



# OWLS Academy Trust

## Family Leave and Pay Policy

Adopted by The OWLS Academy Trust on	28/11/2016 to take effect 01/01/2017
Next Review Due	

Policy developed by



### HR Services

Phone: 0116 305 0700  
Email: [hrservices@leics.gov.uk](mailto:hrservices@leics.gov.uk)  
Web: [www.leicestershiretradedservices.org.uk](http://www.leicestershiretradedservices.org.uk)  
Twitter: @LeicsSchools

#### Direct Queries

Mary Robson, External Team Manager  
Phone: 0116 305 5702  
Mobile: 07730 582743  
Email: [mary.robson@leics.gov.uk](mailto:mary.robson@leics.gov.uk)

This policy applies to all teachers (including the head teacher) and support staff (within this policy referred to as employee(s) or school staff) employed to work at schools within the OWLS Academy Trust. This includes those on temporary contracts, and applies equally to full-time and part-time employees irrespective of the number of hours they work. However, entitlements are subject to length of service.

Throughout this policy, unless indicated otherwise, all references to 'Head Teacher' include the Executive Head Teacher.



## **Purpose**

---

This policy has been developed recognising statutory requirements covering maternity, paternity and adoption provisions, as well as the wider issues concerning working families, such as parental leave provisions.

The policy identifies employees' entitlements to maternity, adoption, paternity and parental leave. It is not a comprehensive interpretation of employees' legal rights and, in case of dispute on interpretation, wording used in: legislation; Conditions of Service Handbooks; and in any Local Agreements may take precedence.

The head teacher should ensure a copy of the policy is available to an employee when notification is given to them by the employee.

If there is a requirement for further information or any specific queries, contact will be made with an HR Advisor



## **Health & Safety and Breastfeeding**

---

### **Health and Safety**

The employee should inform the Head Teacher as soon as her pregnancy is confirmed so that a workplace risk assessment can be carried out as soon as possible in accordance with health and safety legislation.

The Management of Health and Safety at Work Regulations (1999) includes a requirement for employers to carry out a specific risk assessment based on the existing risk assessment that's in place, where women of child bearing age or new or expectant mothers may be at risk from a work process, working condition of physical, chemical or biological agent. This includes:

- Physical Agents: shock and vibrations, movements and postures, manual handling, noise, radiation, etc
- Chemical Agents: toxic chemicals, mercury, lead, substances absorbed through skin, etc
- Biological Agents: bacteria, infectious diseases, etc
- Working Conditions: facilities (including rest rooms), mental and physical fatigue, stress (including post-natal depression), working alone, travelling, working at height, personal protective equipment, etc

If the duties of the job are likely to cause the employee harm, steps must be taken to remove or reduce the risk. Specifically, consideration should be given to:

- Removing the employee from any duties that might pose a risk to her health and safety;

- Temporarily adjusting her working hours if it is reasonable to do so to avoid exposure to a risk or reduce the effects of risk;
- Transferring the employee to an alternative job on comparable terms and conditions;
- As a last resort “suspending” the employee from work on medical grounds on normal pay until the commencement of her maternity leave if no suitable alternative work or steps to remove or reduce the risk are available to her;
- If, in the early months of pregnancy, the employee is advised by an approved medical practitioner to absent herself from school because of the risk of rubella, she will be granted leave with full pay provided she does not unreasonably refuse to work in another school where there is no such undue risk.

Where it is necessary to make adjustments, these should be discussed with the employee.

If the Head Teacher or employee suspects that the general risk assessment is no longer valid or that there has been a significant change to the matters to which it relates, then the employer should revisit and review that risk assessment accordingly.

If the school considers it may be necessary to suspend an employee in order to avoid exposing them to hazards and their associated risks, for so long as it is necessary to avoid such risk, an employee on medical suspension will be entitled to be paid at their full normal rate for as long as the suspension continues. The only exception to this could be where they unreasonably refuses an offer of suitable (risk assessed) alternative work, in which case no remuneration is payable for the period during which the offer applies. During the period of medical suspension, continuity of employment, pension rights and length of service payments are protected. In such circumstances the school will seek advice from their HR Advisor.

### **Breastfeeding**

As part of its obligation under health and safety legislation the employer should also consider reasonable measures to support mothers who wish to continue breastfeeding their baby / expressing milk following their return to work where reasonably practicable.

Whilst there is no statutory requirement to provide facilities for this purpose, the employer is required to provide somewhere for breastfeeding mother to rest and, where necessary, this should include somewhere to lie down. Employees should provide written notification that they are breastfeeding. It is advisable to do this before returning to work, so that steps can be taken to ensure the employee returns to a safe and suitable working environment. The employee is advised to discuss her wishes with the Head Teacher who may seek advice from their Health and Safety Adviser, regarding any appropriate assistance that can be offered to the employee.

## MATERNITY PROVISIONS

### Eligibility for Maternity Leave

---

**IMPORTANT NOTE:** This section refers only to the amount of leave that an employee can take; there are differing pay provisions depending on the employee's length of service and these are explained separately.

Maternity leave is made up of three main elements:

- 26 weeks' Ordinary Maternity Leave (OML);
- 26 weeks' Additional Maternity Leave (AML); and
- 2 weeks' Compulsory Maternity Leave (CML) which is incorporated into OML.

All pregnant employees are entitled to a total period of 52 weeks' maternity leave (regardless of whether a multiple birth is expected) and to resume work afterwards irrespective of their length of service or whether they are full-time, part-time, permanent or fixed-term (although for fixed-term employees, the opportunity to resume work afterwards will depend upon the timescale of their contract).

The employee is required to formally notify the Head Teacher no later than the 15<sup>th</sup> week before her Expected Week of Confinement (EWC) using the MAT 01 form:

- That she is pregnant;
- Her EWC; and
- The date she intends to start maternity leave, which cannot be earlier than the 11<sup>th</sup> week before the EWC.

The employee must submit (if available) her Form MatB1 with her MAT 01 form to the Head Teacher. The Form Mat B1 is the maternity certificate issued by the employee's doctor of midwife and is normally available from the 20<sup>th</sup> week before the EWC.

If an employee does not give the required notification they may lose the right to start maternity leave on the chosen date, although this will not affect the ability to take maternity leave.

CML comprises the 2 weeks immediately after the birth of a baby when, by law, an employee is not permitted to work. This 2 week period is included in the 26 weeks of OML.

In the tragic circumstances of a still birth (defined as occurring after 24 weeks of pregnancy) or neo-natal death, employees will be entitled to the same maternity leave and pay as if the pregnancy had reached full term.

### Commencing Maternity Leave

---

The employee can start her maternity leave on any day of the week and at any time from the beginning of the 11<sup>th</sup> week before the EWC unless:

- i) The baby is born prematurely before she has commenced maternity leave, in which case maternity leave will commence on the day after the baby is born; or
- ii) She is absent from work for (wholly or partly) pregnancy-related reasons during the 4 weeks immediately prior to the EWC. Maternity leave and pay will automatically start from the day following the employee's first day of absence. If the employee is unwell and her absence is not

related to the pregnancy, it will be recorded as ordinary sickness absence and will not affect her intended date of starting maternity leave

On receipt of the employee's MAT 01 form, the employee will be written to, confirming the commencement date of her maternity leave and the date on which she is expected to return to work if the full entitlement to maternity leave is taken. The employee may however choose to return to work at an earlier date. Where a school buys into the relevant service they should contact the Employee Service Centre who will write to the employee.

If an employee fails to comply with the relevant notification requirements they may not be entitled to OML or its start may be delayed.

### **Change of Start Date**

If the employee wishes to change the notified maternity leave start date, they must give the Head Teacher at least 28 days' notice of the revised date or 28 days before the original start date, whichever is the earlier. The revised date can be earlier or later than the original date, subject to conditions (i) and (ii) above.



## **Time Off for Ante-Natal Care and IVF Appointments**

---

### **Ante-Natal Care**

All pregnant employees are entitled to paid time off in order to keep appointments for antenatal care, made on the advice of a GP, registered midwife or health visitor. Antenatal care is not just medical appointments, it can also include:

- Appointments with the GP or registered midwife;
- Hospital appointments for scans or tests;
- Other appointments made on the recommendation of the GP or registered midwife, including parenting classes.

Employees are to inform the Head Teacher, with as much notice as possible, of the date and time of appointments. It would also be of assistance to the school if pregnant employees could try to arrange appointments at the beginning or the end of the school day, although the school recognises this may not always be possible.

Except for the first appointment, if requested by the Head Teacher, the employee must be prepared to show documentation from a GP, registered midwife or health visitor confirming that they are pregnant and any appointment card, or similar document, showing that an appointment has been made.

The time taken to attend such appointments within an employee's working hours will be paid provided they have complied with the above requirements.

With effect from 1 October 2014, the partner of a pregnant woman will be entitled to take unpaid time off work to attend up to 2 ante-natal appointments with their partners.

### **IVF Appointments**

Employees do not have the right to paid time off for medical appointments and would need to refer to the School's Leave of Absence policy and procedure when considering requesting time off. However, when an employee becomes pregnant, they would be entitled to the same time off for ante-natal care as outlined above.



## Maternity Pay

Employees are encouraged to give notice in relation to statutory maternity pay (SMP) at the same time as giving notice of maternity leave, i.e. no later than the 15<sup>th</sup> week before the EWC. A pregnant employee is required to give at least 28 days' notice of the date she wants her SMP to start.

An important date in relation to maternity pay is the date on which the baby is due (which is not necessarily the same as the date when the baby is actually born). The week in which the baby is due is referred to as the Expected Week of Childbirth (EWC).

Most of the employee's contractual terms and conditions will remain unchanged and in force during the period of maternity leave with the exception of terms relating to pay. With regard to pay, depending on the employee's length of service, she may be eligible for one or a combination of:

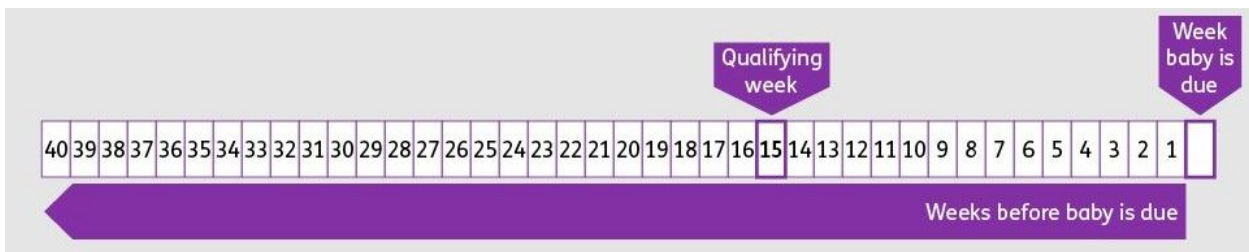
- Statutory Maternity Pay (SMP) or Maternity Allowance (MA);
- Occupational Maternity Pay (OMP).

### Statutory Maternity Pay (SMP)

The employee will be eligible for SMP for a total of 39 weeks, known as the Maternity Pay Period (MPP), providing the notification provisions have been complied with if:

- She has 26 weeks' service with the current employer by the end of the 15<sup>th</sup> week before the EWC. This is known as the "qualifying week";
- She has not resigned or been dismissed before the beginning of the "qualifying week";
- Her average weekly earnings are equal to, or greater than, the lower earnings limit for national insurance contributions.

The diagram below shows how to identify the "qualifying week":



SMP can only be paid once the employee has commenced maternity leave.

If the employee returns to work before the end of her MPP, that is before the 39 weeks have elapsed, she will forfeit any outstanding SMP that would otherwise have been due.

Once the employee returns to work, her salary will be paid according to the contract of employment that is in force at that time. Therefore if the employee returns to work on reduced hours, her salary and other relevant terms and conditions will be pro rata to full-time hours from the date of her return.

SMP is not normally affected by 'Keeping in Touch' days (KIT days). KIT days are explained in more detail in the General Information section of this policy and procedure.

Once the qualifying criteria have been met, SMP will be paid during maternity leave regardless of whether the employee returns to work or not after her maternity leave.

SMP is treated as earnings and is subject to income tax and National Insurance contributions.

Higher Rate SMP is paid for the first 6 weeks of maternity leave. This is 90% of the employee's average gross weekly earnings during at least the 8 weeks up to and including her last pay day before the end of her "qualifying week". The period used for the calculation may vary depending on whether the employee is paid monthly or at other intervals.

Standard (or lower) Rate SMP is payable for 33 weeks following the first 6 weeks of maternity leave. This is paid at a rate set by the government for the relevant tax year. If the standard rate of SMP is more than 90% of the employee's average weekly earnings, she will be entitled to 90% of her actual earnings for the whole of her Maternity Pay Period instead of the standard rate.

### **Maternity Allowance (MA)**

If the employee does not have 26 weeks' continuous service with the current employer by the end of the 15<sup>th</sup> week before her EWC, she is not entitled to receive SMP. However, she may be entitled to claim MA and in these circumstances. The employee will need to complete the MAT 01 which along with the MAT B1 should be submitted to your payroll provider, an appropriate claim form (MA1) can then be provided. Where a school buys into the service they should contact the Employee Service Centre to arrange for this to be done. The form can also be obtained from Job Centre Plus or the gov.uk website.

### **Occupational Maternity Pay (OMP)**

Occupational Maternity Pay (OMP) is an additional payment of 12 weeks' half pay that the employee is entitled to receive provided that:

- She has at least one year's continuous service with the current employer at the beginning of the 11<sup>th</sup> week before the EWC; and
- She returns to work and completes 13 weeks' service (inclusive of school holidays and regardless of whether she returns on a full-time or part-time basis).

The combined OMP and SMP must not exceed the amount that the employee would normally earn.

### **OMP Payment Options**

If the employee qualifies for OMP and indicates at the outset that she intends to return to work she can choose either:

- to receive OMP during her maternity leave alongside the standard (or lower) rate of SMP; or
- to have her OMP deferred and paid in a lump sum in the first available payroll after she returns to work.

If the employee has already indicated that she does not intend to return to work, OMP will not be paid. The employee will receive only SMP or MA.

If the employee defers her decision about returning to work until after the birth of the child, the 12 weeks OMP will be withheld until after their return to work.

### **Repayment of OMP**

If the employee does not return to work but has received OMP, they will be required to repay this in full.

If the employee returns to work but fails to complete 3 months service (Support Staff) or 13 weeks service (Teaching Staff) they will be required to repay the OMP in full or a pro-rata portion of the 3 months / 13 weeks half pay depending on the service completed.

If an employee is made compulsorily redundant, and is unable to return to work for 3 months (Support Staff) or 13 weeks (Teaching Staff) they will not be required to repay any OMP received during maternity leave, unless the employee unreasonably refuses an offer of suitable alternative employment.

### **Withholding Maternity Pay**

Maternity pay can be withheld if the employee:

- Is taken into police custody;
- Continues working after childbirth;
- Works for another employer or agency after childbirth or within the maternity pay period;
- Does not provide a Form MatB1 or similar; or
- Gives late or no notification of her pregnancy and her intention to take maternity leave (unless there are mitigating circumstances such as hospitalisation).

The employee must notify her Head Teacher of any change in circumstances that affects her right to receive maternity pay.



## ADOPTION PROVISIONS

### Eligibility

---

Statutory Adoption Leave is available to parents to prepare for adoption or to care for a newly placed adoptive child. Where the parents are the same sex, the 'main adopter' would hold the entitlement to SAL. Male employees who are married / living with the adopting mother will have the paternity leave entitlements and conditions applied. For same sex parents, the partner of the 'main adopter' will have paternity leave entitlements and conditions applied.

Recognising that single men may adopt children, the provisions for adoption leave will also apply to single male employees.

#### **Eligibility – UK Adoptions**

An employee who adopts a child through an approved UK adoption agency is entitled to 52 weeks' SAL and SAP provided they have at least 26 weeks' continuous service with the current employer by the beginning of the week in which they are notified of being matched with a child for adoption.

*(With effect from 5 April 2015 the 26 weeks' continuous service qualifying requirement to become entitled to adoption leave is being abolished and entitlement to SAL will become a "day one" right.)*

SAL is made up of:

- 26 weeks' Ordinary Adoption Leave (OAL); followed by
- 26 weeks' Additional Adoption Leave (AAL)

#### **Eligibility – Overseas Adoptions**

An employee who adopts a child from overseas qualifies for 52 weeks' SAL provided they:

- Have received official notification from the relevant UK authority of their eligibility to adopt a child from abroad;
- Have at least 26 weeks' continuous service with the school by the week you were matched with a child;
- Have given the required notification to the school; and
- Are the child's main adopter.

#### **Non Eligibility**

An employee will not be eligible for SAL or SAP if they have:

- Arranged a private adoption;
- Become a special guardian;
- Adopted a stepchild; or
- Had a child through surrogacy. *(In respect of children whose expected week of birth begins on or after 5 April 2015, adoption leave and pay (where eligible) will be applicable where the parents have obtained a parental order)*

However, an employee who is adopting a child who does not qualify for SAL or SAP may apply for unpaid leave. Schools are under no obligation to grant such leave but may consider any request taking due account of the prevailing operational requirements of the school during the period of leave in question.



## **Pre-Adoption Leave**

---

There is no statutory right to paid time off for pre-adoption leave. Employees who are adopters or partners of adopters would be expected to arrange meetings and interviews outside of the working day or during school closure periods / annual leave.

The school however would allow employees up to 5 days' paid leave for the purpose of attending pre-adoption meetings, assessments, training, etc. The leave may be taken in whole or part days.

Employees are to submit requests for leave to the Head Teacher and provide as much notice as possible of the date and time of appointments.

If requested by the Head Teacher, the employee must be prepared to show appropriate documentation confirming the appointment they are scheduled to attend.



## **Adoption Leave**

---

An employee adopting a child will be entitled to the same leave and pay arrangements as for maternity leave. As such, employees who satisfy the criteria and conditions of the maternity scheme specific to their conditions of service will have an entitlement to:

- OAL or 26 weeks' duration;
- A further 26 weeks of AAL, providing for 52 weeks' adoption leave (subject to the employee having 26 weeks' continuous service ending with the week in which they are notified of being matched with a child for adoption);
- The OAL and AAL are to run consecutively commencing from the date of the placement;
- All other entitlements and conditions of the maternity scheme.

Adoption leave will begin on the placement date or up to 14 days prior to the placement date. Where the employee chooses to begin leave on the placement date and they are at work on that date, then OAL would commence on the following day.



## **Commencing Adoption Leave**

---

### **Commencing Adoption Leave - UK Adoptions**

An employee may start SAL on the day that the child is placed with them for adoption or up to 14 days earlier. SAL can start on any day of the week.

The employee is advised to discuss the timing of the adoption leave with the Head Teacher as early as possible in order to facilitate administrative and any cover arrangements during their absence.

### **Commencing Adoption Leave - Overseas Adoptions**

SAL cannot be used to cover the period the employee spends travelling overseas to arrange the adoption or visiting the child, etc. The employee should request annual leave or unpaid leave for these purposes, or should arrange for this to take place during school closure periods.

The employee may start SAL from either the date the child enters the UK or a fixed date (as notified to them by the relevant UK authority) no later than 28 days after the date on which the child enters the UK. SAL can start on any day of the week.

## **Changing the Start Date of SAL (UK and Overseas Adoptions)**

The employee can change their intended SAL start date provided they notify the Head Teacher in writing of the new start date by whichever is the earlier of:

- 28 days before their original SAL start date; or
- 28 days before their new SAL start date.

If it is not possible to give this much notice, the employee should give as much notice as reasonably practical. If an employee fails to comply with the relevant notification requirements it may not be possible to accommodate their request.



## **Notification to School**

---

### **Notification to School – UK Adoptions**

The employee must give written notification of their intention to take SAL using form Adopt02 no later than 7 days after the date on which notification of the match with the child was given by the adoption agency. The employee must specify:

- The date the child is to be placed with them for adoption; and
- The date they want the adoption leave to start

The employee can change their mind about the date on which they want the SAL to start provided they give at least 28 days' written notice of the new date or, if that is not possible, they must give notice as soon as reasonably practical. If an employee fails to comply with the relevant notification requirements it may not be possible to change the start date of their SAL.

The employee must provide a matching certificate from the adoption agency as documentary evidence of their entitlement to SAL and SAP.

Within 28 days of receiving the employee's written notification, the Head Teacher will arrange for the employee to receive written confirmation of the commencement date of the SAL and the date on which the employee is expected to return to work if the full entitlement to SAL is taken. The employee may however choose to return to work at an earlier date.

If the employee does not have an acceptable reason for failing to comply with the notification requirements, the start date can be delayed.

### **Notification to School – Overseas Adoptions**

An employee adopting a child from overseas must give written notification to their Head Teacher in three stages that they wish to take SAL, as follows:

#### Stage 1

The employee must inform their Head Teacher of:

- The date on which they received official notification; and
- The date on which the child is expected to enter the UK

If the employee already has the necessary 26 weeks' qualifying service when they receive official notification, they must give this information within 28 days of receiving official notification; at this point, they should know approximately when the child is due to enter the UK.

If the employee receives official notification before they have the necessary qualifying service, they must give notice within 28 days of completing 26 weeks' qualifying service; at this point, they should know approximately when the child is due to enter the UK.

## Stage 2

In all cases, the employee must give their Head Teacher at least 28 days' notice of the actual date they want their SAL to start (this notice can be given at Stage 1 if the employee knows the date). SAL cannot start before the child enters the UK.

The employee can change their mind about the date on which they want the SAL to start provided they give at least 28 days' written notice of the new date or, if that is not possible, they give notice as soon as reasonably practical.

If an employee fails to comply with the relevant notification requirements it may not be possible to accommodate their request.

## Stage 3 (after the child has entered the UK)

The employee must inform their Head Teacher, using form Adopt02, of the date the child entered the UK within 28 days of the child's date of entry. If the employee is also claiming SAP, they will also need to provide evidence of the date of entry.

The employee will be written to within 28 days of receiving their written notification, to confirm the commencement date of the SAL and the date on which the employee is expected to return to work if the full entitlement to SAL is taken. The employee may however choose to return to work at an earlier date. Where a school buys into the relevant service they should contact the Employee Service Centre to arrange for this to be sent.

If the child does not enter the UK on the expected date, the employee must inform the Head Teacher as soon as reasonably practical as they will not be entitled to SAL or SAP.

If the employee does not have an acceptable reason for failing to comply with the notification requirements, the start date can be delayed.

## **Official Notification for Overseas Adoption**

Official notification is written notification issued by or on behalf of the relevant UK authority stating that the authority is either prepared to issue a certificate to the overseas authority dealing with the adoption of the child or has issued a certificate and sent it to that authority. In either case, the certificate confirms that the adopter has been approved by them as being a suitable adoptive parent to adopt a child from overseas.



## **Adoption Pay**

---

### **Statutory Adoption Pay**

During SAL, an employee will be paid SAP provided that their average weekly earnings are not less than the lower earnings limit for National Insurance contributions. Only one person in a couple may claim SAP.

SAP is payable for up to 39 weeks of SAL at a rate set by the government for the relevant tax year, or at 90% of the employee's average weekly earnings if this figure is lower than the government's set weekly rate.

SAP is treated as earnings and therefore subject to income tax and National Insurance contributions.

If an employee fails to comply with the relevant notification requirements they may not be entitled to SAP or its payment may be delayed.

### **Adoption Pay – Specific to Overseas Adoptions**

When adopting a child from overseas the employee is entitled to receive SAP during the period of their SAL provided:

- They have received official notification;
- They have at least 26 weeks' continuous current employer service by either the beginning of the week they receive the official notification or the time they want payment of their SAP to begin, whichever is the later;
- They have given at least 28 days' notice (or as much as is reasonably practical) of the date from which they want payment of SAP to begin; and
- Their average weekly earnings are at or above the lower earnings limit for national insurance contribution that applies at the later of either the end of the week in which they receive official notification or the end of the week in which they complete 26 weeks' service.

The employee must provide the following evidence to demonstrate their entitlement to SAP:

- A copy of the official notification at least 28 days before they want their SAP to start;
- A declaration that they are claiming SAP, and not SPP; and
- Evidence of the child's date of entry into the UK, such as a plane ticket, passport stamp or copies of entry clearance documents – the Head Teacher must take a copy of the evidence provided and forward it to the ESC (provided the school buys into that service) for retention on the employee's personal file

### **Occupational Adoption Pay**

Provided the employee has completed one year's continuous service with the school, a local authority or other body contained within the Redundancy Modifications Order at the date of matching (for UK adoptions) or date of official notification (for overseas adoptions), and intends to return to work and completes 3 months service post-return, they will be entitled to 12 weeks' half pay.

Failure to complete 3 months service (Support Staff) or 13 weeks (teachers) will require repayment of the 12 weeks half pay in full or a pro-rata portion of the 3 months / 13 weeks half pay depending on the service completed.

The employee may request that payment is deferred where their return to work is uncertain.

## MATERNITY SUPPORT (PATERNITY) LEAVE



### Statutory Paternity Leave (Ordinary Paternity Leave)

---

Employees eligible for SPL have the right to choose to take one or two consecutive weeks' leave (OPL); leave cannot be taken as individual days. Leave is to be taken after the birth of the child (or placement, for adoption), and is to be taken within 56 days of the birth (or placement), inclusive of school holidays.



### Eligibility

---

#### OPL Eligibility

To qualify for OPL, the employee must:

- Have at least 26 weeks' continuous service with the current employer by the end of the 15<sup>th</sup> week before the expected week of childbirth or the week in which the child is placed for adoption;
- Be either:
  - The child's father;
  - The mother's spouse;
  - The mother's partner;
  - The mother's civil partner; or
  - One of a couple jointly adopting a child
- Have the main responsibility (apart from the responsibility of the mother / main adopter) for the upbringing of the child;
- Be taking time off work to help care for the child or to support the child's mother / main adopter; and
- Give proper notice and evidence to the school of their intention to take Statutory Paternity Leave.

In the tragic circumstances of a still birth, defined as occurring after 24 weeks of pregnancy or of neo natal death, eligible employees will be entitled to the same paternity leave and pay as if the pregnancy had reached full term.

#### Notification

An employee wishing to apply for OPL must complete form OPL02 and submit it to their Head Teacher at least 15 weeks before the expected week of childbirth or no later than 7 days after the date on which notification of the match with a child has been given by the adoption agency.

If an employee fails to comply with the relevant notification requirements they may not be entitled to OPL, or its payment may be delayed.

#### Variation to Start Date

The employee can change their mind about the date on which they want the OPL to start, provided at least 28 days' written notice of the new date is given or, if that is not possible, they give notice as soon as reasonably practicable.

If the baby is born prematurely, the leave is to be taken between the birth and 56 days after the birth.

**Pay**

During OPL, an employee is entitled to receive Statutory Paternity Pay (SPP), at a rate set by the government for the relevant tax year or at 90% of the employee's average weekly earnings, if this figure is lower than the government's set weekly rate.

However under the pre-existing local provision, all Teaching and Support Staff are entitled to be paid at their normal rate of pay for the first week of OPL; a second week of leave may be taken which will be payable at the statutory paternity pay rate only.

## RETURNING TO WORK FOLLOWING MATERNITY / ADOPTION / PATERNITY LEAVE



### Entitlement

---

If an employee returns to work at the end of their OML / OAL, they are entitled to return to the same job on the same terms and conditions.

If an employee returns to work at the end of their AML / AAL, they are entitled to return to the same job or, if that is not reasonably practicable, to another suitable job on comparable terms and conditions.

It will be assumed that employees will be returning at the end of the 52 weeks maximum period of maternity / adoption leave to which they are entitled, or the maximum of any additional paternity leave taken. Employees will therefore need to give notice of a return to work if they are returning earlier than that date.



### At the End of the Leave Period

---

Employees taking the full year's maternity / adoption / paternity leave entitlement are not required to give any further notification of returning to work, provided they intend to return on the date notified to the school.



### Returning Before the End of the Maternity / Adoption / Paternity Leave Period

---

Employees wishing to return before the end of the maternity / adoption / paternity leave period should notify the Head Teacher in writing, at least 21 days before the day on which they propose to return if this is before the end of any AML / AAL / APL period. Where the notice given is less than 21 days, the Head Teacher can delay the return until 21 days' notice has been received, or until the end of the 52 week maternity / adoption / paternity leave period (as notified) if this is earlier than 21 days.



### If the Child's Placement is Terminated

---

If after the employee's SAL has begun, the expected placement does not occur, or once the placement has started, the child dies or is returned to the adoption agency, the employee is entitled to SAL and SAP for up to 8 weeks after the placement ends or child's death. The employee is also required to give 8 weeks' written notice that they will be returning to work earlier than intended.



### Delayed Return Due to Sickness

---

If the employee is unable to return to work at the end of their period of leave owing to sickness, then normal sickness absence reporting arrangements will apply.





## **If the Employee Does Not Return to Work**

---

If the employee decides not to return to work at any time during the maternity leave / SAL / APL or at the end of the maternity / adoption / additional paternity leave, they must notify their Head Teacher in writing of their decision confirming their resignation. The resignation will take effect on the date the SML / SAL / APL would otherwise have ended.



## **Fixed Term Contract Ending During Maternity / Adoption / Paternity Leave**

---

Should an employee's contract expiry date occur during her period of maternity / adoption / paternity leave, the school must comply with the normal fixed term contract termination process. The reason for non-renewal must not be maternity related.



## **Employees who Return to Work and then Resign**

---

Employees will be subject to their normal contractual notice provisions:

- Teachers are subject to the notice and resignation dates stipulated in the "Burgundy Book" – Conditions of Service for School Teachers in England and Wales;
- Support Staff are subject to the notice periods stipulated in the "Green Book" – NJC Conditions of Service for Local Government Services Employees.

If the employee does not return to work but has received OMP / OAP, they will be required to repay it in full.

If the employee returns to work but fails to complete 3 months' service (Support Staff) or 13 weeks' service (Teaching Staff), they will be required to repay the OMP / OAP in full or a pro-rata portion of the 3 months / 13 weeks half pay depending on the service completed.

If an employee is made compulsory redundant, and is unable to return to work for the 3 months' (Support Staff) or 13 weeks (teaching staff), they will not be required to repay any OMP received during maternity leave, unless the employee unreasonably refuses an offer of suitable alternative employment.

### **IMPORTANT NOTE:**

Since arrangements may have been made to cover the employee's absence on maternity / adoption / additional paternity leave the employee is requested to give as much notice as possible, where the return to work is concerned.

## SHARED PARENTAL LEAVE (SHPL) AND PAY (SHPP)

A new right of Shared Parental Leave (ShPL) was introduced on 1 December 2014, which allows parents to share leave and pay and which will replace additional paternity leave and pay. This is effective for births due on or after 5th April 2015, or the date the adopter was notified of matching / child placed for adoption where this occurs on or after 5th April 2015.

Shared Parental Leave (ShPL) is a period of up to 50 weeks' leave and 39 weeks statutory pay, which does not include the 2 weeks of CML. This can be shared between the spouse / partner of a mother / primary adopter once the mother / primary adopter has ended their maternity or adoption leave by returning to work or given binding notice to end the period of maternity / adoption leave. This is provided that the maximum period of maternity or adoption leave has not been taken by the mother / primary adopter.

ShPL is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave and pay, and can decide to be off work at the same time and / or taking it in turns to have periods of leave to look after the child. This could mean, perhaps returning to work for part of the time and then resuming leave at a later date.

ShPL does not have to be taken in one continuous period but must be taken within the first 52 weeks of the child's birth or adoption placement, ending the day before:

- The child's first birthday; or
- The first anniversary of the date on which the child was placed for adoption

The leave can be taken consecutively or concurrently, but the total time taken by both parents cannot exceed 52 weeks (including the 2 week compulsory maternity leave period). Leave will need to be taken in complete weeks and could be taken either in a continuous period, which the Head Teacher cannot refuse or in a discontinuous period, which the Head Teacher could refuse without providing a reason (however, there are likely to be genuine business reasons). Leave can be taken in a minimum of one week blocks. If an employee chooses to take part of a week, this will be treated as a whole week.

*Example: a mother / primary adopter could end her maternity leave after 12 weeks, leaving 40 weeks of the total 52 week entitlement available for ShPL. If both the mother / primary adopter and the partner are eligible, they can share the 40 weeks. They can take the leave at the same time or separately.*

Provided that ShPL is taken within the required period, there can be a gap between the end of the Maternity Leave and the beginning of Shared Parental Leave.



### Eligibility

---

An employee seeking to take ShPL must satisfy each of the following criteria:

- Have at least 26 weeks' continuous service with their employer by the end of the 15<sup>th</sup> week before the expected week of childbirth or the week in which notification is given for the child to be placed for adoption;
- Remain in this employment until the week before any period of ShPL commences;
- Have the main responsibility (apart from the responsibility of their partner) for the care of the child at the date of birth or adoption placement;

- The mother / main adopter must be entitled to Statutory Maternity Leave or Statutory Adoption Leave in respect of the child;
- The mother / main adopter must have curtailed their Statutory Maternity Leave or Statutory Adoption Leave;
- Notified their manager of their intention to take ShPL within the required timescales and provided the necessary evidence;
- The partner must have been employed or self-employed during at least 26 of the 66 weeks before the expected week of childbirth or the week in which the child is placed for adoption;
- The partner must have average weekly earnings of at least £30 for any 13 of those 66 weeks; and
- The partner must have the main responsibility (apart from the responsibility of the mother / primary adopter) for the care of the child at the date of birth or adoption placement.

For both parents to qualify to share the leave all of the criteria above must be fulfilled. It is not necessary for the mother / primary adopter and their partner to both be employed by the same School in order to qualify for ShPL.

In certain circumstances, only one parent may be eligible for ShPL. If so, they cannot share the leave with their partner however they would be able to use ShPL to book their leave in separate blocks.

There is no additional entitlement to ShPL where more than one child is born as a result of the same pregnancy or more than one child is placed for adoption at the same time.



## **Requesting Shared Parental Leave**

---

The timing and periods of leave must be agreed with the Head Teacher. The employee must complete the notice of intention forms (including partners form) and leave request form(s) and submit these to the Head Teacher at least 8 weeks (except if the child is born early) before they would like their ShPL to start, along with:

- A copy of the child's birth certificate or in the case of adoption, a document from the adoption agency showing the name and address of the agency, the date the adopter was notified of matching and the expected date of placement; and
- The name and address of their partner's employer.

The Head Teacher should forward the completed notice of intention forms (including partners form), leave request form(s) form and birth certificate / adoption document to their payroll provider as soon as possible. The school will then write to the employee within 14 days of the employee submitting their request, to confirm their ShPL start date and the date on which the employee is expected to return to work. If an employee fails to comply with the relevant notification requirements they may not be entitled to ShPL or its commencement / payment may be delayed.

ShPL can start for the partner while the mother or adopter is still on maternity or adoption leave. The mother or adopter must have given binding notice to end the leave.

Each parent can make a maximum of 3 notifications for period(s) of leave, or changes to periods of leave. With the agreement of the Head Teacher, mutually agreed additional changes to the dates of leave may be made. Periods of discontinuous leave that are not accepted and are subsequently withdrawn by the employee would not count as one of the 3 notifications.

If an employee submits an application to take ShPL in discontinuous blocks of leave, this request can be refused. There are no restrictions requiring objective justification or business grounds for refusal. The Head Teacher must advise the employee of this within 14 days of receiving the initial request. In these circumstances the employee can withdraw their request, agree alternative dates with the Head Teacher, or take the leave requested in one block.

If the school and employee cannot reach agreement over periods of ShPL, the leave will default to a single block of leave, to commence on a date specified by the employee, or the employee can withdraw the request.

Where an employee requests a continuous block of leave the Head Teacher will agree that request. The Head Teacher will forward the completed notice of intention forms (including partners form) and leave request form and supporting documentation to their payroll provider as soon as possible. The school will write to the employee, within 14 days of the employee submitting their request, to confirm their SPL start date and the date on which the employee is expected to return to work.



## **Variation of Notice of Intention to Take Shared Parental Leave**

---

An employee may give written notice to request a variation on the period of leave requested. Eight weeks' notice should be given for a variation request. If there is a clear and justifiable reason why 8 weeks' notice cannot be given, the Head Teacher can, at their discretion, accept a shorter period of notice of variation. Variations would count towards the maximum of 3 notifications.



## **Cancelling the Decision to End Maternity or Adoption Leave**

---

The mother or adopter may be able to change their decision to end maternity or adoption leave early if both:

- The planned end date has not passed; and
- They haven't already returned to work.

One of the following must also apply:

- The parent discovers during the 8-week notice period that they do not qualify for ShPL;
- The mother gave notice before the birth of the child – she can change her mind up to 6-weeks after the birth; or
- The employee's partner has died.

The school will confirm any agreed change(s) of date in writing within 28 days of receiving the employee's request.



## **Withdrawal of Shared Parental Leave Request**

---

The employee must advise the school in writing if their circumstances change and they:

- Are the mother / primary adopter and no longer wish to take ShPL;
- Are a partner who no longer has the main responsibility for the child's upbringing (apart from the responsibility of the mother / primary adopter).

Where either of these applies, the employee will not be entitled to ShPL.



## **Death of the Mother / Partner, Primary Adopter or Child**

---

In the event of the death of the mother / partner, primary adopter or child, or the return of the child being placed for adoption, the leave can be taken at any time from the mother / partner, primary adopter or child's death and ends the day before:

- The child's first birthday; or
- The first anniversary of the date on which the child was placed for adoption

This is provided that the mother / primary adopter would have been entitled to one or more of statutory maternity leave, statutory maternity pay or maternity allowance or statutory adoption pay.



## **Statutory Shared Parental Pay**

---

Employees are eligible to receive Statutory Shared Parental Pay (ShPP) provided:

- They are eligible for shared parental leave by fulfilling the relevant criteria;
- The employee receiving the ShPP has earnings that are above the lower earnings limit for national insurance purposes for the 8 weeks before the 15th week before the expected week of child birth or the week in which the adopter is matched with the child for adoption

There is no entitlement to occupational pay for any period of SHPL.

Entitlement to ShPP ceases 39 weeks from the date on which the mother / primary adopter commenced ordinary maternity / adoption leave regardless of when SHPL commenced. Any leave taken in excess of the 39 weeks is therefore unpaid.

ShPP is payable whether or not the employee intends to return to work after their period of ShPL and will be paid at the rate set by Government at that time. If an employee fails to comply with the notification requirements they may not be entitled to ShPP or its payment may be delayed.



## **Shared Parental Leave In-Touch Days (SPLIT)**

---

See General Information section below, regarding these keeping in touch days.

## PARENTAL LEAVE

### Entitlement

---

Parental leave offers employees who qualify the right to take unpaid time off work to look after their child's welfare, for example to:

- Spend more time with their children;
- Look at new schools
- Settle children into new childcare arrangements
- Spend more time with family (e.g. visiting grandparents).

Leave is to be taken as whole weeks, up to a maximum of 4 weeks per year per child.

Parents of a child with a disability can take leave as whole weeks or single days. (For the purposes of parental leave, a child with a disability is one for whom disability living allowance has been awarded).

Entitlement is for a total of 18 weeks' leave for each qualifying child, up to their 18<sup>th</sup> birthday.

### Qualifying Conditions

---

To qualify for parental leave, employees must:

- Have at least one year's continuous service at the point at which the leave commences; and
- Be named on the child's birth or adoption certificate.

If the employee is separated from the spouse or partner and they don't live with the child, the right to parental leave is maintained if they retain formal parental responsibility for the child. Parental leave is applicable to individual employees and is not to be transferred between parents.

### Requests for Parental Leave

---

Employees wishing to request a period of Parental Leave, must give the Head Teacher at least 21 days' notice (7 days' notice for Support Staff). This request should be put in writing, stating the dates on which the leave is to start and end. The Head Teacher may ask to see evidence to confirm that the employee is the parent or the person legally responsible for the child (it would however, not be considered reasonable to ask for proof each time the employee requests leave).

Requests for leave can be postponed by the school for up to six months, where the request would cause serious disruption to the school if the leave was taken at the time requested. However, leave cannot be postponed if it means an employee would no longer qualify for parental leave – e.g. postponing it until after the child's 5<sup>th</sup> birthday.

If leave is to be postponed, the school will:

- Write explaining why, within 7 days of the original request; and
- Suggest a new start date (this must be within 6 months of the requested start date).

If an employee wishes to take a period of Parental Leave immediately following their maternity leave, they must also provide the Head Teacher with at least 21 days' notice.



## **Returning to Work**

---

At the end of the Parental Leave period, where the period is of 4 weeks or less, the employee is entitled to return to the same job as before. If the Parental Leave period is for more than 4 weeks, the employee is entitled to return to the same job, or if it is not reasonably practicable, a similar job which has the same or better terms and conditions as the previous job.

## SURROGACY

Parents in a surrogacy arrangement who are entitled to and intend to apply for a Parental Order under the Human Embryology and Fertilisation Act 2008 will be able to take adoption leave and pay and paternity leave and pay (birth or adoption), if each parent meets the normal qualifying conditions.

For babies due on or after 5 April 2015, qualifying parents will also be entitled to take shared parental leave for a year from the birth.

Employees will be entitled to OML and pay, SAL and pay and ShPL and pay upon becoming a parent, providing that:

- They intend to apply for a parental order when the child is living with them (where one parent is genetically related) or adopt the child (where there is no genetic relationship);
- They meet the qualifying criteria shown in the related leave sections above.

Both parents will also be entitled to take unpaid time off to attend up to 2 ante-natal appointments with the woman carrying the child.

Employees acting as surrogates would have an entitlement to full maternity leave, pay and provisions as any other pregnant employees.



## GENERAL INFORMATION

### **Keeping in Touch (KIT) Days**

---

KIT days are intended to help the employee keep in touch with their workplace during maternity leave / adoption leave / APL. KIT days can be used, for example; to attend work, a training course, team meeting or Personal Development Review meeting, or to participate as a member of an interview panel. Where maternity or adoption leave is curtailed to undertake ShPL, then this entitlement would be forfeited and SPLIT days would be applicable.

An employee may undertake up to, but not exceed, 10 KIT days during their maternity pay / SAL / APL without bringing their maternity leave / SAL / APL to an end or affecting their SMP / SAP / ASPP (see note below). KIT days can be worked separately or in a block, and either as full or part days, by agreement between the employee and the school.

The employee is paid at their normal rate of pay for the hours / days worked as KIT days and this will be offset against their SMP / SAP / ASPP. The hours worked should not exceed the employee's normal weekly contracted hours. The Head Teacher is responsible for completing and certifying a KIT form for payment of the hours / days worked.

Working for any part of a day will count as one day towards the 10 KIT days; however employees will only be paid for the hours worked, at their contractual rate of pay (offset against SMP where payable).

Employees still qualify for SMP on up to 10 KIT days. If the employee exceeds the 10 days by only one day, the full week of SMP will be forfeited (where applicable). In this context, a week means any period of 7 days, e.g. if the employee's SMP / SAP / ASPP started on a Thursday, a week will run from Thursday to Wednesday.

The school cannot require an employee to undertake KIT days and an employee does not have any entitlement to be offered them. The amount and type of work that is to be done should be mutually agreed between the employee and the Head Teacher, subject to the above provisions.

The provisions apply to the entire period of maternity pay / APL except during the first 2 weeks after childbirth which is a period of compulsory maternity leave.

### **Shared Parental Leave in Touch (SPLIT) Days**

---

The same principles that are applied to the KIT days also apply to SPLIT days. However for SPLIT days an employee may undertake up to, but not exceed 20 SPLIT days during ShPL without that work bringing the period of the ShPL and pay to an end. Each parent, where entitled to ShPL will be able to take up 20 SPLIT days. For the mother or primary adopter this is in addition to the 10 keeping-in-touch days available during maternity leave or adoption leave, however this entitlement would be forfeited when maternity or adoption leave is curtailed.

### **Reasonable Contact during Periods of Leave**

---

A Head Teacher is entitled to make reasonable contact with the employee during their maternity leave / APL / SAP etc., to enable them to be kept informed of developments / vacancies and / or changes within

the school and to discuss plans for returning to work or whether the employee might be seeking to change their hours of work or pattern of working. How this is undertaken, and the extent to which they would like to be informed, should be discussed with the employee prior to the commencement of maternity leave. The level of contact would be minimal and would not be considered as work and would not count towards the 'Keeping in Touch' days (see details above).



## Continuous Service

---

### Teachers

Continuous service dates are not broken by approved periods of absence, whether paid or unpaid.

### Support Staff

For Support Staff employed under the conditions of service of the National Joint Council for Local Government Services (Green Book), maternity leave / SAL / APL shall be regarded as continuous service for the purposes of calculating a redundancy payment, occupational sick pay and annual leave entitlement.

For employees who have had a break in local government service for maternity reasons, or reasons concerned with caring for children or other dependants, they will be entitled to have previous service taken into account in respect of occupational sick pay and maternity leave provided that the break in service has not exceeded 8 years and that no permanent paid full time employment has intervened.



## Annual Leave

---

The holiday that the employee accrues whilst on maternity leave should be taken after their return from maternity leave; it cannot be taken during the maternity leave period.

### Teachers

Teachers accrue holiday during their maternity leave / APL / SAP / ShPL based on the statutory leave entitlement and schools may not treat any part of the maternity leave / APL / SAP / ShPL as annual leave.

Annual leave entitlement will be offset by any period of school closure that has taken place in the leave year in question, i.e. both before and / or after the maternity leave period. In most cases, periods of school closure before and after the maternity leave period will more than equal the statutory leave entitlement.

If there is insufficient closure periods available before the end of the academic year to allow for the accrued leave to be taken, the Teacher must be allowed to carry over any remaining leave to the next academic year and for that leave to be taken during term time during that academic year, where there is insufficient school closures to accommodate the leave in that year.

### Support Staff (Term-time / Annualised Hours only)

Annual leave continues to accrue during maternity leave / SAL / APL / ShPL. The options for taking accrued holiday are as follows:

- During non-term time, in which case you should receive an additional payment for the amount of accrued holiday taken during the closure period. The amount of accrued holiday paid should not exceed the total weekly working hours for the closure period. This should be paid in the month that the leave is taken.

- With the agreement of and at the discretion of the Head Teacher you may take your accrued holiday immediately at the end of your maternity leave before you return to work. The period between the end of the maternity leave and the return to work should be paid at the employee's normal rate of pay. In this circumstance you should make this request in writing to the Head Teacher. The school reserves the right to refuse any such request. If the request is refused alternative arrangements must be made to ensure that the employee receives their entitlement to their accrued leave.
- With the agreement of and at the discretion of the Head Teacher you may take your accrued holiday during term time. In this circumstance you should make this request in writing to the Head Teacher. The school reserves the right to refuse any such request. If the request is refused alternative arrangements must be made to ensure that the employee receives their entitlement to their accrued leave.
- Accrued leave should be taken in the current leave year if possible. If there are insufficient school closure periods before the end of the annual leave year to allow for the accrued leave to be taken, the employee must be allowed to carry over any remaining leave into the next leave year and to take that leave during term time where there are insufficient school closures to accommodate the leave in that year.

### **Support Staff / Nursery Nurses (on a 52-week contract)**

Support Staff / Nursery Nurses on 52 week contracts continue to accrue holiday based on their contractual leave entitlement for the duration of their maternity leave:

- Nursery Nurses – it is expected that as there are sufficient periods of school closure within an academic year, the accrued leave will be taken during the closure periods within the academic year. If there are insufficient closure periods before the end of the academic year to allow for the accrued leave to be taken, the Nursery Nurse must be allowed to carry over any remaining leave to the next academic year.
- Support Staff – accrued holiday should be taken during school closure periods and the arrangements for doing this must be made with the Head Teacher. In circumstances where this is not practicable accrued leave can be taken at any time throughout the academic year by prior agreement with the Head Teacher. If there are insufficient closure periods before the end of the annual leave year to allow for the accrued leave to be taken, the member of the Support Staff must be allowed to carry over any remaining leave to the next leave year.

Employees can delay their return to work by taking any outstanding annual leave they may already have accrued but not taken prior to commencing maternity / adoption / paternity leave, together with the annual leave which has accrued during their absence. Normal annual leave approval and booking arrangements would be applicable.



## **Pensions**

---

For an employee who is a member of either the Teachers' Pension Scheme (TPS) or the Local Government Pension Scheme (LGPS), pension contributions will continue to be deducted each month from their salary during the paid period of their maternity leave / SAL / APL. Contributions will be based on the levels of pay applicable at the various stages of maternity leave.

When an employee enters a period of unpaid leave, it will not be possible to collect pension contributions.

Payment for KIT days will also be pensionable.

## Teachers' Pension Scheme

For members of the TPS, pension contributions cease at the end of the paid period of maternity / adoption leave, and membership of the scheme is suspended. For further information regarding pensions, employees should contact Teachers' Pensions, Mowden Hall, Darlington, DL3 9EE or visit their website:

<https://www.teacherspensions.co.uk/public/contact-us.aspx>.

Alternatively members may contact the Employee Service Centre by telephone on 0300 3030222 or email at [escservicedesk@emss.org.uk](mailto:escservicedesk@emss.org.uk).

## Local Government Pension Scheme – Support Staff

For members of the Local Government Pension Scheme, it is possible to make up “missing” contributions on their return to work so that the period of service concerned can be counted for pension purposes. An employee wishing to make up their contributions must notify the Pensions Section of their decision by completing and returning the Maternity Leave or Adoption Absence Option form within 30 days of their return to work. The outstanding contributions can be paid either as a lump sum or, by agreement, in instalments.



## Miscarriage, Stillbirth or Neo-Natal Death

---

In the event that the employee has a miscarriage, before the 24<sup>th</sup> week of pregnancy, she will not be entitled to maternity leave or maternity pay. Her absence will be treated as sickness absence and normal sick pay provisions will apply.

If the employee has a stillbirth, after the beginning of the 24<sup>th</sup> week of pregnancy, she is entitled to receive maternity leave and pay, which will commence on the day after the stillbirth occurred.

If the baby is born alive but dies later, the employee is entitled to full maternity leave and pay.



## Childcare Vouchers

---

Child care vouchers are a “salary sacrifice” scheme. They are paid through the school and are a way of saving money on childcare fees, as a percentage of the employee’s payment is exempt from income tax and National Insurance contributions.

The childcare vouchers scheme is provided and administered by an external provider, details of which can be obtained from the school office.

If an employee already participates in the childcare vouchers scheme, they will continue to be eligible to receive childcare vouchers during their maternity leave, including the unpaid period and throughout their period of APL. Employees on adoption leave will be eligible during the period of SAP, including the last 13 weeks of AAL (which is unpaid).



## Emergency and Compassionate Leave

---

Reference to Emergency and Compassionate Leave provisions should be sought from school’s Leave of Absence policy; however, where time taken as paid leave is applicable the general principals where employees are considered eligible for such leave are:

- Paid leave to deal with the immediate demands of the emergency - this will normally be one, and no more than 2 days', paid leave in most instances. Any paid time off granted after the immediate demands of the emergency have been met (i.e. after the first 24 to 48 hours - please see above) will be deemed to be compassionate leave.
- The head teacher may grant up to a further 3 paid days as compassionate leave (making maximum of 5 days paid leave in total).
- If the circumstances are exceptional, i.e. life threatening, the school may grant up to a further 5 paid days compassionate leave making a combined maximum of 10 days' paid leave in total.
- If further time off is required, it may be granted as unpaid leave, however there may be some situations that the school feel qualifies for a limited amount of additional paid leave.

## **APPENDICES**

### **Appendix A: Glossary of Terms and Abbreviations**

### **Appendix B: Quick Reference Guide to Maternity and Adoption Leave and Pay**

### **Appendix C: Maternity Forms**

C1: MAT 01 Form

C2: Return to Work Confirmation

### **Appendix D: Adopt 02 Form**

### **Appendix E: OPL 02 Form (Paternity Leave)**

### **Appendix F: KIT / SPLIT Notification Form**

### **Appendix G: Shared Parental Leave Forms**

G1: Mother / Main Carer – Notice of Entitlement & Intention to take ShPL

G2: Partner – Notice of Entitlement and Intention to take ShPL

G3: ShPL – Period of Leave Notice

G4: ShPL – Maternity / Adoption Leave Curtailment Notice

G5: ShPL – Revocation of Maternity / Adoption Leave Curtailment Notice

G6: ShPL – Variation of Period of Leave Notice

G7: ShPL – Letter Confirming a Continuous Period of ShPL

G8: ShPL – Letter Agreeing to a Discontinuous Period of ShPL

G9: ShPL – Letter Rejecting a Request for a Discontinuous Period of ShPL



## Appendix A: Glossary of Terms and Abbreviations

AAL (Additional Adoption Leave)	26 weeks' leave following the period of OAL
AML (Additional Maternity Leave)	26 weeks' leave following the period of OMP
APL (Additional Paternity Leave)	2-26 weeks maternity or adoption leave donated by the mother / main adopter to the father / partner / spouse.
ASPP (Additional Statutory Paternity Pay)	Payments to eligible employees taking APL.
CML (Compulsory Maternity Leave)	The 2 weeks immediately following the birth when the employee is not permitted to work (included in the OML period).
EWC (Expected Week of Childbirth)	The week beginning at midnight between Saturday and Sunday in which the baby is due to be born.
Form MAT B1	Certificate issued by a doctor or midwife showing the date that the baby is due. Available from the 20 <sup>th</sup> week before the expected week of childbirth.
KIT (Keeping in Touch) Days	Days when an employee taking maternity or adoption leave may attend work.
LGPS (Local Government Pension Scheme)	Pension scheme for support staff
MA (Maternity Allowance)	Women who do not qualify for SMP may be entitled to claim Maternity Allowance (MA).
MPP (Maternity Pay Period)	39 week period during which either SMP or Maternity Allowance is paid.
OAL (Ordinary Adoption Leave)	The first 26 weeks of adoption leave.
OMP (Occupational Maternity Pay)	Maternity pay paid under the employer's maternity pay provisions.
OPL (Ordinary Paternity Leave)	1 or 2 weeks (consecutive) of paternity leave taking within 56 days of the birth / adoption
OML (Ordinary Maternity Leave)	The first 26 weeks of maternity leave.
SAL (Statutory Adoption Leave)	The combined entitlement to adoption leave (OAL plus AAL)
SAP (Statutory Adoption Pay)	Statutory pay to eligible employees during their first 39 weeks of adoption leave
ShPL (Shared Parental Leave)	If SML or SAL is curtailed any remaining time may be taken by either partner as ShPL (where eligible)
ShPP (Shared Parental Pay)	The mother can determine how any remaining SMP or SAP is shared during ShPL.
SML (Statutory Maternity Leave)	The combined entitlement to maternity leave (OML plus AML)
SMP (Statutory Maternity Pay)	The employee's statutory entitlement to maternity pay.
SPL (Statutory Paternity Leave)	Comprising OPL and APL
SPLIT	Shared Parental Leave In Touch days – similar to KIT days, but available to each parent during ShPL.
SPP (Statutory Paternity Pay)	The employee's statutory entitlement to paternity pay.
TPS (Teachers' Pension Scheme)	Pension scheme for teachers.



## Appendix B: Quick Reference Guide to Maternity and Adoption Leave and Pay

Teachers Maternity Leave and Pay			
Continuous Service		Entitlement	
At least 1 year at start of 11 <sup>th</sup> week before EWC	At least 26 weeks into the 15 <sup>th</sup> week before EWC	Maternity Pay (weeks run consecutively)	Maternity Leave
Yes	Yes	<ul style="list-style-type: none"> <li>• 4 weeks at full pay</li> <li>• 2 weeks at 90% of salary</li> <li>• 12 weeks at 50% of salary (OMP*) plus SMP</li> <li>• 21 weeks at lower rate of SMP</li> </ul>	26 weeks OML 26 weeks AML
Yes	No	<ul style="list-style-type: none"> <li>• 4 weeks at full pay</li> <li>• 2 weeks at 90% of salary</li> <li>• 12 weeks at 50% of salary (OMP*) plus MA if eligible</li> <li>• No entitlement to SMP</li> <li>• MA for 21 weeks if eligible</li> </ul>	26 weeks OML 26 weeks AML
No	Yes	<ul style="list-style-type: none"> <li>• 6 weeks at 90% of salary</li> <li>• 33 weeks at lower rate of SMP</li> <li>• No entitlement to OMP</li> </ul>	26 weeks OML 26 weeks AML
No	No	<ul style="list-style-type: none"> <li>• No entitlement to SMP</li> <li>• No entitlement to OMP</li> <li>• May be eligible for MA</li> </ul>	26 weeks OML 26 weeks AML

\* OMP is repayable if the teacher does not return to work or does not complete 13 weeks service. If the teacher indicates that they do not intend to return to work then OMP will not be paid.

Support Staff Maternity Leave and Pay			
Continuous Service		Entitlement	
At least 1 year at start of 11 <sup>th</sup> week before EWC	At least 26 weeks into the 15 <sup>th</sup> week before EWC	Maternity Pay (weeks run consecutively)	Maternity Leave
Yes	Yes	<ul style="list-style-type: none"> <li>• 6 weeks at 90% of salary</li> <li>• 12 weeks at 50% of salary (OMP*) plus SMP</li> <li>• 21 weeks at lower rate of SMP</li> </ul>	26 weeks OML 26 weeks AML
Yes	No	<ul style="list-style-type: none"> <li>• 6 weeks at 90% of salary</li> <li>• 12 weeks at 50% of salary (OMP*) plus MA if eligible</li> <li>• No entitlement to SMP</li> <li>• MA for 21 weeks if eligible</li> </ul>	26 weeks OML 26 weeks AML
No	Yes	<ul style="list-style-type: none"> <li>• 6 weeks at 90% of salary</li> <li>• 33 weeks at lower rate of SMP</li> <li>• No entitlement to OMP</li> </ul>	26 weeks OML 26 weeks AML
No	No	<ul style="list-style-type: none"> <li>• No entitlement to SMP</li> <li>• No entitlement to OMP</li> <li>• May be eligible for MA</li> </ul>	26 weeks OML 26 weeks AML

\* OMP is repayable if the employee does not return to work or does not complete 3 months service. If the employee indicates that they do not intend to return to work then OMP will not be paid.



<b>Teachers Adoption Leave and Pay</b>			
<b>Continuous Service</b>		<b>Entitlement</b>	
<b>At least 1 year at date of matching / date of official notification</b>	<b>At least 26 weeks by the beginning of the week of notification of being matched with a child</b>	<b>Adoption Pay (weeks run consecutively)</b>	<b>Adoption Leave</b>
Yes	Yes	<ul style="list-style-type: none"> <li>• 4 weeks at full pay</li> <li>• 2 weeks at 90% of salary</li> <li>• 12 weeks at 50% of salary (OAP*) plus SAP</li> <li>• 21 weeks at lower rate of SAP</li> </ul>	26 weeks OAL 26 weeks AAL
Yes	No	<ul style="list-style-type: none"> <li>• 4 weeks at full pay</li> <li>• 2 weeks at 90% of salary</li> <li>• 12 weeks at 50% of salary (OAP*) plus AA if eligible</li> <li>• AA for 21 weeks if eligible</li> <li>• No entitlement to SAP</li> </ul>	26 weeks OAL 26 weeks AAL
No	Yes	<ul style="list-style-type: none"> <li>• 6 weeks at 90% of salary</li> <li>• 33 weeks at lower rate of SAP</li> <li>• No entitlement to OAP</li> </ul>	26 weeks OAL 26 weeks AAL
No	No	<ul style="list-style-type: none"> <li>• No entitlement to SAP</li> <li>• No entitlement to OAP</li> </ul>	26 weeks OAL 26 weeks AAL

\* OAP is repayable if the teacher does not return to work or does not complete 13 weeks service. If the teacher indicates that they do not intend to return to work then OAP will not be paid.

<b>Support Staff Adoption Leave and Pay</b>			
<b>Continuous Service</b>		<b>Entitlement</b>	
<b>At least 1 year at date of matching / date of official notification</b>	<b>At least 26 weeks by the beginning of the week of notification of being matched with a child</b>	<b>Adoption Pay (weeks run consecutively)</b>	<b>Adoption Leave</b>
Yes	Yes	<ul style="list-style-type: none"> <li>• 6 weeks at 90% of salary</li> <li>• 12 weeks at 50% of salary (OAP*) plus SAP</li> <li>• 21 weeks at lower rate of SMP</li> </ul>	26 weeks OAL 26 weeks AAL
Yes	No	<ul style="list-style-type: none"> <li>• 6 weeks at 90% of salary</li> <li>• 12 weeks at 50% of salary (OAP*) plus AA if eligible</li> <li>• AA for 21 weeks if eligible</li> <li>• No entitlement to SAP</li> </ul>	26 weeks OAL 26 weeks AAL
No	Yes	<ul style="list-style-type: none"> <li>• 6 weeks at 90% of salary</li> <li>• 33 weeks at lower rate of SAP</li> <li>• No entitlement to OAP</li> </ul>	26 weeks OAL 26 weeks AAL
No	No	<ul style="list-style-type: none"> <li>• No entitlement to SAP</li> <li>• No entitlement to OAP</li> </ul>	26 weeks OAL 26 weeks AAL

\* OAP is repayable if the employee does not return to work or does not complete 3 months service. If the employee indicates that they do not intend to return to work then OAP will not be paid.



## Appendix C: Maternity Forms

### C1: MAT 01 Form

## Maternity Leave and Pay Request Form

Employees are entitled to a maximum period of 52 weeks' maternity leave. Entitlement to pay varies at different stages during maternity leave – it is dependent on length of continuous service and compliance with notification dates and other defined conditions.

Please read carefully the School Family Leave Policy before completing and submitting this form to your Head Teacher. This form should be submitted 15 weeks prior to the Expected Week of Childbirth (EWC).

### Personal Details

SURNAME:		FIRST NAME(s):	
ADDRESS:			
SCHOOL/COLLEGE/ACADEMY:			
JOB TITLE:		PAYROLL REF:	EXPECTED DATE OF CHILDBIRTH:
CONTINUOUS SERVICE DATE:		Please attach MATB1 form if available	

### Declaration

(please tick appropriate box(es))

<b>Eligibility for SMP</b>	I have 26 weeks' continuous service with the current employer by the end of the 15 <sup>th</sup> week before my EWC	<input type="checkbox"/>
	I have less than 26 weeks' continuous service with the current employer by the 15 <sup>th</sup> week before my EWC	<input type="checkbox"/>
<b>Eligibility for OMP</b>	I have 52 weeks' continuous service with a local authority or other body contained within the Redundancy Modifications Order by the beginning of 11 <sup>th</sup> week before EWC	<input type="checkbox"/>
<b>MA Only</b>	I acknowledge that I do not have sufficient continuous service to qualify for SMP or OMP and that I am eligible for Maternity Allowance only	<input type="checkbox"/>

### Commencement of Maternity Leave

I wish to commence my 26 weeks' Ordinary Maternity Leave on

.....

I wish to take Additional Maternity Leave for

..... weeks

I expect to return to work on

Please complete ONE of the following sections by ticking your preferred option

I do not intend to return to work

I wish to exercise my right to return to work. I wish to receive the 12 weeks' half pay OMP (if eligible), paid at the appropriate stage during my maternity leave but I agree to refund the 12 weeks' half pay in full should I fail to return to work and/or meet the service requirement following my return.

I wish to defer payment of the 12 weeks' OMP until after the birth of my baby. If I return to work I note that my OMP will be paid as a lump sum with the first available payroll. I agree to refund the money in full should I fail to meet the service requirement following my return.

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

Date: \_\_\_\_\_

Head Teacher Signature \_\_\_\_\_

Date: \_\_\_\_\_

Returning to Work / Resignation

In line with the terms of the Family Leave and Pay Policy please notify your Head Teacher of the date you wish to return or the date of your resignation (giving the required notice period). **Your Head Teacher must notify Payroll Services of the actual date of return once agreed**

**C2: Return to Work Confirmation**

**Maternity Leave of Absence – Return to Work Confirmation**

**Employee's Full Name:** \_\_\_\_\_

**Home Address:**  
\_\_\_\_\_  
\_\_\_\_\_

**Job Title:** \_\_\_\_\_

**School / Academy:** \_\_\_\_\_

My baby was born on: \_\_\_\_\_

**Please select relevant option below:**

I will be returning to work on: \_\_\_\_\_

**OR**

I wish to exercise my right to take a period of Additional Maternity Leave and will return to work on: \_\_\_\_\_

**OR**

I wish to take a period of Additional Maternity Leave and will notify you as soon as possible of my intention to return, but no later than 21 days before my intended return date.

**OR**

I do not wish to return to work and hereby give \_\_\_\_\_ month's contractual notice of my resignation to take effect on \_\_\_\_\_

**Employee's Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Please complete and return this form to your Head Teacher in the first instance.**

**Your Head Teacher will in turn forward the form to the EMSS, Schools HR Team, County Hall, Glenfield, Leicester, LE3 8SR for processing.**

**Failure to return this form before your return date may result in a delay in pay, contractual or other administrative matters associated with your maternity leave being processed in time and may ultimately lead to postponement of your return date.**



## Application for Adoption Leave and Pay

**I request adoption leave and pay under the School Family Leave Policy**

Personal Details		
SURNAME:	FIRST NAME(s):	PAYROLL REF:
SCHOOL/COLLEGE/ACADEMY:		
JOB TITLE:	CONTINUOUS SERVICE DATE:	
DATE OF ADOPTION PLACEMENT:	CHILD'S DATE OF BIRTH:	

### Adoption Leave

I wish to commence my 26 weeks' Ordinary Adoption Leave on .....

I wish to take Additional Adoption Leave for ..... weeks

I expect to return to work on .....

### UK Adoptions

A copy of the matching certificate must be provided to the Head Teacher and forwarded to the EMSS.

### UK Adoptions

Date child entered the UK: ..... (This must be within 28 days of the child's date of entry)

### Please complete ONE of the following sections by ticking your preferred option

**I do not intend to return to work**

**I am intending to return to work.** I agree to refund the 12 weeks' half pay in full should I fail to return to work. I wish to exercise my right to return to work.

(If eligible) **I would like to receive my 12 weeks at half pay:**

a) Distributed over 12 weeks

b) Paid as a lump sum in the first available payroll after my return to work

Employee Signature: .....

Date: .....

Head Teacher Signature .....

Date: .....



**Application for Maternity/Adoption Support Leave  
(incorporating Statutory Paternity Leave)**

**Please read the full information relating to Maternity/Adoption Support Leave in the School Family Leave Policy before completing and submitting this form. Please print clearly if completing by hand.**

Personal Details			
SURNAME:		FIRST NAME(s):	
ADDRESS:			
SCHOOL/COLLEGE/ACADEMY:			
JOB TITLE:		EMPLOYMENT START DATE:	PAYROLL REF:
EXPECTED BIRTH DATE OF CHILD:	ACTUAL BIRTH DATE OF CHILD:	DATE OF ADOPTION PLACEMENT:	DATE OF ORIGINAL APPLICATION: (if varying date of leave / notifying other changed circumstances)

Dates
<b>I wish to request that my maternity/adoption support leave</b>
<b>Commences on:</b> _____ <b>and ends on:</b> _____

**OPL Week 1:** All employees are entitled to one week’s leave at full pay regardless of length of service. This is a local condition of service and supersedes the first week of Ordinary Paternity Leave.

**OPL Week 2:** Subject to meeting certain criteria as defined in the Maternity/Adoption Leave section of the Family Leave Policy (incorporating Statutory Paternity Pay) employees may be eligible for a further week’s leave payable at the Statutory Paternity Pay rate.

A maximum of two consecutive calendar weeks only may be taken. These two weeks are known as Ordinary Paternity Leave and must be taken within 56 days of the child’s actual date of birth / original expected date of birth if the child is born early / date of adoption placement.

## Eligibility Criteria – Statutory Paternity Pay

I confirm that I will have been continuously employed by the school for at least 26 weeks by the end of the 15<sup>th</sup> week before the week the child is/was due to be born or before the week of the adoption placement.

Tick Box:

I also declare that I am:

Tick as appropriate

The child's father

The mother's spouse

The mother's partner

The mother's civil partner

One of a couple jointly adopting a child

- I do not meet any of the criteria listed above. I accept that I am therefore only eligible for one week's leave paid at full pay.
- I meet the criteria listed above and am eligible for a second week's leave at statutory paternity pay rate only

Employee Signature: .....

Date: .....

I agree to this request and confirm that to the best of my knowledge the details are correct.

Head Teacher Signature .....

Date: .....

Please forward completed application to (where the school buys in to the relevant service):

EMSS, Schools HR Team, County Hall, Glenfield, Leicester, LE3 8SR

15 weeks before the expected week of birth or 7 days after date of adoption matching notification



## Appendix F: KIT / SPLIT Notification Form

### Notification that Employee has Undertaken Keeping In Touch (KIT) or Shared Parental Leave In Touch (SPLIT) Days

Form to be completed by Head Teacher and returned to the EMSS Service Desk or Payroll Provider

EMPLOYEE	
PAYROLL REFERENCE	
JOB TITLE	
SCHOOL / ACADEMY	
ESTABLISHMENT / BASE	
DATE EMPLOYEE UNDERTOOK WORK	
HOURS OF WORK TO BE PAID	
IS THIS KIT or SPLIT ENTITLEMENT?	

Signed (Head Teacher): \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signed (Employee): \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_





## Appendix G: Shared Parental Leave Forms

### G: Mother / Main Carer – Notice of Entitlement & Intention to take ShPL

## (Mother / Main Adopter) Notice of Entitlement and Intention to Take Shared Parental Leave

Name of Employee:	
Job Title:	
<b>I wish to provide the school with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and my partner.</b>	
<b>Information to be provided by employee (*delete as applicable)</b>	
My partner's name is:	
My *maternity/adoption leave *started/is expected to start on:	
My *maternity/adoption leave *ended/is expected to end on:	
My *child's expected week of birth is / child was born on:	
The total amount of shared parental leave my partner and I have available is:	
I intend to take the following number of weeks' shared parental leave:	
My partner intends to take the following number of weeks' shared parental leave:	
I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take):	
The total amount of shared parental pay (if applicable) my partner and I have available is:	
I intend to take the following number of weeks' shared parental pay (if applicable):	
My partner intends to take the following number of weeks' shared parental pay (if applicable):	
I intend to take shared parental pay on the following dates (if applicable):	

<b>Declaration to be completed by employee (*delete as applicable)</b>	
<b>I *satisfy / will satisfy the following eligibility requirements to take shared parental leave:</b>	
<ul style="list-style-type: none"> <li>• I *have / will have 26 weeks' continuous employment ending with the 15<sup>th</sup> week before the expected week of childbirth and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the school;</li> <li>• At the date of the child's birth I *have / will have the main responsibility, apart from my partner, for the care of the child;</li> <li>• I am entitled to statutory *maternity / adoption leave in respect of the child;</li> <li>• I have *complied with the school's leave curtailment requirements / returned to work before the end of my statutory **maternity / adoption leave period and will comply with the school's shared parental leave notice and evidence requirements;</li> <li>• The information that I have provided is accurate;</li> <li>• I will immediately inform the school if I cease to care for the child.</li> </ul>	
Signed (mother):	
Dated (mother):	
<b>Declaration to be completed by employee's partner (*delete as applicable)</b>	
My name is:	
My address is:	
*My National Insurance number is / I do not have a national insurance number	
<b>I declare that I*satisfy / will satisfy the following eligibility requirements to enable the mother to take shared parental leave:</b>	
<ul style="list-style-type: none"> <li>• I have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth;</li> <li>• I have average weekly earnings of at least £30 for any 13 of those 66 weeks;</li> <li>• At the date of the child's birth I *have / will have the main responsibility, apart from the mother, for the care of the child;</li> <li>• I am the father of the child, or am married to, the civil partner or, or the partner of the mother;</li> <li>• I consent to the amount of shared parental leave that the mother intends to take;</li> <li>• I consent to your school processing the information provided in this form.</li> </ul>	
Signed (partner):	
Dated (partner):	
<b>Notes</b>	
<p>The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this notice. Shared parental leave must be taken in blocks of at least one week. This notice is to allow the school to check that you are entitled to shared parental leave and to provide the school with an initial indication of the shared parental leave pattern that you wish to take. The notice is not binding and you must give the school a period of leave notice at least eight weeks before the first period of shared parental leave in that notice that you wish to take. Any periods of shared parental leave that you indicate in this notice can be changed at a later date by giving the school a variation notice</p>	

**G2: Partner – Notice of Entitlement and Intention to take ShPL**

<b>(Partner) Notice of Entitlement and Intention to Take Shared Parental Leave</b>	
Name of Employee:	
Job Title:	
<b>I wish to provide the school with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and the mother.</b>	
<b>Information to be provided by employee (*delete as applicable)</b>	
The mother's name is:	
The mother's *maternity/adoption leave *started/is expected to start on:	
The mother's *maternity/adoption leave *ended/is expected to end on:	
The mother *received / is expected to receive the following period(s) of statutory *maternity pay / adoption pay / maternity allowance:	
My *child's expected week of birth is / child was born on:	
The total amount of shared parental leave the mother and I have available is:	
I intend to take the following number of weeks' shared parental leave:	
The mother intends to take the following number of weeks' shared parental leave:	
I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take):	
The total amount of shared parental pay (if applicable) the mother and I have available is:	
I intend to take the following number of weeks' shared parental pay (if applicable):	
The mother intends to take the following number of weeks' shared parental pay (if applicable):	
I intend to take shared parental pay on the following dates (if applicable):	

<b>Declaration to be completed by employee (*delete as applicable)</b>	
<b>I *satisfy / will satisfy the following eligibility requirements to take shared parental leave:</b>	
<ul style="list-style-type: none"> <li>• I *have / will have 26 weeks' continuous employment ending with the 15<sup>th</sup> week before the expected week of childbirth and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the school;</li> <li>• At the date of the child's birth I *have / will have the main responsibility, apart from my partner, for the care of the child;</li> <li>• I will comply with the school's shared parental leave notice and evidence requirements;</li> <li>• The information that I have provided is accurate;</li> <li>• I am the father of the child, or am married to, the civil partner or, or the partner of the mother;</li> <li>• I will immediately inform the school if I cease to care for the child or the child's mother informs me that she has revoked the curtailment of her maternity leave or pay period.</li> </ul>	
Signed (partner):	
Dated (partner):	
<b>Declaration to be completed by the mother (*delete as applicable)</b>	
My name is:	
My address is:	
*My National Insurance number is / I do not have a national insurance number	
<b>I declare that I*satisfy / will satisfy the following eligibility requirements to enable my partner to take shared parental leave:</b>	
<ul style="list-style-type: none"> <li>• I have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth;</li> <li>• I have average weekly earnings of at least £30 for any 13 of those 66 weeks;</li> <li>• At the date of the child's birth I *have / will have the main responsibility, apart from my partner, for the care of the child;</li> <li>• I am entitled to statutory *maternity / adoption leave, statutory *maternity pay/ adoption pay / maternity allowance in respect of the child;</li> <li>• I have *curtailed my *maternity leave / adoption leave / returned to work before the end of my statutory *maternity / adoption leave period;</li> <li>• I consent to the amount of shared parental leave that my partner intends to take.</li> <li>• I will immediately inform my partner if I no longer meet the requirements to curtail my maternity leave (and pay if applicable);</li> <li>• I consent to your school processing the information provided in this form.</li> </ul>	
Signed (mother):	
Dated (mother):	
<b>Notes</b>	
<p>The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this notice. Shared parental leave must be taken in blocks of at least one week.</p> <p>This notice is to allow the school to check that you are entitled to shared parental leave and to provide the school with an initial indication of the shared parental leave pattern that you wish to take. The notice is not binding and you must give the school a period of leave notice at least eight weeks before the first period of shared parental leave in that notice that you wish to take. Any periods of shared parental leave that you indicate in this notice can be changed at a later date by giving the school a variation notice</p>	

### G3: ShPL – Period of Leave Notice

Shared Parental Leave: Period of Leave Notice	
Name of employee:	
Job title:	
<b>I wish to take the following period(s) of shared parental leave</b> (please complete section A OR section B)	
SECTION A Please fill out if your child has already been born or if you know the exact dates on which you would like to take shared parental leave	
I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take):	
SECTION B Please fill out if your child has not been born yet and you wish your shared parental leave to start either on the day on which your child is born or a specified number of days after the day on which your child is born.	
I wish my shared parental leave to start *on the day on which my child is born / the following number of days after the date on which my child is born:	
I wish my shared parental leave to end the following number of days after the date on which my child is born:	
Signed:	
Dated:	
<p><b>Notes</b></p> <p>You can request to take shared parental leave in one continuous block (in which case the school is required to accept the request as long as you meet the eligibility and notice requirements) or as a number of discontinuous blocks of leave (in which case you need the school's agreement). A maximum number of three requests for leave per pregnancy can be made by each parent.</p> <p>IF only one notice submitted which covers more than one period of shared parental leave this will be considered as discontinuous blocks and could be rejected. You may therefore wish to consider submitting an application of each period of leave requested, if required, for that to be considered as one continuous block.</p> <p>The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this notice. Shared parental leave must be taken in blocks of at least one week.</p> <p>This notice is to confirm to the school the shared parental leave that you intend to take. You must have already submitted a notice of entitlement and intention before using this form.</p> <p>The school recognises that employees' plans can change. However, it is recommended that you and your partner think carefully about your shared parental leave before submitting this form, as opportunities to amend requests for shared parental leave are limited. <b>Apart from exceptional circumstances, you can submit a period of leave notice or a notice that you have changed your mind about shared parental leave dates on a combined total of just three occasions.</b></p> <p>You and your partner must take any shared parental leave within 52 weeks of the birth of your child.</p>	

**G4: ShPL – Maternity / Adoption Leave Curtailment Notice**

Shared Parental Leave: Maternity / Adoption Leave Curtailment Notice	
Name of employee:	
Job title:	
<p>* delete as applicable</p> <p>I wish to bring my *ordinary / additional maternity/adoption leave *and statutory maternity/adoption pay to an end to be able to take shared parental leave. I have also completed a form providing a notice of entitlement and intention to take shared parental leave / declaration that my partner has provided a notice of entitlement and intention to take shared parental leave to their employer and that I consent to the amount of leave that they intend to take.</p>	
I wish to end my *ordinary / additional maternity/adoption leave on:	
I wish my statutory maternity / adoption pay period (if applicable) to end on:	
Signed:	
Dated:	
<p><b>Notes</b></p> <p>You should complete and submit this form alongside the school's <i>(Mother) Notice of Entitlement and Intention to take Shared Parental Leave</i> or the declaration that your partner has provided a notice of entitlement and intention to take shared parental leave to their employer and that you consent to the amount of leave that they intend to take.</p> <p>Please think very carefully before you submit this form. Once the form is submitted you can withdraw your maternity leave curtailment notice only in limited circumstances.</p> <p>The date on which you end your maternity leave must be at least:</p> <ul style="list-style-type: none"> <li>• Eight weeks after the date on which you provide this notice to the school;</li> <li>• Two weeks after you give birth; and</li> <li>• One week before what would have been the end of your additional maternity/adoption leave.</li> </ul>	

**G5: ShPL – Revocation of Maternity / Adoption Leave Curtailment Notice**

<b>Shared Parental Leave: Revocation of Maternity / Adoption Leave Curtailment Notice</b>	
Name of employee:	
Job title:	
Date of maternity leave curtailment notice:	
I previously notified you that I wished to end my maternity leave on:	
<p>* delete as applicable</p> <p>I no longer wish to end my maternity leave and would like to revoke my maternity leave curtailment notice.                      *I would also like to revoke my maternity pay period curtailment notice.</p>	
Signed:	
Dated:	
<p><b>Notes</b></p> <p>You can withdraw your maternity leave curtailment notice <i>only</i> if:</p> <ul style="list-style-type: none"> <li>• It is discovered that neither you nor your partner are entitled to shared parental leave or statutory shared parental pay and you withdraw your maternity leave curtailment notice within 8 weeks of providing your maternity leave curtailment notice;</li> <li>• You gave maternity leave curtailment notice before the birth of your child and you withdraw your maternity leave curtailment notice within 6 weeks of your child’s birth; or</li> <li>• Your partner has died - if this is the case please state the date of death here: .....</li> </ul>	

**G6: ShPL – Variation of Period of Leave Notice**

Shared Parental Leave: Variation of Period of Leave Notice	
Name of employee:	
Job title:	
I previously provided the school with notice of my proposed shared parental leave in a period of leave notice dated _____ I now wish to amend my shared parental leave request.	
I had already notified the school in my period of leave notice or a variation of period of leave notice (if applicable) that I would be taking the following periods of shared parental leave:	
I now intend to take shared parental leave on the following dates instead (please include the start and end dates for each period of leave that you now intend to take):	
I have already notified the school of the following periods of statutory shared parental pay (if applicable):	
Signed:	
Dated:	
<p><b>Notes</b></p> <p>This notice is to amend a period of shared parental leave that you intend to take and that you provided in a period of leave notice. You must have already submitted a period of leave notice before using this form.</p> <p>This variation of notice of entitlement and intention is not binding. You must still provide a period of leave notice in relation to the period of leave that you are seeking to change.</p> <p>The school recognises that employees' plans can change. However, it is recommended that you and your partner think carefully about your shared parental leave before submitting this form, as opportunities to amend your requests for shared parental leave are limited. Apart from exceptional circumstances, you can submit a period of leave notice or a notice that you have changed your mind about shared parental leave dates on a combined total of just three occasions.</p> <p>You and your partner must take any shared parental leave within 52 weeks of the birth of your child.</p>	



## G7: ShPL – Letter Confirming a Continuous Period of ShPL

STRICTLY PRIVATE AND CONFIDENTIAL

Name

Address

Date

Dear NAmE

Thank you for your notice requesting a continuous period of shared parental leave. I can confirm that you are entitled to take the period of shared parental leave requested. Your period of leave will commence on <<DATE>> and finish on <<DATE>>.

You are eligible to work for the school for up to 20 days of work during your period of shared parental leave (known as “Shared Parental Leave In Touch” (SPLIT) days) without bringing your shared parental leave to an end and without the loss of a week’s shared parental pay (where it is due that week). For these purposes, work can also include work that you are required to do under your contract of employment and may include training or any activity done for the purpose of keeping in touch with the workplace such as attendance at conferences, appraisals or team meetings.

During your period of shared parental leave the school may contact you about the possibility of working SPLIT days. You may also write to the school to request to work on SPLIT days. However, you are under no obligation to agree to attend work and the school is under no obligation to offer you SPLIT days. It is entirely your decision and you will not be subjected to any form of detriment if you do not wish to agree to work SPLIT days.

In any event, the school reserves the right to maintain reasonable contact with you from time to time during your shared parental leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work in your absence.

If you have any questions about any aspect of your shared parental leave entitlement, please do not hesitate to contact me.

Yours sincerely

## G8: ShPL – Letter Agreeing to a Discontinuous Period of ShPL

STRICTLY PRIVATE AND CONFIDENTIAL

Name

Address

Date

Dear Name

Thank you for your notice requesting discontinuous periods of shared parental leave [and your attendance at a meeting to discuss your request]. \*The school agrees to the periods of shared parental leave that you have requested / Although we were not able to agree to your original request, I am pleased that we were able to reach a compromise. Your periods of leave will be as follows:

- Your first period of shared parental leave will start on <<DATE>> and finish on <<DATE>>;
- Your second period of shared parental leave will start on <<DATE>> and finish on <<DATE>>;
- Your third period of shared parental leave will start on <<DATE>> and finish on <<DATE>>.

If you subsequently wish to cancel one or more periods of shared parental leave or request a variation to the start and/or finish dates of any of your periods of shared parental leave you may do so by giving notice at least 8 weeks before the original or new date, whichever is early. The school provides a form for you to request a variation to your periods of shared parental leave. Apart from exceptional circumstances you can submit a period of leave notice or a notice that you have changed your mind about shared parental leave dates on a combined total of just three occasions.

You are eligible to work for the school for up to 20 days of work during your period of shared parental leave (known as “Shared Parental Leave In Touch” (SPLIT) days) without bringing your shared parental leave to an end and without the loss of a week’s shared parental pay (where it is due that week). For these purposes, work can also include work that you are required to do under your contract of employment and may include training or any activity done for the purpose of keeping in touch with the workplace such as attendance at conferences, appraisals or team meetings.

During your period of shared parental leave the school may contact you about the possibility of working SPLIT days. You may also write to the school to request to work on SPLIT days. However, you are under no obligation to agree to attend work and the school is under no obligation to offer you SPLIT days. It is entirely your decision and you will not be subjected to any form of detriment if you do not wish to agree to work SPLIT days.

In any event, the school reserves the right to maintain reasonable contact with you from time to time during your shared parental leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work in your absence.

If you have any questions about any aspect of your shared parental leave entitlement, please do not hesitate to contact me.

Yours sincerely

## G9: ShPL – Letter Rejecting a Request for a Discontinuous Period of ShPL

STRICTLY PRIVATE AND CONFIDENTIAL

Name

Address

Date

Dear Name

Thank you for your notice requesting discontinuous periods of shared parental leave [and your attendance at a meeting to discuss your request]. Unfortunately, the school cannot agree to the periods of shared parental leave that you have requested [and we were unable to reach a compromise]. You requested periods of leave as follows:

- You requested that your first period of shared parental leave should start on <<DATE>> and finish on <<DATE>>;
- You requested that your first period of shared parental leave should start on <<DATE>> and finish on <<DATE>>;
- You requested that your first period of shared parental leave should start on <<DATE>> and finish on <<DATE>>.

Having given the matter thorough consideration, I regret that the school is unable to accommodate your proposed pattern of shared parental leave. The reason(s) for this is/are set out below.

The pattern of shared parental leave would [adapt as required]:

- Have a detrimental effect on the school's ability to meet its customers' demands;
- Have a detrimental effect on the education of the children in your class;
- Create unacceptable difficulties for the school as it \*would be / has been unable to make arrangements to reorganise your work among other staff;
- Create unacceptable difficulties for the school in finding suitable cover for you during your absences;
- Be inappropriate due to planned structural changes.

The reason why this is relevant to your request for discontinuous periods of shared parental leave is [explain further why the employee's request is not workable].

You can still take the leave as one continuous period of leave. To do so you must choose a start date no sooner than <<DATE that is 8 weeks from the date on which the period of leave notice was originally submitted >>. You must notify the school of that date by <<DATE that is 5 days after the end of the 2-week discussion period>>. If you do not choose a start date by this date, the period of continuous leave will start on <<DATE of the first period of leave requested in the period of leave notice >>.

You can also withdraw your period of leave notice requesting discontinuous periods of leave, as long as you do so no later than <<DATE that is the 15<sup>th</sup> day after the period of leave notice was submitted >>. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the three requests for shared parental leave that you can make.

If you have any questions about any aspect of your shared parental leave entitlement, please do not hesitate to contact me.

Yours sincerely