

Maternity, Paternity and Adoption Policy

This policy (and the procedure outlined within) applies across all partner schools in the Stephen Sutton Multi-Academy Trust (SSMAT). It is available on the SSMAT website and is accessible from our schools' websites.

POLICY APPROVAL and REVIEW

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1. Introduction / Overview

- 1.1 Stephen Sutton Multi-Academy Trust (SSMAT) values the contribution made by its employees and is committed to ensuring that colleagues are able to balance effectively their personal and professional / work-based commitments through appropriate flexible arrangements. For some colleagues, personal commitments includes the need for family-related leave.
- 1.2 This policy provides details about entitlements to leave and pay for maternity leave, paternity leave, adoption and parental leave.
- 1.3 The policy and procedures apply to all employees, but does not form part of the contract of employment and can be varied from time to time and in consultation with the recognised trade unions. The procedure does not apply once a colleague has left employment with the Trust.

2. Policy statement

- 2.1 This policy will at all times be applied fairly and with due regard to colleagues' 'protected characteristics'. Colleagues are not treated less favourably because they are pregnant, or because they are absent, either on maternity, adoption, paternity or parental leave or, for any other reason, connected with pregnancy or maternity.
- 2.2 Colleagues are not discriminated against, on the grounds of pregnancy or maternity, in relation to: training opportunities; job selection; promotion; job security; or any other aspect of their terms and conditions of employment.
- 2.3 From time to time, colleagues may have questions or concerns relating to their parental rights. The Trust encourages open discussion to ensure that questions and problems can be resolved as quickly as possible. Colleagues are not discriminated against, or victimised, should they raise a question, concern or grievance relating to the application of this policy
- 2.4 Colleagues are not excluded from communication and consultation because of absence due to pregnancy or childbirth.
- 2.5 Colleagues are not dismissed for any reason connected with pregnancy, childbirth or related leave.
- 2.6 These provisions apply equally to full time and part time workers, regardless of hours worked or length of service.

3. Maternity leave

- 3.1 All pregnant employees are entitled to take up to 26 weeks of Ordinary Maternity Leave and up to 26 weeks of Additional Maternity Leave, making a total of 52 weeks of continuous leave. This entitlement applies, regardless of the number of hours they work or their length of service. Additional Maternity Leave begins on the day after Ordinary Maternity Leave ends.



- 3.2 The scheme also provides for 39 weeks of Statutory Maternity Pay (SMP) for all colleagues with at least 26 weeks of continuous service, as at the 15th week before the expected week of childbirth, and who are in receipt of average earnings equal to the lower earnings limit for National Insurance contributions. For the purpose of this policy, 'childbirth' means the birth of either a living child or a stillborn child after 24 weeks of pregnancy.
- 3.3 Immediately after childbirth, there is a minimum period of compulsory maternity leave that a colleague must take and before which she may not return to work. The period of compulsory maternity leave is two weeks from the date of childbirth. Ordinary Maternity Leave can start at any time after the beginning of the 11th week before the colleague's expected week of childbirth (unless their child is born prematurely before that date, in which case it will start earlier). Maternity Leave starts after the beginning of the four weeks before the expected week of childbirth and on whichever date is the earlier of:
- the colleague's chosen start date;
 - the day after the colleague gives birth to their child; and
 - the day after any day on which the colleague is absent from work for a pregnancy-related reason.
- 3.4 A colleague's maternity leave can only be triggered, by a pregnancy-related reason, from the beginning of the fourth week before the expected week of childbirth. If a colleague is absent from work, for a pregnancy-related reason, during this period, their maternity leave will start on the day following the first day on which they were absent. SMP, where the colleague is entitled to this, will also start on this day and run for 39 weeks.

4. Notification of pregnancy

- 4.1 In order to be eligible for maternity leave, a colleague is legally required to formally notify their employer of certain information. Accordingly a colleague, on becoming pregnant, should notify their Headteacher (or a senior manager with delegated responsibility), in writing, by the end of the 15th week before her Expected Week of Childbirth (EWC), or as soon as is reasonably practicable, of the following:
- that they are pregnant;
 - of the EWC; and
 - of the date that maternity leave will begin. [This cannot be earlier than the beginning of the 11th week before the expected week of childbirth.]



- 4.2 The notification of the pregnancy is sent, by the appropriate school manager / administrator to the Trust Business Manager, along with a MATB1 Certificate, as soon as this is provided by the colleague's doctor or midwife. If the colleague qualifies for SMP, the MATB1 must be submitted before the birth, or no more than three weeks after the birth.
- 4.3 The Trust Business Manager confirms receipt of, and responds to, the colleague's notification of pregnancy within 28 calendar days, detailing entitlements to maternity pay and maternity leave.

5. Notice period for changing original commencement date of maternity leave

- 5.1 A colleague may change the date of the commencement of their leave, provided that they give 28 days' notice, before the original date or the new date, whichever is the earlier.

6. Pregnancy-related illness

- 6.1 Where a colleague is absent due to a pregnancy-related illness, they should notify the Head Teacher (or a senior manager with delegated authority). If the absence begins after the beginning of the fourth week before expected week of childbirth, maternity leave will start automatically.

7. Time off for antenatal care

- 7.1 All pregnant employees are entitled to paid time off to keep appointments for antenatal care, where these appointments have been made on the advice of a registered medical practitioner, registered midwife or registered health visitor. Antenatal care is not restricted to medical examinations, e.g. it could include relaxation classes and parent craft classes. On request, colleagues must present an appointment card, or other relevant document, showing that the appointment has been made. Reasonable time off is given for these appointments but, where possible, colleagues should arrange ante-natal appointments outside of working hours.

8. Maternity pay

- 8.1 To be eligible to receive Statutory Maternity Pay (SMP) during Maternity Leave, an employee must:
 - be pregnant and have reached, or have given birth before reaching, the start of the 11th week before the expected week of childbirth;
 - have been continuously employed for at least 26 weeks by the end of the 15th week before the expected week of childbirth; and



- have average weekly earnings, for the eight week period ending with the qualifying week, of not less than the Lower Earnings Limit;
- have stopped working for the employer;
- have supplied their MATB1 before the birth of their child, or no more than three weeks after childbirth; and
- give 28 days' notice of when they wish their statutory maternity pay to start.

8.2 Where a colleague does not meet the criteria for SMP, they may be entitled to a Maternity Allowance.

8.3 Colleagues other than teachers with less than one year's continuous service, at the 11th week before their expected week of childbirth, are entitled to:

- 90% of a week's pay for the first six weeks of absence (SMP); and
- 33 weeks of SMP. SMP is determined as the lesser amount of a fixed, flat rate, reviewed annually and 90% of average weekly earnings.

At the end of this 39 week period, any additional maternity leave is unpaid.

8.4 Colleagues other than teachers with at least one year's service in Local Government, at the 11th week before their expected week of childbirth, are entitled to:

- 90% of a week's pay for the first six weeks' absence (SMP); and either:
- 12 weeks of 'half pay' plus SMP, followed by 21 weeks of SMP; or:
- if the colleague does not intend to return to work, 33 weeks of SMP.

At the end of this 39 week period, any additional maternity leave is unpaid.

8.5 Teachers with less than one year's continuous service as a teacher, at the 11th week before their expected week of childbirth, are entitled to:

- 90% of a week's pay for the first six weeks absence (SMP); and
- 33 weeks of SMP. SMP is determined as the lesser amount of a fixed, flat rate, reviewed annually and 90% of average weekly earnings.

At the end of this 39 week period, any additional maternity leave is unpaid.



8.6 Teachers with at least one year's continuous service as a teacher, at the 11th week before their expected week of childbirth, are entitled to:

- full pay for the first four weeks of absence from work (offset against any entitlement to SMP during this period); and
- 90% of a week's pay for the next two weeks of absence (offset against any entitlement to SMP during this period); and either:
- 12 weeks of 'half pay' plus SMP, followed by 21 weeks of SMP; or
- 33 weeks of SMP if the colleague does not intend to return to work, 33 weeks of SMP.

At the end of this 39 week period, any additional maternity leave is unpaid.

8.7 For all colleagues, the 12 week's 'half pay' plus SMP cannot exceed a normal week's pay. Furthermore, to retain Occupational Maternity Pay, a colleague must return to work for:

- employees other than teachers must return to work for a period of three months, after their maternity leave ends; and
- teachers must return to work for a period of 13 weeks (including school closure periods) after their maternity leave.

8.8 Any colleague not returning to work for relevant period prescribed above must repay such proportion of the pay (excluding the SMP) as determined by the Trust, i.e. 12 weeks at half pay (for all colleagues).

8.9 Where a colleague starts working for another employer during the SMP period and after the baby is born, they must inform the Trust within a period of seven days of this and they will lose their entitlement to SMP. The Trust will continue to pay Occupational Maternity Pay unless otherwise stated and agreed in the colleague's statement of employment particulars, or relevant policy.

8.10 Where a pregnancy results in a still birth, or is terminated before 24 weeks of pregnancy, a colleague is not entitled to receive SMP. However, they may be entitled to sick pay, if they satisfy the qualifying conditions. The Managing Absence at Work Policy contains further information on this.

8.11 Where a pregnancy results in a still birth after 24 weeks of pregnancy, a colleague qualifies for full maternity benefits and leave.



- 8.12 A colleague who is not eligible for SMP, but who meets the eligibility requirements for Occupational Maternity Pay (OMP) (i.e. has at least one year's service at the 11th week before the expected week of childbirth), receives Occupational Maternity Pay as follows:
- a colleague other than teacher receive six weeks at 90% of full pay, followed by 12 weeks at half pay; and
 - a teacher receives four weeks at full pay, followed by two weeks at 90% of full pay and 12 weeks at half pay.
- 8.13 A colleague who is not eligible for SMP may be able to claim a maternity allowance directly from the Department of Work and Pensions (DWP) / Job Centre Plus. The Trust Business Manager will provide them with form SMP1, together with MATB1.
- 8.14 Where a colleague is entitled to OMP, any maternity allowance they receive is offset against the SMP rate. Where a colleague does not qualify for a maternity allowance, or it is paid at a lesser rate than SMP, the colleague will need to forward a copy of their maternity allowance statement to the Department of Working Pensions (DWP) or Job Centre Plus.

9. Breast-feeding

- 9.1 Exclusive breast-feeding for the first six months of life may offer significant health advantages to mothers and babies, so it is important that mothers are enabled to continue breast-feeding (should they wish to do so) when they return to work.
- 9.2 Health and Safety legislation places a duty of care on employers to ensure that the breast-feeding child does not suffer any adverse effects as a result of their mother's work.
- 9.3 Colleagues who wish to breast-feed, upon returning to work, should notify their manager as soon as practicable and discuss their personal requirements prior to their return to work.
- 9.4 Where practicable, managers will offer the following support with breast-feeding:
- a risk assessment of work activities, making adjustments as necessary and keeping the assessment under review;
 - the organisation of appropriate work patterns / hours (including paid breaks, as appropriate) to ensure that the required time is allocated for breast-feeding or to express breast milk.
 - the allocation of a room, where milk can be expressed which will be: warm, clean and private; with suitable furniture and storage (including,

where possible, a dedicated refrigerator); and with convenient hand-washing facilities (either in the room or nearby). [The room will not necessarily be in the usual work area.]

Where it is not practicable to provide support of this type at the workplace, time off with pay is provided to enable colleagues to access the support that they need.

10. Adoption leave

- 10.1 Adoption leave provisions apply to all colleagues, where an approved agency notifies them of a match with a child. Colleagues are entitled to a minimum of 26 weeks of Ordinary Adoption Leave (OAL), irrespective of hours worked or length of service. The period of OAL may additionally attract 39 weeks of Statutory Adoption Pay (SAP), for those with at least 26 weeks' service at the relevant date. This policy also covers situations where a child is adopted from overseas.
- 10.2 Adoption leave (and pay) is available to individual employees who adopt a child. Where two colleagues (a couple) are both employed by SSMAT, the couple choose which of them takes adoption leave and the paid leave is granted to the nominated person.
- 10.3 The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may be entitled to paternity leave and pay.
- 10.4 In order to be eligible for Additional (unpaid) Adoption Leave (AAL), a colleague must have worked continuously for SSMAT for at least 26 weeks, leading into the week in which the colleague is informed that they have been matched with a child for adoption.
- 10.5 Where a child is being adopted from abroad, it can take up to 12 months from the date of receiving the official notification to the time that the child enters Great Britain. In these circumstances, the criteria are that: the colleague must have worked for SSMAT for at least 26 weeks – either the 26 weeks ending with the week in which they receive their official notification (see below) or 26 weeks from the start of their employment. The 26 week qualifying period can be completed either before an employee receives their official notification or at a later date before the leave and pay is due to begin.
- 10.6 To qualify for Statutory Adoption Pay, a colleague must have average weekly earnings at, or above, the Lower Earnings Limit for National Insurance contributions. [There is an amount of weekly pay, below which employees do not pay National Insurance contributions – the Lower Earnings Limit.]
- 10.7 In order to be eligible for adoption leave and pay, a colleague must be newly matched for adoption with a child by a UK adoption agency. When adopting from abroad, a colleague must have received an official notification from the relevant overseas authority, confirming that the colleague has been assessed and approved as a suitable adoptive parent. Adoption leave and pay will not apply where a child is



not newly matched for adoption, e.g. where a step-parent adopts their partner's child.

- 10.8 A Special Guardianship Order gives a special guardian legal parental responsibility for a child, normally until they are 18 years old. However, the order does not remove parental responsibility from the child's birth parents. Colleagues granted this order have no entitlement to adoption leave. They are, nonetheless, entitled to other benefits that those colleagues with parental responsibilities get, such as parental leave and right to request flexible working.
- 10.9 Regardless of length of service, colleagues are allowed time off to participate in the Adoption Vetting Process. Although a number of days is not stipulated in the legislation, a colleague is entitled to a 'reasonable' amount of paid time off for this purpose and the Trust judges that a maximum of five days for the Main Adopter should be sufficient in most cases. ~~This paid leave will only be granted to one member of a couple, where both are employed by SSMAT.~~
- 10.10 Regardless of length of service, colleagues who are the Second Adopter are entitled to a maximum of two days of unpaid leave to attend adoption appointments.
- 10.11 Colleagues can take up to 52 weeks of adoption leave, comprising 26 weeks of Ordinary Adoption Leave (OAL) and up to 26 weeks of Additional Adoption Leave (AAL).
- 10.12 Adoption 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 week of placement.
- 10.13 In the case of an overseas adoption, the leave can commence from the date that the child enters Great Britain, or from a date of up to 28 days after the child enters Great Britain. If a child is being adopted from overseas, the colleague must have written notification from the overseas authority confirming that they are eligible to adopt.
- 10.14 Leave can start on any day of the week. Only one period of leave is available, irrespective of whether more than one child is placed.
- 10.15 Where a child's placement ends during the adoption leave period, the colleague can continue the adoption leave for up to eight weeks after the end of the placement. If a further placement is subsequently arranged, then the colleague applies again, for another period of adoption leave.
- 10.16 In order to qualify for adoption leave, within seven days of being informed that they have been matched with a child (or as soon as is reasonably practicable), a colleague notifies their Headteacher (or nominated senior manager) that they have been matched with a child for adoption, the date that they intend to take adoption leave and the date that the child is expected to be placed with them. In order to qualify for adoption pay, a colleague must notify the school, at least 28 days before the start of their adoption leave, that they want to receive Statutory Adoption Pay



(SAP). If this timescale is not reasonably practicable, than notification must be made as soon as possible.

- 10.17 In the case of an adoption from overseas, the colleague must, within 28 days of having received their official notification, inform their employer of the date on which they received official notification and the date that the child is expected to enter Great Britain. In addition, also within 28 days of the child entering Great Britain, the colleague must give further evidence of the date of entry (such as a plane ticket or entry clearance documents). Furthermore, the colleague must give 28 days' notice of when they intend to take adoption leave.
- 10.18 A colleague can amend the date that they want to start the adoption leave, provided that they give their employer 28 days' notice (unless this is not reasonably practicable)
- 10.19 A colleague should provide a copy of their 'Matching Certificate', or their 'official notification' (in relation to overseas adoptions), to their Headteacher (or nominated senior manager), as evidence of their entitlement to Statutory Adoption Pay. The certificate should show the name and address of the adoption agency, the date that a child was matched with the colleague for adoption and the date that the adoption will occur.
- 10.20 Having received notification, the Headteacher (or nominated senior manager) arranges for a letter to be written to the colleague to confirm that the adoption leave will start as agreed and also confirming the date that the adoption leave will end.
- 10.21 Adoption pay starts at the same time as the adoption leave and is subject to the colleague producing the 'Matching Certificate', or official notification, as described earlier.
- 10.22 Statutory Adoption Pay (SAP) is payable for 39 weeks, from the first day of employment. It is paid at a fixed, flat rate, which is reviewed annually, or 90% of average weekly earnings, whichever is the lesser amount.
- 10.23 Colleagues other than teachers, who qualify for SAP and have less than one year's continuous service by the date on which they are notified of being matched with a child, are entitled to:
- 90% of a week's pay for the first six weeks of absence from work; and
 - 33 weeks of SAP. SAP is the same as Statutory Maternity Pay (SMP).

At the end of this 39 week period, any additional adoption leave is unpaid.

- 10.24 Colleagues other than teachers, who qualify for SAP and have at least one year's continuous service by the date on which they are notified of being matched with a child, are entitled to:



- 90% of a week's pay for the first six weeks of absence from work; and either:
- 12 weeks of 'half pay' plus SAP, followed by 21 weeks of SAP; or
- where a colleague does not intend to return to work, 33 weeks of SAP.

At the end of this 39 week period, any additional adoption leave is unpaid.

10.25 Teachers, who qualify for SAP and have at least one year's continuous service by the date on which they are notified of being matched with a child, are entitled to:

- full pay for the first four weeks of absence (offset against any entitlement to SAP during this period); and
- 90% of a week's pay for the next two weeks' absence; and either:
- 12 weeks of 'half pay' plus SAP, followed by 21 weeks of SAP; or
- where a colleague does not intend to return to work, 33 weeks of SAP.

At the end of this 39 week period, any additional adoption leave is unpaid.

10.26 For all colleagues, the 12 week's 'half pay' plus SAP cannot exceed a normal week's pay. Furthermore, to retain the 12 weeks' half pay:

- employees other than teachers must return to work for a period of three months, after the adoption leave ends; and
- teachers must return to work for a period of 13 weeks (including school closure periods) after their adoption leave.

10.27 Where a colleague is not eligible for SAP but meets the eligibility requirements for Occupational Adoption Pay (OAP), they receive the OAP as follows:

- employees other than teachers receive six weeks at 90% of full pay, followed by 12 weeks at half pay; and
- teachers receive four weeks at full pay, followed by two weeks at 90% of full pay and 12 weeks at half pay.

11. Shared Parental Leave

11.1 Shared Parental Leave (SPL) enables eligible parents to choose how to share between themselves the care of their child during the first year after birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond

with, their child. All eligible employees have a statutory right to take SPL. There may also be an entitlement to some Shared Parental Pay (ShPP).

11.2 SPL can only be used by two people: the mother/adopter and either: the father of the child (in the case of birth); or the spouse, civil partner or partner of the child's mother/adopter. Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption. Additionally, a colleague 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, 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 colleague must still be working for the organisation at the start of each period of SPL;
- the colleague 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 colleague's partner must meet the 'employment and earnings test', requiring that, in the 66 weeks leading up to the child's expected due date/matching date, they have worked for at least 26 weeks and earned an average of at least £30 a week in any 13 of those weeks; and
- the colleague must correctly notify the organisation of their entitlement and provide evidence as required.

11.3 Eligible colleagues may be entitled to take up to 50 weeks of SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they, and/or their partner, may opt in to the SPL system and take any remaining weeks as SPL.

11.4 A mother/adopter may curtail their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

11.5 SPL can commence as follows:

- the mother takes SPL after she has taken the legally required two weeks of maternity leave, immediately following the birth of the child;



- the adopter takes SPL after taking at least two weeks of adoption leave;
 - the father/partner/spouse takes SPL immediately following the birth/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).
- 11.6 Where a mother/adopter gives notice to curtail their maternity/adoption entitlement, then the partner of the mother/adopter can take leave while the mother/adopter is still using their maternity/adoption entitlements.
- 11.7 SPL will generally commence on the colleague's chosen start date, specified in their leave booking notice or in any subsequent variation notice. If the colleague is eligible to receive it, SPP may be paid for some, or all, of the SPL period.
- 11.8 SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the child's first birthday, or the first anniversary of the placement for adoption, is lost.
- 11.9 A colleague entitled to, and intending to take, SPL must give their line manager notification of their entitlement and intention to take SPL, at least eight weeks before SPL can commence. This should be done by completing the appropriate form, which can be obtained from their school. The form should then be submitted to the Headteacher (or nominated senior manager), in line with the timescales outlined in this policy. Notification (through completion of the form) must be in writing and requires each of the following:
- the name of the colleague;
 - 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 and the actual date of birth 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 that the colleague and their partner each intend to take;
 - a non-binding indication of when the colleague expects to take the leave.

The colleague must provide the school with a signed declaration stating:



- that they meet, or will meet, the eligibility conditions and are entitled to take SPL;
- that the information they have given is accurate;
- that, if they are not the mother/adopter, they are either the father of the child or the spouse, civil partner or partner of the mother/adopter; and
- that should they cease to be eligible they must immediately inform the organisation.

Furthermore, the colleague must also provide the school 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 10.2, above) and, at the date of the child's birth or placement for adoption, had the main responsibility for the child, along with the colleague; that they consent to the amount of SPL that the employee intends to take;
- that they consent to the organisation 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.

11.10 The school may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the partner's employer [Where the colleague'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);



- (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.

In order to be entitled to SPL, the employee must produce this information within 14 days of the school's request.

- 11.11 A colleague considering/taking SPL is encouraged to contact their Headteacher (or nominated senior manager) to arrange an informal discussion, as early as possible, regarding their potential entitlement and their plans and to enable the school to support the individual.
- 11.12 The Headteacher (or nominated senior manager) may arrange an informal meeting with the colleague to talk about their intentions and how they plan to use their SPL entitlement. What will happen while the employee is away from work will also be discussed. The Headteacher (or nominated senior manager) must also ensure that, where an employee is entitled to Occupational Maternity/Adoption Pay, the colleague understands that this entitlement ceases, if they commence with the SPL option.
- 11.13 A colleague has the right to submit three notifications, specifying leave periods they are intending to take. Each notification may contain either: a single period of weeks of leave; or two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.
- 11.14 SPL can only be taken in complete weeks but may begin on any day of the week. The colleague must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.
- 11.15 A colleague has the right to take a continuous block of leave, notified through a single notification, as long as it does not exceed the total number of weeks of SPL available to them and the school has been given at least eight weeks' notice.
- 11.16 A single notification may also contain a request for two or more periods of discontinuous leave, which 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. Where there is concern over accommodating discontinuous leave, the Headteacher (or nominated senior manager) or the colleague may seek to arrange, in advance, a private meeting to discuss the notification, with a view to agreeing an arrangement that meets both the needs of the colleague and the school. The Headteacher (or nominated senior manager) will consider a discontinuous leave notification, but has the right to refuse, where there are valid business or operational reasons. In the event of a refusal, the manager will explain the reason and the evidential basis for refusing and will write to the employee to confirm this. If the employee is not satisfied with the refusal, then they may raise this as an issue through the Trust's Grievance Policy.
- 11.17 Once the Headteacher (or nominated senior manager) receives a leave booking notice, they attend to it as soon as possible, with a response, in writing, provided no later than



the 14th calendar day after the leave request was made. The request may be granted in full or the school may propose a modified version of the request.

11.18 All requests for discontinuous leave are considered carefully, on a case by case basis, and take into account the potential benefits to the colleague. Agreeing to one request does not automatically set a precedent or create the clear right for another colleague to be granted a similar pattern of SPL. Nevertheless, the principles of acting in a fair, consistent and non-discriminatory way in responding to requests will be observed.

11.19 Where a discontinuous leave pattern is refused, the colleague may withdraw the request, without detriment, on or before the 15th day after the notification was given, or else they may take the total number of weeks in the notice in a single continuous block. If the colleague chooses to take the leave in a single continuous block, they have until the 19th day, from the date that the original notification was given, to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date that the original notification was submitted. If the colleague does not choose a start date, then the leave will begin on the first leave date requested in the original notification.

11.20 A colleague is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Headteacher (or nominated senior manager), in writing, at least eight weeks before the date of any variation.

11.21 Any variation or cancellation notification made by a colleague, including notice to return to work early, usually counts as a new notification, reducing the colleague's right to book/vary leave by one period. However, a change as a result of a child being born early, or as a result of the school requesting it be changed, and the colleague being agreeable to the change, does not count as further notification. Any variation of this type is confirmed in writing by the school.

11.22 Eligible colleagues may be entitled to take up to 37 weeks of statutory Shared Parental Pay (ShPP) while taking Shared Parental Leave (SPL). The amount of weeks available depends on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period. SPP may be payable during some or all of SPL, depending on the length and timing of the leave.

11.23 In addition to meeting the eligibility requirements for SPL, a colleague seeking to claim SPP 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 curtailed their maternity/adoption pay period or maternity allowance period;
- the colleague must intend to care for the child during the week in which ShPP is payable;



- the colleague must have an 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 of at least the lower earnings limit applicable for National Insurance contributions;
- the colleague must remain in continuous employment until the first week of ShPP has begun; and
- the colleague must give proper notification, as per the policy.

11.24 Where a colleague is entitled to receive ShPP, at least eight weeks before receiving any ShPP, they must give their Headteacher (or nominated senior manager) written notice, advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL. 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 colleague and their partner each intend to claim, and a non-binding indication of when the colleague expects to claim ShPP;
- a signed declaration from the colleague, 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 school, should they cease to be eligible.

The signed declaration must be accompanied by a signed declaration from the colleague's partner confirming:

- their agreement to the colleague claiming ShPP and to the school making ShPP payments to the colleague;
- (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/ adopter) that they will immediately inform their partner, should they cease to satisfy the eligibility conditions.

11.25 Any ShPP due will be paid at a rate set by the Government for the relevant tax year.



- 11.26 A colleague can agree to work for the school (or 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 SPP for that week. These are known as ‘Shared Parental Leave In Touch’ (‘SPLIT’) days. Any work carried out on a day, or part of a day, shall constitute a day’s work for these purposes.
- 11.27 The school has no right to require the employee to carry out any work during SPL periods, and is also under no obligation to offer the employee any work during SPL. Any work undertaken is a matter for agreement between the organisation and the school. A colleague taking a SPLIT day receives full pay for any day worked. If a SPLIT day occurs during a week when the colleague 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.
- 11.28 With the agreement of the school, a colleague may use SPLIT days to work for part of a week during SPL. The school and the colleague may use SPLIT days to effect a gradual return to work, towards the end of a long period of SPL or to trial a possible flexible working pattern.

12. Standard provisions relating to Maternity Leave, Adoption Leave and SPL

12.1 Holiday entitlement – employees other than teachers (not term-time only)

Colleagues are entitled to accrue contractual leave during Maternity Leave, Adoption Leave and Shared Parental Leave. Depending on the timing, in relation to the annual leave year, they may take annual leave before the leave commences or, alternatively, bring Maternity Leave, Adoption Leave or Shared Parental Leave (as appropriate) forward, so that annual leave can fit into the annual leave year. Where a colleague is unable to take annual leave before the start of their Maternity Leave, Adoption Leave or Shared Parental Leave (as appropriate), due to an earlier date/ birth, or where maternity/adoption leave overlaps with annual leave, an exception may be given to carry over the allowance that they would otherwise lose in the next year, under the terms of the annual leave policy.

12.2 Holiday entitlement – teachers and term-time only employees

For details of entitlement, colleagues should consult their Headteacher (or nominated senior manager), who will liaise with the Trust Business Manager and Trust HR consultancy provider.

12.3 Essential and lease car user entitlement during Maternity Leave, Adoption Leave and Shared Parental Leave

Colleagues are entitled to receive essential car user allowance, at the full rate, during their Maternity Leave, Adoption Leave and Shared Parental Leave. Colleagues who are lease car users should speak to the Trust Business Manager to understand what impact it will have. Advice should be sought from the ‘You at Work’ car leasing provider regarding the provision of appropriate indemnity insurance.



12.4 Childcare Voucher Scheme

Where a colleague has agreed to reduce their salary entitlement to receive childcare vouchers, this is not classed as salary and is therefore provided in addition to any statutory maternity/adoption pay, occupational maternity/adoption pay or ShPP payable. It should be remembered that in the case of salary sacrifice arrangements, the employee's statutory maternity/adoption/ shared parental leave pay and occupational pay will already be based on the reduced salary. Childcare vouchers must also continue to be paid in any period during which the employee is in receipt of adoption pay. This cost will be met by the Trust.

12.5 Pension schemes

Colleagues are encouraged to seek advice on how maternity/adoption/shared parental leave is likely to affect their pension rights, in the long term, and how to 'buy back' pensionable service. Advice can be sought from:

- the Local Government Pension Scheme (www.lgps.ork.uk); or
- The Teacher Pensions Scheme (TPS) (www.teacherpensions.co.uk), or relevant professional associations for employees in the TPS.

12.6 Returning to work

Where a colleague is returning to work at the end of their full maternity/adoption/shared parental leave entitlement, they do not have to give any further notification to their Headteacher (or nominated senior manager), as it is assumed that the colleague is returning to work at the end of their leave on the date previously notified. However, if the colleague intends to return early, they must provide 8 weeks' notice. A colleague returning from Ordinary Maternity / Adoption / Shared Parental Leave is entitled to return to the job in which they were previously employed, unless that is not practicable, in which case they have the right to return to a job that is both suitable and appropriate. Where relevant, the manager will discuss what can reasonably be done to accommodate any request to provide breast-feeding facilities. This may be a sensitive issue and an employee may request that any such discussion takes place with a female manager.

12.7 Not returning to work

Where a colleague no longer wishes to return to work, they will be effectively resigning from their post and will need to give written notice of termination, in accordance with their contract. The Headteacher (or nominated senior manager) should ensure that the colleague provides written confirmation.

12.8 'Keeping in Touch' (KIT) days

Keeping in touch (KIT) days are intended to facilitate a smooth return to work for colleagues returning from Maternity Leave, Adoption Leave or Shared Parental Leave. A colleague can agree to work or attend training for up to 10 days during their period of



leave without loss of benefits and without bringing their leave to an end. During the leave period, the school/Trust has no right to expect a colleague to undertake work (without prior mutual agreement) and, similarly, a colleague has no right to demand this. Part of any day worked counts as one KIT day. Colleagues are paid their full contractual hourly pay for any KIT day worked, which must not exceed a standard working day. Maternity Leave Pay, Adoption Leave Pay or Shared Parental Pay is offset against any payments made for the KIT day. The leave period is not extended by the number of KIT days worked. Beyond 10 KIT days worked, a colleague loses a week's Statutory Maternity Leave / Adoption Leave Pay for any week in which they work. Payments made for KIT days are paid at the end of the Maternity / Adoption Leave period.

13. Paternity Leave

13.1 Paternity leave is available to colleagues on the birth of their child, and is also available for adopters, where a child has been placed for adoption after that date.

13.2 Maternity support leave is granted to a colleague who is the child's father, or the partner/nominated carer of an expectant mother at or around the time of the birth. 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.

13.3 To be eligible for paternity leave a colleague must:

- have, or expect to have, responsibility for the child's upbringing;
- be the biological father of the child, the mother's husband/partner, the mother's civil/same sex partner or (in the case of adoption) the adopter's spouse/partner or civil partner; and
- have worked continuously for SSMAT for 26 weeks, ending with the 15th week before the baby is due or (in the case of adoption) for 26 weeks ending with the week in which the colleague has been notified that they have been matched with a child.

13.4 Eligible colleagues are entitled to take either one or two complete consecutive weeks of paternity leave (not to be taken as odd days). They can choose to start their leave:

- (in the case of the birth of a child) from the date of the child's birth, whether this is earlier or later than expected) or from another date, as long as it is after the birth; or
- (in the case of the adoption of a child) from the date the child is placed with the colleague or from another date, as long as it is after the child has been placed with them.



13.5 Paternity leave can start on any day of the week, on or following the child's birth or following being placed with a colleague for adoption. It must be completed:

- within 56 days of the actual birth or the placement of the child; or
- (if the child is born early) within the period from the actual birth up to 56 days after the expected week of childbirth.

13.6 Only one period of leave is available, irrespective of whether more than one child (at the same time) is born.

13.7 To qualify for paid paternity leave, a colleague must be able to declare that they:

- are the baby's biological/adoptive parent; or
- are married to, or in a civil partnership with, the mother of the child or (in the case of adoption) the child's primary adopter; or
- are living with the child's mother, in an enduring family relationship (but not as an immediate relative).

The colleague must also be able to state that they:

- will be responsible for the child's upbringing; and
- will take time off work to support the mother/child's primary adopter to care for the child.

Furthermore, the colleague must also:

- have worked continuously for SSMAT, for at least 26 weeks leading into the 15th week before the baby is due or (in the case of adoption) at least 26 weeks by the week in which the adopter is notified that the child has been placed for adoption; and
- earn at least the lower earnings limit (LEL) for National Insurance contributions for the 8 week period ending with the qualifying week.

Colleagues will be asked to confirm, in writing, that they meet these conditions.

13.8 Colleagues who are not eligible for Statutory Paternity Pay (SPP) may be eligible to receive an income support allowance, directly from the Department of Work and Pensions (DWP), or Job Centre Plus. An SPP1 form (which can be collected from the colleague's school) will need to be completed and sent directly to these organisations.



13.9 Subject to meeting the eligibility requirements above, a colleague's paternity leave payment is based on their terms and conditions of employment:

For Employees on NJC (Green book) terms and conditions:

- during Week 1, colleagues are entitled to full pay (offset against any entitlement to SPP during this period); and
- during Week 2, colleagues are entitled to SPP, paid at a fixed flat rate or 90% of their average weekly earnings, whichever is the lesser.

For teachers:

- colleagues are entitled to one or two weeks (their choice) of SPP, paid at a fixed flat rate per week or 90% of their average weekly earnings, whichever is the lesser) for one or two weeks.

13.10 Before the 15th week before the baby is expected or (in the case of adoption) within 7 days of being notified that a child has been matched, unless it is not reasonably practicable, a colleague must inform their Headteacher (or nominated senior manager), in writing, of the following:

- that the colleague intends to take paternity leave for the week that the baby is due or (in the case of adoption) for the week that the child is expected to be placed for adoption. [In the case of adoption, the colleague should include the date when they were notified that they were matched with a child for adoption;
- whether they wish to take one or two weeks leave; and
- when they want the leave to start.

The colleague will also need to produce a copy of the mother's MATB1 (Maternity Certificate).

13.11 A colleague can change their mind about the start date for paternity leave, provided that they give their manager at least 28 days' notice, unless this is not reasonably practicable.

13.12 Where a pregnancy results in a still birth (after 24 weeks), full paternity benefits and leave apply. Furthermore, where a baby is born alive at any point in the pregnancy but later dies, full paternity benefits and leave also apply.



14. Parental Leave

- 14.1 The Parental Leave entitlement allows parents to take unpaid time off work, planned in advance, to look after a child / children, or make arrangements for their welfare. Parental leave can be taken at any time up until the child's 18th birthday.
- 14.2 Parental leave is available to all parents with a minimum of one year's continuous service.
- 14.3 Both mothers and fathers can take parental leave. Colleagues do not have to be living with the child to qualify for parental leave. They are entitled to a total of 18 weeks for each child, or 13 weeks per child for multiple births.
- 14.4 A week's parental leave is equal to the length of time that a colleague is normally required to work in a week. Where a colleague's working week varies, the time off is based on an average working week. Time off must be taken in blocks of one week or more, up to the maximum of 18 weeks (or 13 weeks per child, for multiple births).
- 14.5 A colleague cannot normally take more than four weeks in any year. Exceptions to this can apply, however, where Parental Leave is added to Maternity Leave, or with the special approval of a colleague's manager.
- 14.6 Colleagues should seek advice on how Parental Leave is likely to affect their pension rights, in the long term, or how to 'buy back' pensionable service.
- 14.7 Requests for parental leave are granted subject to the colleague's leave not unduly disrupting the core business of the school/team. This may include consideration of the number of staff already absent and the timing of the request, and of the leave's potential impact on the work of others. Where a manager believes that there is a difficulty in granting the request, no decision will be taken until the circumstances have been discussed privately with the colleague. Where a request for parental leave is not granted, the colleague may raise this as an issue through the Trust's Grievance Policy and procedure.
- 14.8 A leave entitlement cannot be postponed for more than six months after the beginning of the period when the colleague originally wanted to start their parental leave. Arrangements are discussed and the colleague receives confirmation of the postponement, in writing, no later than seven days after the notice to take leave. The manager states the reason for the postponement and the new dates of parental leave. The length of leave will be equivalent to the original request.
- 14.9 Parental leave is not postponed where the colleague wishes to take this immediately on the birth of their child, or (immediately) when a child is being placed with them for adoption.
- 14.10 Application for Parental Leave must be made to the Headteacher (or nominated senior manager). For one week's leave, one week's notice is needed; for two weeks or more weeks, four weeks' notice should be given. Notice can be waived, with the agreement of the Headteacher (or nominated senior manager).



14.11 Records of parental leave granted will be maintained throughout employment with The Trust. Colleagues can request details of parental leave records at any time, from the school or the Trust Business Manager.

Stuart Jones; Mar. '20