

# Southend East Community Academy Trust

“Strong Partnerships, Strong Community, Strong Schools”

## Maternity, Paternity, Adoption & Shared Parental Leave Policy & Procedure

1<sup>st</sup> September 2017

**Status** : Statutory  
**Next revision due** : October 2018  
**Reviewed and recommended by** : Trustees  
**Signed by Chair** :



# Maternity, Paternity, Adoption & Shared Parental Leave Policy & Procedure

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# Maternity Policy

## 1. Introduction

The purpose of this policy is to provide information and guidance on Southend East Community Academy Trusts (SECAT) Maternity Scheme, which applies to all pregnant employees in their relevant Academies where they are primarily based.

The Maternity and Parental Leave (Amendment) Regulations 2006 which implement some of the provisions of the Work and Families Act 2006 came into force on 1<sup>st</sup> October 2006. The Act is a significant piece of legislation aimed at enforcing the Government's intention to give children the best start in life and parents more choice as to how they balance their working lives with their family responsibilities.

## 2. Legislation/conditions of service

The following legislation applies to maternity leave:

- Work and Families Act 2006
- Employment Rights Act (ERA) 1996 and the Maternity (Compulsory Leave) Regulations 1994
- Employment Act 2002 and the Maternity and Parental Leave Regulations 2002 Statutory Instrument 2789 and Statutory Maternity Pay and Maternity Allowance Regulations
- Sex Discrimination Act 1975
- Sex Discrimination Act 1975 (Amendment ) Regulations 2008
- Management of Health and Safety at Work Regulations 1999
- Maternity and Parental Leave etc. and the Paternity and Adoption Leave (Amendment) Regulations 2008
- The Maternity and Parental Leave (Amendment) Regulations 2006
- Additional Paternity Leave Regulations 2010
- Additional Statutory Paternity Pay (General) Regulations 2010

This policy adopts the provisions of the nationally agreed Local Government Maternity Scheme (see NJC for Local Government Services Terms and Conditions ('Green Book') for further details) and the Teachers Maternity Scheme (see Teachers Pay and Conditions of Service ('Burgundy Book') for further details

### 3. Definition

The following definitions are used in this policy and procedure:

**“Expected week of childbirth”** means the week, starting on a Sunday, during which the employee’s doctor or midwife expects her to give birth.

**“Qualifying week”** means the 15<sup>th</sup> week before the expected week of childbirth.

**"Childbirth"** means the living birth of a child or a still birth after a pregnancy lasting at least 24 weeks.

The term **"A Week's Pay"** for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable to the employee under the current contract of employment for working her normal hours in a week. Where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

### 4. Advice and guidance

It is SECAT’s policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the maternity provisions are complex, if an employee becomes pregnant, she should familiarise herself with the Maternity Leave Entitlement and Procedures document and clarify the procedures with the relevant Academies to ensure that they are followed correctly.

### 5. Further information

Further information and guidance on maternity leave and benefits may be obtained from the organisations shown in Appendix G.

### 6. Process

The process for notification of an employee’s intention to take maternity leave is set out in the **Maternity Leave Entitlement and Procedure**

# Maternity Leave Entitlement and Procedure

## 1. Introduction

The purpose of this document is to provide standard guidance on the statutory rights and obligations of employees who are pregnant or have recently given birth and gives details of the arrangements for antenatal care, pregnancy-related illness and maternity leave and pay.

The maternity provisions are complex and the employee is encouraged to talk to her line manager/manager about her plans from an early stage to help both the manager and employee manage her work during pregnancy, her maternity leave and her return to work.

## 2. Notification

On becoming pregnant, an employee should notify the relevant Assistant/Deputy Headteacher with responsibility for Personnel or the Personnel Manager as soon as possible. This is important as there are health and safety considerations for the relevant Academy.

By the end of the qualifying week, or as soon as reasonably practicable afterwards, the employee is required to inform her manager of:

- the fact that she is pregnant
- her expected week of childbirth
- the date on which she intends to start her maternity leave

The employee should complete the notification form in Appendix 1 and forward this to the relevant Personnel Manager at least 28 days before her absence begins or as soon as is reasonably practicable.

A MATB1 form, which is a certificate from a doctor or midwife issued approximately 14 weeks prior to the EWC confirming the expected week of childbirth, must be provided. The form must have either the doctor's name and address or the midwife's name and registration number on it. **Employees should note that Payroll will be unable to make any payments of maternity pay unless the form is provided.**

The employee is permitted to bring forward her maternity leave start date, provided that she advises her manager at least 28 days before the new start date or, if this is not possible, as soon as reasonably practicable.



The relevant Academy will respond in writing to the employee's notification of her leave plans within 28 days, confirming the last day of her maternity leave and the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave. If no such notification of the return date is given, the employee cannot be prevented from returning early and she is also protected against detriment or dismissal if she fails to return on the due date.

### **3. Maternity information pack**

A maternity information pack will be available from the relevant Academy and will be sent to pregnant employees once the notification form has been received.

The pack will contain a useful checklist, information on pensions and the forms that will need to be completed at various stages of pregnancy and maternity leave.

### **4. Antenatal care**

All employees, regardless of their length of service or hours worked, have the right to reasonable time off work for antenatal care on full pay (Section 55 and 56 of ERA 1996, Green Book 11.3(a) and Burgundy Book 5.2).

Employees are required to provide evidence of pregnancy and antenatal appointments for example:

- A certificate from a registered medical practitioner, registered midwife or health visitor stating the employee is pregnant; and
- An appointment card or some other document showing that the appointment has been made. Proof need not be provided for the first visit but the employee should obtain her managers permission to attend.

Antenatal care includes doctors' and hospital appointments and relaxation/parent-craft classes (where they have been recommended by a doctor, midwife or health visitor) where the latter cannot reasonably be arranged outside the employee's normal working hours.

The employee should endeavour to give her relevant manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

### **5. The Health and Safety of a new or expectant mother**

## Risk Assessment

As an employer, the relevant Academy is required by law to assess all work activities for risks to the health and safety of its employees and others affected by their work activities. In particular, where there are women of child bearing age and the work is of a kind that could involve risk to a new or expectant mother or to that of her baby this assessment must take account of those risks. The relevant Headteacher (or delegated member of the SLT) must ensure that risk assessments for work activities under their control address these risks. In many instances this will be a matter of complying with the relevant Academy's Code of Practice covering the work activity. The risk assessment must, of course, be communicated to employees. This will ensure women will be aware of any risks to new or expectant mothers and the importance of notifying their manager as soon as they become pregnant and if they are attempting to become pregnant. The requirement to inform their manager as soon as they become aware of their pregnancy should be stressed to all employees.

A 'new and expectant' mother is defined as an employee who:

- is pregnant; or
- has given birth within the previous six months, (i.e. delivered a living child; or after 24 weeks of pregnancy, a still-born child); or
- is breast-feeding.

SECAT expects the relevant Academy managers or Headteachers to have considered new and expectant mothers when undertaking risk assessments within their work area, as some women are not always aware of their pregnancy during the first few weeks. As soon as the employee notifies her manager of her pregnancy (and for a new mother as soon as she returns to work) a complete review (or revision as appropriate) of the risk assessment for pregnant or nursing mothers must be undertaken. In order to meet this obligation, the onus is on the employee to notify her manager of the pregnancy as soon as she becomes aware of it.

Where the risk assessment identifies risks to new and expectant mothers and these risks are not avoided by the preventive and protective measures already in place, the following hierarchy or measures should be followed:

- (a) alter her working conditions or hours of work, if it is reasonable to do so and would avoid the risk;
- (b) if this is not possible, identify and offer suitable alternative work that is available on existing, or not substantially less favourable, terms and conditions;
- (c) if no suitable alternative work is available, the employee should be given leave of absence (suspension) with full pay, until her maternity leave and pay commence. (If the employee refuses an offer of suitable alternative work, the leave may reasonably be unpaid). This period of suspension would last until either:
  - (i) the date of the commencement of maternity leave which has previously been notified to the relevant Academyor
  - (ii) the beginning of the **fourth week** before the week in which the birth of the baby is expected (the EWC).

Employees must sign the risk assessment review to confirm that a review has taken place and appropriate measures taken to safeguard the employee's health and safety from any identified risks. Employees must be given access to risk assessment review/records.

### **Period of Protection**

The protective and preventive measures specified above to avoid the risk to new and expectant mothers apply from the time that the relevant Academy receives written notification that the employee is pregnant until 6 months after the date of childbirth or, if the employee continues to breast feed beyond 6 months, until this ceases. These protective and preventative measures also apply to the provision of suitable facilities to safely express and store milk. The provision to remain at home on full pay does not apply during the maternity leave period, i.e. the employee will receive whatever maternity pay is her normal entitlement.

### **Further Information**

Should SECAT employees, managers or Headteachers require further information and guidance this may be obtained from their relevant Health and Safety provider where they are primarily based.

A risk assessment form will be provided by the relevant Academy's personnel office.

## **6. Entitlement to maternity leave**

All pregnant employees are entitled to take up to 26 weeks' ordinary maternity leave and up to 26 weeks' additional maternity leave, making a total of 52 weeks. This is regardless of the number of hours they work or their length of service. Additional maternity leave begins on the day after ordinary maternity leave ends. However, entitlement is subject to the employee complying with the notification requirements shown in paragraph 2.

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

During the period of ordinary maternity leave, the employee's contract of employment continues in force and she is entitled to receive all her contractual benefits, except for salary. Instead the entitlement to remuneration is based on the employee's entitlement to Statutory Maternity Pay (SMP) or Maternity Allowance (MA) and any entitlement to Contractual Maternity Pay (CMP). Any benefits in kind will continue. Contractual annual leave will continue to accrue and pension contributions will continue to be made.

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

During the period of additional maternity leave, the employee's contract of employment remains in force and she is entitled to receive all her contractual benefits,

except for salary. Any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

Salary will be replaced by SMP for the first 13 weeks of additional maternity leave if the employee is eligible to receive it. The remaining 13 weeks of additional maternity leave are unpaid.

Pension contributions will continue to be made during the period when the employee is receiving SMP or CMP but not during any period of unpaid additional maternity leave.

### **Compulsory Maternity Leave**

The Maternity (Compulsory Leave) Regulations 1994 require that all employees must take a compulsory two week leave period after the birth of their child, commencing with the date of childbirth. SECAT, therefore, will not permit an employee to return to work, or to work from home, until after this compulsory two week leave period. Compulsory maternity leave is part of the ordinary maternity leave period, not additional to it.

## **7. Commencement of maternity leave**

An employee may not commence her maternity leave any earlier than 11 weeks before her 'expected week of childbirth' (EWC), but can work up until the date of birth without losing out on any entitlement to SMP payments or suffering any reduction in payments.

Maternity leave will start on whichever date is the earlier of:

- the employee's chosen start date;
- the day after the employee gives birth; or
- the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If the employee gives birth before her maternity leave was due to start, she must notify her manager/Headteacher in writing of the date of the birth as soon as reasonably practicable.

## **8. Maternity pay**

Maternity pay is made up of two separate elements:

Statutory Maternity Pay (SMP) is a state allowance which is paid through the employer (Payroll) or Maternity Allowance (MA) which is a state allowance administered by the Jobcentre Plus and paid to employees who do not qualify for SMP;

and

Contractual Maternity Pay (CMP) which is paid by SECAT where there is a contractual entitlement based on the Local Government Services (LGS) Conditions of Service ('Green Book') or the Teachers Pay and Conditions of Service ('Burgundy Book').

The qualifying conditions for SMP/MA and CMP are different. This means that whilst an employee may qualify for CMP they may not qualify for SMP/MA.

## **9. Statutory Maternity Pay (SMP)**

Statutory maternity pay is payable for up to 39 weeks during maternity leave. An employee is entitled to SMP if:

- she has been continuously employed by the relevant Academy for at least 26 weeks at the end of the qualifying week and she is still employed during that week;
- her average weekly earnings in the eight weeks up to and including the qualifying week are not less than the lower earnings limit for national insurance contributions;
- she is still pregnant 11 weeks before the start of the expected week of childbirth (or has already given birth);
- she provides a MATB1 form stating her expected week of childbirth;
- she gives the Academy proper notification of her pregnancy in accordance with the rules set out above; and
- She has stopped working for the relevant Academy due to pregnancy/childbirth.

In relation to SECAT employees the Inland Revenue Employers Manual states where an employee in one Academy moves to another Academy where the trustees rather than the local education authority are the employer this will not break continuity of service and will be regarded as one employer for SMP purposes.

Statutory Maternity Pay (SMP) is payable as follows:

- For the first six weeks, SMP is paid at the higher rate, which is equivalent to 90% of the employee's average weekly earnings calculated over the period of eight weeks up to and including the qualifying week. For the purpose of calculating average weekly earnings, shift allowances and overtime payments are all included.
- The standard rate of SMP is paid for the remaining 33 weeks (or less if the employee returns to work sooner). This is paid at a rate set by the Government for the relevant tax year, or 90% of the employee's average weekly earnings calculated over the period of eight weeks up to and including the qualifying week if this is lower than the Government's set weekly rate.

If the employee becomes eligible for a salary increase between the start of the original calculation period and the end of her maternity leave (whether ordinary maternity leave or additional maternity leave), the higher standard rate of SMP will be recalculated to take account of the employee's salary increase, regardless of whether SMP has already been paid. This means that the employee's SMP will be recalculated and increased retrospectively, or that she may qualify for SMP if she did not previously. The employee will be paid a lump sum to make up any difference between SMP already paid and the amount payable as a result of the salary increase.

Statutory maternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Payment of SMP cannot start prior to the 11<sup>th</sup> week before the expected week of childbirth. Statutory maternity pay can start from any day of the week in accordance with the date the employee starts her maternity leave.

SMP will start from the day following the birth, where this occurs before the employee starts her maternity leave, or the day following absence due to pregnancy after the start of the 4<sup>th</sup> week before the expected week of childbirth.

Statutory maternity pay is payable whether or not the employee intends to return to work after her maternity leave.

If the employee leaves her employment after the beginning of the 11<sup>th</sup> week before the expected week of confinement but before she has started to receive SMP, her SMP will be payable from the day following the day on which her employment ended.

SMP payments are calculated and paid through the relevant Academy's payroll system.

SMP may commence on any day of the week. Where the employee starts her maternity leave before the intended start date due to the premature birth of the baby or is absent from work wholly or partly due to a pregnancy related illness, after the beginning of the 4<sup>th</sup> week before the EWC, maternity leave will be triggered and the SMP payments will commence from the day after the first complete day of absence from work based on the SMP regulations.

The maternity regulations require that payment of Statutory Maternity Pay may cease if; during the paid maternity period, the employee: (a) dies, (b) is taken into legal custody, or (c) commences work for another employer. Should any of these occur, the relevant Headteacher must be informed immediately.

## **10. Maternity Allowance (MA)**

Employees who are not entitled to SMP may be entitled to receive Maternity Allowance or other benefits payable by the Government. These are paid directly by the Jobcentre Plus.

Maternity Allowance is paid to women who do not qualify for SMP but who have worked and paid National Insurance (N.I.) contributions for at least 26 weeks in the 66 weeks before the baby is expected.

Maternity Allowance is payable for a maximum of 39 weeks and, unlike SMP, is not liable to tax or N.I. contributions. Therefore it is paid direct by the Jobcentre Plus and not via the Academy's Payroll.

The earliest date that MA can be paid is the start of the 11<sup>th</sup> week before the EWC.

## 11. Contractual Maternity Pay (CMP)

### **Local Government Services (Green Book) employees (non-teaching employees; associate staff and LSAs)**

Contractual Maternity Pay (CMP) is made up of two separate elements:

- a) The first 6 weeks of absence is paid at 90% of the employee's normal pay, offset against payments made by way of SMP or MA;

And

- b) where the employee declares in writing that she intends to return to work, for the next 12 weeks of absence (Weeks 7 – 18) each week is paid at half (50%) of the employee's normal pay, **in addition** to payments by way of SMP/MA (as long as the SMP/MA plus CMP does not exceed an employee's normal pay, in which case normal pay will be reduced accordingly.)

This is then followed by SMP (subject to entitlement) for Weeks 19 to 39.

Both (a) and (b) above are subject to qualifying conditions as detailed below.

CMP can start at any time between the 11<sup>th</sup> week before the EWC and the date that the child is born.

Where a baby is born before the 11<sup>th</sup> week before the EWC, CMP will start from the day that the baby is born.

### **Qualifying Conditions for CMP – Non-Teaching Associate Staff and LSAs**

To qualify for CMP an employee must have at least one year's continuous service as at the beginning of the 11<sup>th</sup> week (i.e. the Sunday) before the EWC.

The second element of CMP (i.e. 12 weeks at half (50%) of normal pay) is conditional upon the employee returning to work within SECAT for a period of at least 3 months based on their contractual hours prior to/during maternity leave. Should the employee

not do so, she will be required to refund this element of CMP. Payments made by way of SMP are not refundable.

For employees not intending to return to work payments from Week 7 will only be the employee's entitlement to SMP, where eligible.

Employees with less than one year's continuous service at the 11<sup>th</sup> week before the EWC have no entitlement to CMP.

### **Teachers on (Burgundy Book) Teachers Pay and Conditions of Service**

Contractual Maternity Pay (CMP) for teachers is made up of three separate elements:

(a) the first 4 weeks of absence is paid at full pay (100%) of the employee's normal pay, or average weekly earnings if higher, offset against payments made by way of SMP or MA;

and

(b) for the next 2 weeks (Weeks 5 – 6) of absence each week is paid at 90% of the employee's normal pay, or average weekly earnings if higher, offset against payments made by way of SMP or MA;

and

(c) for the next 12 weeks (Weeks 7 – 18) of absence each week is paid at half (50%) of the employee's normal pay **in addition** to payments by way of SMP/MA (as long as the SMP/MA plus CMP does not exceed an employee's normal pay, in which case normal pay will be reduced accordingly).

This is then followed by SMP (subject to entitlement) for Weeks 19 to 39.

(a) (b) and (c) above are subject to qualifying conditions as detailed below.

CMP can start at any time between the 11<sup>th</sup> week before the EWC and the date that the child is born.

Where a baby is born before the 11<sup>th</sup> week before the EWC, CMP will start from the day that the baby is born.

### **Qualifying Conditions for CMP - Teachers**

To qualify for CMP the teacher must have completed not less than 1 year's continuous service as a teacher with one or more local authorities at the beginning of the 11<sup>th</sup> week before the EWC. The teacher is also required to be available, or able (intend), to return to work with her employer for the required period following her maternity leave.

Employees with less than one year's continuous service (as above) at the 11<sup>th</sup> week before the EWC have no entitlement to CMP.

## **12. Repayment of contractual half pay (LGS 'Green Book' and Teachers 'Burgundy Book' employees)**



Payments in respect of contractual half pay i.e. 12 weeks at 50% are made on the understanding that the employee will return to work with the relevant Academy for the required period. This period will be at least 3 months in the case of employees on NJC conditions (Green Book) and 13 weeks in the case of teachers subject to Teachers Pay and Conditions of Service (Burgundy Book). This period includes the relevant Academy's closure periods.

Where an employee reduces their hours of work upon return to work, e.g. from full time to part time hours, or an existing part-time employee returns on reduced part time hours, their entitlement to retain the 12 weeks at half pay will remain unaffected, provided they return to work for the minimum period of 3 months (13 weeks in the case of teachers subject to School Teachers' Pay and Conditions of Service) based on their contractual hours prior to/during maternity leave. For example, an employee on NJC conditions of service works 37 hours per week before starting maternity leave. When she returns to work she requests to reduce her working hours to 18.5 hours per week and the request is granted. She will then have to work for at least 6 months in order to retain the half pay element of her maternity pay.

Any leave (parental, unpaid or annual) or Career Break taken at the end of maternity leave would not constitute a return to work. However, if an employee returns to work then takes annual leave within the 3 months/13 weeks this will still constitute a return to work i.e. the 3 month/13 week period will not be extended.

If an employee does not return for a period of at least 3 months/13 weeks, there is no entitlement to the half pay and it will have to be repaid unless there are exceptional circumstances. Payments made to the employee by way of SMP are not repayable.

SECAT's policy on exercising the above discretion of exceptional cases is subject to discussion with the relevant Academy's HR service provider to ensure consistency. Payment of the half pay in the first instance would only have been made if the employee intended to return to work. Discretion would therefore only be triggered in the light of events occurring/circumstances changing after that declared intention. This could include the personal circumstances of the individual and/or operational requirements of the employing service.

An employee who is unsure whether she will return to work can elect to receive the 12 weeks at half (50%) pay in a lump sum when she returns to work (or at any point whilst she is on maternity leave and decides that she will return). In these cases an employee must still work for 3 months/13 weeks to retain the 12 weeks at half (50%) pay.

### **13. Contact during maternity leave**

The relevant manager or Headteacher of the SECAT Academy and employee are allowed to make reasonable contact during maternity leave, to discuss such issues as the return to work. This will not constitute 'work' and will not count towards the 10 days that the employee is allowed to work during her maternity leave. Such contact will not bring the maternity leave period to an end.

The relevant manager or Headteacher should ensure that the employee is kept up to date regarding any key changes or developments within their workplace whilst on maternity leave e.g. change of manager, change of team structure. Some employees may also wish to receive other information whilst on maternity leave, depending on their personal preference e.g. training opportunities. The manager should, therefore, discuss this with the employee prior to their leave in order to get the balance right between keeping the employee informed whilst not overwhelming her with information whilst on leave.

Employees also have the right, if they so wish, to be kept up to date regarding job vacancies advertised during their leave within the relevant Academy whilst on maternity leave. The manager should therefore clarify with the employee if she wishes to receive a regular update of Job vacancies within the Academy or whether she can alternatively access any vacancies via a home computer.

Where the employee wishes to receive an update of Academy vacancies, the relevant manager or Headteacher of the SECAT Academy should arrange this.

#### **14. Working during maternity leave and ‘keep in touch’ days**

Keep in touch (KIT) days are intended to facilitate a smooth return to work for women returning from maternity leave. Before going on leave, the manager and employee should discuss and agree any voluntary arrangements for keeping in touch during the employee's maternity leave.

Except during the first two weeks after childbirth, an employee can agree to work for SECAT for up to 10 days during either ordinary maternity leave or additional maternity leave without that work bringing the period of her maternity leave to an end and without loss of maternity pay. However, an employee will lose her maternity pay for any week in which she does any further work. Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace. These are known as ‘keep in touch’ days. Any work carried out on a day shall constitute a day's work for these purposes.

In most cases an employee will be paid for any work she does under the contract. Issues to take into account will include the nature of the work and its duration. Maternity pay may be offset for the day against any pay due. These matters should be discussed and clearly agreed before any work is undertaken and managers should consult their HR Provider where consideration is given to pay less than the employee's usual rate of pay. It is expected that in most cases the employee will receive her normal rate of pay for the day worked offset by any maternity payment, even if only part of the day is worked. Alternatively, days off may be given on the employee's return to work subject to agreement between the employee and her manager.

An employee's maternity leave will not be extended due to the fact that she has carried out some work during this period.

The manager cannot insist that an employee carries out any work during this period and the employee is protected from suffering a detriment or being dismissed for refusing to do so. Equally, an employee cannot insist on being given any work to do.

## **15. Returning to work**

The employee will have been formally advised in writing by the Academy of the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave. The employee is expected to return on this date, unless she notifies her relevant Headteacher otherwise. If she is unable to attend work at the end of her maternity leave due to sickness or injury, the Academy's normal arrangements for sickness absence will apply. In this case, late return without prior authorization will be treated as unauthorized absence.

While the employee is under no obligation to do so, it would assist her relevant Headteacher if she confirms as soon as convenient during her maternity leave that she will be returning to work.

If the employee decides not to return to work after maternity leave, she must give notice of resignation as soon as possible and in accordance with the terms of her contract of employment. If the notice period would expire after maternity leave has ended, the Academy may require the employee to return to work for the remainder of the notice period.

### **Notice of early return to work**

If the employee wishes to return to work earlier than the expected return date, she must give her relevant Headteacher at least 21 days' notice of her date of early return, preferably in writing. If she fails to do so, her Headteacher may postpone her return to such a date as will give the Academy 21 days' notice, provided that this is not later than the expected return date.

### **Altering an early return date**

If the employee wishes to alter the date she intends to return where she has already notified her relevant Headteacher of an early return date, she must give the following notice:

- 21 days before the new date if she wishes to return earlier
- 21 days before the original return date if she wishes to postpone her return

### **Postponement of return by employee**

An employee does not have the right to postpone/extend the return to work date beyond her entitlement to maternity leave. However, where an employee is unable

to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.

For an employee where, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect her to return on the due date, she may instead return when work resumes, or as soon as reasonably practicable thereafter.

### **The general right to return**

An employee has the right to return to the job in which she was employed under her original contract of employment and on terms and conditions not less favourable than those which would have been applicable to her if she had not been absent (subject to paragraph below). "Job", for this purpose, means the nature of the work which she is employed to do and the capacity and place in which she is so employed.

Where it is not practicable by reason of redundancy for the Academy to permit the employee's return to work in her job as defined above, the employee is entitled to be offered suitable alternative employment (where available) provided that the work in the alternative post is:

- suitable to her; and appropriate to the circumstances; and
- the capacity and place in which she is to be employed and her terms and conditions of employment are not substantially less favourable to her than if she were able to return to her original job prior to maternity leave.

Suitable alternative employment may also be offered in exceptional circumstances other than redundancy (e.g. a general reorganisation), which would have occurred if the employee had not been absent, and necessitates a change in the job in which she was employed prior to her absence. The alternative job should be:

- suitable to the employee and appropriate to the circumstances; and
- to the capacity and place in which she is to be employed; and
- on the terms and conditions of employment not less favourable to her than if she had been able to return to the job in which she was originally employed.

See also Paragraph 18 which covers dismissal protection and redundancy.

### **Postponement of return by the Academy**

If the employee wants to return before the end of her maternity leave and does not give 21 days' notice of her intended early return to work, the relevant Academy has the right to postpone her return to ensure 21 days' notice – but any postponement must not extend beyond the end of the maternity leave.

## **Flexible working**

An employee who worked full-time prior to her maternity leave has no automatic right to return to work on a part-time basis or to make other changes to her working patterns.

Employees who have parental responsibility for a child, are living with the child and are expected to have responsibility for bringing up the child aged 6 or under or a disabled child under 18 have a statutory right to **request** to work flexibly, subject to satisfying certain eligibility criteria.

If a Headteacher of a SECAT Academy where an employee is primarily based, declines to allow an employee to make changes to her work patterns following her return from maternity leave, this may amount to indirect sex discrimination contrary to the Sex Discrimination Act 1975. This is regardless of whether or not the Headteacher has duly complied with the statutory procedure for consideration of a flexible working request. Headteachers will therefore need to seriously consider any requests made in line with operational requirements and, if they are declined, be able to establish that the grounds for rejecting a request comply with Section 80G of the Employment Rights Act 1996.

There are a number of options to work flexibly that may be considered, subject to the requirements of the Academy, and employees are advised to consult the flexible working policy for further information.

Flexible working options that may be considered include:

- Flexible working hours
- Part time
- Job sharing
- Secondment
- Career break
- Annualised hours
- Compressed hours
- Term-time working

Advice and support are available from the relevant Academy's Personnel on all aspects of flexible working.

## **16. Transfer of maternity leave**

If an employee proposes to return to work early without using her full 52-week entitlement to maternity leave by giving proper notification of an early return in accordance with the rules set above, she may be eligible to transfer up to 26 weeks

of her outstanding maternity leave (and outstanding SMP) to her spouse, civil partner or partner, or the father of her child, to be taken as additional paternity leave (and additional statutory paternity pay) on her return to work.

The earliest that additional paternity leave may commence is 20 weeks after the date on which the employee's child is born and it must end no later than 12 months after the date of birth. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks. The employee must therefore have at least two weeks of her maternity leave that remains unexpired.

Further details should be obtained from the employee's spouse's or partner's employer. If the employee does wish to transfer part of her maternity leave entitlement in this way, she will be required to submit a written and signed declaration form to that employer, which may also make additional enquiries of the Academy to verify its employee's entitlement to additional paternity leave and pay.

## 17. Other employment Information

### Pension Scheme

#### Local Government Pension Scheme - Local Government Services (Green Book) employees

If the employee is a member of the Local Government Pension Scheme and intends to return to work she will pay pension contributions on the pay received for the whole period of OML and the paid period of AML. Although the amount of contributions reflects the actual maternity pay received during the period, the period of paid maternity leave will count in full for pension purposes. If the employee returns to work at the end of the paid maternity leave period she will recommence paying contributions on her rate of pay upon return and her pensionable service will be regarded as continuous.

If a member goes on maternity leave they must pay standard pension contributions on any pay they receive, including any statutory maternity pay.

If a member is on *ordinary maternity leave* and is not entitled to receive any pay for all or part of that period of leave then for pension purposes they are treated as if they had paid contributions on the pay they would have received but for the absence.

If the member is still on leave after the end of the *ordinary maternity leave* and is not receiving any pay then they can pay contributions in respect of the unpaid period (i.e. any unpaid period after the end of the *ordinary maternity leave*). The election to pay those contributions should be made within 30 days of returning to work or ceasing employment (or such longer period as the employer allows). The contributions should

be based on the rate of pay on the day before they went onto no pay (including any statutory maternity pay).

Further information and guidance on pensions may be obtained from the organisations shown in Appendix G.

### **Teachers Pension Scheme employees**

For employees who are members of the Teachers Pension Scheme, during any **paid** maternity leave period deductions for pensions contributions based on pay received will continue automatically. These pension contributions cease when the teacher's maternity pay period ceases during AML.

If an employee does not return to work following her period of **paid** maternity leave she should contact Teachers' Pensions to discuss the options that may be available to her. Contact details are shown in Appendix G.

Further information and guidance on pensions may be obtained from the organisations shown in Appendix G

### **Continuous Service**

Maternity leave will be regarded as continuous service for the purpose of the Academy's sickness and maternity schemes and annual leave.

### **Training and development**

If an employee is undertaking training and development they may need to discuss how this will be affected by their maternity leave with their relevant Headteacher. In some circumstances it may be possible to continue with a college course or an employee may need to arrange to have time out until they return to work.

### **Trade Union subscriptions**

If an employee is a member of a Trade Union and her subscription is automatically deducted from her pay this will continue whilst she is on paid maternity leave. These deductions cease when an employee enters a period of unpaid maternity leave. If she subsequently returns to work following a period of unpaid leave the subscriptions deductions will recommence automatically.

### **Sickness absence**

If an employee is absent from work during pregnancy owing to sickness, she will receive normal statutory or contractual sick pay in the same manner as she would during any other sickness absence provided that she has not yet begun ordinary maternity leave. If, however, the employee is absent from work due to pregnancy-related illness after the beginning of the fourth week before her expected week of childbirth, her maternity leave will start automatically.

If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, she must notify her Headteacher in writing of this as soon as reasonably practicable.

### **Annual leave**

Annual leave entitlement will accrue, in accordance with the contract of employment, while the employee is on maternity leave.

Annual leave entitlement is a matter that should form part of planning for an employee's maternity leave. The relevant Headteacher should arrange a meeting with the employee prior to her maternity leave to discuss how this aspect will be treated. The employee's annual leave entitlement should be confirmed in the meeting.

Staff who are employed by SECAT are generally not able to take leave during term time and therefore will be unable to take leave immediately before or after maternity unless it coincides with closure periods. However, their entitlement to leave is met during the first weeks of closure periods - in the case of teaching staff this will be the statutory entitlement which has and will continue to be increased in line with the Working Time (Amendment) Regulations 2007 - this is now 5.6 weeks (pro rata). Non-teaching staff will be entitled to their pro rata leave and will also be entitled to time off in lieu of bank holidays in accordance with the Working Time (Amendment) Regulations 2007. The leave year for non-teaching staff commences in April and for teachers in September.

Where the return from maternity leave is so close to the end of the leave year that there is not enough time to take all her annual leave entitlement, an employee must be allowed to carry over any balance of her leave to the following leave year. An employee can be required to take this during the remaining periods of closure after the annual leave for that leave year has been accommodated. Non-teaching staff who work less than 52 weeks per year will be paid for this period unless annual leave is granted during Academy opening times. For non-teaching staff who work 52 weeks per year sub-paragraph (i) above for non-teaching employees will apply with leave being taken either in closure periods or term time as agreed with the relevant Headteacher and with no extra payment. For staff who are employed under School Teachers' Pay and Conditions this will be taken in Academy closure periods (there is no payment).

### **Public holidays**

If public holidays fall during maternity leave the employee will be entitled to any time in lieu that they would have been due had they not been on maternity leave. Any entitlement to days in lieu of public holidays should be added to the annual leave entitlement and arrangements to take the leave should be made as for annual leave.

Teachers do not have a contractual entitlement to paid leave on public or bank holidays. The May Day bank holiday is the only bank holiday that falls during term time. For the purposes of annual leave, the May Day bank holiday will be classed as an Academy closure which counts against the statutory annual leave entitlement.



### **Parental Leave**

Employees, subject to sufficient qualifying service, can request unpaid parental leave to follow on directly from their maternity leave. Such leave where it postpones the employee's actual return to duty does not constitute a return to work for the purposes of completing the required 'return to work' period (see paragraph 15).

The relevant Academy has the right to postpone, due to operational requirements, any parental leave requested for a maximum of 6 months. Further details may be found in the Parental Leave Policy or from Human Resources.

## **18. Dismissal Protection**

### **Unfair Dismissal**

Under the Employment Rights Act 1996 it is automatically unfair to dismiss a woman where the reason or principal reason for dismissal is because the employee is pregnant or for any other reason connected with her pregnancy.

The right to claim unfair dismissal due to pregnancy/childbirth/maternity automatically applies to all employees irrespective of hours of work or length of service, i.e. there is no minimum service requirement.

### **Fair Dismissal**

An employee may be fairly dismissed for reasons unconnected to her pregnancy or maternity leave where the dismissal would have occurred regardless of the fact that the employee is pregnant/on maternity leave.

In such cases the reason for the dismissal and its fairness will be judged in the normal way, i.e. SECAT (as employer) would have to show that the dismissal fell within one of the 5 fair reasons to dismiss, i.e. capability or qualifications, conduct, redundancy, duty or restriction, or some other substantial reason (SOSR).

### **Redundancy**

Where a woman cannot be offered her old job back because of redundancy, the relevant Academy is under a statutory duty to offer the employee any suitable available existing alternative employment. Failure to do so will render the dismissal automatically unfair. It is essential, therefore, that where restructuring/redundancy arises any employees on maternity leave are included in the consultation/selection process.

Where alternative employment is offered it must be suitable for the employee and appropriate for her to do in the circumstances. It must also be on terms and conditions that are not substantially less favourable than those under her original contract of employment. The offer must be made before the original contract comes to an end and it must take effect immediately on the ending of the original contract, or within 4 weeks.

Where a suitable vacancy does exist, the employee must be offered the post in preference to anyone else who is also at risk of redundancy.

Where it is not possible to offer alternative employment on the above basis the employee has rights to redundancy.

There may be situations where the employee still wishes to pursue alternative employment options, albeit, at a lower grade (with the s Academy's Pay Protection provisions applicable at that time) as an alternative to redundancy but care needs to be taken to ensure that all opportunities for alternative employment at a comparable grade have been explored.

The right to return to work (and related protection against a detriment) comes into existence as soon as the employee provides notification of her pregnancy and intention to take maternity leave.

If an employee's job becomes redundant in her absence the Academy is obliged to offer any available suitable alternative employment, even if she has not yet confirmed her intention to return to work, i.e. the assumption is that an employee will return to work following maternity leave unless she indicates otherwise.

An employee who is made redundant after the 15<sup>th</sup> week before the EWC retains any entitlement to SMP.

An employee who is to be made redundant and would normally be entitled to contractual maternity pay (CMP) retains the right to receive CMP (based on any payments due to her up to the cessation date of her contract of employment) as if she had been returning to work.

An employee given notice of redundancy during her maternity leave is entitled to receive full pay during her period of notice. However where this notice period (or part of it) coincides with any paid maternity leave period, the maternity pay due (whether contractual or SMP) is subsumed within the paid notice i.e. the employee's pay should not exceed their normal full pay whilst under notice.

Where the employee's contract of employment ceases before all SMP payments are made, SECAT is responsible (under SMP regulations) for paying any remaining weeks of SMP payments due.

An employee will be entitled to a redundancy payment only if she meets the service qualifications for such payments.

## **19. Other leave associated with maternity**

### **Statutory Paternity Leave**

Subject to a qualifying length of service and other criteria, paid paternity leave is available for working fathers/partners as well as adoptive fathers/partners. The paternity leave is either one or two weeks to be taken as a block. An eligible employee also has the right to take additional statutory paternity leave.

### **Maternity Support Leave**

All employees are entitled to up to five days (pro rata for part-time employees) paid leave if they are the child's father or the partner or nominated carer of an expectant mother at or around the time of the birth. A nominated carer is the person nominated by the mother as their primary provider of support at or around the time of the birth.

In most cases such care and support would be provided by the father. However, the role may be fulfilled by a relative or someone who has a caring relationship with the mother and/or the child.

This paid leave arrangement has no length of service criteria and is paid at full normal pay (rather than the Statutory Paternity Pay (SPP) rate).

Employees who qualify for both statutory paternity leave and maternity support leave are entitled to the first week's leave at full normal pay, inclusive of Statutory Paternity Pay (SPP) where applicable. To qualify for a second weeks' leave at the SPP rate it is necessary for the employee to meet the statutory criteria including length of service and earnings criteria. (There is no other maternity/paternity policy on the system)

### **Ante-natal Care leave to Nominated Carer**

Paid time off may be granted, in certain circumstances, to fathers-to-be, partners or nominated carers. There may be circumstances where a father-to-be, partner or nominated carer needs time off in order to provide support to an expectant mother. An example of where paid time off may be appropriate is where there is a medical emergency resulting in a stay in hospital or a non-routine medical examination and the nominated carer needs to provide support to the expectant mother.

Arrangements to attend parent-craft classes or routine ante-natal or medical appointments with the expectant mother for expectant fathers-to-be, partners and nominated carers should be considered using existing leave provisions (eg use of annual leave/flexible leave/unpaid authorised leave or by approving a flexible working arrangement).

All such requests should be considered sympathetically and approved wherever operationally possible.

## Maternity Pay Provision Form

**This completed form notifies the Headteacher of your intention to take Maternity Leave and must be returned to the relevant Academy no later than 28 days before the commencement of your leave.** Please complete your details below, decide the Contractual Options you wish to take and delete those not applicable, signing both parts of the form to confirm your information and decisions. The completed form and attachments will be forwarded by the relevant Academy within SECAT to Payroll Services who will determine your entitlements to SMP and Contractual Maternity Pay.

To: The Headteacher \_\_\_\_\_

Your full name (capitals please): \_\_\_\_\_

Job title: \_\_\_\_\_ Payroll Number: \_\_\_\_\_

Department and/or Team: \_\_\_\_\_

Line manager: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Expected delivery date: \_\_\_\_\_

I intend to take maternity leave commencing on: \_\_\_\_\_

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

**(continued**

**CONTRACTUAL OPTIONS:**

**Please DELETE those not applicable**

(i) I elect to have my contractual maternity pay (12 weeks at half pay) paid to me over 12 weeks

(ii) I elect to have my contractual maternity pay (12 weeks at half pay) paid to me spread over 33 Weeks.

(iii) I elect to have my contractual maternity pay withheld until such time as I have completed 3 months of normal duties (based on my contractual hours prior to/during maternity leave) from the date of my return to work.

**I understand and agree, that if I do not return to work in any Academy, recognised for this purpose, for at least 3 months (based on my contractual hours prior to/during maternity leave), I am obliged to repay to my employer the 12 weeks contractual half pay received, or a proportion of this as determined by my employer. I also agree to refund to my employer the monetary value of any annual leave I have taken which is in excess of the annual leave I have accrued up to the date of termination.**

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

Please attach your **MAT B1 form** and (if applicable) **Local Government Pension Scheme** (Appendix 2) form and return them all to the relevant Headteacher/ Academy office enveloped "STAFF CONFIDENTIAL".

**Appendix 2**

**Local Government Pension Scheme  
Declaration Regarding Unpaid Additional Maternity Leave of  
Absence**

Please complete your details below, decide the options relating to payment of pension contributions for period of maternity absence (Regulations 17&18 of Local Government Pension Scheme Regulations 1997) you wish to take and delete those not applicable, signing the form to confirm your decisions. The completed form will be forwarded by the relevant SECAT Academy to Payroll Services at the Civic Centre who will action your decisions as appropriate and advise of the amount due.

Name of Academy: \_\_\_\_\_

Your full name (capitals please): \_\_\_\_\_

Job title: \_\_\_\_\_ Payroll Number: \_\_\_\_\_

**PAYMENT OF PENSION CONTRIBUTION OPTIONS:**  
**Please COMPLETE Declaration A or B**

**A. Yes, I agree to pay Pension contributions for the maximum period of my leave of absence without pay.** (If agreeing option A, delete the payment method that you wish to **not** apply **and** delete option B)

I wish payment to be made: -

- i) By a lump sum remittance to the Academy at the conclusion of my absence from my first salary.
- ii) By a deduction from salary, after resumption of duty, over a suggested period of \_\_\_\_\_ months.

**B. No, I do not wish to pay Pension contributions for the period of my leave of absence without pay exceeding the first 30 days.** (If agreeing option B, delete option A)

If opting for Option B, I understand that the unpaid period after 30 days will not count as pensionable service.

(Please note that if you are still on leave after the end of the *ordinary maternity leave* and you are not receiving any pay then you can pay contributions in respect of the unpaid period (i.e. any unpaid period after the end of the *ordinary maternity leave*). The election to pay those contributions **should be made within 30 days of returning to work or ceasing employment** (or such longer period as the employer allows). The contributions should be based on the rate of pay on the day before you went onto no pay (including any statutory maternity pay). Further information and guidance on pensions may be obtained from the organisations shown in page 109.)

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

Please attach your **Maternity Pay Provision Form** and **MAT B1 form** and return them all to the relevant Headteacher/ Academy office enveloped “STAFF CONFIDENTIAL”.

## Maternity and Paternity Support Policy & procedure

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## Policy

### 1. Introduction

It is important that parents are supported during and around the birth or adoption of a child. To assist this, eligible employees may take Maternity Support Leave and, subject to certain qualifying conditions, they may also be entitled to Paternity Leave.

The purpose of this policy is to provide information and guidance on SECAT's Paternity and Maternity Support Scheme which applies to employees in their relevant Academy where they are primarily based. The policy also applies to adoptive parents where a child is matched or newly placed with them for adoption.

## **2. Advice and guidance**

It is the relevant Academy's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the paternity provisions are complex, employees should clarify the relevant procedures with the Academy to ensure that they are followed correctly.

## **3. Further information**

Further information and guidance on paternity leave and pay may be obtained from the organisations shown in Appendix 6.

## **4. Process**

The process for notification of an employee's intention to take paternity or maternity support leave is set out in the **Paternity and Maternity Support Leave Entitlement and Procedure**.

# **Procedure**

## **1. Introduction**

The purpose of this document is to provide standard guidance on the statutory rights and responsibilities of employees who wish to take paternity leave. It also provides guidance on the SECAT's maternity support leave scheme.

The entitlement and procedure in this document apply to employees whose child has an expected week of birth beginning on or after 3 April 2011. It also applies to adoptive parents where a child is matched or newly placed with them for adoption.

The paternity provisions are complex and the employee is encouraged to talk to their manager about their plans from an early stage to help both the manager and employee manage their work during paternity and maternity support leave.

## **2. Paternity Leave**

### **Ordinary paternity leave**

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

Ordinary paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. A separate policy is available in respect of adoption leave. In respect of an adopted child, the employee must have 26 weeks' continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption.

To qualify for ordinary paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.

Ordinary paternity leave is granted in addition to an employee's normal annual holiday entitlement. Ordinary paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Ordinary paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.

Where the employee is entitled to both ordinary paternity leave and maternity support leave (see section 3) they will be entitled to one week paternity leave and one week maternity support leave.

### **Notification of ordinary paternity leave**

Where an employee wishes to request ordinary paternity leave in respect of a birth child, they must give their manager 15 weeks' written notice of the date on which their partner's baby is due, the length of ordinary paternity leave they wish to take and the date on which they wish the leave to commence.

In the case of an adopted child, the employee must give written notice of their intention to take ordinary paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date the

employee intends to start ordinary paternity leave, the length of the intended ordinary paternity leave period and the date on which the adopter was notified of having been matched with the child.

The request form in Appendix 1 should be completed and forwarded to the relevant Headteacher via the manager. The employee should also complete and sign a self-certificate shown in Appendix 2 declaring that they are entitled to ordinary paternity leave and ordinary statutory paternity pay. This will enable payroll to assess entitlement to paternity pay.

If an employee subsequently wishes to change the timing of the ordinary paternity leave, they must give 28 days' written notice of the new dates. The form shown in Appendix 3 should be completed and forwarded to the relevant Headteacher via the manager.

### **Ordinary statutory paternity pay**

Pay during ordinary paternity leave will be at a standard rate, or at a rate equivalent to 90% of the employee's average weekly earnings if this figure is less than the standard rate. However, employees whose average weekly earnings are below the lower earnings limit for National Insurance contributions will not be eligible for ordinary statutory paternity pay.

Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Statutory paternity pay can start from any day of the week in accordance with the date the employee starts their paternity leave.

### **Additional paternity leave**

Eligible employees may take up to 26 weeks' additional paternity leave within the first year of their child's life provided that the mother has returned to work before using her full entitlement to maternity leave.

Additional paternity leave is also available to adoptive parents within the first year after the child's placement for adoption, provided that the child's adopter who elected to take adoption leave (the "primary adopter") has returned to work before using their full entitlement to adoption leave.

The earliest that additional paternity leave can commence is 20 weeks after the date on which the child is born, or 20 weeks after the date of placement of the child for adoption, and it must end no later than 12 months after that date. Additional paternity leave must be taken as a single block in multiples of complete weeks. The minimum period is two consecutive weeks and the maximum period is 26 weeks.

Additional paternity leave will generally commence on the employee's chosen start date specified in their leave notice, or in any subsequent variation notice (see "Notification of additional paternity leave" below).

During the period of additional paternity leave, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind (such as private use of laptop) will continue and contractual annual leave entitlement will continue to accrue.

Salary may be replaced by statutory paternity pay for some of the additional paternity leave period if the employee is eligible to receive it. The remaining period of additional paternity leave is unpaid.

Pension contributions will continue to be made during any period when the employee is receiving statutory paternity pay but not during any period of unpaid additional paternity leave. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had they not gone on additional paternity leave. Further information and guidance on pensions may be obtained from the organisations shown in Appendix 6.

Employees are encouraged to take any outstanding annual leave due to them before the commencement of additional paternity leave. Employees are reminded that holiday must be taken in the year that it is earned and therefore if the holiday year is due to end during additional paternity leave, the employee should take their outstanding entitlement before starting their additional paternity leave.

### **Eligibility for additional paternity leave**

In order to be eligible for additional paternity leave, an employee must satisfy each of the following criteria:

- they must be the father of the child or married to, the civil partner of, or the partner of, the child's mother, married to, the civil partner of, or the partner of, the primary adopter, and, in the case of a birth child, expect to have the main responsibility for the upbringing of the child (apart from the mother's responsibility). In the case of adoption, they must have been matched with the child for adoption. In both cases, they must be taking the leave to care for the child.
- they must have a minimum of 26 weeks' service, as at the end of the 15<sup>th</sup> week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15<sup>th</sup> week before the week in which they were notified of having been matched with the child.
- they must remain in continuous employment until the week before the first week of additional paternity leave.
- the mother of the child must be entitled to one or more of maternity leave, statutory maternity pay or maternity allowance. In the case of adoption, the primary adopter must be entitled to one or both of adoption leave or statutory adoption pay. The mother or primary adopter must have returned to work and forfeited a portion of their maternity or adoption leave.

### **Notification of additional paternity leave**

Where an employee wishes to request additional paternity leave and pay, they must give their manager eight weeks' written notice of the date on which they wish to take the leave and, if applicable, additional statutory paternity pay to commence. The

request form shown in Appendix 4 should be completed and must specify, in the case of a birth child, the date on which the child was expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption. In both cases, the notice must also specify the employee's name and intended start date and end date of additional paternity leave and statutory paternity pay.

The employee must also submit a written and signed self-certification form (Appendix 2) not less than eight weeks before the proposed start date of additional paternity leave and pay stating that the purpose of the additional paternity leave/statutory paternity pay period is to care for the child and that they satisfy the relationship eligibility conditions for additional paternity leave and pay.

At the same time, the mother or primary adopter must submit the written and signed declaration form shown in Appendix 5 stating:

- their name, address and national insurance number;
- the date that they intend to return to work;
- that they have given notice to their employer of returning to work;
- that they are entitled to statutory maternity pay, maternity allowance or statutory adoption pay;
- the start date of their maternity or adoption pay period;
- confirmation that the employee satisfies the relationship eligibility conditions;
- that they consent to the Academy processing the information contained in the declaration form; and
- that the employee is to their knowledge the sole applicant for additional statutory paternity pay and, in the case of a birth child, also that the employee is to their knowledge the only person exercising the entitlement to additional paternity leave in respect of the child.

On request by the Academy, the employee must produce the name and business address of the mother's or primary adopter's employer and a copy of the child's birth certificate or, in the case of an adopted child, evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption. The employee must supply this information within 28 days of it being requested.

The employee is permitted to bring forward their additional paternity leave start date, provided that they advise the relevant Academy in writing at least six weeks before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone their additional paternity leave start date, or cancel their additional paternity leave altogether, provided that they advise the Academy in writing at least six weeks before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The Academy will formally respond in writing to the employee's notification of their additional paternity leave plans within 28 days, confirming the relevant start and end dates of additional paternity leave and pay.

### **Additional statutory paternity pay**

Additional statutory paternity pay may be payable during some of the additional paternity leave. An employee is entitled to additional statutory paternity pay if:

- they are the father of the child or married to, the civil partner of, or the partner of, the child's mother, married to, the civil partner of, or the partner of, the child's primary adopter, and, in the case of a birth child, expects to have the main responsibility for the upbringing of the child (apart from the mother's responsibility) or, in the case of adoption, has been matched with the child for adoption, and in either case intends to care for the child during the additional statutory paternity pay period;
- they have a minimum of 26 weeks' service, as at the end of the 15<sup>th</sup> week before the week in which the child is due to be born or, in respect of an adopted child, as at the end of the 15<sup>th</sup> week before the week in which they were notified of having been matched with the child (the "relevant week");
- they remain in continuous employment until the week before the additional statutory paternity pay period begins;
- their average weekly earnings for the period of eight weeks ending with the relevant week are not less than the lower earnings limit for national insurance contributions;
- the mother is entitled to statutory maternity pay or maternity allowance or, in the case of adoption, the primary adopter is entitled to statutory adoption pay, and the mother or primary adopter has returned to work before their full entitlement to statutory maternity pay/maternity allowance/statutory adoption pay has been exhausted;
- the mother or primary adopter has at least two weeks of their maternity or adoption pay period that remains unexpired; and
- they give proper notification in accordance with the rules set out above.

Any statutory paternity pay due during additional paternity leave will be paid at a standard rate, or at a rate equivalent to 90% of the employee's average weekly earnings if this figure is less than the standard rate. Statutory paternity pay is payable whether or not the employee intends to return to work after their additional paternity leave.

### **Contact during additional paternity leave**

Shortly before an employee's additional paternity leave starts, the manager will discuss the arrangements for them to keep in touch during their leave, should they wish to do so. SECAT reserves the right in any event to maintain reasonable contact with the employee from time to time during their additional paternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

### **Keeping-in-touch days during additional paternity leave**

An employee can agree to work for the Academy (or to attend training) for up to 10 days during additional paternity leave without that work bringing the period of their additional paternity leave to an end and without loss of a week's statutory paternity



pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

The manager cannot insist that an employee carries out any work during their additional paternity leave and the employee is protected from suffering a detriment or being dismissed for refusing to do so. Equally, an employee cannot insist on being given any work to do during their additional paternity leave.

In most cases an employee will be paid for any work they do under the contract. Issues to take into account will include the nature of the work and its duration. Statutory paternity pay may be offset for the day against any pay due. These matters should be discussed and clearly agreed before any work is undertaken and managers should consult their HR provider where consideration is given to pay less than the employee's usual rate of pay. It is expected that in most cases the employee will receive their normal rate of pay for the day worked offset by any statutory paternity payment, even if only part of the day is worked. Alternatively, days off may be given on the employee's return to work subject to agreement between the employee and the manager.

Any keeping-in-touch days worked do not extend the period of additional paternity leave. Once the keeping-in-touch days have been used up, the employee will lose a week's statutory paternity pay for any week in which they agree to work for the Academy. It may also bring the additional paternity leave period to an end.

### **Returning to work after additional paternity leave**

The employee will have been formally advised in writing by the Academy of the end date of their additional paternity leave. The employee is expected to return on the next working day after this date, unless they notify their manager otherwise. If they are unable to attend work at the end of additional paternity leave due to sickness or injury, the normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they must give their relevant Headteacher at least six weeks' notice of their date of early return, preferably in writing. If they fail to do so, their relevant Headteacher may postpone their return to such a date as will give the relevant Academy six weeks' notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after additional paternity leave, they must give notice of resignation as soon as possible and in accordance with the terms of their contract of employment. If the notice period would expire after additional paternity leave has ended, the Academy may require the employee to return to work for the remainder of the notice period.

### **Rights on and after return to work**

On resuming work after both ordinary and additional paternity leave (in the latter case where it was an isolated period of leave or taken with certain other types of statutory leave), the employee is entitled to return to the same job as they occupied before

commencing paternity leave on the same terms and conditions of employment as if they had not been absent.

### **Adoptions from overseas**

If an employee has adopted a child from overseas, they may still be entitled to additional adoption leave provided again that the primary adopter has returned to work before using their full entitlement to adoption leave. The earliest that additional paternity leave can commence is 20 weeks after the date on which the adopted child enters Great Britain and it must end 12 months after the date of entry. For further information, please contact the human resources service provider.

## **3. Maternity Support Leave**

The purpose of maternity support leave is to allow an employee leave where they are the main support for the mother and/or carer of the child at or around the time of birth.

If the child's father or the partner of the expectant mother intends to take their entitlement to maternity support leave then there will be no further entitlement for a 'nominated carer' (e.g. grandmother who is an employee of the Academy).

### **Entitlement to maternity support leave**

The following will be entitled to maternity support leave:

- The child's father or the partner of an expectant mother at or around the time of birth
- or
- A nominated carer who is the person nominated by the mother to assist in the care of the child and to provide support at or around the time of birth
- or
- An adoptive parent, where the other adoptive parent has elected to take adoption leave.

### **Duration of maternity support leave**

Eligible employees will be entitled to 5 days leave with pay at or around the time of birth.

### **Notification of maternity support leave**

Employees must give 28 days' notice that they intend to take maternity support leave. The request form in Appendix 1 should be completed and forwarded to the relevant Headteacher of the SECAT Academy via the manager.

The employee can change their mind about the intended start date for the leave but must give 28 days' notice before the new intended start date or as soon as reasonable practicable. However, if the employee has indicated that they want to start their leave immediately following the child's birth, and provided they have given the necessary notice, their leave will start on the day the child is born, regardless of whether the child's birth is early, on time or late.

### **Maternity support leave and paternity leave**

Where an employee takes maternity support leave and paternity leave, the maternity support leave will replace one week of ordinary paternity leave i.e. they will not be eligible for one week maternity support leave and two weeks ordinary paternity leave.

## **4. Other employment information**

### **Continuous Service**

Paternity leave will be regarded as continuous service for the purpose of the Academy's sickness and paternity schemes and annual leave.

### **Training and development**

If an employee is undertaking training and development they may need to discuss how this will be affected by their paternity leave with their relevant Headteacher. In some circumstances it may be possible to continue with a college course or an employee may need to arrange to have time out until they return to work.

### **Annual leave**

Annual leave entitlement will accrue, in accordance with the contract of employment, while the employee is on paternity leave.

Annual leave entitlement is a matter that should form part of planning for an employee's paternity leave. The relevant Headteacher should arrange a meeting with the employee prior to their paternity leave to discuss how this aspect will be treated. The employee's annual leave entitlement should be confirmed in the meeting.

### **Public holidays**

If public holidays fall during paternity leave the employee will be entitled to any time in lieu that they would have been due had they not been on paternity leave. Any entitlement to days in lieu of public holidays should be added to the annual leave entitlement and arrangements to take the leave should be made as for annual leave.

### **Salary sacrifice schemes**

Employees are advised to contact their scheme provider for further information regarding suspending or leaving the scheme before or during the paternity leave period.

### **Parental Leave**

Employees, subject to sufficient qualifying service, can request unpaid parental leave to follow on directly from their paternity leave.

The relevant Academy has the right to postpone, due to operational requirements, any parental leave requested for a maximum of 6 months. Further details may be found in the Parental Leave Policy.

## **5. Dismissal Protection**

### **Unfair Dismissal**

An employee is entitled not to be subjected to a detriment for reasons relating to taking, or seeking to take, paternity leave and it is automatically unfair to dismiss an employee for such a reason.

### **Fair Dismissal**

An employee may be fairly dismissed for reasons unconnected to paternity leave where the dismissal would have occurred regardless of the fact that the employee is on paternity leave.

In such cases the reason for the dismissal and its fairness will be judged in the normal way, i.e. SECAT (as employer) would have to show that the dismissal fell within one of the 5 fair reasons to dismiss, i.e. capability or qualifications, conduct, redundancy, duty or restriction, or some other substantial reason (SOSR).

### **Redundancy**

An employee who is made redundant during their additional paternity leave has the right, where there is a suitable alternative vacancy, to be offered suitable alternative employment under a new contract that begins on the day immediately following the day on which the employee's previous contract came to an end. The work to be done under the new contract must be both suitable for the employee and appropriate for them to do in the circumstances. The provisions of the new contract relating to the capacity and place in which the employee is to be employed, and the other terms and conditions of employment, must not be substantially less favourable to the employee than if they had continued to be employed under their previous contract.

**Appendix 1**

**Request for ordinary paternity/maternity support leave**

To: The Headteacher

..... Academy

.....

.....

.....

Tel: .....

Email:.....

Name: \_\_\_\_\_ Today's Date: \_\_\_\_\_

Job title: \_\_\_\_\_

Department /Team : \_\_\_\_\_

Line manager: \_\_\_\_\_

Commencement of Continuous Service

(date): \_\_\_\_\_

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

I hereby give notice of my intention to take (one week / two weeks) paid ordinary

paternity leave commencing on: \_\_\_\_\_ and / or

1 week maternity support leave commencing on: \_\_\_\_\_

- 1) The leave requested relates to the birth of a baby which is due on:  
\_\_\_\_\_
- 2) The date on which we were notified by the adoption agency of having been  
matched with the child was \_\_\_\_\_
- 3) The date on which the child is expected to be placed for adoption is:  
\_\_\_\_\_

4) To be completed where maternity support leave is requested:

I confirm that I am:

a) the child's father or the partner of an expectant mother at or around the time of the birth  
or

b) a nominated carer who is the person nominated by the mother to assist in the care of the child and to provide support at or around the time of birth  
or

c) an adoptive parent, where the other adoptive parent has elected to take adoption leave.

I have notified my manager of my intention to take paternity leave.

Signature: \_\_\_\_\_

*Tick as appropriate*

## Appendix 2

### Paternity Leave Self-certification Form

<b>Name of employee:</b>	
<b>Team/Section/ Department:</b>	
<b>Start date with the Academy:</b>	
<b>Start date with Local Government:</b>	
<b>National Insurance number:</b>	

I declare that:	Please tick as appropriate:
I am the child's biological father	
I am married to the child's mother	
I am the civil partner of the child's mother	
I am the cohabiting partner of the child's mother	
<b>OR:</b>	
I am married to the person adopting the child	
I am the civil partner of the person adopting the child	
I am the cohabiting partner of the person adopting the child	
<b>AND:</b>	
I am adopting jointly and have elected to receive statutory paternity pay and leave and not statutory adoption pay and leave	
I will have responsibility for the child's upbringing	
I will be absent from work for the purpose of caring for the child or supporting the child's mother	
Please state the date on which the child is due to be born/placed for adoption or, where the child has already been born/placed for adoption, the date when this occurred	
<b>Signed:</b>	<b>Date:</b>



**Appendix 3**

**Request to vary the dates of ordinary paternity/maternity support leave**

To: The Headteacher

..... Academy

.....

.....

.....

Tel: .....

Email:.....

Name: \_\_\_\_\_ Today's Date: \_\_\_\_\_

Job title: \_\_\_\_\_

Department & Team : \_\_\_\_\_

---

Line manager: \_\_\_\_\_

Commencement of Continuous Service:

(date): \_\_\_\_\_

Commencement of Continuous Service:

(date): \_\_\_\_\_

I previously notified you that I wished to take a period of [one week's/two weeks'] paid ordinary paternity leave from [date] to [date] [and/or one weeks' maternity support leave from [date] to [date]]. I now wish to vary these arrangements. Instead of the above, I would like to take [one week's/two weeks'] ordinary paternity leave from [date] to [date] [and/or one weeks' maternity support leave from [date] to [date]]. The leave requested relates to the [birth of my baby which is due on [date] / adoption of a child on [date] ].\*

I have notified my manager of my intention to vary the dates of my paternity/maternity support leave.

Signature: \_\_\_\_\_

**\*delete as applicable**

**Appendix 4**

**Request for additional paternity leave**

To: The Headteacher

..... Academy

.....

.....

.....

Tel: .....

Email:.....

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

Today's Date: \_\_\_\_\_

Job title: \_\_\_\_\_

Department & Team : \_\_\_\_\_

\_\_\_\_\_

Line manager: \_\_\_\_\_

Commencement of Continuous Service:

(date): \_\_\_\_\_

Commencement of Continuous Service

(date): \_\_\_\_\_

Home Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby give notice of my intention to take additional paternity leave commencing

on: \_\_\_\_\_ and ending on \_\_\_\_\_

and request additional statutory paternity pay, if applicable.

- 1) The leave requested relates to the birth of a baby which is due on:

\_\_\_\_\_

2) The date on which we were notified by the adoption agency of having been matched with the child was \_\_\_\_\_

3) The date of placement for adoption is:  
\_\_\_\_\_

I have notified my manager of my intention to take paternity leave.

Signature: \_\_\_\_\_

*Tick as appropriate*

## Appendix 5

### **Request for additional paternity leave - declaration from mother or primary adopter**

To: The Headteacher

..... Academy

.....

.....

.....

Tel: .....

Email:.....

Name: \_\_\_\_\_ Today's Date: \_\_\_\_\_

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

National Insurance number: \_\_\_\_\_

Name of employer: \_\_\_\_\_

Address of employer: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Following my period of \*maternity/adoption leave I intend to return to work on:

\_\_\_\_\_

I declare that:

- 1) I have given notice to my employer that I intend to return to work.
- 2) I am entitled to statutory maternity pay, maternity allowance or statutory adoption pay.
- 3) My \*maternity/adoption leave commenced on: \_\_\_\_\_
- 4) I satisfy the relationship eligibility conditions.

5) I consent to the Academy processing the information contained in this declaration form.

6) To my knowledge (insert name) \_\_\_\_\_ is the sole applicant for additional statutory paternity pay and, in the case of a birth child, that he/she is to my knowledge the only person exercising the entitlement to additional paternity leave in respect of the child.

I have attached a copy of:

my child's birth certificate

or

evidence of the name and address of the adoption agency, the date on which we were notified of having been matched with our child and the date of placement for adoption.

Signature: \_\_\_\_\_

***Tick as appropriate***

\* ***Delete as applicable***

## Adoption Policy, Entitlement and Procedure

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## **Adoption Policy**

### **1. Introduction**

The purpose of this policy is to provide information and guidance on SECAT's Adoption Scheme which applies to all employees when notified of a match with a child. The Paternity and Adoption Leave (Amendment) Regulations 2006 which implement some of the provisions of the Work and Families Act 2006 came into force on 1<sup>st</sup> October 2006. The Act is a significant piece of legislation aimed at enforcing the Government's intention to give children the best start in life and parents more choice as to how they balance their working lives with their family responsibilities.



The Additional Paternity Leave Regulations 2010 and Additional Paternity Leave (Adoptions from Overseas) Regulations 2010 provide for employees who meet eligibility requirements to be able to take additional paternity leave and pay, provided that the main adopter returns to work before exhausting their full entitlement to leave and pay.

## **2. Legislation/conditions of service**

The following legislation applies to adoption leave:

- Work and Families Act 2006
- Employment Rights Act (ERA) 1996
- Employment Act 2002
- Sex Discrimination Act 1975
- Management of Health and Safety at Work Regulations 1999
- Paternity and Adoption Leave Regulations 2002 Statutory Instrument 2788
- Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003 Statutory Instrument 921
- The Paternity and Adoption Leave (Amendment) Regulations 2006 Statutory Instrument 2014
- Statutory Adoption Pay Regulations
- Paternity and Adoption Leave (Amendment) Regulations 2008

The NJC for Local Government Services Terms and Conditions (Green Book) does not provide an adoption scheme. However SECAT's adoption leave scheme provides additional entitlements to the statutory provisions in terms of pay.

## **3. Definition**

With effect from 1<sup>st</sup> October 2006 all employees who expect a child to be placed with them after 1<sup>st</sup> April 2007 will be entitled to take up to 26 weeks ordinary adoption leave and 26 weeks additional adoption leave, subject to qualifying conditions. An employee who qualifies for statutory adoption pay (SAP) will be entitled to 39 weeks SAP.

- **Advice and guidance**

It is SECAT's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. If an employee is considering adoption they should familiarise themselves with the Adoption Leave Entitlement and Procedures document and clarify the relevant procedures with the Academy to ensure that they are followed correctly.

- **Further information**

Further information and guidance on adoption leave and benefits may be obtained from the organisations shown on page 109.

- **Process**

The process for notification of an employee's intention to take adoption leave is set out in the **Adoption Leave Entitlement and Procedure**.

## **Adoption Leave Entitlement and Procedure**

### **4. Introduction**

The purpose of this document is to provide standard guidance on the statutory rights and obligations of employees who are adopting a child and gives details of the arrangements for adoption leave and pay.

The entitlement and procedure in this document apply to employees who are notified of a match with a child after 3 April 2011. In the case of adoptions from overseas this policy will apply where a child enters Great Britain after 3 April 2011.

Employees are encouraged to talk to their Headteacher about their plans from an early stage to help both the Headteacher and employee manage their work during the period of adoption leave and their return to work.

## **5. Eligibility**

Adoption leave applies to both male and female employees.

### **UK adoptions**

To qualify for adoption leave, an employee must:

- Have been matched with a child to be placed with them by a UK adoption agency
- Have notified the agency that they agree that the child should be placed with them and agree the date of placement
- Be newly matched with a child for adoption by an approved adoption agency, i.e. bring the child or young person into the family for the first time; existing step parents or long term foster parents are not eligible
- Have worked continuously for the relevant Academy for 26 weeks leading into the week in which they are notified of being matched with a child for adoption
- Where a couple adopt, only one member of the couple may take adoption leave and pay (the other may be entitled to paternity leave and pay – see Maternity Support Leave and Paternity Leave Policy).

### **Overseas adoptions**

To qualify for adoption leave, an employee must:

- Be the child's adopter
- Have received an official notification confirming that the adopter is eligible to adopt
- Have worked continuously for the relevant Academy for at least 26 weeks, ending with the week in which the official notification was received or starting with the week in which his/her employment with the Academy began
- Where a couple adopt, only one member of the couple may take adoption leave and pay (the other may be entitled to paternity leave and pay – see Maternity Support Leave and Paternity Leave Policy). Where an employee receives paid adoption leave they will not be entitled to maternity support leave also.

## **6. Notification**

### **UK adoptions**

Employees are required to inform their relevant Headteacher of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable.

The employee should give 28 days' notice of when they wish adoption leave to start or, if this is not reasonably practicable, as soon as is reasonably practicable. Adoption

leave may start from either the date the child is placed, or a fixed date up to 14 days before the expected date of placement.

A copy of the Adoption Matching Certificate must be produced within one week of issue (see section on Evidence of Adoption).

### **Overseas adoptions**

In order to be entitled to take adoption leave and receive adoption pay, an employee is required to give the relevant Academy written notification of their intention to take adoption leave. No later than 28 days after the date the employee receives official notification, or the date on which they complete 26 weeks' continuous service with the Academy (whichever is later), they must give notice of both the date the official notification was received and the date the child is expected to enter Great Britain.

Employees who received official notification before 1st April 2007 and whose child enters Great Britain on or after that date can only start leave on a pre-determined date later than the date of entry and at least 28 days after giving notice to the Academy.

At least 28 days prior to the date that the employee has chosen as the beginning of their adoption leave period, they must give notice of the chosen start date, and a declaration that they have chosen to receive statutory adoption pay and not statutory paternity pay (adoption). The employee must also produce a copy of the official notification (see section on Evidence of adoption).

Within 28 days of the child's entry into Great Britain the employee must inform the relevant Academy of the date of entry and provide evidence of this date in the form of a plane ticket or copies of entry clearance documents.

### **Planning for leave requirements**

Although there is no requirement for employees to provide any more than 7 days' notice of a matching, or 28 days in the case of an overseas adoption, some employees may feel able to advise their line manager, in confidence, that they may have some leave requirements at an earlier stage. Where this happens, it will assist in planning the needs of the service. Relevant managers should, however, be sensitive to such information as an adoption may not be approved or take place as envisaged.

### **Changes to proposed leave dates**

Employees may change their minds about the date on which they want their leave to start, providing they tell their relevant Headteacher at least 28 days in advance (unless this is not reasonably practicable). They will have to inform the relevant Headteacher of the date they expect any payments of statutory adoption pay to start at least 28 days in advance unless this is not reasonably practicable.

### **Making a request for adoption leave**

Requests for adoption leave should be made using the form shown in Appendix 1 (UK adoption) or Appendix 2 (Overseas adoption). The relevant Academy will write to the employee within 28 days, setting out the date on which they expect the employee to return to work if the full entitlement to adoption leave is taken.

## **7. Evidence of adoption**

### **UK adoptions**

Employees must provide documentary evidence of their intention to adopt, known as a “matching certificate”. This will be provided by the adoption agency as evidence of their entitlement to statutory adoption pay and leave. This should be provided to the relevant Academy with the individual’s completed Request for Adoption Leave form.

### **Overseas adoptions**

Employees adopting from overseas will receive an official notification, which is a written document, issued by or on behalf of the relevant domestic authority (usually the Department of Health), that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to that authority, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

By no later than 28 days after the child’s entry into Great Britain, employees must tell their Headteacher the date of the child’s entry into the UK. Evidence of entry must be provided, such as copies of entry clearance documents.

## **8. Pre-adoption appointments**

All employees, regardless of their length of service or hours worked, will be given the right to reasonable time off for pre-adoption appointments where they have been recommended by the adoption agency and where appointments cannot reasonably be arranged outside the employee’s normal working hours.

Employees are required to provide evidence of the meeting and obtain prior permission from their line manager. Employees should endeavour to give their line manager as much notice as possible of pre-adoption appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible

## **9. Adoption leave**

Employees who qualify for adoption leave as shown in paragraph 5 are entitled to up to 26 weeks ordinary adoption leave followed immediately by up to 26 weeks additional adoption leave – a total of up to 52 weeks.

Adoptive parents who have average weekly earnings below the Lower Earnings Limit for national insurance contributions do not qualify for statutory adoption pay. Any such employees may be able to seek financial support from their Local Authority, or obtain financial support through various benefits. Advice and guidance can be obtained from the contacts shown on page 109.

Leave may be taken:

- In the case of a UK adoption, from the start of the child's placement (whether this is earlier or later than expected), or from a fixed date which can be up to 14 days before the expected date of placement;
- In the case of an overseas adoption, adoption leave cannot begin before the child enters Great Britain. The latest point adoption leave can begin is 28 days after the date of entry to Great Britain.
- Leave can start on any day of the week and can only be taken in whole weeks, e.g. Monday-Sunday, Wednesday-Tuesday.
- Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

***Rights during adoption leave (with effect from 5<sup>th</sup> October 2008)***

During ordinary and additional adoption leave, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by adoption pay if the employee is eligible to receive it. This means that, whilst ordinary basic salary and other cash remuneration will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid.

Employees are encouraged to take any outstanding holiday due to them before the commencement of adoption leave. Employees are reminded that holiday must be taken in the year that it is earned.

## **10. Adoption pay**

Employees who have not worked continuously for the relevant Academy for 26 weeks leading into the week in which they are notified of being matched with a child for adoption have no entitlement to adoption pay.

Employees who have **between 26 weeks and 1 year's** Local Government service are entitled to the following Statutory Adoption Pay (SAP) and contractual pay:

Weeks 1-6	6 weeks at 90% of pay (inclusive of SAP).
Weeks 7-39	Remainder of ordinary adoption leave period paid at rate of statutory adoption pay SAP or 90% of average weekly earnings if this is less than SAP).
Weeks 39-52	Additional Adoption Leave (unpaid)

Employees who have **1 year's** continuous Local Government Service:

Weeks 1-6	6 weeks at 90% of pay (inclusive of SAP)
Weeks 7-18	12 weeks at 50% pay (plus SAP)
Weeks 19-39	21 weeks @ SAP
Weeks 39-52	Additional Adoption Leave (unpaid)

NOTE: the payment of the 12 weeks half pay is on the understanding that the employee returns to his/her employment for a period of at least 3 months based on their contractual hours prior to/during adoption leave. If the employee does not return they will be required to repay the 12 weeks half contractual pay. Any leave (parental, unpaid or annual) or Career Break taken at the end of adoption leave would not constitute a return to work. However, if an employee returns to work then takes annual leave within the 3 months this will still constitute a return to work i.e. the 3 month period will not be extended.

Statutory Adoption Pay is 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.

## **11. Termination of placement**

In some cases, an adoption placement may be terminated part way through a period of adoption leave. This could be for many reasons, including the death of the placed child. If the child's placement ends during the adoption leave period, the employee will be able to continue the adoption leave for up to 8 weeks after the end of the placement.

## **12. Contact during adoption leave**

The relevant Headteacher and employee are allowed to make reasonable contact during maternity leave, to discuss such issues as the return to work. This will not constitute 'work' and will not count towards the 10 days that the employee is allowed to work during their maternity leave. Such contact will not bring the adoption leave period to an end.

The relevant Headteacher should ensure that the employee is kept up to date regarding any key changes or developments within their workplace whilst on adoption leave e.g. change of manager, change of team structure. Some employees may also wish to receive other information whilst on adoption leave, depending on their personal preference e.g. training opportunities. The manager should, therefore,

discuss this with the employee prior to their leave in order to get the balance right between keeping the employee informed while not overwhelming them with information during their leave.

Employees also have the right, if they so wish, to be kept up to date regarding job vacancies advertised during their leave within the Academy whilst on adoption leave. The relevant Headteacher should therefore clarify with the employee if they wish to receive a regular update of job vacancies within the Academy or whether they can alternatively access vacancies via a home computer.

Where the employee wishes to receive an update of Academy vacancies, the relevant manager should arrange this.

### **13. Working during adoption leave and ‘keep in touch’ days**

Keep in touch (KIT) days are intended to facilitate a smooth return to work for employees returning from adoption leave. Before going on leave, the manager and employee should discuss and agree any voluntary arrangements for keeping in touch during the employee's adoption leave.

An employee can agree to work for the relevant Academy for up to 10 days during either ordinary adoption leave or additional adoption leave without that work bringing the period of adoption leave to an end and without loss of adoption pay. However, an employee will lose their adoption pay for any week in which they do any further work. Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace. These are known as ‘keep in touch’ days. Any work carried out on a day shall constitute a day's work for these purposes.

In most cases an employee may be paid for any work they do under the contract. Issues to take into account will include the nature of the work and its duration. Adoption pay may be offset for the day against any pay due. These matters should be discussed and clearly agreed before any work is undertaken. It is expected that in most cases the employee will receive their normal rate of pay for the day worked offset by any adoption payment, even if only part of the day is worked. Alternatively, days off may be given on the employee's return to work subject to agreement between the employee and her manager.

An employee's adoption leave will not be extended due to the fact that they have carried out some work during this period.

The manager cannot insist that an employee carries out any work during this period and the employee is protected from suffering a detriment or being dismissed for refusing to do so. Equally, an employee cannot insist on being given any work to do.

### **14. Returning to work**

Employees who intend to return to work at the end of their full adoption leave entitlement will not have to give any further notification. Employees who want to return



to work **before** the end of their adoption leave period, must give their relevant Headteacher **28 days'** notice in writing of the date they intend to return. The Headteacher must inform payroll.

If an employee wants to return **even earlier** than the date they have already notified as their early return date they will have to give **28 days'** notice in writing before the new date. If an employee wants to **postpone** their early return they will have to give notice **in writing 28 days** before the original early return date.

Failure to return to work by the end of the adoption leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the adoption leave period.

If the employee decides during adoption leave that they do not wish to return to work, they should give written notice of resignation to their headteacher as soon as possible and in accordance with their contract of employment.

### **Flexible working**

An employee who worked full-time prior to their adoption leave has no automatic right to return to work on a part-time basis or to make other changes to their working patterns. Employees who have parental responsibility for a child, are living with the child and are expected to have responsibility for bringing up the child aged 6 or under or a disabled child under 18 have a statutory right to **request** to work flexibly (effective as from 6<sup>th</sup> April 2003), subject to satisfying certain eligibility criteria. Further details and application forms may be found in the Academy's Flexible Working Policy and Procedure.

Managers/Headteachers will need to consider properly any requests made in line with operational requirements and, if they are declined, be able to establish that there is a sensible business justification requiring that employees work full-time, at set times of the day or on the Academy premises.

There are a number of options to work flexibly that may be considered within the relevant Academy, subject to the requirements of the service area, and employees are advised to consult the flexible working policy for further information.

Flexible working options that may be considered include:

- Flexible working hours
- Part time
- Job sharing
- Homeworking
- Secondment
- Career break
- Annualised hours
- Compressed hours
- Term-time working

## **15. Transfer of adoption leave**

If an employee proposes to return to work early without using the full 52-week entitlement to adoption leave by giving proper notification of an early return in accordance with the rules set above, he/she may be eligible to transfer up to 26 weeks of the outstanding adoption leave (and outstanding statutory adoption pay) to his/her spouse, civil partner or partner, to be taken as additional paternity leave (and additional statutory paternity pay) once he/she has returned to work.

The earliest that additional paternity leave may commence is 20 weeks after the adopted child's placement and it must end no later than 12 months after the date of placement. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks. The employee must therefore have at least two weeks' adoption leave that remains unexpired.

Further details should be obtained from the employee's spouse's or partner's employer. If the employee does wish to transfer part of the adoption leave entitlement in this way, they will be required to submit a written and signed declaration form to that employer, which may also make additional enquiries to verify its employee's entitlement to additional paternity leave and pay.

## **16. Other terms and conditions of employment**

### **Pension scheme**

During ordinary adoption leave periods (first 26 weeks) the employer (the members of SECAT) will continue to pay pension contributions.

If a member goes on adoption leave they must pay standard pension contributions on any pay they receive, including any statutory adoption pay.

If a member is on *ordinary adoption leave* and is not entitled to receive any pay for all or part of that period of leave then for pension purposes they are treated as if they had paid contributions on the pay they would have received but for the absence.

If the member is still on leave after the end of the *ordinary adoption leave* and is not receiving any pay then they can pay contributions in respect of the unpaid period (i.e. any unpaid period after the end of the *ordinary adoption leave*). The election to pay those contributions should be made within 30 days of returning to work or ceasing employment (or such longer period as the employer allows). The contributions should be based on the rate of pay on the day before they went onto no pay (including any statutory adoption pay).

For further information and guidance regarding how adoption leave may affect their pension and contributions employees are advised to contact their pension provider. Contact details may be found on page 109.

### **Training and development**

If an employee is undertaking training and development they may need to discuss how this will be affected by their adoption leave with their relevant headteacher. In some circumstances it may be possible to continue with a college course or an employee may need to arrange to have time out until they return to work.

### **Trade Union subscriptions**

If an employee is a member of a Trade Union and their subscription is automatically deducted from their pay this will continue whilst they are on paid adoption leave. These deductions cease when an employee enters a period of unpaid adoption leave. If the employee subsequently returns to work following a period of unpaid leave the subscriptions deductions will recommence automatically.

### **Annual leave**

Annual leave entitlement will accrue, in accordance with the contract of employment, while the employee is on adoption leave. Non-teaching staff will be entitled to their pro rata leave and will also be entitled to time off in lieu of bank holidays in accordance with the Working Time (Amendment) Regulations 2007. The leave year for non-teaching staff commences in April and for teachers in September.

Where the return from adoption leave is so close to the end of the leave year that there is not enough time to take all their annual leave entitlement, an employee must be allowed to carry over any balance of their leave to the following leave year. (there is no payment).

### **Public holidays**

If public holidays fall during adoption leave the employee will be entitled to any time in lieu that they would have been due had they not been on adoption leave. Any entitlement to days in lieu of public holidays should be added to the annual leave entitlement and arrangements to take the leave should be made as for annual leave.

### **Statutory paternity leave**

Subject to a qualifying length of service and other criteria, paid paternity leave is available for adoptive fathers/partners as well as working fathers/partners. The paternity leave is either one or two weeks to be taken as a block. An eligible employee also has the right to take additional statutory paternity leave. Further details may be found in the SECAT's policy for Paternity and Maternity Support leave.

### **Parental leave**

Employees, subject to sufficient qualifying service, can request unpaid parental leave to follow on directly from their adoption leave. Such leave where it postpones the employee's actual return to duty does not constitute a return to work for the purposes of completing the required 'return to work' period (see paragraph 14).

The relevant Academy has the right to postpone, due to operational requirements, any parental leave requested for a maximum of 6 months. Further details may be found in the Parental Leave Policy.

## 17. Dismissal Protection

### **Unfair dismissal**

It is unfair to dismiss an employee where the reason or principal reason for dismissal is because the employee is taking or took adoption leave.

The right to claim unfair dismissal due to adoption automatically applies to all employees irrespective of hours of work or length of service, i.e. there is no minimum service requirement.

### **Dismissal**

An employee may be fairly dismissed for reasons unconnected to their adoption leave where the dismissal would have occurred regardless of the fact that the employee is on adoption leave.

In such cases the reason for the dismissal and its fairness will be judged in the normal way, i.e. SECAT (as employer) would have to show that the dismissal fell within one of the 5 fair reasons to dismiss, i.e. capability or qualifications/ conduct/ redundancy/duty or restriction or some other substantial reason (SOSR).

### **Redundancy**

Where an employee cannot be offered their old job back because of redundancy, the relevant Academy is under a statutory duty to offer the employee any suitable available existing alternative employment. Failure to do so will render the dismissal automatically unfair. It is essential, therefore, that where restructuring/redundancy arises any employees on adoption leave are included in the consultation/selection process.

Where alternative employment is offered it must be suitable for the employee and appropriate for them to do in the circumstances. It must also be on terms and conditions that are not substantially less favourable than those under their original contract of employment. The offer must be made before the original contract comes to an end and it must take effect immediately on the ending of the original contract, or within 4 weeks.

Where a suitable vacancy does exist, the employee must be offered the post in preference to anyone else who is also at risk of redundancy.

Where it is not possible to offer alternative employment on the above basis the employee has rights to redundancy.

The right to return to work (and related protection against a detriment) comes into existence as soon as the employee provides notification of their intention to take adoption leave.

If an employee's job becomes redundant in their absence the Academy is obliged to offer any available suitable alternative employment, even if the employee has not yet confirmed their intention to return to work, i.e. the assumption is that an employee will return to work following adoption leave unless they indicate otherwise.

An employee given notice of redundancy during their adoption leave is entitled to receive full pay during their period of notice. However where this notice period (or part of it) coincides with any paid adoption leave period, the adoption pay due is subsumed within the paid notice i.e. the employee's pay should not exceed their normal full pay whilst under notice.

Where the employee's contract of employment ceases before all statutory adoption pay payments are made, the Academy is responsible for paying any remaining weeks of statutory adoption pay payments due.

An employee will be entitled to a redundancy payment only if they meet the service qualifications for such payments.

## Appendix 1

### Adoption Leave Notification – UK adoption

To: The Headteacher

Name:	
Position Held:	
Academy:	
Commencement date of Continuous Service	
Home Address:	

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Date on which you were notified of being matched with a child for adoption:		See Note 1 overleaf
Expected date of placement:		See Note 2 overleaf
Date you would like adoption leave to start:		See Note 2 overleaf

Declaration:

	√	
I confirm that I have been matched with a child for adoption by an approved adoption agency		See Note 3 overleaf
My partner will <u>not</u> also be in receipt of Adoption leave		See Note 4 overleaf
This is an adoption agency placement		See Note 5 overleaf
I have attached a copy of my Adoption Matching Certificate.		
I have notified my headteacher of my intention to take adoption leave.		

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

**NOTES OF GUIDANCE**

Note 1	An employee must give as much notice as possible but no later than within 7 days of having been informed, of a match.
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	An employee must have 26 weeks service with their employer, leading into the week in which they were notified of being matched to a child for adoption, in order to qualify for Statutory Adoption Pay.
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Note 2	<p>Adoption leave may start from either:</p> <ul style="list-style-type: none"> <li>(i) the date on which the child is placed; or</li> <li>(ii) a fixed date up to 14 days before the expected date of placement</li> </ul> <p>An employee may change the start date of leave, subject to giving their employer 28 days notice in writing.</p>
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Note 3	An employee must adopt a child through an approved adoption agency in order to qualify for adoption leave.
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Note 4	Only one parent may receive Adoption Leave. The other parent may be entitled to Paternity Leave (see Maternity Support Leave and Paternity Leave Policy).
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Note 5	Adoption leave applies only in cases of an adoption agency placement e.g. excludes adoption of a step-child.
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## Appendix 2

### Adoption Leave Notification – Overseas adoption

To: The Headteacher

Name:	
Position Held:	
Academy	
Commencement date of Continuous Service	
Home Address:	



Date on which you received official notification:		See Note 1 overleaf
Date on which child is expected to enter Great Britain:		See Note 2 overleaf
Date you would like adoption leave to start:		See Note 2 overleaf

Declaration:

	√	
I confirm that I have been assessed and approved as a suitable adoptive parent		See Note 3 overleaf
My partner will <u>not</u> also be in receipt of Adoption leave		See Note 4 overleaf
I have received an official notification		See Note 5 overleaf
I have attached a copy of my Adoption Matching Certificate.		
I have notified my headteacher of my intention to take adoption leave.		

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

## NOTES OF GUIDANCE

Note 1	An employee is required to inform the relevant heateacher within 28 days of receiving official notification.
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	An employee must have 26 weeks service with their employer in order to qualify for Statutory Adoption Pay. This is either 26 weeks ending with the week in which they receive their official notification or 26 weeks from the start of their employment.
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Note 2	Adoption leave may start from either: (i) the date on which the child enters Great Britain; or (ii) a fixed date up to 28 days after the date the child enters Great Britain An employee may change the start date of leave, subject to giving their employer 28 days notice in writing (or notice that is reasonably practicable).
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Note 3	An employee must be an assessed and approved adoptive parent and have received an official notification in order to qualify for adoption leave.
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Note 4	Only one parent may receive Adoption Leave. The other parent may be entitled to Paternity Leave (see Maternity Support Leave Policy).
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Note 5	Official notification means a written notification, issued by or on behalf of the relevant domestic authority (usually the Department of Health), that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to that authority, confirming, in either case, that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.
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## **Shared Parental Leave Policy**

### **1. Policy Statement**

This policy sets out the rights of employees to shared parental leave and pay. Shared parental leave is a type of leave that is available to parents with babies born after 5 April 2015. Shared parental leave enables mothers to commit to ending their maternity/adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity/adoption leave and opt in to shared parental leave and pay at a later date. In this policy, the use of the word “partner” always includes same-sex partners.

Shared parental leave allows parents to take up to 52 weeks leave in total on the birth/adoption of a child. They may be able to take this leave at the same or at different times.

Shared parental leave should not be confused with ordinary parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks' unpaid leave. SECAT recognises that, from time to time, employees may have questions or concerns relating to their shared parental leave rights. It is SECAT's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the shared parental leave provisions are complex, if an employee wishes to take shared parental leave, they should clarify the relevant procedures with their {Headteacher/manager} to ensure that they are followed correctly.

The following definitions are used in this policy:

"Mother" means the mother or expectant mother of the child or the adopter (the adopter means the person who is eligible for adoption leave and/or pay. They can be male or female).

"Partner" means the child's biological father or the partner of the mother/adopter. This can be a spouse, this includes same-sex marriages, civil partner: or partner, this includes same sex partners, who are living in an enduring relation with the mother and the child, at the time the child is born. This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

"Expected week of childbirth (EWC)" means the week, starting on a Sunday, during which the mother's doctor or midwife expects her to give birth.

"Continuous leave": a period of leave that is taken in one block e.g. four weeks leave

"Discontinuous leave": a period of leave that is arranged around weeks where the employee will return to work e.g. an arrangement where an employee will work every other week for a period of three months.

## **2. Scope of this shared parental leave policy**

Shared Parental Leave can only be used by two people:-

- The mother/adopter **and**
- One of the following:-
  - the father of the child (in case of birth) or
  - the spouse, civil partner or partner of the child's mother/adopter

This policy applies in relation to employees of SECAT, whether they are the mother or the partner. If it is the mother who is employed by SECAT, her partner must (where relevant) submit any notifications to take shared parental leave set out in this policy to his/her own employer, which may have its own shared parental leave policy in place, if he/she wants to take a period of shared parental leave.

Similarly, if it is the partner who is employed by SECAT, the mother must (where relevant) submit any notifications to take shared parental leave to her own employer.

The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

## **3. Amount of shared parental leave available**

The amount of shared parental leave to which an individual is entitled will depend on when the mother brings her maternity/adoption leave period to an end and the amount of leave that the other parent takes in respect of the child. Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the relevant Academy is

required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the relevant Academy 's agreement). A maximum of three requests for leave per pregnancy can normally be made by each parent.

The first two weeks following birth are the compulsory maternity/adoption leave period and are reserved for the mother. This means that the mother cannot curtail her maternity/adoption leave to take shared parental leave until two weeks after the birth/placement and the maximum period that the parents could take as shared parental leave is 50 weeks between them (although it will normally be less than this because of the maternity/adoption leave that mothers usually take before the birth/placement).

However, the mother's partner can begin a period of shared parental leave at any time from the date of the child's birth (but the partner should bear in mind that he/she is entitled to take up to two weeks' ordinary paternity leave following the birth of his/her child, which he/she will lose if shared parental leave is taken first. Refer to the Paternity Leave Policy for further information). The mother and partner must take any shared parental leave within 52 weeks of birth.

## **4. Eligibility for shared parental leave**

For employees to be eligible to take shared parental leave, both parents must meet certain eligibility requirements.

### **Mother's eligibility for shared parental leave**

The mother is eligible for shared parental leave if she:

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth/matching date and remains in continuous employment with the relevant Academy until the week before any period of shared parental leave that she takes;
- has, at the date of the child's birth/matching date, the main responsibility, apart from the partner, for the care of the child;
- is entitled to statutory maternity/adoption leave in respect of the child; and
- complies with the relevant maternity/adoption leave curtailment requirements (or has returned to work before the end of statutory maternity/adoption leave), and shared parental leave notice and evidence requirements.

In addition, for the mother to be eligible for shared parental leave, the partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth/matching date;
- have average weekly earnings of at least the maternity/adoption allowance threshold for any 13 of those 66 weeks; and
- have, at the date of the child's birth/matching date, the main responsibility, apart from the mother, for the care of the child.

## **Partner's eligibility for shared parental leave**

The partner is eligible for shared parental leave if he/she:

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth/matching date and remains in continuous employment with the relevant Academy until the week before any period of shared parental leave that he/she takes;
- has, at the date of the child's birth/matching date, the main responsibility, apart from the mother, for the care of the child; and
- complies with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth/matching date;
- have average weekly earnings of at least the maternity/adoption allowance threshold for any 13 of those 66 weeks;
- have, at the date of the child's birth/matching date, the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory maternity/adoption leave, statutory maternity/adoption pay or maternity allowance in respect of the child; and
- comply with the relevant maternity/adoption leave or pay curtailment requirements (or have returned to work before the end of statutory maternity/adoption leave).

## **5. Notice requirements for shared parental leave**

The notices that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:

- a "maternity/adoption leave curtailment notice" from the mother setting out when she proposes to end her maternity/adoption leave (unless the mother has already returned to work from maternity/adoption leave);
- a "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of shared parental leave that he/she is requesting; and
- a "period of leave notice" from the employee setting out the start and end dates of each period of shared parental leave that he/she is requesting.

The notice periods are the minimum required by law. However, the earlier the employee informs the relevant Academy of his/her intentions, the more likely it is that the Academy will be able to accommodate the employee's wishes, particularly if he/she wants to take periods of discontinuous leave.

Employees are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time. For example, the mother could provide a maternity/adoption

leave curtailment notice, notice of entitlement and intention and period of leave notice at the same time. Similarly, the partner could provide his/her notice of entitlement and intention and period of leave notice at the same time.

### **Mother's notice curtailing maternity/adoption leave**

Before the mother or partner can take shared parental leave, the mother must either return to work before the end of her maternity/adoption leave (by giving the required eight weeks' notice of her planned return) or provide her employer with a maternity/adoption leave curtailment notice. The maternity/adoption leave curtailment notice must be in writing and state the date on which maternity/adoption leave is to end (Appendix A). That date must be:

- after the compulsory maternity/adoption leave period, which is the two weeks after birth/matching date;
- at least eight weeks after the date on which the mother gave the maternity/adoption leave curtailment notice to her employer; and
- at least one week before what would be the end of the additional maternity/adoption leave period.

The mother must provide her maternity/adoption leave curtailment notice at the same time she provides either her notice of entitlement and intention or a declaration of consent and entitlement signed by the mother confirming that her partner has given his/her employer a notice of entitlement and intention (see section on Employee's notice of entitlement and intention below).

### **Revocation of maternity/adoption leave curtailment notice**

The mother can withdraw her notice curtailing her maternity/adoption leave in limited circumstances. The withdrawal of a maternity/adoption leave curtailment notice must be in writing (Appendix E) and can be given only if the mother has not returned to work. The mother can withdraw her maternity/adoption leave curtailment notice if:

- it is discovered that neither the mother nor the partner are entitled to shared parental leave or statutory shared parental pay and the mother withdraws her maternity/adoption leave curtailment notice within eight weeks of the date on which the notice was given;
- the maternity/adoption leave curtailment notice was given before the birth of the child/matching date and the mother withdraws her maternity/adoption leave curtailment notice within six weeks of the child's birth/matching date; or
- the partner has died.

### **Employee's notice of entitlement and intention**

The employee, whether the mother or the partner, must provide the Academy with a non-binding notice of entitlement and intention. The employee's notice of entitlement and intention, which must be in writing and provided at least eight weeks before the start date of the first period of shared parental leave to be taken by the employee, must set out the following information.

Appendix B sets out the information required for the notice of entitlement and intention, if the employee is the mother, which must include:

- the mother's name;
- the partner's name;
- the start and end dates of any statutory maternity/adoption leave taken or to be taken by the mother;
- the total amount of shared parental leave available;
- the child's expected week of birth and the child's date of birth/matching date (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the mother);
- how much shared parental leave the mother and partner each intend to take; and
- a non-binding indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave).

The mother's notice of entitlement and intention must include a declaration signed by her that:

- she satisfies, or will satisfy, the eligibility requirements to take shared parental leave;
- the information she gives in the notice of entitlement and intention is accurate; and
- she will immediately inform the relevant Academy if she ceases to care for the child.

In addition, the mother's notice of entitlement and intention must include a declaration signed by her partner:

- specifying the partner's name, address, and national insurance number (or declaring that the partner does not have a national insurance number);
- declaring that the partner satisfies, or will satisfy, the conditions set out above (see section on Mother's eligibility for shared parental leave);
- declaring that the partner is the father of the child, or is married to, the civil partner of, or the partner of, the mother;
- declaring that the partner consents to the amount of leave that the mother intends to take; and
- declaring that the partner consents to the mother's employer processing the information in the partner's declaration.

Appendix C sets out the information required for the notice of entitlement and intention if the employee is the partner, which must include:

- the partner's name;
- the mother's name;
- the start and end dates of any periods of statutory maternity/adoption leave, statutory maternity/adoption pay or maternity allowance taken or to be taken by the mother;
- the total amount of shared parental leave available;



- the child's expected week of birth and the child's date of birth/matching date (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the partner);
- how much shared parental leave the partner and mother each intend to take; and
- a non-binding indication as to when the partner intends to take shared parental leave (including the start and end dates for each period of leave).

The partner's notice of entitlement and intention must include a declaration signed by the mother that:

- she satisfies, or will satisfy, the eligibility requirements to take shared parental leave;
- the information given by the partner in the notice of entitlement and intention is accurate; and
- he/she will immediately inform the relevant Academy if he/she ceases to care for the child or if the mother informs him/her that she no longer meets the requirement to have curtailed her maternity/adoption leave or pay period.

In addition, the partner's notice of entitlement and intention must include a declaration signed by the mother:

- specifying the mother's name, address, and national insurance number (or declaring that the mother does not have a national insurance number);
- declaring that the mother satisfies, or will satisfy, the conditions set out above (see section on Partner's eligibility for shared parental leave) and she will notify the partner if she no longer qualifies for maternity/adoption leave, statutory maternity/adoption pay or maternity allowance;
- declaring that the mother consents to the amount of leave that the partner intends to take;
- declaring that she will immediately inform the employer if she no longer meets the requirement to have curtailed her maternity/adoption leave or pay period; and
- declaring that the mother consents to the partner's employer processing the information in the mother's declaration.

Within 14 days of receiving a notice of entitlement and intention from the employee, whether the mother or partner, the relevant Academy can request from the employee:

- a copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice); and
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption
- the name and address of the other parent's employer (or a declaration that the other parent has no employer).

The employee has 14 days from the date of the request to send the relevant Academy the required information.

## **6. Variation or cancellation of notice of entitlement and intention**

The employee can vary or cancel his/her proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that he/she provides the relevant Academy with a written notice (Appendix F). The written notice must contain:

- an indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave);
- details of any periods of shared parental leave that have been notified through a period of leave notice;
- details of any periods of statutory shared parental pay that have been notified in relation to periods where shared parental leave was not to be taken; and
- a declaration signed by the mother and the partner that they agree to the variation.

Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until he/she provides a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that the employee can make.

## **7. Employee's period of leave notice**

To take a period of shared parental leave, the employee must provide the relevant Academy with a written notice setting out the start and end dates of each period of shared parental leave requested in that notice.(Appendix D)

A period of leave notice must be given not less than eight weeks before the start date of the first period of shared parental leave requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

## **8. Variation or cancellation of period of leave notice**

The employee can vary or cancel his/her proposed shared parental leave dates following the submission of a period of leave notice, provided that he/she provides his/her employer with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence (Appendix G). The written notice can:

- vary the start date or the end date of any period of shared parental leave or cancel a request for leave;

- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

Employee's are not required to give the eight weeks notice if they are changing the dates of their shared parental leave because their child has been born earlier than the EWC and where they wanted to start their leave a certain length of time (but not more than eight weeks) after the birth. In such cases the employee must notify their relevant Headteacher/manager of any change as soon as they can.

## **9. Limit on number of requests for leave**

The employee can provide a combined total of up to three period of leave notices or variations of period of leave notices per pregnancy/adoption, although the Academy may waive this limit in some circumstances.

A notice to cancel or change a period of leave will not count as one of the three notices if:-

- the variation is a result of the child being born earlier or later than the EWC
- the variation is at the relevant Academy's request
- the relevant Academy agrees otherwise.

## **10. Continuous period of shared parental leave**

If the employee submits a period of leave notice requesting one continuous period of leave, he/she will be entitled to take that period of leave.

## **11. Discontinuous periods of shared parental leave**

The employee may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

If the employee submits a period of leave notice requesting discontinuous periods of leave, the relevant Academy, in the two weeks beginning with the date the period of leave notice was given, can:

- consent to the pattern of leave requested;
- propose an alternative pattern of leave; or
- refuse the pattern of leave requested.

If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from

the date on which the period of leave notice was originally given. The employee must notify the relevant Academy of that date within five days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

Alternatively, if the relevant Academy has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw a period of leave notice requesting discontinuous periods of leave. The employee can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

## **12. Amount of shared parental pay available**

Eligible employees may be entitled to take up to a total of 39 weeks' statutory shared parental pay. However, as there is a compulsory maternity/adoption leave period of two weeks, this means that a mother who ends her maternity/adoption leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with her partner, although it will normally be less than this because of the maternity/adoption leave that mothers usually take before the birth.

Therefore the amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

Shared parental pay may be payable during some or all of Shared parental leave, depending on the length and timing of the leave.

Where an employee is entitled to receive Shared parental pay they must, at least eight weeks before receiving any Shared parental pay, give their {Headteacher/manager} written notice advising of their entitlement to Shared parental pay. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take Shared parental leave.

Any statutory shared parental pay due during shared parental leave will be paid 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.

It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

## **12. Eligibility for statutory shared parental pay**

For employees to be eligible for statutory shared parental pay, both parents must meet certain eligibility requirements.

### **Mother's eligibility for statutory shared parental pay**

The mother is eligible for statutory shared parental pay if she:

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth/matching date and remains in continuous employment with her employer until the week before any period of shared parental pay that she gets;
- has normal weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth/matching date of at least the lower earnings limit for national insurance contribution purposes;
- has, at the date of the child's birth/placement, the main responsibility, apart from the partner, for the care of the child;
- is absent from work and intends to care for the child during each week in which she receives statutory shared parental pay; and
- is entitled to statutory maternity/adoption pay in respect of the child, but the maternity/adoption pay period has been reduced.

In addition, for the mother to be eligible for statutory shared parental pay, the partner must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have, at the date of the child's birth/placement, the main responsibility, apart from the mother, for the care of the child; and
- have average weekly earnings of at least the maternity/adoption allowance threshold for any 13 of those 66 weeks.

### **Partner's eligibility for statutory shared parental pay**

The partner is eligible for statutory shared parental pay if he/she:

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth/matching date and remains in continuous employment with his/her employer until the week before any period of shared parental pay that he/she gets;
- has normal weekly earnings for eight weeks ending with the 15th week before the expected week of childbirth/matching date of at least the lower earnings limit for national insurance contribution purposes;
- has, at the date of the child's birth/matching date, the main responsibility, apart from the mother, for the care of the child; and
- is absent from work and intends to care for the child during each week in which he/she receives statutory shared parental pay.

In addition, for the partner to be eligible, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth/matching date;
- have average weekly earnings of at least the maternity/adoption allowance threshold for any 13 of those 66 weeks;

- have, at the date of the child's birth/matching date, the main responsibility, apart from the partner, for the care of the child; and
- be entitled to statutory maternity/adoption pay or maternity allowance in respect of the child, but the maternity/adoption pay period or maternity allowance period has been reduced.

### **13. Rights during shared parental leave**

During shared parental leave, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by statutory shared parental pay if the employee is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue.

### **14. Pensions**

Pension contributions will continue to be made during any period when the employee is receiving Shared Parental Pay but not during any period of unpaid Shared Parental Leave. Employee contributions will be based on actual pay, while SECAT contributions will be based on the salary that the employee would have received had they not been taking Shared Parental Leave.

### **15. Annual Leave**

Shared Parental leave is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where a Shared Parental leave period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year.

### **16. Contact during shared parental leave**

Before an employee's Shared Parental Leave begins, the relevant Academy will discuss the arrangements for them to keep in touch during their leave. The relevant Academy reserves the right in any event to maintain reasonable contact with the employee from time to time during their Shared Parental Leave. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

### **17. Shared parental leave keeping in Touch Days**

An employee can agree to work for the relevant Academy (or attend training) for up to 20 days during Shared Parental Leave without bringing their period of leave to an end or impacting on their right to claim Shared Parental Pay for that week. These are

known as "Shared Parental Leave in Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The relevant Academy has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's Shared Parental Leave. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving Shared Parental Pay, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of Shared Parental Leave.

## **18. Returning to work following shared parental leave**

The employee will have been formally advised in writing by the relevant Academy of the end date of any period of Shared Parental Leave. The employee is expected to return on the next working day after this date, unless they notify the relevant Academy otherwise. If they are unable to attend work due to sickness or injury, normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the Academy does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after Shared Parental Leave, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and Shared Parental Leave amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of Shared Parental Leave, on the same terms and conditions of employment as if they had not been absent.

If their maternity/paternity/adoption leave and Shared Parental Leave amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and Shared Parental Leave do not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and Shared Parental Leave do not

exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

If an employee wants to change their hours or other working arrangements on return from Shared Parental leave, they can make a request under the relevant Academy's flexible working policy. It is helpful if such requests are made as early as possible.

If an employee decides they do not want to return to work they must give notice of their resignation in accordance with their contract.

## **19 Fraudulent claims**

SECAT can, where there is a suspicion that fraudulent information may have been provided or where they have been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual SECAT investigation and disciplinary procedures.



<b>Shared parental leave: maternity leave curtailment notice (a form to allow a mother to curtail her maternity leave to take shared parental leave)</b>	
<b>Name of employee:</b>	
<b>Employee number</b>	
<b>Job title:</b>	
<b>Department</b>	
I wish to bring my [ordinary/additional] maternity leave [and statutory maternity 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 his/her employer and that I consent to the amount of leave that he/she intends to take].	
<b>I wish to end my [ordinary/additional] maternity leave on:</b>	
<b>I wish my statutory maternity pay period (if applicable) to end on:</b>	
<b>Signed:</b>	
<b>Dated:</b>	
<p><b>Notes for completion</b></p> <p>You should complete and submit this form alongside the Academy's <a href="#">Form for a mother to provide a notice of entitlement and intention to take shared parental leave</a> or the declaration that your partner has provided a notice of entitlement and intention to take shared parental leave to his/her employer and that you consent to the amount of leave that he/she intends 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 Academy;</li> <li>• two weeks after you give birth; and</li> <li>• one week before what would have been the end of your additional maternity leave.</li> </ul> <p>Your completed form must be returned to the relevant Headteacher/manager, 11<sup>th</sup> floor Civic centre.</p>	

<b>Shared parental leave: notice of entitlement and intention (mother) – to be used by the mother to provide notice of entitlement and intention to take shared parental leave</b>	
<b>Name of employee:</b>	
<b>Employee number</b>	
<b>Job title:</b>	
<b>Department</b>	
I wish to provide the Academy with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and my partner.	
<b>Section A: information to be provided by employee</b>	
<b>My partner's name is:</b>	
<b>My maternity leave [started/is expected to start] on:</b>	
<b>My maternity leave [ended/is expected to end] on:</b>	
<b>My [child's expected week of birth is/child was born on]:</b>	
<b>The total amount of shared parental leave my partner and I have available is:</b>	
<b>I intend to take the following number of weeks' shared parental leave:</b>	

<b>My partner intends to take the following number of weeks' shared parental leave:</b>	
<b>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):</b>	
<b>The total amount of shared parental pay (if applicable) my partner and I have available is:</b>	
<b>I intend to take the following number of weeks' shared parental pay (if applicable):</b>	
<b>My partner intends to take the following number of weeks' shared parental pay (if applicable):</b>	
<b>I intend to take shared parental pay on the following dates (if applicable):</b>	
<b>Section B: declaration to be completed by employee</b>	
<b>I [satisfy/will satisfy] the following eligibility requirements to take shared parental leave:</b>	
I [have/will have] 26 weeks' continuous employment ending with the 15th 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	
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	
I am entitled to statutory maternity leave in respect of the child	
I have [complied with SECAT maternity leave curtailment requirements/returned to work before the end of my statutory maternity leave period], and will comply with the shared parental leave notice and evidence requirements	

<b>The information that I have provided is accurate</b>	
<b>I will immediately inform the Academy if I cease to care for the child</b>	
<b>Section C: declaration to be completed by employee's partner</b>	
<b>My name is:</b>	
<b>My address is:</b>	
<b>[My national insurance number is/I do not have a national insurance number]:</b>	
<b>I [satisfy/will satisfy] the following eligibility requirements to enable the mother to take shared parental leave:</b>	
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	
I have average weekly earnings of at least £30 for any 13 of those 66 weeks	
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	
<b>I am the father of the child, or am married to, the civil partner of, or the partner of, the mother</b>	
<b>I consent to the amount of shared parental leave that the mother intends to take</b>	
<b>I consent to SECAT processing the information provided in this form</b>	
<b>Section D: signatures</b>	
<b>Signed (mother):</b>	
<b>Dated (mother):</b>	
<b>Signed (partner):</b>	
<b>Dated (partner):</b>	
<p><b>Notes:</b> 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 SECAT to check that you are entitled to shared parental leave and to provide the Academy 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 Academy 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. Your completed form must be returned to relevant Headteacher/manager, 11<sup>th</sup> floor Civic centre.</p>	

<b>Shared parental leave: notice of entitlement and intention (partner)- to be used by employee to provide notice of entitlement and intention to take shared parental leave.</b>	
<b>Name of employee:</b>	
<b>Employee number</b>	
<b>Job title:</b>	
<b>Department</b>	
I wish to provide SECAT with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and the mother.	
<b>Section A: information to be provided by employee</b>	
<b>The mother's name is:</b>	
<b>The mother's maternity leave [started/is expected to start] on:</b>	
<b>The mother's maternity leave [ended/is expected to end] on:</b>	
<b>The mother [received/is expected to receive] the following periods of [statutory maternity pay/maternity allowance]:</b>	
<b>My [child's expected week of birth is/child was born on]:</b>	

<p><b>The total amount of shared parental leave the mother and I have available is:</b></p>	
<p><b>I intend to take the following number of weeks' shared parental leave:</b></p>	
<p><b>The mother intends to take the following number of weeks' shared parental leave:</b></p>	
<p><b>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):</b></p>	
<p><b>The total amount of shared parental pay (if applicable) the mother and I have available is:</b></p>	
<p><b>I intend to take the following number of weeks' shared parental pay (if applicable):</b></p>	
<p><b>The mother intends to take the following number of weeks' shared parental pay (if applicable):</b></p>	
<p><b>I intend to take shared parental pay on the following dates (if applicable):</b></p>	
<p><b>Section B: declaration to be completed by employee</b></p>	
<p><b>I declare that I [satisfy/will satisfy] the following eligibility requirements to take shared parental leave:</b></p>	
<p>I [have/will have] 26 weeks' continuous employment ending with the 15th 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</p>	

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	
I will comply with shared parental leave notice and evidence requirements	
<b>The information that I have provided is accurate</b>	
<b>I am the father of the child, or am married to, the civil partner of, or the partner of, the mother</b>	
<b>I will immediately inform the Academy if I cease to care for the child or if the child's mother informs me that she has revoked the curtailment of her maternity leave or pay period</b>	
<b>Section C: declaration to be completed by the mother</b>	
<b>My name is:</b>	
<b>My address is:</b>	
<b>[My national insurance number is/I do not have a national insurance number]:</b>	
<b>I [satisfy/will satisfy] the following eligibility requirements to enable my partner to take shared parental leave:</b>	
I have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth	
I have average weekly earnings of at least £30 for any 13 of those 66 weeks	
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	
I am entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child	
I have [curtailed my maternity leave/returned to work before the end of my statutory maternity leave period]	
<b>I consent to the amount of shared parental leave that my partner intends to take</b>	

<p><b>I will immediately inform my partner if I no longer meet the requirements to curtail my maternity leave (and pay, if applicable)</b></p>	
<p><b>I consent to SECAT processing the information provided in this form</b></p>	
<p><b>Section D: signatures</b></p>	
<p><b>Signed (partner):</b></p>	
<p><b>Dated (partner):</b></p>	
<p><b>Signed (mother):</b></p>	
<p><b>Dated (mother):</b></p>	
<p><b>Notes</b></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 allow SECAT to check that you are entitled to shared parental leave and to provide the Academy 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 Academy 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 relevant Academy a variation notice.</p> <p>Your completed form must be returned to relevant Headteacher/manager, 11<sup>th</sup> floor Civic centre.</p>	



<b>Shared parental leave: period of leave notice – to be used by employee to confirm a leave to take shared parental leave.</b>	
<b>Name of employee:</b>	
<b>Employee number</b>	
<b>Job title:</b>	
<b>Department</b>	
I wish to take the following period(s) of shared parental leave. Please complete either section A or section B.	
<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.</b>	
<b>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):</b>	
<b>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.</b>	
<b>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]:</b>	
<b>I wish my shared parental leave to end the following number of days after the date on which my child is born:</b>	

<b>Signed:</b>	
<b>Dated:</b>	
<p><b>Notes</b></p> <p>You can request to take shared parental leave in one continuous block (in which case the Academy 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 Academy's agreement). A maximum of three requests for leave per pregnancy can normally be made by each parent.</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 relevant Academy the shared parental leave that you intend to take. You must have already submitted a notice of entitlement and intention before using this form.(Appendix B or C)</p> <p>SECAT 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. 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> <p>Your completed form must be returned to relevant Headteacher/manager, 11<sup>th</sup> floor Civic centre.</p>	

<b>Shared parental leave: revocation of maternity leave curtailment notice – to be used by employee if previously they have submitted a notice to curtail their maternity leave and they now wish to cancel that request</b>	
<b>Name of employee:</b>	
<b>Employee number</b>	
<b>Job title:</b>	
<b>Department</b>	
<b>Date of maternity leave curtailment notice:</b>	
<b>I previously notified you that I wished to end my maternity leave on:</b>	
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.]	
<b>Signed:</b>	
<b>Dated:</b>	
<p><b>Notes</b></p> <p>You can withdraw your maternity leave curtailment notice only 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 eight weeks of providing your maternity leave curtailment notice;</li> <li>• you gave the maternity leave curtailment notice before the birth of your child and you withdraw your maternity leave curtailment notice within six weeks of your child's birth; or</li> <li>• your partner has died (if this is the case, please provide the date on which they died).</li> </ul> <p>Your completed form must be returned to relevant Headteacher/manager, 11<sup>th</sup> floor Civic centre.</p>	

<b>Shared parental leave: variation of notice of entitlement and intention –to be used by employee who has previously submitted a notice of entitlement and intention to take shared parental leave, and now wishes to change that request. This form must not be used if you have submitted your “Period of leave notice” (Appendix D)</b>	
<b>Name of employee:</b>	
<b>Employee number</b>	
<b>Job title:</b>	
<b>Department</b>	
<p>I previously provided the Academy with an initial indication, in my notice of entitlement and intention dated [date], of my proposed shared parental leave dates. I now wish to amend my proposed shared parental leave dates. My partner and I agree to this change.</p>	
<b>I now intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you now intend to take):</b>	
<b>I have already notified the Academy in any period of leave notice or a variation of period of leave notice (if applicable) that I will be taking the following periods of shared parental leave:</b>	
<b>My partner has already notified his/her employer in any period of leave notice or a variation of period of leave notice (if applicable) that he/she will be taking the following periods of shared parental leave:</b>	

<p><b>I have already notified the Academy of the following periods of statutory shared parental pay (if applicable):</b></p>	
<p><b>My partner has already notified his/her employer of the following periods of statutory shared parental pay (if applicable):</b></p>	
<p><b>Signed (mother):</b></p>	
<p><b>Dated (mother):</b></p>	
<p><b>Signed (partner):</b></p>	
<p><b>Dated (partner):</b></p>	
<p><b>Notes</b></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. There is no limit on the number of variations of notice of entitlement and intention that you can make, although you can give a maximum of three periods of leave notices.</p> <p>Your completed form must be returned to relevant Headteacher/manager, 11<sup>th</sup> floor Civic centre.</p>	

## Appendix G

<b>Shared parental leave: variation of period of leave notice – to be used by employee who has previously agreed their period of leave to take shared parental leave and now wishing to change to agreed leave.</b>	
<b>Name of employee:</b>	
<b>Employee number</b>	
<b>Job title:</b>	
<b>Department</b>	
<p>I previously provided SECAT with notice of my proposed shared parental leave in a period of leave notice dated [date]. I now wish to amend my shared parental leave request.</p>	
<b>I had already notified the Academy 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:</b>	
<b>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):</b>	
<b>Signed:</b>	
<b>Dated:</b>	
<p><b>Notes:</b> 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. SECAT 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. You and your partner must take any shared parental leave within 52 weeks of the birth of your child. Your completed form must be returned to relevant Headteacher/manager, 11<sup>th</sup> floor Civic centre.</p>	

# Useful sources of help and information

## **Maternity rights in the workplace**

For tailored information on maternity rights visit the website [www.direct.gov.uk/employment](http://www.direct.gov.uk/employment) .

## **Paternity rights in the workplace**

For tailored information on paternity rights visit the website [www.direct.gov.uk/employment](http://www.direct.gov.uk/employment) .

## **TIGER website**

For tailored information on adoption rights visit the website [www.direct.gov.uk/employment](http://www.direct.gov.uk/employment) .

## **British Association for Adopting and Fostering**

For advice on adoption contact:

Tel: 020 7421 2600

[www.baaf.org.uk](http://www.baaf.org.uk)

## **Parents and Children Together**

For information and guidance on adoption in the UK

[www.pactcharity.org](http://www.pactcharity.org)

## **Adoption UK**

Support for adoptive parents before, during and after adoption

[www.adoptionuk.org.uk](http://www.adoptionuk.org.uk)

## **Overseas Adoption Support and Information Service**

OASIS is a UK passed voluntary support group for people who wish to adopt, or have already adopted, children from orphanages overseas. Visit their website [www.adoptionoverseas.org](http://www.adoptionoverseas.org)

### **Overseas Adoption Helpline**

For information and advice on inter-country adoption requirements and procedures for UK and other countries contact:

Tel: 0870 516 8742

[www.oah.org.uk](http://www.oah.org.uk)

### **Department for Work and Pensions**

For further information on Statutory Maternity Pay and details of other benefits that may be available visit their website [www.dwp.gov.uk](http://www.dwp.gov.uk) .

### **Working families**

This organisation provides advice and information on work-life balance. Visit their website [www.workingfamilies.org.uk](http://www.workingfamilies.org.uk) for further information.

### **Local Government Pension Scheme**

If you require any information about your pension or have any concerns about your membership or benefits you should contact your local pension fund administrator.

Essex County Council  
Human Resources  
PO Box 11  
County Hall  
Chelmsford  
Essex CM11 1LX

Or contact the Member Service Team on 01245 431912

You may also visit their website [www.essexcc.gov.uk/pensions](http://www.essexcc.gov.uk/pensions)

Further information can be found on the Local Government Pensions website [www.lgps.org.uk](http://www.lgps.org.uk) .

### **Teachers' Pensions**

Teachers' Pensions administers the pension scheme on behalf of the DfES.

If you require any information about your pension please contact:



Capita Teachers' Pensions  
Mowden Hall  
Darlington  
DL3 9EE  
Tel: 0845 6066 166

Further information can be found on the Teachers' Pensions website [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk) .

### **HM Revenue & Customs**

HM Revenue & Customs have responsibility for the administration of income tax and national insurance contributions.

For further information visit their website [www.hmrc.gov.uk](http://www.hmrc.gov.uk) where you will also find details of your nearest local office.

### **National Childbirth Trust**

The trust is a charity for pregnancy, birth and parenting. Further information can be found on their website [www.nct.org.uk](http://www.nct.org.uk) .