their intention to take paternity leave by the fifteenth week before the baby is expected, unless this is not reasonably practicable. The employee will need to provide the following information:

- the week the baby is due
- whether they wish to take one or two weeks' leave
- when they want their leave to start.

Employees will be able to change their mind about the date they want their leave to start providing they tell their manager at least 28 days in advance (unless this is not reasonably practicable). Employees will have to tell their manager the date they expect any payments of Statutory Paternity Pay to start at least 28 days in advance, unless this is not reasonably practicable.

#### **9.6 Pay arrangements and pay related matters**

Statutory Paternity Pay will be paid to eligible employees for either one or two consecutive weeks as chosen by the employee. The statutory weekly rate of Ordinary Paternity Pay or 90% of the employee's average weekly earnings (whichever is lower).

#### **9.7. Pension matters**

Your contributions will automatically be deducted as long as you are being paid any periods of child related leave (both ordinary and additional). Even if this pay is reduced you won't lose any pension benefits.

If you have any period of unpaid child related leave this will not count towards the build-up of your pension. You can pay additional pension contributions (APC) to make up your 'lost' pension



## **9.8. Returning to work**

Employees have the right to return to their job if they take Ordinary Paternity Leave.

## **10. Adoption**

### **10.1. Introduction**

This procedure has been developed to explain all the employment-related matters relating to adoption. It includes information on adoption leave and pay entitlements, starting adoption leave; maintaining contact with the school during adoption leave and returning to work after taking adoption leave.

### **10.2. Leave entitlement before a child is placed**

Employees who have been notified that they have been matched with a child for adoption have the right to take time off before the placement to attend appointments arranged by the adoption agency for the purpose of having contact with the child or for any other purpose connected with the adoption.

If a couple is adopting a child jointly, one of them is entitled to paid time off for up to five appointments and the other is entitled to unpaid time off for up to two appointments. The couple must decide which of them will elect to take the paid time off and which the unpaid. An employee who is adopting a child on their own is entitled to paid time off for up to five appointments.

Employees are entitled to up to six and a half hours off for each appointment.

The employer can require the employee to provide evidence of the appointment, in the form of a document (an email is acceptable) showing the date and time of the appointment and that it has been arranged by the adoption agency.

### **10.3. Statutory and Additional Adoption Leave**

Employees will be eligible to take adoption leave if they have been:

- newly matched with a child for adoption by an adoption agency
- fostering a child permanently and becoming their legal parent ('fostering to adopt')

You may also be entitled to adoption leave and pay if you are eligible to apply for a parental order or adoption order due to surrogacy.

Employees are entitled to up to 26 weeks' ordinary adoption leave, followed immediately by up to 26 weeks' additional adoption leave – a total of up to 52 weeks' leave.

Leave can start:

- from the date of the child's placement (whether this is earlier or later than expected), or
- from a fixed date which can be up to 14 days before the expected date of placement, and
- on any day of the week

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If the child's placement ends during the adoption leave period, the adopter can continue adoption leave for up to eight weeks after the end of the placement.

#### **10.4. Adoption Pay**

#### **10.5 Statutory Adoption Pay**

To qualify for Statutory Adoption Pay, an employee must:

- have been continuously employed by the local authority for at least 26 weeks by the week they were matched with a child
- earn an average at least a sum equal to the Lower Earnings Level (before tax)
- give the correct notice
- give proof of adoption or parental order

●  
Employees are entitled to:

- weeks 1 to 6: 90% of an employee's average weekly earnings
- weeks 7 to 39: standard rate of Statutory Adoption Leave

#### **10.6 Occupational Adoption Pay**

To qualify for Occupational Adoption Pay an employee must have:

- one year's continuous local government service by the notification week
- stated an intention to return to work following adoption leave

Employees are entitled to:

- weeks 1 to 6 : 90% of weekly pay (offset against Statutory Adoption Pay);
- weeks 7 to 19 : standard rate Statutory Adoption Pay plus half a week's pay as long as the two combined do not exceed the amount of full pay;
- weeks 20 to 39: Standard rate Statutory Adoption Pay

- an employee must return to work for 13 weeks in order to be entitled to occupational adoption pay and
- where an employee decides not to return to work following parenting leave, or fails to return for 13 weeks, occupational adoption pay must be repaid

### **10.7 Employees not eligible for Statutory Adoption Pay**

Where an employee is not eligible for Statutory Adoption Pay, an SAP1 form will be sent to the employee within the agreed legislative timescale along with an explanation of how the decision was made.

### **10.8. Notice and start of adoption leave**

Employees must notify their manager within 7 days of being matched with a child. They will need to inform their manager:

- how much leave they want
- when they want the leave to start
- the 'date of placement' – the expected or actual date the child is being placed with the employee

### **10.9 Employer's notification of end of leave**

The school will write to the employee within 28 days of receiving the notice to take adoption leave and notify them of the date on which their leave will start and end.

### **10.10 Change of leave dates**

Once an employee has notified the school of the date they wish to start their adoption leave, they can change this date as long as they give 28 days' notice unless this is not reasonably practicable to do so.

### **10.11. Surrogacy**

If you use a surrogate, the surrogate will be the child's legal parent at birth.

You must apply to become the legal parent within 6 months of the child's birth to get surrogacy rights, leave and pay.

You must apply for:

- a parental order – if one intended parent is genetically related to the child
- an adoption order – if the intended parents are not genetically related to the child

If you are adopting the child through a registered adoption agency you can apply for an Adoption Order making you the legal parent of the child with parental responsibility and you will be entitled to adoption leave and pay if you meet the normal qualifying conditions.

If you are eligible and intend to apply for a Parental Order, you will be able to take adoption leave and pay and paternity leave and pay, if each parent meets the normal qualifying conditions see below.

#### **10.12. Pension matters**

Your contributions will automatically be deducted as long as you are being paid any periods of child related leave (both ordinary and additional). Even if this pay is reduced you won't lose any pension benefits.

If you have any period of unpaid child related leave this will not count towards the build-up of your pension. You can pay additional pension contributions (APC) to make up your 'lost' pension

#### **10.13. Contact during adoption leave**

Managers and employees have a joint responsibility to maintain contact during periods of adoption leave. The frequency and type of contact should be agreed prior to the commencement of adoption leave.

#### **10.14. Keeping in Touch days**

Employees taking adoption leave are entitled to 10, 'keeping in touch' days throughout the adoption leave period. These days are different to and in addition to maintaining contact during adoption leave as the employee can actually carry out work and be paid at the contractual rate of pay. Payment of KIT days will not affect entitlement to adoption pay.

These days must be agreed between the employee and the manager in advance of work being carried out.

If an employee normally work shifts and the work carried out during one shift straddles midnight it may be counted as one day for the purposes of Keeping in Touch days.

When an employee undertakes work on any day during the adoption leave period this counts as one KIT day irrespective of the hours worked on that day.

The type of work that is undertaken on a Keeping in Touch day should be agreed between the manager and the employee. They may be used for any activity, such as attending a team meeting which would ordinarily be classed as work under the employee's contract.

## **10.15. Returning to work**

Employees have the right to return to their job if they take Ordinary Adoption Leave,

Employees who take Additional Adoption Leave have the right to their job or a similar job if it is not possible to give them their original job back. Similar means the same or better terms and conditions. If an employee unreasonably refuses to take the similar job, the school may take this refusal as their resignation.

### **a. The intended date of return to work after adoption leave**

Unless otherwise notified, the date on which an employee returns to work will be the first working day after the end of the 52 weeks adoption leave period.

If this is the date on which the employee returns to work, no written notice of the return has to be given. However, employees should ensure that their manager notifies payroll of the return so that the employee's salary will be paid with minimal disruption. Due to payroll deadlines, the first salary payment after the employee's return is not guaranteed for the next payday.

### **b. Return to work before the end of Additional Adoption leave**

If an employee wishes to return to work earlier than expected they must write to the Headteacher to advise them of the date of return. The employee must give the school at least eight weeks' notice before the intended date of return. The manager must give consideration to the request and confirm to the employee in writing, the date of the return to work.

If an employee attempts to return to work earlier than the end of their Additional Adoption Leave without giving eight weeks' notice, the date of return may be postponed until the full eight weeks' notice has elapsed. However, the return date cannot be postponed to a date later than the end of the 52 week Additional Adoption Leave period.

### **c. Not returning to work**

If an employee does not wish to return to work after their adoption leave they must give the school their contractual notice of termination of employment. Employees who do not return to work will have to repay any Occupational Adoption Pay i.e. 12 weeks half pay, that they had previously received.

## **11.Shared Parental Leave**

### **11.1. Eligibility**

Eligible parents who are sharing responsibility for a child can get SPL in the first year after:

- the birth of their child
- adopting a child
- getting a parental order if they had the child through surrogacy

The parent who is to take SPL must:

- have worked for the same employer for at least 26 weeks by the end of the 15th week before their baby is due or their adoption match date
- still be working for the same employer at the start of each block of leave they take

In order to take SPL the employee must end their maternity or adoption leave.

The employee must give a minimum of 8 weeks notice to the school of their intention to take Shared Parental Leave. The school will then consider whether the request can be accommodated and will write to the employee to advise.

### **11.2. How much Shared Parental Leave can you take?**

Eligible parents can get:

- up to 50 weeks of SPL
- up to 37 weeks of Shared Parental Pay (ShPP)

How much SPL or ShPP eligible parents get depends on how much:

- maternity entitlement the birth parent has taken
- adoption entitlement the primary adopter has taken

It's the same amount even if the parents have more than one:

- baby, for example twins
- child in the same adoption placement

If the birth parent or primary adopter is not entitled to maternity or adoption leave

They will not be eligible to take SPL themselves, but if they're getting maternity pay, adoption pay or Maternity Allowance, they can end ('curtail') this to create SPL or ShPP for the other parent.

### **11.3. Ways parents can use Shared Parental Leave**

Ways eligible parents could use SPL include:

- the birth parent or primary adopter returns to work early from maternity or adoption leave and takes SPL at a later date
- the birth parent or primary adopter returns to work and their partner takes SPL
- both parents are off at the same time
- the parents share SPL evenly and are off at different times

#### **11.4. Continuous/ Discontinuous Shared Parental Leave**

##### **a. Continuous leave**

Continuous leave will be suitable for most parents and allows for up to 3 blocks of SPL. The employer cannot refuse a continuous leave notice.

##### **b. Discontinuous leave**

Discontinuous leave will be suitable when the parent wants to take blocks of SPL on and off throughout the year.

Before deciding on this type of leave, it's best for the employee and employer to talk about it first and make sure it will work for both.

The employer can refuse a discontinuous leave request, for example if it's not suitable for the work or workplace. They can suggest a different arrangement that's more suitable.

The employer and employee should come to an agreement within 14 calendar days of the employee's request. If they do not reach agreement, the employee can either:

- withdraw their request
- take continuous leave instead

Withdrawing their request on or before the 15th calendar day after they originally made it will not count as one of their 3 notices to book or vary leave.

Withdrawing their request after the 15th calendar day will count as a notice to vary leave. This means the employee would be using 2 notices in total.

If the employee lets their discontinuous leave request become continuous leave, within 19 calendar days of their original request they can either:

- choose when the continuous leave will start (it cannot start sooner than 8 weeks from the date of the original leave request)
- let the continuous leave start when the discontinuous leave would have started

The employee should put the option they choose in writing to their employer.

### **11.5. Shared Parental Leave Keeping In Touch (SPLIT) Days**

The employee and employer can agree on up to 20 Shared Parental Leave keeping in touch ('SPLIT') days.

These work in a similar way to keeping in touch ('KIT') days with maternity leave.

SPLIT days can be useful for the employee to:

- keep up to date with work
- go to a work-related activity or training session
- work part of a week to help the team
- return from leave in a gradual way, for example taking 2 SPLIT days and working 3 days a week to start with

It's up to the employer and employee to agree:

- whether to use SPLIT days
- how many of the 20 to use
- how much the employee will get paid for them

### **11.6. Shared Parental Pay**

The employee will receive Statutory Shared Parental Pay or 90% of their usual salary payments, whichever is lower.



## **12. Pay/Pension arrangements and pay related matters**

### **12.1 Income Tax and National Insurance**

All payments under both SMP and the occupational maternity scheme are treated as income and are therefore liable for tax and deduction of NI contributions in the same way as normal pay. However, should pay fall below the employee earnings threshold in any pay period (i.e. week or month) the employee will not be liable for payment of NI contributions.

Employees may be eligible for tax refunds when the amount of their income goes down and during the unpaid period of leave. Payroll will deal with this and process it automatically.

### **12.2 Pension matters**

Your contributions will automatically be deducted as long as you are being paid any periods of child related leave (both ordinary and additional). Even if this pay is reduced you won't lose any pension benefits.

If you have any period of unpaid child related leave this will not count towards the build-up of your pension. You can pay additional pension contributions (APC) to make up your 'lost' pension.

## **13. Other leave arrangements**

The following range of entitlements is available to partners to assist with their role in the support of the mother and the care of children.

### **a. Maternity Support**

Under the national conditions of service, maternity support leave of 5 days with pay shall be granted to employees' who are either the child's father or the partner or nominated carer of an expectant mother at or around the time of birth within a period of beginning 11 weeks before and up to 13 weeks after. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth (normally in lieu of the father). Any request for Maternity Support leave must be accompanied with a copy of the mother's maternity certificate (Form MATB1).

### **b. Parental Leave**

Parental leave gives eligible employees who have completed one year's continuous service with their employer the right to up to eighteen weeks' unpaid parental leave to care for each child and adopted child up to their 18<sup>th</sup> birthday.

Employee's will be eligible if any of the following apply:

- they are named on the child's birth or adoption certificate or they have or expect to have parental responsibility
- they are a guardian appointed under the Children Act 1989
- they are adoptive parents
- they are a spouse or partner of any of the above if they are living with the child
- are foster parents who have secured parental responsibility through the courts

The entitlement is for each child. In most cases, leave must be taken in blocks or multiples of one working week (pro rata), subject to a maximum of 4 weeks in any one leave year with the exception that parents of disabled children can take leave in blocks or multiples of one day. Employees will be required to request this leave in writing, confirming the start and end dates, at least 21 days before they intend to take it, enclosing a copy of their child's birth certificate or other appropriate papers relevant to the request. Failure to give the appropriate notice could lead to the leave being postponed except in those circumstances when the employee gives notice to take it immediately after the time the child is born or is placed with the family for adoption.

Management can postpone the leave where the service would be particularly disrupted if the leave were taken at the time requested (although every effort will be made to avoid postponement). Leave cannot be postponed when the employee gives notice to take it immediately after the time the child is born or adopted.

### **c. Time off for Dependants and IVF treatment**

The school has a leave of absence policy for this type of leave. Consideration will be also be given under the leave of absence policy for any time off requested for IVF treatment.

## Appendix A

### NOTIFICATION FOR MATERNITY LEAVE AND MATERNITY PAY

Please complete this form and return it as soon as possible to the [add detail]. Please tick appropriate boxes.

#### Section A - To be completed by all employees

1. Name: .....
2. Job Title: .....
3. Work Location: .....
4. Home Address: .....  
..... Tel: .....
5. I am pregnant and enclose my Certificate of Expected Childbirth (form MAT B1) which confirms that my baby is due on:  
.....

Note: Maternity pay will not be granted until this certificate is produced.

6. I wish to start my maternity leave on:  
.....(date)

The start date of your maternity leave must be no earlier than the 11<sup>th</sup> week before the expected week of childbirth.

*Note: You are required to notify the Council of your intention to take maternity leave by the 15<sup>th</sup> week before your expected week of childbirth. However, you are able to change your mind about when you want to start your leave, providing you notify the Council at least 28 days in advance.*

7. If you will have at least one year's continuous local government service by the beginning of the 11<sup>th</sup> week before the expected week of childbirth, please complete section B below. If you will have less than 1 years service please proceed to section C

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#### **Section B To be completed by those employees who have at least one year's continuous local government service.**

8. *I understand that I am entitled to occupational maternity pay during my ordinary*

*maternity leave period providing that I return to work for three months afterwards and that if I do not return to work for three months, I will need to repay the occupational maternity pay.*

9. I am intending to return to work when my maternity leave expires.

10. If you have ticked the box at 9 you will be paid your occupational maternity pay, i.e. 12 weeks at half pay, whilst on maternity leave, immediately following the 4 weeks at full pay and the 2 weeks at 90% (i.e. weeks 7 to 18)

As an alternative you may choose one of the following options:

(i) I wish to be paid my occupational maternity pay, i.e. 12 weeks at half pay, whilst on maternity leave but spread over the 33 weeks immediately following the 6 weeks at 90% (i.e. weeks 7 to 39)

(ii) I wish to be paid my occupational maternity pay, i.e. 12 weeks at half pay, on my return to work

Note: For the purposes of this form it is assumed that you will return to work at the end of your full maternity leave entitlement. However, if you wish to return before the end of your maternity leave, you must provide at least 8 weeks notice in writing before your date of return.

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**Section C- To be completed by all employees**

*If I am not entitled to SMP, please send me form SMP1 so I can claim Maternity Allowance.*

*Employee signature: ..... Date: .....*

*This form will be accepted as your notification in writing of the date from which you wish to start your maternity leave and pay as applicable.*

Note: If you decide, whether now or later, that you do not intend to return to work with us you must give us notice of termination of employment in writing.

**Keep a copy of this form for your own reference**

**Appendix B**

**PAYMENT OF PENSION CONTRIBUTIONS AFTER UNPAID MATERNITY LEAVE**

I understand that if I return to work, or resign, following a period of unpaid maternity leave I can elect to pay contributions for this period provided I apply within 30 days of the relevant date.

Date of return to work/resignation .....

I wish to pay pension contributions for the outstanding period and authorise the authority to deduct the appropriate amount from my weekly/monthly pay on my return to work.

Payment of pension contributions can be spread over a number of weeks/months for employees remaining at work. Please provide further details before making any deductions.

Name: ..... Date: .....

Payroll Number: .....

Please return this form direct to [add details]

## Appendix C

### Keeping in Touch Days

To be completed by the Headteacher/Line Manager and forwarded [add details] at the end of each week when KIT days are used. Each day an employee works during their leave is classed as one KIT day regardless of the number of hours worked.

Name \_\_\_\_\_

Address  
\_\_\_\_\_  
\_\_\_\_\_

Week ending:

DATE	DEPT	GL CODE 6 DIGITS	COST CENTRE 5 DIGITS	NUMBER OF HOURS WORKED	NUMBER OF KIT DAYS USED	BALANCE OF KIT DAYS (10) LEFT	HEADTEACHER/ MANAGER SIGNATURE

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

## Appendix D

Link to ACAS forms for Shared Parental leave

<https://www.acas.org.uk/shared-parental-leave-forms>