

# MATERNITY, PATERNITY, ADOPTION AND SHARED PARENTAL LEAVE POLICY

## VERSION 6.0

<p><b>Important:</b> This document can only be considered valid when viewed on the Trust website. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.</p> <p><b>Name and Title of Author:</b></p>	<p>CEO with support from Advanced HR</p>
<p><b>Name of Responsible Committee/Individual:</b></p>	<p>Trust Board</p>
<p><b>Date Policy Agreed:</b></p>	<p>May 2020 (Version 1) September 2021 (Version 2) March 2022 (Version 3) September 2022 (Version 4) March 2023 (Version 5) October 2023 (Version 6)</p>
<p><b>Review Date:</b></p>	<p>April 2024</p>
<p><b>Target Audience:</b></p>	<p>All staff</p>
<p><b>Related Documents:</b></p>	<p>Burgundy Book  Green Book</p>

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## INTRODUCTION

This document outlines entitlement to maternity, paternity, adoption and shared parental leave and pay for Trust employees. Part-time or job-sharing employees who satisfy the qualifying conditions will have the same entitlements.

## SCOPE

This procedure applies to all employees employed by the Trust.

## PURPOSE

This policy and procedure apply to pregnant women, fathers to be, same sex partners and nominated carers who are employees of the Trust.

## ROLES AND RESPONSIBILITIES

The **Trust Board** is responsible for approving this policy and for ensuring it is applied fairly and consistently across the Trust, monitoring the effectiveness of this policy.

The **CEO/CFO** are responsible for ensuring that staff and others adhere to this procedure.

The **Central Human Resources Department/Business Managers** are responsible for ensuring that all employees are aware of this procedure. The team will also ensure that this procedure is implemented consistently.

**Leaders and managers** must ensure they implement this policy fairly and equitably, seeking guidance, clarification and support from Central HR as and when required.

All **employees** must adhere to the requirements and timescales specified within this policy

The **Local Governing Boards and Headteachers/Principal** are responsible for monitoring the application of this procedure within their respective schools/UTC.

## MATERNITY

### ROLES AND RESPONSIBILITIES

By the Employee

On becoming pregnant, an employee should notify her line manager and Headteacher/Principal as soon as possible. This is important as there are health and safety considerations for the employee and the School/UTC.

At least 28 days before the start of maternity leave, or as soon as reasonably practicable afterwards, a woman must notify the School/UTC by completing the Maternity Leave Plan (**FORM 1 MATERNITY**):

- that she is pregnant,

- of her expected week of childbirth (including a MATB1, or any other confirmation of EWC which is signed by a registered midwife or general practitioner). This confirmation cannot be issued more than 20 weeks before the week in which the baby is due.
- of the date on which she intends to start her maternity leave. This should be in writing and the date notified cannot be earlier than the beginning of the 11<sup>th</sup> week before the expected week of childbirth.

A woman will be able to change her mind about when she wants to start her leave, providing she tells her employer at least 28 days in advance (unless this is not reasonably practicable). If childbirth occurs early the employee must notify her employer that she has given birth.

#### By the Employee's HR/Business Manager

The Trust will respond to a woman's notification of her leave plans, in writing, within 28 days. This should state the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave.

### PRINCIPLES

#### MATERNITY PAY AND LEAVE ENTITLEMENTS

All pregnant employees irrespective of length of service and hours worked are entitled to a 26-week period of Ordinary Maternity Leave and to a 26-week period of Additional Maternity Leave. Entitlement to Occupational Maternity Pay, as well as Statutory Maternity Pay and Maternity Allowance, is dependent on a range of conditions which are explained more fully in this guide.

The Trust has two maternity schemes for employees:

**Scheme A** - applies to women with less than one year's continuous service by the beginning of the 11<sup>th</sup> week before the expected week of childbirth.

#### **Entitlements:**

- 26 weeks' Ordinary Maternity Leave (OML)
- 26 weeks' Additional Maternity leave (AML)
- Statutory Maternity Pay – where service conditions apply
  - 6 weeks at 9/10ths of average earnings, then
  - 33 weeks at standard SMP entitlement

**Scheme B** – applies to women with at least one year's continuous service by the beginning of the 11<sup>th</sup> week before the expected week of childbirth

#### **Entitlements:**

- 26 weeks' Ordinary Maternity Leave (OML)
- 26 weeks' Additional Maternity leave (AML)
- Occupational Maternity Pay

#### For Teachers:

- 4 weeks at full salary (offset against payments made by way of Statutory Maternity Pay or Maternity Allowance for employees not eligible to Statutory Maternity Pay).
- 2 weeks at 9/10ths of a weeks' salary (offset against payments made by way of Statutory Maternity Pay or Maternity Allowance for employees not eligible to Statutory Maternity Pay)

#### For Support staff:

- 6 weeks at 9/10ths of a weeks' salary (offset against payments made by way of Statutory Maternity Pay or Maternity Allowance for employees not eligible to Statutory Maternity Pay)

#### Then for All staff:

If you have declared your intention to return to duty you may have **\*12 weeks at half salary** plus lower rate SMP to the extent that combined pay and allowances do not exceed full pay. You have some discretion about how this will be paid to you during this period and you should discuss this with the School/UTC HR Manager or School Business Manager, who will inform payroll.

The options are:

- 12 weeks at half pay, or
- 6 weeks' full pay, or
- 20 weeks at 3 / 10<sup>th</sup> of normal pay, or
- Paid in full to you at the end of your maternity leave

You will receive a further 21 weeks at standard rate SMP (a maximum of 39 weeks SMP is payable)

**\*\*To retain the 12 weeks at half salary element** of occupational maternity pay you must return to school employment for at least 13 weeks (including periods of school closure).

### **What Will Automatically Trigger the Start of Maternity Leave?**

A woman's maternity leave will start automatically if:

- she gives birth before her maternity leave starts,
- she is absent from work for a pregnancy related illness during the four weeks before the start of her expected week of childbirth, regardless of when she has said she actually wants her maternity leave to start.

### **What is the Maternity Pay Period?**

This is the period of 39 weeks after the employee starts her maternity leave, which cannot be earlier than the 11<sup>th</sup> week before the expected week of childbirth. In circumstances where a woman gives birth before she has actually commenced maternity leave, maternity pay will start the day following birth. This also applies to women who go off with a pregnancy-related sickness if it is within four weeks of the expected date of confinement.

### **Who Qualifies for Statutory Maternity Pay?**

To be eligible a woman must:

- be pregnant and have reached, or given birth before reaching, the start of the 11<sup>th</sup> week before the expected week of childbirth.
- have been continuously employed for at least 26 weeks by the end of the 15<sup>th</sup> week before the expected week of childbirth (this is called the qualifying week). A woman must have been employed with the Trust for this length of time; previous unbroken continuous service with another school will not count for this purpose.
- provide medical evidence of the date her baby is due.
- have average weekly earnings for the 8-week period ending with the qualifying week, of not less than the lower earnings limit for NI contributions.
- have stopped working for the Trust to start her maternity leave.

Providing a woman qualifies she is entitled to receive Statutory Maternity Pay even if she is not returning to work after she has given birth.

If a woman is not entitled to Statutory Maternity Pay she may be eligible to claim Maternity Allowance from the Department for Work and Pensions. Any claim should be made as soon as possible otherwise the woman may lose some of her benefit. She will need to be issued with a completed SMP1 form confirming that she is not entitled to Statutory Maternity Pay. Further information on Maternity Allowance is available from the Department for Work and Pensions.

## **Who Qualifies for Occupational Maternity Pay?**

To be eligible for Occupational Maternity Pay a woman must:

- have at least one year's continuous service by the beginning of the 11<sup>th</sup> week before the expected week of childbirth.
- have indicated that she intends to return to the Trust at the end of her period of maternity leave. This must be for at least 3 months after maternity leave. If she does not she will have to repay the 6 weeks full-pay element of her maternity pay (but not the SMP).

## **What Contractual Benefits Are Protected During Maternity Leave?**

### **Ordinary Maternity Leave**

A woman's terms and conditions of employment are protected throughout the Ordinary Maternity Leave period. The only exception to this is that she is not entitled to receive remuneration. Instead she is only entitled to Statutory Maternity Pay. She may apply for 'Keeping In Touch Days' which are at the discretion of the Headteacher/Principal. Additionally, she is entitled to return to the job in which she was employed before her absence on terms and conditions not less favourable than those which would have applied if she had not been absent and with her seniority, pension and similar rights as they would have been if she had not taken maternity leave. There is one exception to the right to return to her old job and this is where a redundancy situation has arisen during her absence. In such circumstances a woman is entitled to be offered a suitable alternative post not less favourable to her.

### **Additional Maternity Leave**

A woman's contract continues throughout the period of Additional Maternity Leave. She is entitled to return to the job in which she was employed before her absence or, if that is not reasonably practicable, to another job on terms and conditions not less favourable than those which would have applied if she had not been absent, and with her seniority, pension and similar rights as they would have been if she had not taken maternity leave.

### **Returning to Work After Maternity Leave**

A woman returning to work at the end of her period of additional maternity leave, is not required to give notice of her return. She can simply turn up to work on the first working day after her maternity leave has ended. This date should have been provided to her by her School/UTC at the time she gave notification of her intention to take maternity leave.

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

If a woman wishes to return to work earlier she must provide 21 days' notice to the Trust. If she fails to provide sufficient notice her return can be postponed so that such notice is provided. The postponement cannot go beyond the end of her maternity leave period.

If due to sickness a woman is unable to return at the end of her maternity leave or on the date she notified if she intended to return early, the normal sickness provisions apply. If she complies with the normal sickness rules she will receive Statutory Sick Pay, plus if eligible, Occupational Sick Pay.

If a woman no longer wishes to return to work she will need to submit her resignation in writing.

### **What If an Employee Works Under More Than One Contract?**

If a woman has two or more separate contracts with the Trust she may have two (or more) entitlements to Statutory Maternity Pay. This will depend on whether national insurance contributions are paid separately or aggregated.

## What If a Child Is Stillborn or Dies?

A woman is entitled to Statutory Maternity Pay if she has a stillbirth on or after the start of her 25<sup>th</sup> week of pregnancy.

## What Is the Relationship Between Statutory Maternity Pay and Statutory Sick Pay During the Maternity Pay Period?

Statutory Maternity Pay is payable throughout the 39 week Maternity Pay Period. If a woman notified the Trust that she was returning to work during this period and then was unable to do so due to illness she would be paid Statutory Maternity Pay during her absence not Statutory Sick Pay. If she was unable to return to work at the end of the 39 week maternity leave period due to illness she would be entitled to Statutory Sick Pay. If eligible, this would be made up to full pay with Occupational Sick Pay.

## PATERNITY

### Statutory Ordinary Paternity Leave

This is an additional one, or two consecutive, week's paid leave (SPPay), following the birth of a child. To be eligible employees will need to have worked continuously for the Trust for 26 weeks leading into the week before the expected week of childbirth. For two of those days employees will receive an additional payment, which is the equivalent to two days at full salary less Statutory Paternity Pay.

Employees will also need be able to declare that:

- they are
  - the baby's biological father, or
  - married to the mother, or
  - living with the mother in an enduring family relationship, but are not an immediate relative, and
- they will be responsible for the child's upbringing, and
- they will take time off work to support the mother or care for the child.

Statutory Paternity Pay (SPP) is paid at the standard rate of Statutory Maternity Pay applicable in the year in which the leave starts or 90% of average weekly earnings if this is less. Employees who have average weekly earnings below the lower earnings limit (currently £123 per week) will not qualify for Statutory Paternity Pay. They may, however, be able to get Income Support while on paternity leave.

### What are the notification requirements to apply for Ordinary Paternity Leave?

Employees who qualify for paid paternity leave will need to inform their manager, in writing, (**See Form 2 Paternity Leave Request Form**) of their intention to take paternity leave no later than 28 days before the baby is expected (unless this is not reasonably practicable). This must be in writing and state:

- the week the baby is due,
- that they wish to take one weeks' leave (it must be taken in a one week block),
- when they want their leave to start (employees can change their mind about the date on which they want their leave to start providing they tell their manager at least 28 days in advance).
- a declaration that he or she is in an enduring relationship with the mother, will be responsible for the child's upbringing and will be taking time off to support the child's mother or care for the child.

### When Can Ordinary Paternity Leave Start?

Leave can start on any day of the week on or following the child's birth but must be completed:

- within 8 weeks of the actual birth of the child, or
- if the child is born early within the period from the actual date of birth up to 8 weeks after the expected week of childbirth

Only one period of leave can be taken whether or not more than one child is born as the result of the same pregnancy.

### **Supporting the Birth**

Any additional leave required to support the birth **must** be discussed with the Headteacher/Principal. This may be granted with or without pay at the Headteacher/Principal's discretion. Please also refer to the Trust Annual Leave and Leave of Absence policy (dependant's care leave).

### **What contractual benefits are preserved during Ordinary Paternity Leave?**

Employees are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to the payment of wages or salary, throughout their paternity leave. They will also be entitled to return to the same job following ordinary paternity leave.

### **Shared Parental Leave**

Shared Parental Leave is a new way for parents to share statutory leave and pay on the birth of a child or adoption placement. Please refer to the Shared Parental Leave section of the Policy for further information.

### **Administration of Statutory Paternity Leave and Pay**

The Trust can reclaim a proportion of statutory paternity pay and it is essential that the Headteacher/Principal as well as the HR/Business Manager are advised when an employee is going to take paternity leave. A copy of birth certificate needs to be provided along with the requested leave date. It is essential to confirm when this period of leave actually commences as this may vary depending if the baby is early or late.



### EMPLOYEES' MATERNITY LEAVE PLAN

You should complete this form together with your HR/Business manager.

#### **Telling your Headteacher/Principal/ line manager you are pregnant**

You can tell your Headteacher/Principal and line manager you are pregnant as soon as you want to. This can be before you have decided when to start maternity leave, and before you give your HR/Business manager this form. You will need to inform your School/UTC if you want to take paid time off for antenatal appointments. The latest date you can inform your HR/Business Manager of your pregnancy is the 15th week before your expected week of childbirth (the qualifying week). Form MATB1, which you will receive from your midwife or doctor will tell you the date your baby is due. Your qualifying week can then be worked out. Your HR/Business manager can help you with this.

Your HR/Business will need to make health and safety checks (e.g. about DSE, manual lifting, etc.) when he or she knows you are pregnant in order to protect you and your baby, so the earlier you feel able to tell your School/UTC and your line-manager, the sooner these checks can be made.

#### **Telling your Headteacher/Principal when you want to take maternity leave**

You must tell your line manager by the 15th week before your expected week of childbirth the date on which you want to start your maternity leave and begin to receive maternity pay. You should therefore give this completed form to your line manager at the latest during the 15th week before your expected week of childbirth.

If you then wish to change the date on which you want to start your maternity leave you must give your line manager 28 days' notice of the new date.

#### **How to use the plan**

The plan is in three parts: notes to help you complete it are given in the right hand column of the form.

**Part A** will help you to work out whether you qualify for the Trust's maternity leave scheme. You will find it helpful to have a calendar or diary handy when you are filling out the form.

**Part B** should be used to set out when you would like to begin your maternity leave and to indicate when your expected date of return to work will be.

**Part C** should be used if you decide to return to work before the end of your planned maternity leave.

## PART A – WORKING OUT YOUR ELIGIBILITY FOR LEAVE AND PAY

### TO THE HR/BUSINESS MANAGER

I am giving you this form to let you know that I am pregnant and to notify you of when I want to start my maternity leave and to begin receiving maternity pay (if eligible).

<b>Personal Details</b>  1. Name: ..... Role: ..... .....		Line manager's name: ..... .....
		<b>Guidance Notes</b>
<b>When the baby is expected</b>  2. My baby is due in the week beginning: Sunday ..... (date of expected week of childbirth)		<b>Expected week of childbirth</b>  The expected week of childbirth is the week, beginning Sunday, in which it is expected you will have your baby. This is the date on your MATB1 form that your doctor or midwife will give you.
3. A certificate (MATB1) confirming this:  Tick relevant box <input checked="" type="checkbox"/> a) Has been given to you already <input type="checkbox"/> b) Is enclosed with this form <input type="checkbox"/> c) Will be given to you as soon as possible <input type="checkbox"/>		<b>Certificate</b>  Your doctor or midwife will give you a MATB1 form which will give you the expected week of childbirth. You must give this to your HR/Business Manager at least 28 days before you wish to start your leave.

### Qualifying for the Trust's maternity scheme

Filling in this section of the form will enable you and your HR/Business manager to see if you qualify for the Trust's maternity scheme and statutory maternity pay.

4. The 15th week before my expected week of childbirth (the date given in Question 2) is the week beginning: Sunday .....	This date is important for working out how much maternity leave you qualify for.
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5. On this date I will have worked for the school continuously for at least 26 weeks  Yes <input type="checkbox"/> tick box (go to part B) or  No <input type="checkbox"/> tick box (see box below)	Your length of employment usually runs from the first day you started work with the School (Trust) to the present day. If there are any gaps in your employment consult your line manager.
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<p>If you have ticked 'No' above then you do not qualify for the Maternity Scheme or Statutory Maternity Pay from the School. However, you are still entitled to 52 weeks' unpaid leave. In addition, you may still be able to claim Maternity Allowance. Your HR/Business Manager will advise you on this. You still need to complete part B of this form.</p>	

<p><b>IMPORTANT:</b> please note that if your contract of employment is due to terminate during your maternity leave, your entitlement to benefits under the Trust's contractual schemes will end on the contract end date. However, you will continue to be paid any remaining <b>statutory</b> maternity pay to which you are eligible. Your contract of employment will not automatically be extended because you are on maternity leave.</p>
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## PART B – MATERNITY LEAVE

	Guidance Notes
<p><b>Starting maternity leave</b></p> <p>6. I intend to start my maternity leave on:  .....(date)</p> <p>(NB this can be any day of the week)</p>	<p><b>Start date</b></p> <p>It is your decision when you start your maternity leave, except that you cannot start it earlier than the 11th week before your expected week of childbirth. You should notify your HR/Business Manager of your intended start date by the 15th week before the expected week of childbirth. If you wish to change this date you must give your HR/Business Manager at least 28 days' notice of when you want to start your maternity leave.</p> <p>If you are absent from work for a pregnancy-related reason in the four weeks before your expected week of childbirth, or if you give birth before the date you intended to start maternity leave, your maternity leave will start automatically.</p>
<p><b>Returning after maternity leave</b></p> <p>7. My maternity leave entitlement will finish on:  .....(date)</p>	<p><b>End of maternity leave</b></p> <p>This may be at the end of the 52nd week from when you start your maternity leave. For example, if you started your maternity leave on a Wednesday, the last day will be Tuesday 52 weeks later. Your HR/Business Manager will help you calculate this date.</p>
<p>8. Return date: complete either <b>A</b> or <b>B</b> below.</p> <p><b>A</b> I would like to take my full 52 weeks entitlement and I am due back to work on:  .....(date)</p> <p><b>B</b> I have already decided not to take my full 52 weeks entitlement and will return to work on:  .....(date)</p> <p>8a. I have declared my intention to return and I would like my additional occupational maternity pay to be paid:</p> <p>*Please tick to indicate</p> <p>- 12 weeks at half pay <input type="checkbox"/></p> <p>- 20 weeks at 3 / 10<sup>th</sup> of normal pay <input type="checkbox"/></p> <p>- Paid in full to you at the end of my maternity leave <input type="checkbox"/></p>	<p>The Trust Scheme offers –</p> <p><b>For Teachers:</b></p> <ul style="list-style-type: none"> <li>4 weeks at full salary (offset against payments made by way of Statutory Maternity Pay or Maternity Allowance for employees not eligible to Statutory Maternity Pay).</li> <li>2 weeks at 9/10ths of a weeks' salary (offset against payments made by way of Statutory Maternity Pay or Maternity Allowance for employees not eligible to Statutory Maternity Pay)</li> </ul> <p><b>For Support staff:</b></p> <ul style="list-style-type: none"> <li>6 weeks at 9/10ths of a weeks' salary (offset against payments made by way of Statutory Maternity Pay or Maternity Allowance for employees not eligible to Statutory Maternity Pay)</li> </ul> <p><b>For All staff:</b></p> <ul style="list-style-type: none"> <li>if you have declared your intention to return to duty you may have *12 weeks at half salary plus lower rate SMP to the extent that combined pay and allowances do not exceed full pay. You have some discretion about how this will be paid to you during this period and you should discuss this with Payroll</li> </ul> <p>*The payment options are:</p> <ul style="list-style-type: none"> <li>- 12 weeks at half pay, or</li> <li>- 6 weeks at full pay, or</li> <li>- 20 weeks at 3 / 10<sup>th</sup> of normal pay, or</li> <li>- Paid in full to you at the end of your maternity leave</li> </ul> <ul style="list-style-type: none"> <li>A further 21 weeks at standard rate SMP (a maximum of 39 weeks SMP is payable)</li> </ul> <p>*To retain the twelve weeks at half salary element of occupational maternity pay you must return to school (Trust)</p>

	<p>employment for at least 13 weeks (including periods of school closure).</p> <p>If you have ticked 'yes' in section 5, you will be entitled to the above. Even if you are not entitled to this pay, you can still take up to 52 weeks unpaid leave. It is your decision how much of this leave you wish to take.</p> <p>You may already know that you wish to take all or only some of your leave entitlement and should state your current wish by completing either 8A or 8B as appropriate.</p>
<p>(Trust)</p> <p>I understand that if I want to change this date, I must give you 21 days' notice of the date on which I want to return.</p>	<p><b>Changing your mind:</b> If you change your mind about the date that you want to return to work you must give your HR/Business Manager at least 21 days' notice before your intended return date. You can use Part C of this form for this purpose.</p>
<p><b>9. Contact during maternity leave</b></p> <p>I would like to be told about changes happening at work during my maternity leave</p> <p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>If yes, I would prefer to be contacted by:</p> <p>..... (e.g. email, phone, etc)</p> <p>If you do not mind how the school contacts you please tick here <input type="checkbox"/></p>	<p>You and your department may make reasonable contact during your maternity leave. Keeping in touch with work in this way can help to make it easier when it is time to return as you will be aware of what has been going on in your department.</p> <p>Even if you choose not to be told about changes happening at work during your maternity leave, your line manager will still contact you about any matters relating to your employment.</p>
<p><b>10. Keeping in Touch (KIT) days</b></p> <p>Would you like the opportunity to work, attend a particular event or take up a training opportunity during your maternity leave?</p> <p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>If so, you can agree with your department to consider up to a maximum of 10 days' work on KIT days during your maternity leave.</p>	<p>As well as staying in contact with your department during your maternity leave, if you and your Headteacher/Principal both agree, you can undertake up to 10 days' work during your maternity leave. These are known as Keeping in Touch (KIT) days. They are not limited to your usual job and could be used for training or other events.</p> <p>This work can only take place by agreement between both the Trust and the employee. A department may not require a woman to work during her maternity leave, and you cannot be penalised for refusing to take up a KIT day. Similarly, a woman does not have a right to work KIT days if the Headteacher/Principal doesn't agree to them. If you and your Headteacher/Principal agree that you will work some KIT days then you should agree in advance including what you will be doing and how you will be paid.</p>

## Maternity plan signature page

You have now completed all the parts of the form necessary before starting your maternity leave. You should now sign the form and give it to your line manager. Don't forget to keep a copy of it for yourself.

### IMPORTANT NOTICE

**In signing this form, you confirm that:**

- your attention has been drawn to the right of the Trust to reclaim the whole or part of the non-statutory element of maternity pay if you fail to return to work after your maternity leave and continue in employment for at least 3 months following your return.
- you understand that if your contract of employment is due to terminate during your maternity leave, your entitlement to benefits under the Trust's contractual schemes will end on the contract end date. However, you will continue to be paid any remaining statutory maternity pay to which you are eligible. Your contract of employment will not automatically be extended because you are on maternity leave.

**Signed:** ..... (employee)

**Full Name**.....

**Date:** .....

**Signed:**..... (line manager)

**Date:** .....

## PART C – RETURNING TO WORK EARLY/LATE

You will be expected back at the end of your maternity leave, on the date that you have specified in part 8 of the maternity leave plan.

If you want to return earlier or later than this date (the maximum entitlement is 52 weeks) you must give your Headteacher/Principal at least 21 days' notice of this change.

If you do not give 21 days' notice your Headteacher/Principal is entitled to postpone your return until 21 days' notice has expired.

To: Headteacher/Principal

School/Department:.....

<p><b>Changing your notified return to work date</b></p> <p>I would like to change my return to work date, and now intend to return to work on:</p> <p>.....(date)</p>	<p><b>Guidance notes</b></p> <p><b>Complete this section only if you want to return to work early.</b></p> <p>Compulsory maternity leave. The law requires that all women take two weeks maternity leave immediately after the birth of their baby. Your Headteacher/Principal cannot let you return before your compulsory maternity leave period is up.</p>
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**You should sign the form now and send it to your Headteacher/Principal. Don't forget to keep a copy of it for yourself.**

**You should talk to your department in good time if you want to try to agree a different working pattern to the one you worked before your maternity leave.**

**Signed:** .....

**Full Name:**.....

**Date:** .....

## Form 2 - Paternity Leave Request Form

Please forward this form to your Headteacher/Principal **no later than 28 days before the baby is due OR 28 days before the child is due to be placed in the case of adoption.**

### Personal Details

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

Forename(s): \_\_\_\_\_ Surname: \_\_\_\_\_

Department: \_\_\_\_\_ Email: \_\_\_\_\_

### Paternity Leave and Pay

The baby is due/The child is due to be placed on: \_\_\_\_\_

Leave Requested from: \_\_\_\_\_ to: \_\_\_\_\_

Length of Service at Qualifying Week*	Paternity Leave and Pay	Indicate how many weeks leave you wish to take
<input type="checkbox"/> 26 weeks or more and I earn at least £123 a week	1 or 2 weeks - <a href="#">Statutory Paternity Pay (SPP)</a> or 90% of average weekly earnings if this is less (2 days paid @ full pay inclusive of Statutory Paternity Pay)	1 <input type="checkbox"/> 2 <input type="checkbox"/>
<input type="checkbox"/> less than 26 weeks	Not eligible for Paternity leave and pay	

**\*Qualifying Week:** 15 weeks before the baby is due OR the week in which the primary adopter (the person who is taking Statutory Adoption Leave and Pay) are notified of an approved match for adoption OR if adopting from overseas the week in which the child enters the UK or when you want your pay to start

### Declaration

I am the baby's biological father OR the spouse or partner of the mother or adopter OR the adoptive parent OR the intended parent (if you're having a baby through a surrogacy arrangement)  
I have responsibility for the child's upbringing and am taking time off work to care for the child or support the child's mother/primary adopter

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

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

### Confirmation by Headteacher/Principal

I confirm I have discussed the employee's plans and arrangements for leave, including ensuring cover for while they are on leave.

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

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

Print name: \_\_\_\_\_

Position: \_\_\_\_\_



## ADOPTION

Paid adoption leave is available to Employees who adopt. However, it is available only to one member of a couple who adopt jointly. Where the partner of an Employee who is adopting also works for the School/UTC, s/he might be entitled to paid paternity leave. Where a couple are adopting jointly, they must decide who will take adoption leave and (where the other member of the couple is entitled) who will take paternity leave.

An Employee wishing to take adoption leave should apply to their Headteacher/Principal in writing within 7 days of being notified by their adoption agency that they have been matched with a child for adoption. As soon as practicably possible the employee must complete the Adoption Leave Plan (**FORM 3 ADOPTION**).

A child for the purposes of these guidelines is a young person under the age of 18.

The School/UTC has four adoption schemes for Employees:

**Scheme 1** – applies to an employee with less than 26 weeks' continuous service at the end of the week which they are notified of being matched for adoption.

**Entitlements:**

- 26 weeks Ordinary Adoption Leave (OAL)
- 26 Weeks Additional Adoption Leave (AAL)
- Employees with less than 26 weeks service at the end of the week in which they are notified of being matched with a child for adoption are not entitled to Statutory Adoption Pay.

**Scheme 2** - applies to an Employee with less than one year's continuous service but at least 26 weeks service at the end of the week in which they are notified of being matched with a child for adoption:

**Entitlements:**

- 26 weeks Ordinary Adoption Leave (OAL)
- 26 weeks Additional Adoption Leave (AAL)
- **Adoption Pay**
  - 6 weeks at 9/10<sup>th</sup> of average earnings, then
  - 12 weeks at half pay or Statutory Adoption Pay (SAP) whichever is the greater, and
  - 21 weeks' Statutory Adoption Pay (SAP)

Employees who do not return to School/UTC employment for a period of 3 months at the end of their adoption leave will be required to pay any monies paid to them in excess of their statutory entitlement to adoption pay under this Scheme.

**Scheme 3** - applies to an Employee with at least one year's continuous service at the end of the week in which they are notified of being matched with a child for adoption:

**Entitlements:**

- 26 weeks Ordinary Adoption Leave (OAL)
- 26 weeks Additional Adoption Leave (AAL)
- **Adoption Pay**
  - 6 weeks at 9/10<sup>th</sup> of average earnings, **then either**
  - 33 weeks at the standard rate of Statutory Adoption Pay (SAP) entitlement plus the equivalent of 6 weeks full pay (the payment of which to be agreed with the employee) if declared intention to return to work, **or**
  - 33 weeks at the standard rate of SAP entitlement if declared intention not to return to work

Note: The distribution of the payment should be agreed with the Employee.

Employees who do not return to School/UTC employment for a period of 3 months at the end of their adoption leave will be required to repay any monies paid to them, in excess of their statutory entitlement to adoption pay, under this Scheme.

If an Employee declares s/he is not returning to work at the end of their period of adoption leave they are entitled to receive:

- 9/10ths of a weeks' pay for the first six weeks of absence (this is off-set against any entitlement to Statutory Adoption Pay during this period),

**thereafter,**

- 33 weeks Statutory Adoption Pay at the lower rate.

**Scheme 4** - applies to an Employee earning less than the National Insurance lower earnings limit: Employees with at least 26 weeks service at the end of the week in which they are notified of being matched with a child for adoption who earn less than the National Insurance lower earnings limit are not entitled to Statutory Adoption Pay. They are, however, entitled to Occupational Adoption Pay as follows:

**Entitlements:**

- 26 weeks Ordinary Adoption Leave (OAL)
- 26 weeks Additional Adoption Leave (AAL) – where service conditions apply
- **Occupational Adoption Pay**
  - 6 weeks at 9/10ths of average earnings, then
  - 20 weeks at half pay

Employees who do not return to employment at the School/UTC for a period of 3 months at the end of their adoption leave will be required to repay all monies in excess of their statutory entitlement to adoption pay, under this Scheme.

### **Eligibility for Adoption Leave**

An Employee must have been notified that s/he has been matched with a child for adoption by an approved adoption agency.

Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's child.

In the case of adoption of children from overseas the adopters should receive a letter from the Commission for Social Care Inspection or the Department of Health confirming that adoption is taking place. These documents will be deemed to be the confirmation for the purposes of these guidelines.

### **Adoption Leave**

All Employees are entitled to a 26-week period of Ordinary Adoption Leave. They are entitled to a 26 week period of Additional Adoption Leave irrespective of length of service and hours worked. Additional Adoption Leave (AAL) starts on the first day following the end of Ordinary Adoption Leave (OAL).

Leave can start on any day of the week, either:

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

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

During the adoption planning process the employee is entitled “reasonable paid time off” to attend up to five adoption placement meetings and the partner to two “unpaid adoption placement meetings”. Time is capped at 6.5 hours per meeting.

This should be used for social work assessments and for any training provided for the adoptive parent. Any additional time required should be managed through flexitime, unpaid time off or annual leave. (A pro-rata entitlement applies to part-time and job-share Employees.)

### **Delayed Placements**

If the Employees placement is delayed, for whatever reason, and they have already begun their adoption leave, they will not be able to stop their leave and start it again at a later date, unless it becomes a disrupted placement. Employees should therefore make sure that the placement will go ahead on the agreed date if they intend to start their adoption leave before the actual date of placement.

### **Disrupted Placements**

Where, after starting their leave, an Employee is notified that the child will not be placed, or after the child is placed, the child dies or is returned to the adoption agency, the Employee will not be entitled to the full adoption leave period. In this case adoption leave will end 8 weeks after the end of the week in which the disruption occurred. (There is no extension of adoption leave if disruption occurs with fewer than 8 weeks to go.)

When disruption occurs during the period when the Employee is receiving occupational adoption pay s/he will be entitled to receive occupational adoption pay to the end of the week in which they were notified of the disruption. Employees entitled to statutory adoption pay will continue to receive SAP for the remainder of the 8-week period (if applicable).

If an Employees adoption leave has been cut short due to disruption of the placement, the Employee must still give 28 days’ notice to return early. The Manager, however, has the discretion to agree a mutually acceptable earlier return date where 28 days’ notice has not been given.

### **What are the Notification Requirements?**

#### **By the Employee**

An Employee wishing to take adoption leave should apply to their Headteacher/Principal in writing 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. They will need to inform their Headteacher/Principal:

- when the child is expected to be placed with them;
- provide their School/UTC with the Matching Certificate completed by the adoption agency as evidence of their entitlement to Statutory Adoption Leave and Pay.
- when they want their adoption leave to start. (They can change their mind on this by giving their School/UTC at least 28 days’ notice, in writing, in advance of the change of plan, unless this is not reasonably practicable.)

**The Headteacher/Principal** must respond to an Employees request, in writing, within 28 days confirming the date of leave and the expected date of return from adoption leave if the full entitlement to adoption leave is taken.

### **Payment during Adoption Leave**

#### **Who qualifies for Statutory Adoption Pay?**

To be eligible an Employee must:

- have been matched with a child for adoption
- have indicated, in the case of a joint adoption and that they are requesting adoption pay not statutory paternity pay
- provide a Matching Certificate which has been completed, stamped and signed by the appropriate Adoption Agency
- have been continuously employed at the Trust for at least 26 weeks by the end of the week in which they are notified of being matched with a child for adoption
- have average weekly earnings of not less than the lower earnings limit for National Insurance contributions
- have stopped working for the Trust to start adoption leave

### **Who Qualifies for Occupational Adoption Pay?**

To be eligible an Employee must:

- have been matched with a child for adoption
- have indicated, in the case of a joint adoption that they are requesting adoption pay not statutory paternity pay
- provide a Matching Certificate which has been completed, stamped and signed by the appropriate Adoption Agency.
- have been continuously employed at the Trust for at least 26 weeks by the end of the week in which they are notified of being matched with a child for adoption
- have indicated that they intend to return to the School/UTC at the end of their period of Adoption leave
- have stopped working for the School/UTC to start adoption leave

### **What Contractual Benefits are Protected During Adoption Leave?**

#### **Ordinary Adoption Leave**

An Employees terms and conditions of employment are protected throughout the Ordinary Adoption Leave period. The only exception to this is that they are not entitled to receive remuneration other than Adoption Pay. (Apart from 'Keeping In Touch Days') Additionally, they are entitled to return to the job in which they were employed before their absence on terms and conditions not less favourable than those which would have applied if they had not been absent and with their seniority, pension and similar rights as they would have been if they had not taken adoption leave. There is one exception to the right to return to their old job and this is where a redundancy situation has arisen during their absence. In such circumstances an Employee is entitled to be offered a suitable alternative post, not less favourable to them, where one exists.

#### **Additional Adoption Leave**

An Employees contract continues throughout the period of Additional Adoption Leave. They are entitled to return to the job in which they were employed before their absence or, if that is not reasonably practicable, to another job on terms and conditions not less favourable than those which would have applied if they had not been absent, and with their seniority, pension and similar rights as they would have been if they had not taken adoption leave.

#### **Returning to Work After Adoption Leave**

An Employee returning to work at the end of their period of adoption leave, either OAL or AAL, is not required to give notice of their return. They can simply turn up to work on the first working day after their adoption leave has ended. Their School/UTC will have provided this date to them at the time they gave notification of their intention to take adoption leave.

If an Employee wishes to return to work earlier s/he must provide 21 days' notice if they are entitled to Additional Adoption Leave

If they fail to provide sufficient notice their return can be postponed so that such notice is provided. The postponement cannot go beyond the end of their adoption leave period.

If due to sickness an Employee is unable to return at the end of their adoption leave, or on the date they notified if they intended to return early, the normal sickness provisions apply. If they comply with the normal sickness rules they will receive Statutory Sick Pay, plus if eligible, Occupational Sick Pay.

If an Employee no longer wishes to return to work s/he will need to submit their resignation in writing.

**PART A – WORKING OUT YOUR ELIGIBILITY FOR ADOPTION LEAVE AND PAY**

**TO THE LINE MANAGER**

I am giving you this form to let you know that I am being matched for adoption and to notify you of when I want to start my adoption leave and to begin receiving adoption pay (if eligible).

<p><b>Personal Details</b></p> <p>1. Name: .....</p> <p>Role: .....</p> <p>.....</p>	<p>Line manager's name:</p> <p>.....</p> <p>.....</p>
	<p><b>Guidance Notes</b></p>
<p><b>When the child is expected</b></p> <p>2. My child is expected to be placed with me on:</p> <p>Date .....</p>	<p><b>Expected week of adoption</b></p> <p>An Employee wishing to take adoption leave should apply to their Headteacher/Principal in writing within 7 days of being notified by their adoption agency that they have been matched with a child for adoption</p>
<p>3. A Matching certificate confirming this:</p> <p>Tick relevant box <input checked="" type="checkbox"/></p> <p>a) Has been given to you already <input type="checkbox"/></p> <p>b) Is enclosed with this form <input type="checkbox"/></p> <p>c) Will be given to you as soon as possible <input type="checkbox"/></p>	<p><b>Certificate</b></p> <p>An Employee provide their School/UTC with the Matching Certificate completed by the adoption agency as evidence of their entitlement to Statutory Adoption Leave and Pay.</p> <p>.</p>

**Qualifying for the School's adoption scheme**

Filling in this section of the form will enable you and your Headteacher/Principal to see if you qualify for the school adoption scheme and adoption pay

<p>4. I have been matched for Adoption by an approved adoption agency on date: .....</p>	
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<p>5. On this date I will have worked for the school continuously for at least 26 weeks</p> <p>Yes <input type="checkbox"/> tick box (go to part B) or</p>	<p>Your length of employment usually runs from the first day you started work with the School/UTC to the present day. If there are any gaps in your employment consult your line manager.</p>
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**Entitlements:**

- 26 weeks Ordinary Adoption Leave (OAL)
- 26 weeks Additional Adoption Leave (AAL) – where service conditions apply
- **Occupational Adoption Pay**
  - 6 weeks at 9/10ths of average earnings, then
  - 20 weeks at half pay



## PART B – ADOPTION LEAVE

	Guidance Notes
<p><b>Starting maternity leave</b></p> <p>6. I intend to start my Adoption leave on:  .....(date)</p> <p>I understand that if I want to change this date, I must give you 28 days' notice of the date on which I want the leave to start</p>	<p><b>Start date</b></p> <p>Leave can start on any day of the week, either:</p> <ul style="list-style-type: none"> <li>from the date of the child's placement (whether this is earlier or later than expected), or</li> <li>from a fixed date which can be up to 14 days before the expected date of placement.</li> </ul>
<p><b>Returning after Adoption leave</b></p> <p>7. My adoption leave entitlement will finish on:  .....(date)</p>	<p><b>End of Adoption leave</b></p> <p>This <u>may be</u> at the end of the 52nd week from when you start your Adoption leave. For example, if you started your Adoption leave on a Wednesday, the last day will be Tuesday 52 weeks later. Your line manager will help you calculate this date.</p>
<p>8. Return date: complete either <b>A, B</b> and <b>C</b> below.</p> <p><b>A</b> I would like to take my full 52 weeks entitlement and I am due back to work on:  .....(date)</p> <p><b>B</b> I have already decided not to take my full 52 weeks entitlement and will return to work on:  .....(date)</p> <p><b>C</b> I have already decided that I will not be returning to work</p>	
<p><b>Return to work Date</b></p> <p>I understand that if I want to change this date, I must give you 21 days' notice of the date on which I want to return.</p>	<p><b>Changing your mind:</b> If you change your mind about the date that you want to return to work you must give your line manager 21 days' notice.</p> <p>You can use Part C of this form for this purpose.</p>

<p><b>9. Contact during Adoption leave</b></p> <p>I would like to be told about changes happening at work during my Adoption leave</p> <p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>If yes, I would prefer to be contacted by:</p> <p>..... (e.g. email, phone, etc)</p> <p>If you do not mind how the school contacts you please tick here <input type="checkbox"/></p>	<p>You and your department may make reasonable contact during your Adoption leave. Keeping in touch with work in this way can help to make it easier when it is time to return as you will be aware of what has been going on in your department.</p> <p>Even if you choose not to be told about changes happening at work during your Adoption leave, your line manager will still contact you about any matters relating to your employment.</p>
<p><b>10. Keeping in Touch (KIT) days</b></p> <p>Would you like the opportunity to work, attend a particular event or take up a training opportunity during your Adoption leave?</p> <p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> <p>If so, you can agree with your department to consider up to a maximum of 10 days' work on KIT days during your Adoption leave.</p>	<p>As well as staying in contact with your department during your Adoption leave, if you and your department both agree, you can undertake up to 10 days' work during your Adoption leave. These are known as Keeping in Touch (KIT) days. They are not limited to your usual job and could be used for training or other events.</p> <p>This work can only take place by agreement between both the department and the employee. A department may not require a woman to work during her Adoption Leave leave, and you cannot be penalised for refusing to take up a KIT day. Similarly, a woman does not have a right to work KIT days if the department doesn't agree to them. If you and your Headteacher/Principal agree that you will work some KIT days then you should agree in advance including what you will be doing and how you will be paid.</p>

## Adoption plan signature page

You have now completed all the parts of the form necessary before starting your maternity leave. You should now sign the form and give it to your HR/Business Manager. Don't forget to keep a copy of it for yourself.

### IMPORTANT NOTICE

**In signing this form, you confirm that:**

- your attention has been drawn to the right of the School/UTC to reclaim the whole or part of the non-statutory element of Adoption pay if you fail to return to work after your Adoption leave and continue in employment for at least 3 months following your return.
- you understand that if your contract of employment is due to terminate during your Adoption leave, your entitlement to benefits under the School's contractual schemes will end on the contract end date. However, you will continue to be paid any remaining statutory Adoption pay to which you are eligible. Your contract of employment will not automatically be extended because you are on Adoption leave.

**Signed:** ..... (employee)

**Full Name**.....

**Date:** .....

**Signed:**..... (line manager)

**Date:** .....

## PART C – RETURNING TO WORK EARLY/LATE

You will be expected back at the end of your Adoption leave, on the date that you have specified in the Adoption leave plan.

If you want to return earlier or later than this date (the maximum entitlement being 52 weeks) you must give your line manager at least 21 days' notice of this change.

If you do not give 21 days' notice your line manager is entitled to postpone your return until 21 days' notice has expired.

To: The HR/Business Manager

School/UTC/Department:.....

<b>Changing your notified return to work date</b>  I would like to change my return to work date, and now intend to return to work on:  .....(date)	<b>Guidance notes</b>  <b>Complete this section only if you want to return to work early.</b>
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**You should sign the form now and send it to your HR/Business Manager. Don't forget to keep a copy of it for yourself.**

**You should talk to your department in good time if you want to try to agree a different working pattern to the one you worked before your maternity leave.**

**Signed:** .....

**Full Name:**.....

**Date:** .....

## **OTHER IMPORTANT INFORMATION**

### **Fertility Treatment**

Employees may apply under the special leave provisions for reasonable time off to undergo fertility treatment. This is at the Trust's discretion and must be approved by the Headteacher/Principal in consultation with the CEO.

### **Time Off for Ante-Natal Care**

A pregnant employee and/or the father-to-be, partner or nominated carer have the right to reasonable time off without loss of pay to attend ante-natal appointments. Employees can be asked to produce an appointment card or other evidence of the appointments having been made.

Ante-natal care can include not only medical examinations but also relaxation and parentcraft classes. However, where possible, the employee should make every effort to arrange these appointments out of working hours.

### **Accrual of Annual Leave during Maternity / Paternity and Adoption Leave**

The period of time an employee is absent on maternity/paternity or adoption leave is taken into account when calculating their annual leave entitlement for the leave year(s) in which maternity/paternity or adoption leave falls. In order to ensure that an employee does not forfeit their accrued annual leave employees must be made aware of how much leave they will have accrued by the time they return to work. Carry over of annual leave can be considered by Headteachers/Principal taking account of service needs.

In order to ensure that you do not forfeit any accrued annual leave you must discuss with your manager how much leave you will have accrued by the time you return to work and have this authorised by the Headteacher/Principal.

Where the employee returns to work just before or after the end of the leave year in which they went on maternity/paternity or adoption leave they should be advised to consider:

- taking their leave entitlement prior to the start of maternity/paternity or adoption leave, or
- request and take their leave at the end of the leave year in which they go on maternity/paternity or adoption leave.

Any maternity/paternity or adoption leave taken up to 26 weeks after the birth/adoption of the child and coincides with a bank holiday or public holiday employees will also be entitled to a day in lieu for that period. Lieu days for bank holidays are not accrued after 26 weeks of the birth of the baby (which is in line with the 26 week period of ordinary maternity/adoption leave).

### **Maintaining Contact during Maternity / Paternity and Adoption Leave**

It is important that contact is maintained with an employee whilst she/he is on maternity/paternity or adoption leave. Employees will be kept informed of developments and changes within the department and organisation. Contacting employees whilst on maternity/paternity or adoption leave by phone occasionally during their leave may also help them feel less isolated from work and, may make it easier for her to return after a lengthy absence. Arrangements will be agreed with the employee before maternity / paternity or adoption leave commences.

### **Keeping in Touch Days**

Employees can agree with their Headteacher/Principal to work for up to 10 days during their statutory maternity/paternity or adoption leave period without bringing the period of maternity/paternity or adoption leave to an end and without the loss of a week's statutory maternity/paternity or adoption pay as a result of carrying out that work. This must be a mutual agreement between the employee and the manager. For these purposes, 'work' may include training or any other activity undertaken to assist the employee in keeping in touch with the workplace, such as attending training courses,

appraisals or team meetings, planning and delivering lessons, planning and delivering interventions or anything else commensurate with the role of a Teacher or TLR holder (this list is not exhaustive). It should be made clear that this is entirely voluntary and any refusal will be considered reasonable in the circumstances. Working for part of a day will count as one days work for the purpose of the 10 day calculation. A woman should not be invited to attend work during the two-week period following the date of birth. This is the period known as Compulsory Maternity Leave which employees are prohibited from working.

Keeping in Touch Days will be paid at the hourly contractual. Employees are entitled to be paid for any KIT or SPLIT days worked in the same way and at the same time as other employees, so this will usually be in the payroll following the week or month in which the work is done. The employer must pay for any KIT/SPLIT days at the time the work is done and cannot delay payment.

## **Parental Leave**

The parental leave provisions of the Employment Rights Act 1996 and the Maternity and Parental Leave Regulations give both men and women employees with one year's service a right to take unpaid leave to care for their children.

Women taking maternity leave can choose whether to take unpaid parental leave immediately following maternity leave or later. Parental leave is an additional right to your maternity rights under the Burgundy Book.

Eighteen weeks' unpaid leave per child can be taken in total. You may take a maximum of four weeks' parental leave per child in any year of entitlement, starting from the first date of entitlement. Parents of disabled children, i.e., children who are entitled to disability living allowance, may take parental leave in multiples of weeks or days. Other parents must take their parental leave in blocks or multiples of a week. Parental leave can be taken any time up to the youngest child's 18th birthday.

You can take up to four weeks parental leave to coincide with the end of maternity leave, and will need to give 21 days' notice to your headteacher/line manager of your intentions.

## **Shared Parental Leave**

Employees may be able to get Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) if you've had a baby or adopted a child. Shared Parental Leave is separate to Parental Leave.

Employees can start SPL if they're eligible and they or their partner end their maternity or adoption leave or pay early. The remaining leave will be available as SPL. The remaining pay may be available as ShPP.

Employees can take SPL in up to 3 separate blocks. They can also share the leave with their partner if they're also eligible. Parents can choose how much of the SPL each of them will take. **(See Shared Parental Leave section)**

## **Unfair Dismissal**

It is automatically unfair to dismiss a woman on pregnancy-related grounds, irrespective of her length of service.

Additionally, dismissal on pregnancy-related grounds will also constitute discrimination under the Sex Discrimination Act. There is no qualifying period for bringing a claim of sex discrimination and, importantly if successful, there is no limit on the amount of compensation. Equally, if the employee suffers a detriment (short of dismissal) as a result of her sex she could bring a discrimination claim.

A woman will be entitled to a written statement (whether requested or not) giving details of the reasons for her dismissal.

## **Flexible Working Arrangements**

Employees, who are thinking about changing their work pattern, should speak to their manager as early as possible in order to explore what opportunities are available. Changes which relate to hours, times and places of work can be requested. Managers will have a duty to consider such requests seriously. It does not provide an automatic right to work flexibly as there will always be circumstances when a manager is unable to accommodate the employee's desired work pattern. If a change is agreed, it will be permanent and there will be no right to revert back to the former working arrangement.

Employees who wish to apply for a flexible working arrangement should be encouraged to discuss this before they go on maternity leave. This will enable their manager to consider the application, and if agreed, to try to ensure that the necessary arrangements are in place when they return.

Further information is available in the Trust's Flexible Working Policy.

## **Health, Safety and Welfare**

There are a number of statutory obligations with regard to the health and safety of; pregnant employees, women who have given birth within the last six months or who are breastfeeding. Managers are required to make a suitable and sufficient assessment of the health and safety risks to which their employees are exposed at work. In the case of women of child-bearing age the assessment must take account of any risks to new or expectant mothers and their children.

Preventative action, identified as a result of the risk assessment process, will need to be carried out when a woman has given notification that she is pregnant or a new mother. This may include a review of first-aid facilities to ensure, wherever possible, that rest and recovery facilities are available, if required. The pregnancy risk assessment should be signed by the staff member and Head Teacher. The pregnancy risk assessment should be reviewed weekly and adjusted if necessary, then signed to show both parties agree to any amendments. The employee is responsible for making the Head Teacher aware if they are experiencing certain symptoms e.g. fatigue, sickness, so the risk assessment can be amended accordingly. The employee is responsible for informing the Head Teacher if their pregnancy is deemed 'high risk' so additional adjustments can be made, if necessary, involving Occupational Health.

If an expectant mother is still going to be exposed to a risk that could affect her health and safety, there are a number of steps to be taken:

- firstly, temporary adjustment to working conditions or hours of work,
- if not reasonable to do so or if the risk cannot be avoided, suitable alternative work should be offered (the terms and conditions must not be less favourable than her existing ones),
- if no alternative work is available, she should be suspended from work, on full pay, for as long as necessary to protect her safety or health or that of her child,
- if the offer of suitable alternative work is unreasonably refused then she should be given unpaid leave of absence.

All measures taken must continue for as long as the risk exists. It is good practice, although not a legal requirement, to consider the following aspects of pregnancy which can affect an employee's work and consider whether alternative arrangements need to be made.

<b>Aspect of Pregnancy</b>	<b>Work Affected</b>
<b>Morning sickness</b>	Early shift work Exposure to nauseating smells
<b>Backache</b>	Standing/manual handling/posture
<b>Varicose veins</b>	Standing / sitting
<b>Haemorrhoids</b>	Working in hot conditions
<b>Frequent visits to the toilet</b>	Difficulty in leaving job/site of work
<b>Increasing size</b>	Use of protective clothing Working in confined areas Manual handling
<b>Tiredness</b>	Overtime Evening work
<b>Balance</b>	Problems of working on slippery, wet surfaces
<b>Comfort</b>	Problems of working in tightly fitting workspaces

Some pregnant women may be concerned about radiation from display screen equipment. Research shows that this is not harmful to the unborn child, however, any concerns should be sympathetically addressed with the employee being encouraged to speak to her doctor.

### **Pension Contributions**

The Trust must pay pension contributions throughout the period of Ordinary Maternity/Adoption Leave whether or not the employee actually receives any pay. The employer contributions will be based on what the employee would have been earning had she been working normally. The employee's contributions are based on the pay she actually receives. If she receives no pay during this period, for example because she does not qualify for Statutory Maternity/Adoption Pay, she will not have to pay any contributions.

The Trust will also continue to pay pension contributions whilst the employee is receiving pay during Additional Maternity, Adoption / Paternity Leave period. No contributions will be payable by either the employee or the Trust in any period of Additional Maternity, Adoption / Paternity Leave in which the employee receives no pay. When the employee returns to work she/he should be given the choice of paying the contributions relating to any period of unpaid maternity/adoption leave. This must be done within 30 days of returning to work.

The Keeping in Touch days are pensionable and if utilised in the last thirteen weeks of the Additional Maternity/Adoption Leave period will reduce the amount of unpaid contributions. A break in pensionable service may affect the employee's long-term benefits, depending on their individual circumstances. Advice is available from either the Teachers' Pensions Scheme or South Yorkshire Pensions Authority.



# **SHARED PARENTAL LEAVE**

## **Key Points**

This policy and procedure outlines the statutory right to take Shared Parental Leave and Shared Parental Pay to care for a child due to be born or placed for adoption on or after 5th April 2015. The following legislation applies to this policy:

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption Leave (curtailment of statutory rights to leave) Regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010

## **1. Introduction**

Shared Parental Leave (SPL) is an additional type of family leave that enables eligible employees to choose how they share the care of their child during the first year of birth or adoption. The right applies to employees who become parents (the child's mother and father, or the spouse or partner of the child's mother (if not the father), including a civil partner or same sex partner who have main responsibility for the care of a child with the other parent/partner.

Parents taking SPL will have the opportunity to share up to 50 weeks' leave should they wish to do so as well as 37 weeks' Shared Parental Pay (ShPP).

Employees will still have the option of requesting other types of family leave including statutory maternity, adoption and ordinary paternity leave, therefore, this policy should be read in conjunction with the relevant policies.

## **2. Scope**

This policy applies to all employees of the school who meet the eligibility criteria.

## **3. Policy**

Eligible employees can choose to access the SPL system if the mother/main adopter brings their maternity/adoption leave and pay to an end early. They can do this by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail (reduce) their leave at a specified future date (the leave curtailment date).

The other parent does not have to work for the school but they must satisfy the minimum employment and earnings criteria.

The available SPL is calculated by deducting the number of weeks' maternity leave the mother has taken on her return to work or the leave curtailment date from 52.

The available ShPP is calculated by deducting the number of weeks' statutory maternity pay the mother has received on her return to work or the leave curtailment date from 39.

The available Shared Parental Leave and pay can then be allocated between the parents as they agree. SPL and ShPP must be taken before the child's first birthday.

### **4.1 Eligibility Criteria**

To be entitled to SPL employees must:

- be either the mother, father, or main adopter of the child, or the partner of the mother or main adopter (for ease of reference the partner/father of the child will be referred to as the other parent).

- have (or share with the other parent) the main responsibility for the care of the child at the time of the birth/placement for adoption
- have at least 26 weeks' continuous service at the 15th week before the Expected Week of Childbirth (EWC)/matching date
- be working for the school in the week before any SPL is due to start
- the mother/main adopter of the child must be/have been entitled to statutory maternity/adoption leave or entitled to statutory maternity/adoption pay or maternity allowance
- have ended or given notice to curtail any maternity/adoption entitlements
- notified the organisation of their entitlement and provided additional evidence if requested to do so

In addition, the other parent must:

- have at least 26 weeks' employment (employed or self-employed) out of the 66 weeks before the EWC/matching date
- have average weekly earnings of at least £30 (this figure may change annually) during at least 13 of the 66 weeks leading up to the EWC/matching date.

A partner is someone who lives with the mother or main adopter and the child in an enduring family relationship, excluding the mother or main adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

If both parents qualify for shared parental leave they can choose the following options:

- take leave at the same time
- the mother/main adopter could return to work and allow the other parent to take the balance of their leave
- take turns in using the leave

## **4.2 Entitlement to Shared Parental Pay (ShPP)**

In addition to the eligibility criteria outlined above, if employees wish to claim shared parental pay (ShPP) they must meet the following criteria:

- Have average weekly earnings equal to or above the Lower Earnings Limit in the 8 weeks before the 15<sup>th</sup> week before the EWC/matching date
- The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have curtailed their maternity/adoption or maternity allowance pay period
- Intend to care for the child during the week in which ShPP is payable
- Remain in continuous employment until the first week of ShPP has begun
- Have provided the correct notification in accordance with the rules set out below.

ShPP is a statutory weekly rate which is set by government each tax year (currently £172.48 or 90% of the employee's normal weekly earnings if this is lower). Unlike Statutory Maternity Pay (SMP), there is no provision for employees to be paid 90% of their earnings for the first six weeks of statutory ShPP. Therefore, if an employee is receiving SMP at the higher rate of 90% of her earnings and switches to ShPP within the first 6 weeks of her SMP period, she will move to the lower rate of pay.

The total amount of Statutory ShPP is 39 weeks. As two weeks compulsory leave must be taken by the mother/main adopter, which will be paid at SMP or Statutory Adoption Pay (SAP), in practice a maximum of 37 weeks' statutory ShPP is payable. This will be reduced by the number of weeks' statutory maternity/adoption pay or maternity allowance already taken by the mother or main adopter. Any entitlement to claim statutory ShPP requires the employee to be absent from work during each week that ShPP is paid to them, except in certain circumstances such as using "Shared Parental Leave in Touch (SPLIT)" days. Payment for such SPLIT days includes payment for any statutory entitlement and does not extend the ShPP period.

## **4.3 Using SPL**

SPL is only available if the mother/main adopter curtails their maternity/adoption leave before using their full entitlement of 52 weeks. After the birth/placement of a child it is compulsory to take at least

two weeks' maternity/adoption leave, which may not be shared with the other parent. In terms of adoption, SPL cannot begin until two weeks after the start of statutory adoption leave. Therefore, in the majority of cases eligible parents will have the opportunity to share 50 weeks' of SPL.

The number of weeks available as SPL will be reduced by the number of weeks' maternity or adoption leave that has already been taken by the mother or main adopter (or the number of weeks' statutory maternity/adoption pay or maternity allowance already taken if the mother or main adopter is not entitled to statutory maternity/adoption leave). For example, the mother could take 6 weeks' maternity leave then end her maternity leave early by returning to work. The remaining maternity leave (46 weeks) would be converted to SPL and available for the other parent to take.

SPL must be taken in blocks of at least one week and used within one year beginning with the date of the baby's birth or the child's placement for adoption.

Paternity leave can be taken by the biological father of the child or the mother's husband or partner (including same sex relationships). Refer to the school's policy on paternity leave for further information. The entitlement to take up to two weeks ordinary paternity leave in a single block, within eight weeks following the birth or adoption of a child, will still be available. This can be taken at the same time as the mother is on SPL. Once the other parent takes SPL the right to ordinary paternity leave is lost.

Employees can choose to take SPL as:

- One continuous block or
- In multiples of complete weeks

SPL may begin on any day of the week for example, starting on a Tuesday and ending the following Monday. Employees are entitled to 3 periods of SPL; their original notification and 2 additional requests which includes requests to vary a period of leave that has already been arranged.

#### Multiple births/adoptions

An employee is not entitled to extra SPL or ShPP if they are expecting more than one child. The entitlements are, like maternity leave, the same as if the employee was expecting one child. This also applies to multiple adoptions that occur in a single placement.

### **4.4 Continuous Leave**

A notification for continuous leave must be taken as a single block of leave in consecutive weeks (for example, six weeks in a row).

An employee has the right to take a continuous block of leave notified in a single notification so long as it does not exceed the total number of weeks of SPL available to them.

### **4.5 Discontinuous Leave**

A notification for leave may involve requesting two or more periods of leave that includes breaks between the leave where the employee returns to work.

All requests for discontinuous leave will be considered on a case by case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

For further details on how to apply for SPL, please refer to the Procedure in Section 5.

### **4.6 Variations to agreed periods of SPL**

Employees are entitled to vary a period of leave provided that they have informed the Headteacher in writing at least eight weeks before the start date. If the request is to vary leave already booked the new start date cannot be sooner than eight weeks from the date of the variation request. Such

requests will usually count as a new notification reducing the employee's right to book/vary a period of SPL by one.

For further details on how to vary SPL, please refer to the Procedure in **Section 5**.

#### **4.7 Terms and conditions during SPL**

##### **Contractual benefits**

An employee remains employed by the school whilst on SPL. With the exception of salary (which is replaced by the pay provisions outlined in this policy) employees remain entitled to all contractual benefits including:

- Annual leave entitlements
- Employer pension contributions

#### **4.8 Holidays**

Employees using SPL will continue to accrue their contractual holiday entitlements. Before an employee starts SPL, the Headteacher, or line manager where appropriate, should discuss appropriate arrangements for taking any holiday entitlements within the year that it is accrued.

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

#### **4.9 Returning from SPL**

Employees returning to work immediately after a period of SPL which was 26 weeks or less (including any statutory maternity/adoption leave they may have taken to care for the same child) are entitled to return to work in the same job that they left.

Employees returning to work from a period of SPL which was 26 weeks or more (including any maternity/ adoption leave they may have taken to care for the same child) will normally be entitled to return to the job in which they were employed before any absences. If that is not reasonably practicable for the school, then employees will return to another job which is both suitable and appropriate in the circumstances.

Where the employee's post is at risk due to an organisational change, employees will be informed under the provisions of the restructure and reductions in staffing guidance.

### **5.Procedure**

#### **5.1 Notification requirements**

The notification requirements for SPL and ShPP are very specific and detailed.

Therefore, employees must follow the requirements as detailed below. However, as soon as an employee knows that they wish to take SPL, they will be obliged to meet with the Headteacher/Principal and share their leave intentions as soon as practically possible, to allow reasonable time for any cover implications to be addressed and in place prior to the formal 8 weeks' notice.

All the notification forms can be found in the [appendices](#).

#### **5.2 Notice of intention to take SPL and curtail maternity/adoption leave and pay**

All employees of the school who wish to take SPL must complete and submit the appropriate forms to their Headteacher, 8 weeks' prior to taking a period of SPL. A table explaining the required forms is available at the end of this policy.

If the mother/main adopter works for the school, they must complete the [Form 1 Notice of Curtailment of Maternity Leave and Pay](#) giving 8 weeks' notice (or earlier where possible) of the date on which

their maternity/adoption leave and pay is to end (or the date on which maternity/adoption pay is to end if s/he is not entitled to maternity/adoption leave). If the mother is only entitled to maternity allowance her notice of curtailment must be submitted to Jobcentre Plus.

Notice of curtailing maternity/adoption leave is usually binding, but may be revoked before the curtailment date in the following circumstances:

- If neither parent is entitled to SPL or ShPP.
- If the curtailment notice was given before the birth and is revoked within six weeks of the birth or 8 weeks after submitting the request (whichever is later). In this situation another curtailment notice can be submitted.
- If one parent dies.

Employees are required to provide the following information within their Form 2 Notice of Entitlement and Intention to take Shared Parental leave form;

- Their name and the other parent's full name.
- The start and end dates of the mother's or main adopter's maternity/adoption leave (or the start and end dates of the statutory maternity/adoption pay or maternity allowance period if the mother/main adopter is not entitled to statutory leave).
- The expected date of birth/placement and the actual date of birth/placement (if the written notice is given after the birth/placement).
- The amount of SPL and ShPP available and an indication of how much each parent intends to take.
- An indication of the start and end dates of the periods of SPL and ShPP that they intend to take.
- A signed declaration that they meet the eligibility conditions and are entitled to SPL, the information provided is accurate and they will notify the school immediately if they cease to meet the conditions for entitlement.

The employee must also ensure the other parent completes a signed declaration (Section A and Section G of Form 2 Notice of Entitlement and Intention to take Shared Parental Leave) confirming:

- his or her name, address and National Insurance number
- their relationship to the child
- that s/he meets the eligibility criteria and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee
- that they consent to the amount of SPL/ShPP that the employee intends to take
- they will immediately inform their partner should they cease to satisfy the eligibility conditions

### **5.3 Supporting documents**

Employees will need to supply one of the following documents with their notice of intention to take SPL form:

- a copy of the child's birth certificate or where one has not been issued, a declaration confirming the time and place of birth
- in cases of adoption, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption
- in surrogacy situations, intended parents will be issued with a Parental Order

In cases where the child is not yet born this information must be provided as soon as reasonably practicable after the birth but before the employee wishes to take a specific period of SPL and ShPP.

### **5.4 Requesting further evidence of eligibility**

The School/UTC may also request the name and business address of the other parent's employer. Any such request will be made by the Headteacher or HR/Business manager as appropriate within 14 days of receiving the employee's notice of intention to take SPL form. Employees' must respond to the request for evidence within 14 days (or within 14 days of the birth of the baby if the request was made before the child was born). If the other parent is not employed, this must also be declared.

## **5.5 Notice to take a specific period of SPL and ShPP**

When completing the notice of intention to take shared parental leave form employees have the option to provide dates for SPL and make them binding. If they do so employees are entitled to submit a maximum of two further notifications. The employee must complete the relevant form (Form 2 if the employee is the Mother, or Form 4 if the employee is the Mother's partner), prior to taking any periods of SPL. Each form must be submitted at least eight weeks before the start of a period of leave, stating the dates of the leave and the dates on which ShPP will be claimed, if applicable.

If the first notification is given prior to the birth of a child, the notice may express the start date in relation to the date of birth, for example 'starting two weeks after the baby is born for a period of four weeks'.

## **5.6 Confirmation of SPL**

If a continuous period of leave is requested in each notification for SPL, employees will be entitled to take that period of leave and this will be confirmed in writing.

If more than one period of leave is requested in a single notification, the school will seek to accommodate the request but this cannot be guaranteed. The Headteacher/Principal, or line manager as appropriate, will discuss the request with the employee to determine if it can be accommodated.

If no agreement is reached within two weeks of the notice being submitted and the request is refused employees can:

- take the discontinuous periods of leave requested in one continuous block, beginning on the original start date
- take the continuous block starting on a new date, as long as the new date is no sooner than eight weeks from the date of the original notification and the Headteacher/Principal is notified of the new date within five days of the end of the two week period
- withdraw the notice on or before the 15<sup>th</sup> day after the notice was submitted

The Headteacher's / Principal's decision will be confirmed in writing.

## **5.7 Varying a period of leave**

Employees are entitled to submit a request to vary a period of leave in the following ways:

- vary the start or end date as long as the variation is requested at least eight weeks' before the original start date and the new start date
- vary or cancel the amount of leave requested at least eight weeks' before the original start date
- request that a single period of leave become a discontinuous period of leave, or vice versa.

Where the variation is to take a continuous period of SPL employees will be entitled to do so. Where the variation is to take a discontinuous period of SPL the school has a two week period to consider the request. If the request is refused employees can take the leave as a continuous block, on the original date or a new date or withdraw the notice as long as the time limits set out above are met.

A variation will count as one of the three periods of leave notices unless:

- it is made as a result of the child being born earlier or later than the expected week of childbirth
- a notice requesting discontinuous leave is withdrawn by the employee on or before the 15<sup>th</sup> day after the notice was submitted
- the Headteacher/Principal has requested the variation

Requests to vary a period of leave must be submitted in writing at least eight weeks before the date of variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

## **5.8 Keeping in touch during SPL**

Employees may be asked to attend work on occasional days during their SPL period. These days could be for training or to attend departmental meetings. These are known as "Shared Parental

Leave in Touch” (SPLIT) days. Employees may work for up to 20 days without bringing their SPL to an end, but work during SPL will not have the effect of extending either the SPL or ShPP. If an employee does any work, they will be paid their normal rate of pay inclusive of any statutory ShPP entitlement. Employees are under no obligation to work during SPL and the school/UTC is under no obligation to offer work.

The 20 SPLIT days available during SPL are in addition to the 10 KIT days available to the mother/main adopter during maternity and adoption leave.

## 5.9 Special circumstances and further information

In certain situations an employee's rights and entitlements regarding SPL and ShPP may change. For example, if the baby is born before the EWC or the partner is no longer caring for the child. In these circumstances, the employee and/or their Headteacher should contact the Trust's Central HR department for further guidance.

### SPL forms (resulting from Maternity)

These are the forms needed by a mother and the person she will share Shared Parental Leave (SPL) with – known as the partner - to confirm eligibility and entitlement with their employers. The forms can also be used to confirm eligibility and entitlement to Shared Parental Pay (ShPP).

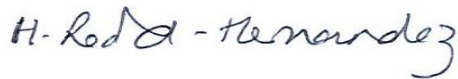
What forms need to be completed?			
	Both parents want to take SPL	Just the mother wants to take SPL	Just the partner wants to take SPL
Form 1	<b>YES</b>	<b>YES</b>	<b>YES</b>
Form 2	<b>YES</b>	<b>YES</b>	<b>NO</b>
Form 3	<b>NO</b>	<b>NO</b>	<b>YES</b>
Form 4	<b>YES</b>	<b>NO</b>	<b>YES</b>

- Parents should use the calculator at [www.gov.uk/pay-leave-for-parents](http://www.gov.uk/pay-leave-for-parents) to find some of the information needed to complete these forms
- Parents should keep a copy of any completed forms and the school should keep their own copy
- If the mother is in receipt of Maternity Allowance (MA), she will need to notify Jobcentre Plus to curtail this entitlement
- The earnings requirements mentioned are correct as of March 2015

Key abbreviations used in these forms:	
SPL	Shared Parental Leave
ShPP	Statutory Shared Parental Pay
SMP	Statutory Maternity Pay
MA	Maternity Allowance

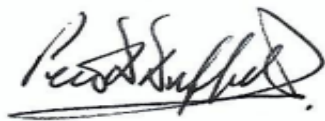
Policy Agreed: October 2023

Signed CEO of BFLPT – Helen-Redford-Hernandez:



Date: October 2023

Signed – Chair of BFLPT – Peter Duffield:



Date: October 2023

Policy to be reviewed: April 2024

- Created: May 2020 (Version 1)
- Revised: September 2021 (Version 2)
- March 2022 (Version 3)
- September 2022 (Version 4)
- March 2023 (Version 5)
- October 2023 (Version 6)



## Form 1 - Notice of Curtailment of Maternity Leave and Pay (Mother)

<b>SECTION A: General (must be completed)</b>	
Please accept this as my notice to curtail my maternity leave and/or SMP. This form is accompanied by notification that either I intend to take SPL and/or ShPP or that my partner intends to take SPL and/or ShPP. I understand that my maternity leave will end on the date given in Section B and that my SMP will end on the date given in Section C. I understand that I can only reinstate my maternity leave if I revoke this notice before the curtailment date given in Section B. I understand that if I am eligible for myself or my partner to opt into SPL and ShPP I can only reinstate my SMP if I revoke this notice before the end date given in Section C.	
Mother's surname	
Mother's first name(s)	
Child's expected date of birth	
Actual date of child's birth (if born)	
<b>SECTION B: Curtailing maternity leave (must be completed)</b>	
Date statutory maternity leave started/is intended to start	
Date statutory maternity leave will come to an end	
Total number of weeks of statutory maternity leave that will have been taken at the date that statutory maternity leave ends	
<b>SECTION C: Curtailing maternity pay (only complete if claiming ShPP)</b>	
Date SMP started/is intended to start	
Date SMP will come to an end	
Total number of weeks of SMP that will have been paid at the date that SMP ends	
<b>SECTION D: Signature (must be completed)</b>	
Signature of mother	
Date signed	

## Form 2 - Notice of Entitlement and Intention to take Shared Parental Leave

<b>SECTION A: General (must be completed)</b>	
Please accept this as notification that I (the mother) am entitled to and intend to take SPL (and ShPP if section C is completed).	
Mother's Surname	
Mother's First name(s)	
Partner's surname	
Partner's first name(s)	
Partner's Address	
Partner's National Insurance number (State 'none' if no number is held)	
Child's expected date of birth	
Actual date of child's birth (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	
<b>SECTION B: Maternity entitlement details (all answers that apply must be completed)</b>	
Date mother started (or intends to start) statutory maternity leave	
Date mother's statutory maternity leave ended (or will end)	
Total number of weeks of statutory maternity leave that will have been taken at the date that statutory maternity leave ends	
Date mother started (or intends to start) SMP or MA	
Date mother's SMP or MA ended (or will end)	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP or MA will be reduced (i.e. 39 weeks minus total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	
<b>SECTION C: Amount of SPL available (must be completed)</b>	
Total number of weeks of SPL created (52 weeks less total number of maternity weeks taken and any SPL from a previous notice and revocation)	
Total number of weeks of SPL I (the mother) intend to take	
Total number of weeks of SPL my partner intends to take	
<b>SECTION D: Indication of Mother's leave intentions (must be completed but is not binding)</b>	
I (the mother) currently expect to take SPL as follows:	
Note: It will usually be helpful to answer this in a "From... To..." format	
<b>SECTION E: Amount of ShPP available (only complete if claiming ShPP)</b>	
Total number of weeks of ShPP created (39 weeks less total number of SMP taken and any ShPP paid from a previous notice and revocation)	
Total number of weeks of ShPP I (the mother) intend to take:	
Total number of weeks of ShPP my partner intends to take:	

I (the mother) currently expect to take ShPP as follows:

Note: It will usually be helpful to answer this in a "From... To..." format

**SECTION F: Mother's declaration (must be completed)**

**The following points apply in all circumstances where a mother is entitled to maternity leave:**

- I am giving notice that I am entitled to and intend to take SPL
- I have, or will have, been continuously employed for 26 weeks at the end of the 15<sup>th</sup> week before the week in which the child is due
- I will remain employed with this employer until any period of SPL that I intend to take
- I had (or will have) the main responsibility for the care of the child at the time of the child's birth (along with my partner who has made the declaration below)
- I am entitled to maternity leave, my maternity leave period is reduced and the remaining weeks are now available as SPL
- I will inform my employer immediately if I am no longer caring for my child
- I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice
- I will give my employer the name and address of my partner's employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice
- I (or my partner) have given a period of SPL notice
- The information provided in this declaration is accurate and meets the notification requirements for SPL

**The following points only apply if Section E has been completed:**

- I am giving notice that I am entitled to and intend to take ShPP
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15<sup>th</sup> week before the expected week of childbirth
- I am entitled to SMP in respect of the birth of our child, my maternity pay period is reduced and the period that remains is available as ShPP
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL)
- I intend to care for my child in the weeks I receive ShPP
- I will remain employed with this employer until before the date of my first period of ShPP
- I will immediately inform the person who will be paying ShPP if I revoke the curtailment of my SMP or MA
- The information provided in this declaration is accurate

Signature of mother

Date mother signed

SECTION G: Partner's declaration (must be completed)	
<ul style="list-style-type: none"> <li>• I am the father of the child, or at the date of the birth I was/will be the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship</li> <li>• I had (or will have) the main responsibility for the care of our child at the time of the birth (along with the child's mother)</li> <li>• I have been (or will have been) employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of birth</li> <li>• I have (or will have) earned in total at least £390 in 13 weeks of the 66 weeks before the expected week of childbirth</li> <li>• I consent to the amount of SPL which the mother intends to take, as set out in Section D above.</li> <li>• I consent to the mother's employer processing the information I have provided</li> <li>• I consent to the amount of ShPP which the mother intends to take, as set out in Section E above.</li> <li>• The information provided in this declaration is accurate</li> </ul>	
Signature of partner	
Date partner signed	

### Form 3 - Notice confirming that Partner is taking SPL but mother is not

<b>SECTION A: General (must be completed)</b>	
Please accept this as notification that I (the mother) do not intend to take SPL (or ShPP where relevant) but that my partner will be.	
Mother's surname	
Mother's first name(s)	
<b>SECTION B: Confirmation</b>	
<ul style="list-style-type: none"><li>• I am either not entitled to SPL (or ShPP where relevant), or I do not intend to take SPL (or claim ShPP where relevant)</li><li>• I declare that my partner has given a notice to their employer to take SPL and/or ShPP.</li><li>• I consent to my partner's intended claim for SPL and/or ShPP.</li></ul>	
<b>SECTION C: Signature (must be completed)</b>	
Signature of mother	
Date signed	

## Form 4: Notification that Partner is intending to take SPL

<b>SECTION A: General (must be completed)</b>	
Please accept this as notification that I (the mother's partner) am entitled to and intend to take SPL (and ShPP if section C is completed).	
Partner's Surname	
Partner's First name(s)	
Mother's surname	
Mother's first name(s)	
Mother's Address	
Mother's National Insurance number (State 'none' if no number is held)	
Child's expected date of birth	
Actual date of child's birth (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	
<b>SECTION B: Maternity entitlement details (all answers that apply must be completed)</b>	
Date mother started (or intends to start) maternity leave (if applicable)	
Date mother's maternity leave ended (or will end) (if applicable)	
Total number of weeks of maternity leave taken (or that will be taken) when maternity leave ends	
Date mother started (or intends to start) SMP or MA (if applicable)	
Date mother's SMP or MA ended (or will end) (if applicable)	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP or MA will be reduced (i.e. 39 weeks minus total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	

**SECTION C: Amount of SPL available (must be completed)**

The total number of weeks of SPL created depends on the mothers leave and pay entitlements:

- If the mother was/is entitled to maternity leave and SMP/MA, the total created will be 52 weeks less any weeks maternity leave taken
- If the mother was/is entitled to maternity leave but not to SMP or MA, the total created will be 52 weeks less any weeks maternity leave taken
- If the mother was/is not entitled to maternity leave but was entitled to SMP/MA, the total created will be 52 weeks less any weeks of SMP/MA that was paid
- If the mother previously revoked her curtailment notice any SPL that was taken by the partner must be deducted

Total number of weeks of SPL created (50 max)

Total number of weeks of SPL I (the partner) intend to take

Total number of weeks of SPL the mother intends to take (if applicable)

**SECTION D: Indication of Partner's leave intentions (must be completed but is not binding)**

I (the partner) currently expect to take SPL as follows:

Note: It will usually be helpful to answer this in a “From... To...” format

**SECTION E: Amount of ShPP available (only complete if claiming ShPP)**

Total number of weeks of ShPP created (39 weeks less total number of SMP/MA taken and any ShPP paid from a previous notice and revocation)

Total number of weeks of ShPP I (the partner) intend to take:

Total number of weeks of ShPP mother intends to take:

I (the partner) currently expect to take ShPP as follows:

Note: It will usually be helpful to answer this in a “From... To...” format

**SECTION F: Partner's declaration (must be completed)****The following points apply in all circumstances:**

- I am giving notice that I am entitled to and intend to take SPL
- I am the father of the child, or at the time of the birth I was/will be the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship
- I have been (or will be) continuously employed for 26 weeks at the end of the 15<sup>th</sup> week before the week in which the child is due
- I will remain employed with this employer until any period of SPL that I intend to take
- I had (or will have) the main responsibility for the care of our child at the time of the child's birth (along with the child's mother who has made the declaration below)
- I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice
- I will give my employer the name and address of the mother's employer or a declaration that she does not have an employer if my employer asks for this within 14 days of the date of this notice
- I will inform my employer immediately if I am no longer caring for our child or if my partner revokes her notice to curtail her maternity leave or SMP/maternity allowance period
- I (or my partner) have given a period of SPL notice
- The information provided in this declaration is accurate and meets the notification requirements for SPL

**The following points only apply if Section E has been completed:**

- I am giving notice that I am entitled to and intend to take ShPP
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15<sup>th</sup> week before the expected week of childbirth
- I intend to care for my child in the weeks I receive ShPP
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL)
- I will remain employed with this employer until before the date of my first period of ShPP
- The information provided in this declaration is correct

Signature of partner	
Date partner signed	



**SECTION G: Mother's declaration (must be completed)****The following points apply in all circumstances:**

- I had (or will have) the main responsibility for the care of the child at the time of the birth (along with my partner who has made the declaration above)
- I am entitled to maternity leave and/or SMP or MA in respect of the child and I have curtailed (or will curtail) my entitlement to maternity leave (or I have returned to work) and/or my entitlement to SMP or MA.
- I have, or will have, been employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of childbirth
- I have (or will have) earned in total at least £390 in 13 weeks of the 66 weeks before the expected week of birth
- I will immediately inform my partner if I revoke my notice to curtail my maternity leave or, if I am not entitled to maternity leave, my SMP or MA entitlement
- I consent to my partner's intended SPL as set out in Section D above
- I consent to my partner's employer processing the information I have provided
- The information provided in this declaration is accurate and meets the notification requirements for SPL

**The following points only apply if Section E has been completed:**

- I am entitled to SMP or MA, and I have reduced (or will reduce) the SMP or MA period and the remainder will be available as ShPP
- I consent to my partner's intended ShPP as set out in Section E above
- I will immediately inform my partner if I revoke the reduction of my SMP or MA
- I consent to the person who will pay ShPP to my partner or the child's father processing the information I have provided
- The information provided in this declaration is correct

Signature of mother

Date mother signed