



Teachers Maternity, Paternity and Adoption Policy

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Details of Policy Updates

Date	Details
September 2024	1. Insert legal requirements of the Protection from Redundancy Act 2023.
	6.4 Insert 'An employee may make two statutory requests for flexible working within any 12-month period. Every employee has a statutory right to request flexible working. This right applies from the first day of employment.' 'You must make your request in writing using the form in Appendix 3.' 'An employee may make two statutory requests for flexible working within any 12-month period.'
	13.1 Insert 'can choose to take either two one week blocks, or two consecutive weeks' paternity leave.'

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1. Introduction

Statutory maternity rights applying to teachers are set out in legislation. Teachers are also covered by the maternity rights set out in the Teachers national agreement on conditions of service, Burgundy Book.

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

- Adoptive leave
- Adoptive pay
- Paternity leave
- Additional paternity leave
- Shared Parental leave

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

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

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

2. Maternity Leave

All pregnant employees are entitled to take up to one year of maternity leave providing the employee gives the correct notice. This is made up of:

2.1. Ordinary Maternity Leave (OML)

You are entitled to 26 weeks' Ordinary Maternity Leave (OML), during which time your contract continues and you will continue to receive your contractual benefits (except pay, see section 3).

At the end of your OML you are entitled to return to your job on the same terms and conditions (unless there has been a redundancy situation).

If it is not reasonably practicable, by reason of redundancy, to return to your previous job, you will be offered any suitable alternative vacancy on terms and conditions not substantially less favourable than those applying to your previous job.

2.2. Additional Maternity Leave (AML)

In addition to Ordinary Maternity Leave you are entitled to 26 weeks' Additional Maternity Leave. It will start immediately after the Ordinary Maternity Leave ends.

At the end of AML you are entitled to return to your job or a similar type job on the same terms and conditions (unless there has been a redundancy situation).

If it is not reasonably practicable, by reason of redundancy, to return to your previous job you will be offered any suitable alternative vacancy on terms and conditions not substantially less favourable than those applying to your previous job.

2.3. Compulsory Maternity Leave

You are not allowed to work for two weeks following the birth of your baby.

2.4. Starting your Maternity Leave

You can choose to start your maternity leave any time from 11 weeks before the Expected Week of Childbirth right up to the birth itself.

2.5. Sickness prior to taking Maternity Leave

If you are absent from work, for a pregnancy related reason, after the fourth week before the Expected Week of Childbirth (EWC), but before the date which you have notified as your intended start date for maternity leave, your maternity leave will automatically begin on the first day of your absence.

3. Maternity Pay

3.1. Statutory Maternity Pay

There are two rates of statutory maternity pay:

- Higher rate: 90% of your salary.
- Lower rate: Reviewed with effect from 1 April each year (provided you earn more than the lower rate amount, otherwise it will remain at 90% of your salary).

To qualify for Statutory Maternity Pay you have to fulfil certain conditions based on length of service (see section 2.4 below) and have earnings above the lower limit for NI contributions. Where you do not qualify for SMP you may qualify for Maternity Allowance if sufficient NI contributions have been paid.

3.2. Maternity Allowance

If you do not qualify for Statutory Maternity Pay you may be entitled to Maternity Allowance from the Department for Work and Pensions. Advice on Maternity Allowance is available from the Department for Work and Pensions.

3.3. Occupational Half Pay (OHP)

Occupational half pay is a provision of teachers' conditions of service (Burgundy Book). To be entitled to OHP you will have to fulfil certain criteria. It is also conditional on you returning to work for the equivalent of 13 weeks on your current hours at the end of your maternity leave. You can elect to receive your OHP either after the first 6 weeks' SMP or MA (and concurrent with the lower rate SMP), or when you return to work at the end of your maternity leave.

3.4. Entitlement to Statutory Maternity Pay

Your entitlements to pay, conditional upon your length of service at the end of the Qualifying Week (end of the 15th week before the EWC) and having earnings above the lower earnings limit for NI are:

i) Fewer than 26 weeks' continuous service with your current employer¹ by the end of the Qualifying Week (QW) and less than one year's continuous service with one or more LA's at the beginning of the 11th week before the EWC:

- No entitlement to Statutory Maternity Pay (SMP) or Occupational Half Pay (OHP). Maternity Allowance (MA) may be available (see para 3.2 above).

ii) Fewer than 26 weeks' continuous service with your current employer¹ by the end of the Qualifying Week and at least one year's continuous service with one or more LA's at the beginning of the 11th week before the EWC:

- 4 weeks at full pay (inclusive of MA if eligible) followed by:
- 2 weeks at 90% of week's salary (inclusive of MA if eligible) followed by
- 12 weeks OHP plus MA if eligible followed by;
- 8 weeks MA if eligible.

iii) At least 26 weeks' continuous service with your current employer¹ by the end of the Qualifying Week, but less than one year's continuous service with one or more LA's at the beginning of the 11th week before the EWC:

- 6 weeks at higher rate SMP, 90% of weekly pay followed by;
- 20 weeks at lower rate SMP.

iv) At least 26 weeks' continuous service with your Current Employer¹ by the end of the Qualifying Week and at least one year's continuous service with one or more LA's at the beginning of the 11th week before the EWC:

- 4 weeks at full pay (inclusive of higher rate SMP) followed by;
- 2 weeks at higher rate SMP followed by;
- 12 weeks OHP, plus lower rate SMP followed by;
- 8 weeks lower rate SMP.

3.5. Pension

If you are a member of Teachers' Pension Scheme the 39 weeks' paid maternity leave will count as pensionable service. This means that deductions will be made from all maternity pay you receive from the council during the first 39 weeks. You can elect to pay contributions for the unpaid period of maternity leave when you return to work.

3.6. Early Childbirth

If your baby is born before the expected date of childbirth and you have not already started your maternity leave then the date of childbirth will be regarded as your first day of maternity leave.

3.7. Stillbirth

If your baby is stillborn and the stillbirth occurs after the start of the 25th week of pregnancy you will be entitled to the same rights to maternity leave and pay as if the pregnancy had gone to full term. You may return to work before the determined end date provided you are medically fit. You may be asked to provide a doctor's certificate stating that you are fit to return to work. The Trust may also refer you to its occupational health provider for advice on your fitness to work.

If the stillbirth occurs before the 25th week of pregnancy you will not receive maternity pay, but you will be entitled to statutory sick pay or incapacity benefit.

4. Beginning your Maternity Leave

In order to receive your entitlements to maternity leave and other benefits, such as the right to return to work, you must provide your employer with all the necessary information within the prescribed timescales.

This means that, at least 15 weeks before the expected week of childbirth (EWC), you must tell your headteacher and the Trust's payroll provider in writing:

- That you are taking maternity leave
- The expected date of birth of your child
- The date you are planning to start your maternity leave

You must also provide them all with a completed maternity scheme form and MATB1 certificate

You will receive an acknowledgement within 28 days setting out the date that you are expected to return to work if you take your full entitlement to maternity leave. It will be assumed you will be returning to work on this date unless you inform otherwise.

You may change the date you wish to start your leave as long as you give 28 days' notice, in writing, to your head teacher.

Should you wish to start your maternity leave before the notified date because you have

given birth early, your maternity leave period automatically starts on the day of the birth. You must notify your head teacher and school's payroll provider, as soon as is reasonably practicable, of the date of the birth. Verbal notification must be followed up in writing.

If you are absent from work due to a pregnancy related reason after the beginning of the fourth week before the Expected Week of Childbirth, but before the date that you have notified as the start date of your maternity leave, your maternity leave period must begin automatically on the first day of your absence. You must notify your headteacher and the Trust's payroll provider, in writing, that you are absent wholly or partly because of pregnancy and of the date that your absence began for that reason as soon as is reasonably practicable.

5. Returning to Work

5.1. At the end of your maternity leave entitlement

If you take the full year's maternity leave you do not have to give any further notification that you will be returning to work, provided you return on the date notified by your employer.

5.2. Before the end of your maternity leave

If you wish to return before the end of your maternity leave period (as notified) you must give your headteacher and the Trust's payroll provider at least 21 days' notice in writing. If you do not do this your headteacher can delay your return until 21 days' notice has been received, or until the end of your maternity leave period (as notified) if that is earlier than 21 days.

5.3. If you decide not to come back to work

You must give your contractual notice.

6. Other entitlements/conditions

6.1. Ante-natal Care

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

6.2. Fathers-to-be/partners (including same sex partners) time off for ante-natal appointments (including surrogacy arrangements)

Legally fathers and partners are entitled to unpaid time off to attend two ante-natal appointments. The time off is capped at six and a half hours for each appointment.

You must produce your partner's certificate of the expected week of childbirth (MATB1).

The right to two unpaid antenatal appointments will also extend to those who will become parents through a surrogacy arrangement, if they expect to satisfy the conditions for, and intend to apply for a Parental Order for the child.

6.3. Statutory Sick Pay

You cannot receive sick pay throughout the whole of your 39 week period of entitlement to SMP. This rule applies even if you return to work during the 39 week period and then become ill before the end of it. You can go back to receiving SMP (or MA) if this happens. Your SSP allowance will be considered afresh at the end of the 39-week period.

6.4. Right to request flexible working hours

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

You must make your request in writing using the form at appendix 3. The request must be made to your headteacher, setting out the working pattern you want and how it would work for the school. Any applications should be discussed with the CEO before a decision is made.

Your headteacher should then meet with you within four weeks of receiving your request to discuss it. You are entitled to be accompanied by your Trade Union representative or a colleague at this meeting.

The headteacher must make a business assessment of your request and give you an answer in writing within two weeks of the meeting. Due to the specific needs of the pupils in our schools and the need for continuity some roles are not suited to part-time working. It will be agreed whether the changes to your contract are permanent or fixed-term.

Where a request is not agreed you will have the right of appeal to governors.

An employee may make two statutory requests for flexible working within any 12-month period.

Please note that in requesting a reduction in hours you may be offered a part-time or job-share contract both of which may have conditions attached. Your headteacher may also need to reconsider the allocation of the duties of the post.

6.5. Keeping in Touch (KIT) days

Should you and the school wish, you can do up to 10 days' work for the school during your maternity leave period. These need not be limited to teaching days, but could be used for training or Inset days.

You cannot be required to do Keeping in Touch Days; it is up to you to choose. Neither does your employer have to offer them to you. You and your headteacher must both agree that you will work these days, what you will be doing, and how you will be paid.

6.6. Time off for fertility treatment

Unpaid time off for fertility treatment will be granted to attend one programme of fertility treatment. You may be asked to produce evidence of appointments.

6.7. Accrual of Annual Leave

Teachers do not have a contractual entitlement to paid annual leave.

Locally, it has been agreed that the teachers' leave year runs from 1st September until 31st August. Teachers are, however, entitled to 28 days' statutory annual leave under the working time directive. You are, therefore, entitled to take the 28 days' statutory leave in addition to any maternity leave. This is not an additional entitlement on top of the current school holidays.

Statutory annual leave entitlement can be offset by any period of school closure that has taken place in the leave year in question. i.e. both before and after your maternity leave period. On your return from maternity leave you are entitled to take any outstanding leave during term time, if there have been insufficient school closures to accommodate your leave entitlement in that leave year. The number of instances when a teacher is unable to take their leave entitlement in school holidays will be exceptionally rare.

Where you return from maternity leave so near to the end of the leave year that you cannot take your leave, you are allowed to carry this leave over to the following leave year. You will be required to take your carried over leave during the school holidays.

A teacher on adoption leave is entitled to the same leave provisions under the working time directive. Appendix B contains examples of leave accrual for Teachers.

7. Fixed Term Contracts

If you are employed during the Qualifying Week on a contract which is due to end after the start of the 15th week before the EWC you will still be entitled to SMP (subject to fulfilling the necessary criteria) so you must notify your headteacher of your intention to take maternity leave.

8. Health and Safety Provisions

8.1. Introduction

Employees who are pregnant or recent mothers are covered by Health & Safety provisions, additional to those that apply to other employees (Management of Health & Safety at Work 1999, Regulations 16, 17 and 18). This additional protection applies from

the time that you notify your headteacher that you are pregnant until 6 months from the date of the birth of your child, or until you stop breastfeeding, whichever is the later date.

8.2. Risk Assessment

Risk assessments must be undertaken by your headteacher, with your involvement, as soon as you have notified your him/her that you are pregnant and immediately upon your return to work from maternity leave. Such assessments must address additional or increased risks that may exist and instigate safety precautions.

Risk Assessments should be kept under review whilst the pregnant employee is working.

9. Adoption Leave

Teachers who adopt a child for whom they are going to be the main carer are entitled to adoption leave up to a maximum of 52 weeks. This leave is available to parents adopting children aged up to 18 years of age where the child is newly placed for adoption. This applies irrespective of whether you are adopting more than one child as part of the same arrangement.

You can choose to start your leave either from the date of the child's placement or from a fixed date which can be up to 14 days before the expected date of placement.

The 52 weeks adoption leave is made up of:

9.1. Ordinary Adoption Leave (OAL)

You are entitled to 26 weeks OAL, during which time your contract continues and you will continue to receive your contractual benefits (except pay).

At the end of your OAL you are entitled to return to the same type of job on the same terms and conditions (unless there has been a redundancy situation).

If it is not reasonably practicable by reason of redundancy to return to your previous job, you will be offered any suitable alternative vacancy on terms and conditions not substantially less favourable than those applying to your previous job.

9.2. Additional Adoption Leave (AAL)

You are entitled to 26 weeks AAL in addition to the OAL, which must start immediately after the OAL ends.

10. Adoption Pay

10.1. Statutory Adoption Pay (SAP)

Higher rate – 90% of your salary

Lower rate – reviewed annually with effect from 1 April each year. You must earn more than the amount otherwise it will remain at 90% of your salary).

To qualify for SAP you have to fulfil certain conditions based on length of service.

Where you do not qualify for SAP you may qualify for Adoption Allowance if sufficient NI contributions have been paid.

10.2. Adoption Allowance (SAP)

This is paid by Job Centre Plus to women who qualify, but do not qualify for SAP. It is based on your recent employment and earnings record.

10.3. Occupational Half Pay (OHP)

You may also be entitled to OHP for which you will have to fulfil certain criteria, and which is conditional on you returning to work for the equivalent of 13 weeks at your current hours at the end of your adoption leave. You can elect to receive this either after the first 6 weeks' SAP or SAA (and concurrent with the lower rate SAP), or when you return to work at the end of your adoption leave.

10.4. Entitlement to Adoption Pay

Detailed below are your entitlements to pay, conditional upon your length of service at the end of the qualifying week i.e. at the end of the 15th week before the expected week of adoption (EWA), and having earnings above the lower earnings limit for NI.

i) Fewer than 26 weeks' continuous service with your current employer¹ at the end of the qualifying week and less than 1 year's continuous service with one or more LA's at the beginning of the 11th week before the EWA.

- No statutory adoption pay or occupational adoption pay. Adoption Allowance may be available (see above).

ii) Fewer than 26 weeks' continuous service with your current employer¹ at the end of the qualifying week, but at least one year's continuous service with one or more LA's at the beginning of the 11th before the EWA.

- 4 weeks' full pay including Adoption Allowance if eligible.
- 2 weeks' 90% pay including Adoption Allowance if eligible.
- 12 weeks' occupational half pay (for conditions see above) plus Adoption Allowance if eligible
- 21 weeks' Adoption Allowance (See above)

- 13 weeks unpaid.

iii) 26 weeks or more continuous service with your current employer¹ by the end of the qualifying week, but less than one year's continuous service with LA's by the beginning of the 11th week before the EWA.

- 6 weeks' higher rate SAP followed by
- 33 weeks' lower rate SAP followed by
- 13 weeks' unpaid.

iv) At least 26 weeks' service with your current employer¹ at the end of the qualifying week and at least one year's continuous service with one or more LA's at the beginning of the 11th week before the EWA.

- 4 weeks' full pay inclusive of SAP
- 2 weeks' at 90% of full pay inclusive of SAP followed by
- 12 weeks' occupational half pay (conditions apply, see above), plus lower rate SAP followed by
- 21 weeks' lower rate SAP followed by
- 13 weeks' unpaid

11. Beginning your Adoption Leave

You must notify your headteacher and your Trust's payroll provider of your intention to take adoption leave within seven days of being notified by your adoption agency that you have been matched with a child, unless this is not reasonably practicable. You will also need to supply them with documentary evidence as proof of your entitlement to adoption leave. The adoption agency will be able to provide you with a matching certificate.

You will also need to inform your headteacher and Trust's payroll provider when the child is expected to be placed with you and when you want your adoption leave to start. You can change your mind about the date on which you want your leave to start but you must give your headteacher and the Trust's payroll provider at least 21 days' written notice.

If you are adopting a child from overseas you must be able to provide official notification.

11.1. What to do if the adoption is delayed or disrupted

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

- the death of the child
- ending of the placement
- the placement not going ahead

12. Returning to Work

If you intend to return to work at the end of your full adoption leave entitlement (52 weeks) you do not have to give any further notification.

If you are returning to work before the end date of your adoption leave period, you must give your headteacher and the Trust's payroll provider 21 days' notice of the date you intend to return.

13. Statutory Paternity Leave and Pay

13.1. Statutory Paternity Leave

Eligible teachers can choose to take either two one week blocks, or two consecutive weeks' paternity leave.

You can choose to take your leave from anytime in the first year after the birth or adoption of a child.

13.2. Eligibility

You must have, or expect to have responsibility for your baby's upbringing and be

- the biological father of the baby, and/or
- the mother's husband or partner;
- have at least 26 weeks' continuous employment with your current employer, at the end of the qualifying week; and
- continue to be employed by your current employer from the qualifying week until the date of the birth; and
- be taking the time off to support the mother to care for the new baby.
- have average earnings above the Lower Earnings limit for National Insurance at the end of the qualifying week.

Also eligible are employees who are adopting a child, but are not the main adopter.

N.B. This leave is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's children.

13.3. Paternity Pay

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

The first six working days are paid at full basic pay. The next four working days will be unpaid for most employees (unless there is a qualification for paternity pay for these days).

Statutory Paternity Pay (SPP) is determined annually by the government. Where your average weekly earnings are less than the value of SPP in place at the time that you take it you will receive 90% of your weekly pay. You are advised to contact the Trust's Payroll provider to discuss the implications of your pay.

You must notify your manager that you intend to take paternity leave by the end of the qualifying week, or if that is not possible, as soon as is reasonably practicable.

To receive SPP you must give your headteacher 28 days' notice of your intended start date, by the qualifying week. Your notification must include:-

- the expected week of the baby's birth
- whether you wish to take one week or two weeks' leave
- when you want to start your leave.
- complete a signed declaration that:
 - you are taking leave to care for your child, or to support the mother, or both;
 - you expect to have responsibility for the child's upbringing; and
 - you are the father of the child, and /or the partner or husband of the mother.(See form at Appendix C).

AND, once the baby has been born you must notify your employer (headteacher) of the date of his/her birth, in writing. If you require this leave for adoption, you must provide notice to your headteacher of not more than 7 days after notification of the match or as soon as reasonably practicable.

In both cases, you can change your mind about the date on which you want your leave to start, or how many days you require but you must give your headteacher 28 days' notice. where this is not possible you must inform your employer as soon as is reasonably practicable. The form at Appendix A must still be completed.

14. Parental Leave

Teachers with at least one year's continuous service are entitled to take up to 18 weeks' leave for each child and adopted child, up to their 18th birthday.

14.1. Notice arrangements

You must give a minimum of 7 days' notice for parental leave periods of one week or less. For periods in excess of one week, 21 days' notice is required. Notice must be given in writing to your

headteacher. In special circumstances parental leave may be granted without the required notice at the headteacher's discretion.

14.2. Postponement

Parental leave may be postponed by your headteacher if the school will be unduly disrupted, but not for any longer than 3 months. Postponement should be avoided if at all possible. Where it is necessary, efforts should be made to agree on an alternative arrangement. These might include:

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

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

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

14.3. Pension Implications

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

14.4. Sickness

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

14.5. Return to work

You will have the same right to return to work as those on maternity leave. The school will endeavour to meet individual requirements for training and a flexible return to work following parental leave. If there is a significant cost element to the training (e.g. the entire, or majority of, the work group are being trained), you will be invited to attend training whilst on parental leave, for which time you will be paid.

14.6. Record-keeping

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

14.7. Parental Leave rights

You have the right to appeal against the decision made by your manager through the employee grievance procedure. An employee who takes parental leave is also protected from victimisation, including dismissal, for taking it. Please refer to the Trust's Grievance Procedure for further information.

15. Shared Parental Leave

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

15.1 Eligibility Criteria

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

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

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

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

If you and your partner meet the eligibility criteria:

- You can effectively "convert" a period of maternity / adoption leave and pay into shared parental leave and pay that can be taken by either parent.

- Your partner can take shared parental leave concurrently with you when you are on maternity leave or shared parental leave.
- Shared parental leave may be taken at any time within the period which begins on the date the child is born or date of the adoption placement and ends 52 weeks after that date
- Shared parental leave does not have to be taken in a single continuous block, it can be taken in chunks with a minimum period of one whole week.
- When on shared parental leave you will be entitled to the same terms and conditions that would have applied had you been at work, with the exception of pay.

15.2 Requesting Shared Parental Leave (where eligible)

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

Before the Birth/Placement

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

After the Birth/Placement

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

- 2 Both parents must let their respective employers know in writing that they are eligible for, and intend to take, shared parental leave. They should also give an indication of how much shared parental leave and pay each one intends to take and when. Please complete the form at Appendix 1 and send it to the headteacher.
- 3 You should provide a copy of the child's birth certificate to the headteacher within 14 days of letting the school know your intention to take shared parental leave, or if this is not yet available, confirmation from your midwife or GP of the date of the child's birth. In the case of adoption you should provide details of the adoption agency, the date you (or your partner) were informed of the adoption match, and the expected date that the child will be placed with you. You must provide the information requested within 14 days.

- 4 The information about how and when you and your partner are intending to take shared parental leave is non-binding (excepting the notice of curtailment of the mother's maternity leave given prior to the birth) – you can change your minds about how leave and pay are to be allocated between you by letting the headteacher know of the variation in writing. You must give the school at least 8 weeks' notice of each period of leave. You can submit up to a total of three requests. ie you can take up to three periods of shared parental leave.
- 5 Shared parental leave may be taken in a single continuous block, or may be taken in smaller blocks of leave (a minimum of a week at a time), interspersed with time at work (in contrast to maternity leave which has to be taken in a single continuous block)
- 6 A request for a single continuous period of shared parental leave (e.g. a single block of X weeks) will be granted automatically.
- 7 A request for discontinuous leave (e.g. X weeks shared parental leave followed by Y weeks at work followed by another Z weeks shared parental leave etc.) may need to be discussed with you to determine whether the school's business can support such a work pattern. Where it cannot the school will try to agree an alternative arrangement with you, or may refuse the request.
- 8 You are entitled to ask for up to three periods of shared parental leave and/or pay. This can be done as one request for discontinuous leave (para 7 above) or as three separate requests (para 6 above)
- 9 You must stay in touch with the school during you shared parental leave. This could be for training purposes, meetings or just to keep generally up to date with the business.
- 10 You can work for up to 20 days without bringing the period of shared parental leave to an end. Any days worked do not extend the leave period. When you work you will receive your normal rate of pay, inclusive of any shared parental pay. You are under no obligation to undertake any work during your shared parental leave period, and the school is under no obligation to offer you any work. These 20 days are in addition to the 10 KIT days available during maternity or adoption leave.

Examples to help clarify how shared parental leave works.

1. *The mother / main adopter ends her leave after 26 weeks, and the balance of the leave and pay - 26 weeks leave and 13 weeks **statutory** maternity / adoption pay is available*

to be shared between the parents as they choose. The father takes 10 weeks leave and pay, while the mother returns to work. He then returns to work and the mother takes the remaining 16 weeks leave and three weeks' pay.

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

15.3 Returning to Work from Shared Parental Leave

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

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

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

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

Appendix 1

Notice of Entitlement and Intention to Take Shared Parental Leave

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

Teachers wishing to take shared parental leave must submit this form to the headteacher at least **8 weeks** before the start of the first period of shared parental leave.

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

Basic Details

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

Notice of curtailment of maternity / adoption leave

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

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

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

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

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

Shared Parental Leave and Pay Dates

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

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

Declarations

By the Employee

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

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

If appropriate:

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

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

Signed: _____

Date: _____

Please return this form to the headteacher and Central HR

By the Employee's Partner

Name	
Address	
Name and Address of Employer	
National Insurance Number	

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

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

If appropriate:

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

Signed: _____

Date: _____

Please return this form to the headteacher and Central HR

Appendix 2

Notice to Take or Vary a Period of Shared Parental Leave

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

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

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

Name of Employee	
Name of Partner	

Requested Shared Parental Leave / Pay Dates

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

Request to Vary Previously Requested Parental Leave / Pay Dates

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

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

Signed: (Employee) _____

Date: _____

Signed: (Employee's Partner) _____

Date: _____

Please return this form to the Headteacher and Central HR

Flexible Working Request Form

Name	Job Title	Grade

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

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

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

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

Date you would like to start this new working pattern:

--

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

Have you made any previous applications YES / NO

Please give dates of any previous applications:

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

Date of meeting:

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

Revised working arrangements agreed with the employee or their trade union representative:
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Summary of impact on service delivery from discussions with employee and/or trade union representative
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Start date of new working arrangement	
Temporary or permanent change	
Job Title	

Days to be worked per week	
Hours to be worked per week	
If temporary, length of trial period	
If temporary, review date and end date	

Details of declined working arrangements (if applicable)

Please tick the reason(s) given for the decline:

- burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to reorganise work amongst existing staff
- Inability to recruit additional staff
- detrimental impact on performance
- detrimental impact on quality
- insufficient work for the periods that employee proposes to work
- planned structural changes.

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

Headteacher Signature	
Employee Signature	

