



**Bath & Wells Multi Academy Trust**  
**Maternity, Adoption, Paternity & Shared Parental Leave Policy**

**Contents**

- 1. Purpose**
- 2. Roles & Responsibilities**
- 3. Definitions**
- 4. Maternity Rights**
- 5. Adoption Rights**
- 6. Paternity Leave**
- 7. Shared Parental Leave**
  - Appendix 1: Summary of Maternity Pay Entitlements**
  - Appendix 2: Summary of Adoption Pay Entitlements**
  - Appendix 3: Summary of Shared Parental Pay Entitlements**
  - Appendix 4 – Maternity Notifications Form for Teaching Staff**
  - Appendix 5 – Maternity Notification Form for Non-Teaching Staff**
  - Appendix 6 – Application for Adoption Leave**
  - Appendix 7 – Paternity or Maternity/Adoption Support Leave Application Form**
  - Appendix 8 - Shared Parental Leave Booking Form**
  - Appendix 9 – Shared parental Leave Process Flowchart**
  - Appendix 10 – Confirmation of entitlement to Shared Parental Leave**
  - Appendix 11 – Letter to Discuss Leave Booking**
  - Appendix 12 - Confirmation Letter of Shared Parental Leave Booking**
  - Appendix 13 – Refusal Letter of a discontinuous leave booking**

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

### **1. Purpose**

- 1.1 The aim of this policy is to detail the entitlements and responsibilities that apply to employees with new children.
- 1.2 In the event that this policy and the law conflict, the law shall take precedence. If employees are in any doubt as to what their rights are they should discuss matters with the Line Manager. Should this policy change as a result of amendments in the law, the changes will be notified to the employee via their manager.
- 1.3 This policy is effective from 04 February 2016 as approved by the Bath & Wells Multi Academy Trust (hereafter referred to as the MAT).
- 1.4 This policy is intended to apply to all employees of the MAT.

### **2. Roles & Responsibilities**

- 2.1 Managers are responsible for:
  - Ensuring applications for family leave and pay are managed in accordance with this policy which includes sending out appropriate letters at each stage of the process
  - Ensuring risk assessments are undertaken and other relevant health and safety requirements are met
  - Maintaining appropriate contact with the employee during their absence.
- 2.2 Employees are responsible for ensuring applications for family leave and pay are made in accordance with this policy.
- 2.3 Human Resources are responsible for providing advice under this policy, and ensuring that the policy is up-to-date and reflects changes in employment law and best practice.
- 2.4 Payroll is responsible for receiving and processing applications for family pay and leave.

### **3. Definitions**

- 3.1 Additional Adoption Leave (AAL) – This is the right to an additional period of leave of a further 26 weeks where ordinary adoption leave has been taken.
- 3.2 Additional Maternity Leave (AML) - this is the right to an additional period of maternity leave following the end of Ordinary Maternity Leave for a period of a further 26 weeks. There is no qualifying period of employment for AML. Part of AML is unpaid.
- 3.3 Adopter – Means a person who has been matched with the child for adoption. In the case of two people who have been matched jointly this shall mean whichever of them elected to be the child's adopter and take adoption leave for the child.
- 3.4 Child – Means a person who is, or was when placed with an adopter for adoption, under the age of 18.
- 3.5 Compulsory Maternity Leave - this is a period of leave imposed by law on all female employees who are prevented from returning to work for a period of 2 weeks from the date of childbirth
- 3.6 Continuous Leave: a period of leave that is taken in one block e.g. 4 weeks' leave.

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

- 3.7 Curtail: where an eligible mother brings their maternity/adoption leave and, if appropriate, pay or allowance entitlement to an end early to create an entitlement to shared parental leave and/or pay. This is sometime referred to as reducing the maternity/adoption leave period or reducing the maternity/adoption pay or maternity allowance period.
- 3.8 Discontinuous Leave: a period of leave that is arranged around weeks where the employee will return to work e.g. an arrangement where an employee will work every other week for a period of three months.
- 3.9 Expected Week of Childbirth (EWC) - The week in which the childbirth is expected to occur. "Week" means the week beginning with midnight between Saturday and Sunday in which it is expected that the child will be born.
- 3.10 KIT day: Keeping in touch day – the ability to undertake work or training during a period of maternity leave.
- 3.11 Match: when an adopter is approved to adopt a named child or children.
- 3.12 Maternity Allowance (MA) - Payments to be made by the DWP to female employees taking maternity leave who do not qualify for statutory maternity pay.
- 3.13 Occupational Adoption Pay (OAP) – Payments made by the employer above SAP.
- 3.14 Occupational Maternity Pay (OMP) – Payments made by the employer above SMP.
- 3.15 Occupational Shared Parental Pay – (OShPP) – enhanced pay arrangement above ShPP funded by the employer as an employee benefit. Qualifying periods and restrictions apply.
- 3.16 Ordinary Adoption Leave (OAL) – This is the right of male or female employees to take a period of 26 weeks leave provided they have worked for the employer for a continuous period of 26 weeks by the week in which an approved match is made, and they meet certain notification and other criteria.
- 3.17 Ordinary Maternity Leave (OML) - this is the right of all female employees to a period of 26 weeks maternity leave regardless of length of service but provided they comply with certain notification requirements. The allowances payable are Statutory Maternity Leave (SMP) or Maternity Allowance (MA) and the paid period extends into part of the additional maternity leave period
- 3.18 Ordinary Paternity Leave (OPL) – The entitlement to a single period of up to two weeks leave where employees have at least 26 weeks continual service with the employer, provided they satisfy certain criteria. The entitlement to leave is based on a relationship with the child's mother, so paternity and adoption leave also apply to partnerships of the same sex.
- 3.19 Partner – the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child.
- 3.20 Relative – means the mother/adopter's father, mother, grandfather, grandmother, sister, brother, aunt or uncle.
- 3.21 Remuneration - Wages or salary.
- 3.22 Shared Parental Leave (SPL) – the right for eligible parents to share leave for the care of their child during the first year after birth or adoption. Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. If the mother or adopter reduces their

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

maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL

- 3.23 Statutory Adoption Pay (SAP) – Compulsory pay payable to all employees who have had a child placed with them for adoption, provided they satisfy certain criteria.
- 3.24 Statutory Maternity Pay (SMP) - Compulsory pay payable to all female employees taking maternity leave who have at least 26 weeks continual service with the employer, provided they satisfy certain criteria.
- 3.25 Statutory Shared Parental Pay (ShPP) –Employees who meet the eligibility criteria may be entitled to take up to 37 weeks ShPP (within the 39 weeks after the birth/placement of a child while taking SPL). The amount of weeks available will depend on the amount by which the mother/adoption reduces their maternity/adoption pay period or maternity allowance period.
- 3.26 SPLIT day: Shared Parental Leave in Touch Day – the ability to undertake work or training during a period of shared parental leave.
- 3.27 Unpaid Parental Leave: separate to SPL, entitles employees to take up to 18 weeks off work unpaid to look after a child's welfare (see The MAT's Leave of Absence Policy for further details).

### **4. Maternity Rights**

#### **4.1 Entitlement to Maternity Leave and Maternity Pay**

- 4.1.1 All pregnant employees who have a live or still birth if the still birth is after 24 weeks of pregnancy are entitled to 52 weeks Maternity Leave (26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave). This right applies to all female employees regardless of length of service of the number of hours worked per week.
- 4.1.2 It is up to the employee to determine how much of the 52 week maternity leave period she wishes to take and the employee has the right to return to work before the end of the 52 week period. The employee can elect to bring maternity leave to an end early and opt-in to a period of shared parental leave and pay instead (see section 7 for further details).
- 4.1.3 By law, the employee must take a minimum of two weeks maternity leave immediately following the birth, known as compulsory maternity leave.
- 4.1.4 All pregnant employees should notify their line manager as soon as reasonably practical of their pregnancy.
- 4.1.5 To qualify for maternity leave the employee must advise her line manager in writing that she is pregnant and the date she would like to start her maternity leave, by the 15<sup>th</sup> week before the expected week of childbirth (EWC). If there are reasons why this is not possible, notice should be provided as soon as is reasonably practical. This notice should then be provided to Payroll.
- 4.1.6 Employees should complete the Maternity Leave Notification Form and provide this with their MAT B1 form. This is normally available from a doctor or midwife from the 20th week before the expected week of childbirth. No statutory maternity pay will be payable without this certificate or an acceptable alternative. Where this is not provided in the stipulated timescales an explanation of the delay should be provided.

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

- 4.1.7 The employee can choose when to commence maternity leave, as long as it does not begin earlier than 11 weeks before the EWC. The employee may continue working up to the date of childbirth provided she is fit to do so.
- 4.1.8 If the employee gives birth prior to the commencement of her maternity leave, the maternity leave and maternity pay period will commence on the day following the baby's birth. The employee should notify the employer that she has given birth and of the date on which the birth occurred as soon as is reasonably practical after the birth.
- 4.1.9 The employer will notify the employee of the end date for maternity leave within 28 days of receiving the written notification of the start date (i.e. receipt of the completed Maternity Leave Notification Form).
- 4.1.10 The employee can amend the date on which the maternity leave will start by providing written notification to their line manager and Payroll at least 28 days prior to the revised date of commencement.
- 4.1.11 In the case of sub-paragraphs 4.1.8 and 4.1.10 the employer will, within 28 days of the date on which the employee's ordinary maternity leave commenced, notify her of the end date for maternity leave.

### **4.2 Statutory Maternity Pay (SMP)**

- 4.2.1 Pregnant employees will be eligible for Statutory Maternity Pay if they have at least 26 weeks continuous service with the current employer by the end of the 15<sup>th</sup> week before the EWC and have average weekly earnings in the eight weeks up to and including the qualifying week of at least the lower earnings limit for Class 1 National Insurance (Please refer to HMRC for details).
- 4.2.2 Statutory Maternity Pay is paid for 39 weeks. Qualifying employees will receive 90% of average earnings for the first six weeks followed by lower rate maternity leave for a further 33 weeks, or 90% of average earnings, whichever is the lower amount. The remaining 13 weeks of Maternity Leave are unpaid. For details of lower earnings limit, statutory maternity pay and maternity allowance please see Gov.uk – Statutory Leave and Time Off
- 4.2.3 SMP is paid in the same manner and at the same time as the employee's wages would normally be paid. SMP is also subject to Tax, National Insurance deductions and where appropriate pension contributions.
- 4.2.4 Employees not eligible for Statutory Maternity Pay (SMP) may be eligible for Maternity Allowance (MA). This is based on their recent employment and earnings record and is a state benefit paid for 39 weeks.

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

- 4.3.1 Where an employee has more than 1 year's continuous service prior to the 11<sup>th</sup> week before EWC, she will be eligible to receive Occupational Maternity Pay. This is payable regardless of whether the employee qualifies for SMP or MA.
- 4.3.2 OMP is calculated by reference to the employee's normal pay. Where normal pay varies from week to week, the average of the 2 months prior to the start of maternity leave will be used in the calculation.
- 4.3.3 Teachers will receive:
- The first four weeks at full pay, inclusive of SMP/MA where eligible,
  - A further two weeks at 90% of a week's pay, inclusive of SMP/MA where eligible

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

- Followed by a further 12 weeks at half normal pay, plus SMP/MA where eligible, though where the amount of SMP/MA, plus half pay would be higher than normal pay, the total amount the employee will receive will not be greater than normal pay.
- 4.3.4 If the teacher does not return to employment with the MAT for a period of at least 13 weeks immediately after the maternity leave period she will be required to repay the 12 weeks half pay of OMP. . The 13 weeks is inclusive of school closures and starts from the date the teacher returns to work or the date during the school holiday on which the employee chooses to end their maternity leave and would have been available for work if the school had been opened.
- 4.3.5 Employees who are not teachers will receive:
- 90% of a week's pay for the first six weeks, inclusive of SMP/MA where eligible
  - Followed by 12 weeks at half normal pay, plus SMP/MA where eligible, though where the amount of SMP/MA, plus half pay would be higher than normal pay, the total amount the employee will receive will not be greater than normal pay.
- 4.3.6 If the employee does not return to employment with the MAT for a period of at least three months immediately after the maternity leave period, the employee will need to repay the half pay element.
- 4.3.7 Any employee (including teachers) can elect, before she goes on maternity leave, whether or not to receive the 12 weeks' half pay OMP as it becomes due. If the employee elects not to receive it during maternity leave, but returns to employment for a period of three months immediately after maternity leave has ceased, they will be entitled to receive the half pay element as a lump sum upon her return to work.
- 4.3.8 During maternity leave, occupational maternity pay will be adjusted to take into account any pay increases during the absence.

### **4.4 Time off for Ante Natal Care**

- 4.4.1 Pregnant employees are entitled to a reasonable amount of paid time off for antenatal care, irrespective of length of service. This applies to appointments made on the advice of a registered medical practitioner, registered midwife or registered health visitor and can include relaxation or National Childbirth Trust classes as well as medical examinations.
- 4.4.2 Pregnant employees should provide as much notice of appointments as possible and should be prepared to show the line manager an appointment card on request.
- 4.4.3 Pregnant Employees will be paid their normal hourly rate of pay during the time of antenatal care as long as these occur during the employee's normal working hours.

### **4.5 Sickness Absence**

- 4.5.1 If an employee is absent from work due to an illness unrelated to her pregnancy, she must take sick leave and receive sick pay until her maternity leave period begins or the date of the baby's birth, whichever is earlier.
- 4.5.2 If the illness is pregnancy related and extends beyond the beginning of the 4<sup>th</sup> week before the EWC, maternity leave will automatically start on the first day of absence for the week beginning the 4<sup>th</sup> week before EWC, regardless of the length of the absence.
- 4.5.3 A pregnant female employee is disqualified from receiving statutory sick pay throughout the whole of her 26-week period of entitlement of statutory maternity pay or maternity allowance.

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

### **4.6 Risk Assessments**

- 4.6.1 The line manager should undertake a risk assessment of the pregnant employee's workplace, workstation and workload. Where, through the risk assessment, an unacceptable risk is identified, the manager should make amendments to the work or working conditions to remove or reduce the risk. Regular re-assessments should be undertaken to assess whether the adjustment should continue.
- 4.6.2 If it is not possible to make adjustments to the job, the manager should look for suitable alternative work for the employee. This will only be necessary where the work may cause harm to the employee or her baby.
- 4.6.3 If the manager is not able to find suitable alternative work, the employee should be suspended on full pay until the risks to the employee or the employee's baby have passed, or suitable work becomes available.
- 4.6.4 These provisions do not apply where a doctor has signed the employee off sick, but only where the employee is able to come to work but unable to carry out the particular job duties.
- 4.6.5 Where an employee is suspended, she will retain her right to statutory maternity pay (if eligible) and the right to return to work after maternity leave.

### **4.7 Miscarriage and Still Birth**

- 4.7.1 The maternity provisions do not apply to an employee who suffers a miscarriage before the 24<sup>th</sup> week of pregnancy. The employee will be entitled to take sick leave in accordance with the sickness absence scheme.
- 4.7.2 Employees who have a still birth after the 24<sup>th</sup> week of pregnancy will be entitled to the maternity scheme in full.

### **4.8 Contractual Rights during Maternity Leave**

- 4.8.1 All maternity leave counts as a period of continuous employment for length of service and all contractual benefits. Employees are therefore entitled to all the benefits due to an employee, apart from remuneration.
- 4.8.2 Annual leave will continue to accrue during all of the maternity absence (For teachers this is statutory entitlement, for support staff the annual leave is contractual). Annual leave entitlement can be offset by any period of school closure that has taken place in the leave in year in question (deemed to be 1 September to 31 August) both before and after the maternity leave period. On her return from maternity leave, the employee must be allowed to take any outstanding leave during term time during that leave year in the unlikely event that there are insufficient school closures to accommodate her leave in that leave year. Support staff on all year round contracts continue to accrue annual leave whilst on maternity leave therefore these employees should discuss and plan with their line manager taking their annual leave before and after their maternity leave period.
- 4.8.3 Employees who contribute to a pension scheme will continue to have contributions deducted from statutory and occupational maternity pay at the usual rate based on actual earnings during maternity leave. The MAT will continue to contribute based on the employees pensionable earnings before the employee started maternity leave. This period will count in full for pension purposes. If the maternity leave includes a period that is unpaid, the employee will be given the option to make contributions at a rate based on the employee's last week of pay. If the employee chooses to make these payments, the employee must confirm this in writing to

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

Payroll within 30 days of her return to work. If the employee ceases to make a contribution to the pensions scheme during a period of unpaid leave the MAT will also cease to make contributions.

### **4.9 Contact during maternity leave**

- 4.9.1 The manager should make reasonable contact with the employee during her maternity leave. This contact can be by telephone, email or letter, or could involve the employee visiting the workplace.
- 4.9.2 The employee must be advised of any recruitment opportunities available. The manager should ensure that the employee is made aware of any other information relating to her job that she would normally be made aware of if she were at work.
- 4.9.3 Similarly the employee is entitled to make reasonable contact with her manager during maternity leave.
- 4.9.4 An employee may, with the agreement of her manager, undertake up to 10 days work during the maternity leave. These working days, known as 'Keeping in Touch Days', are intended to facilitate a smooth return to work for women returning from maternity leave. Such days are different to the reasonable contact outlined above, as during Keeping in Touch Days the employee undertakes work, for which she is paid. The work the employee does on these days is a matter for agreement with the manager.
- 4.9.5 Work undertaken during the maternity leave period may only take place by agreement between the employee and the manager. The employee cannot be required to work during the maternity leave, nor does she have a right to work, if the manager does not agree.
- 4.9.6 The employee can undertake the ten 'Keeping in Touch Days' at any point during the 52 week maternity leave period, except during the first two weeks after the baby is born. The employee is entitled to be paid for the work and the rate of pay will be as per the contract of employment. If the employee only works part of the day, she will receive payment appropriate to the time actually worked. If she is receiving SMP during a week in which the work is done, this will count towards the contractual pay she would receive for the work undertaken. For example, if the normal rate of pay for a working day is £60, and the SMP for that day is £30, should the employee work the whole day as a 'Keeping in Touch Day', she will receive an additional payment of £30. The manager should notify Payroll through a Changes Form.

### **4.10 Returning to Work**

- 4.10.1 If the employee intends to return to work on the first working day after the end of her full maternity leave entitlement (i.e. at the end of the Additional Maternity Leave period) she does not need to provide any notice to her employer. If she decides to return to work before the end of the full maternity leave entitlement, she must notify her manager in writing, giving preferably 8 weeks' notice, but certainly at least 21 days' notice of the date she intends to return. If this notice is not given, the manager has the right to postpone the return until the end of the 21 day period, as long as this postponement does not extend beyond the end of the full maternity entitlement.
- 4.10.2 If the employee decides not to return to work, she should provide notice of her resignation in writing. The final day is normally the date stated in the letter and the employee would not be expected to return to work in order to work the usual period of notice.
- 4.10.3 If the employee is returning to work, she will be entitled to return to the same job after the period of ordinary maternity leave. Following additional maternity leave, the employee is also entitled to return to the same job unless there is a good reason why they cannot do so (such as



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

a redundancy situation), in which case they must be offered a similar job on terms and conditions no less favourable than their original job.

4.10.4 An employee who wishes to apply for flexible working arrangements following their return from maternity leave should apply in accordance with the employer's flexible working policy.

### **4.11 Unfair Dismissal and Redundancy**

4.11.1 Pregnant women are protected by law against dismissal for reasons relating to their pregnancy. It is also unlawful for women to be selected for redundancy on grounds relating to pregnancy, childbirth or taking maternity leave.

4.11.2 Where it is not practicable by reason of redundancy for the employee to return to work in her job, the employee is entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable to her and appropriate in the circumstances, and that the capacity and place in which she is to be employed and her terms and conditions are not substantially less favourable to her than if she had been able to return to the job in which she was originally employed.

4.11.3 If a restructuring exercise takes place while an employee is on maternity leave, or if there is the possibility of a redundancy situation, the manager must ensure the employee is consulted and kept informed of the process. The manager must seek advice from Human Resources as early in the process as possible.

### **4.12 Fixed Term Contracts**

4.12.1 Where an employee is on a fixed term contract, maternity rights only remain for as long as she remains an employee. If the contract is due to terminate during the maternity leave, this will end the maternity leave as well as the employment with the MAT. However, if the employee qualifies for Statutory Maternity Pay, this will continue until the full entitlement has been paid.

4.12.2 If the contract was due to expire at some later date, the employee should return to work following the maternity leave and complete the intended duration of the fixed term contract.

4.12.3 Non-renewal of a fixed term contract is a dismissal in law, and therefore it is unlawful for a fixed term contract not to be renewed for a reason connected with the maternity leave.

## **5. Adoption Rights**

### **5.1 Entitlement to Adoption Leave**

5.1.1 Statutory Adoption Leave (SAL) may be taken by an employee when a child is placed with them for adoption, provided that they meet the eligibility criteria set out below. SAL is made up of a 26 week ordinary adoption leave period (OAL) followed by a 26 week period of additional adoption leave (AAL), giving a total of up to 52 weeks.

5.1.2 It is up to the employee to determine how much of the 52 week adoption leave period they wish to take and the employee has the right to return to work before the end of the 52 week period. The employee can elect to bring adoption leave to an end early and opt-in to a period of shared parental leave and pay instead (see section 7 for further details).

5.1.3 To qualify for adoption leave an employee must:

- Be newly matched with a child (up to the age of 18)
- Be approved for adoption by an approved adoption agency
- Have notified the agency that they agree to the child being placed with them

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

- Have notified their manager of when they want to take their SAL within seven days of the date they are notified that they've been matched with a child (for overseas adoption the notification should be within 28 days from receipt of official notification)
- Be able to provide documentary evidence of the placement in the form of a matching certificate, obtained from the adoption agency for UK adoptions, or appropriate official notification for overseas adoptions, including evidence of the date of the child's entry to the UK.

- 5.1.4 If the employee is part of a couple proposing to adopt a child jointly, only one of them may take statutory adoption leave, but the other may be entitled to take paternity leave and/or shared parental leave.
- 5.1.5 Intended parents in surrogacy and 'foster to adopt' arrangements will also qualify for adoption leave and pay. However, parents adopting step-children of a partner do not qualify for adoption leave, although they may qualify for unpaid parental leave,
- 5.1.6 If more than one child is being placed as part of the same arrangement, the employee is still only entitled to one period of Statutory Adoption Leave.
- 5.1.7 The employee may choose to begin the adoption leave on the date on which the child starts living with them/enters the UK or a predetermined date which is no more than 14 days before the child starts living with them or in the case of overseas adoption no more than 28 days after the date on which the child enters the UK.
- 5.1.8 If, for some reason, the placement is not successful and ends after the adoption leave has begun, the employee will be allowed to continue the adoption leave for a maximum of eight weeks after the end of the week the placement ends, or until the end of the maximum leave period, whichever is the sooner.
- 5.1.9 If the employee starts the adoption leave before the child is placed, they need to be sure that the placement is going ahead. If it is delayed once the leave has started, the leave cannot be stopped and started again at a later date.
- 5.1.10 Prior to the date of the child's placement for adoption, the main adopter is entitled to take paid time off for up to five introductory adoption appointments (a maximum of 6.5 hours per appointment is allowed). The secondary adopter will be entitled to take unpaid time off for up to two appointments. There is no additional time off where more than one child is being adopted as part of the same arrangement. Any other time off, should be taken as annual leave (where applicable), time off in lieu or unpaid leave where agreed with the employee's manager.

### **5.2 Statutory Adoption Pay**

- 5.2.1 Statutory Adoption Pay (SAP) is paid for the first 39 weeks where the employee meets the eligibility criteria set out in 5.1.3. Qualifying employees will receive 90% of average earnings for the first six weeks followed by the statutory lower adoption rate for a further 33 weeks, or 90% of average earnings, whichever is the lower amount. . To be entitled to SAP, an employee must have earned more than the lower earnings limit in the eight weeks prior to the notification of the placement and must have worked for the MAT for at least 26 weeks by the week they are matched with the child, they must also provide the correct notice and provide proof of the adoption.
- 5.2.2 Statutory adoption pay shall be paid in the same manner and at the same time as the employee's wages or salary would normally be paid and is subject to tax and national insurance deductions.

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

### **5.3 Occupational Adoption Pay**

- 5.3.1 To qualify for Occupational Adoption Pay (OAP) an employee needs to have completed 1 year's continuous service as at the beginning of the 11<sup>th</sup> week before the expected date of placement. OAP is paid over a total of up to 18 weeks.
- 5.3.2 For teachers OAP is paid at:
- Full pay for the first 4 weeks
  - A further two weeks at 90% of a week's pay
  - Followed by 12 weeks at half pay (plus SAP provided this figure does not exceed your normal weekly pay rate)
- 5.3.3 Receipt of OAP is dependent on the teacher returning to work for at least 13 weeks at the end of their adoption leave. . The 13 weeks is inclusive of school closures and starts from the date the teacher returns to work or the date during the school holiday on which they would have ended their adoption leave and been available for work if the school had been opened.
- 5.3.4 For other employees OAP is paid at:
- First 6 weeks at 90% of a week's pay
  - 12 weeks at half pay (plus SAP provided this figure does not exceed your normal weekly pay rate).
- 5.3.5 If the employee does not return to employment for a period of at least three months immediately after the maternity leave period, the employee will need to repay the half pay element.
- 5.3.6 If the employee elects not to receive OAP during the adoption leave period but subsequently returns to work for a minimum of three months immediately after the adoption leave has ceased, the employee will be entitled to receive the OAP as a lump sum. During Adoption Leave OAP will be adjusted to take into account any pay increases due during the absence.

### **5.4 Time off for Adoption Appointments**

- 5.4.1 The main adopter will be able to take paid time off for up to 5 adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to 2 appointments.

### **5.5 Notification Requirements**

- 5.5.1 The employee must notify their manager of the intention to take adoption leave within seven days of being notified of a match by an adoption agency. For overseas adoptions, the employee must notify their manager within 28 days of receiving official notification. Where this is not practically possible, then notice should be given as soon as possible. All employees should provide 28 days' notice of the intention to start adoption leave and complete an Adoption Application Form.
- 5.5.2 The employee must provide the employer with the following details:
- That the employee intends to take adoption leave
  - When the child is expected to be placed with them or the date on which the child enters the UK for overseas adoptions
  - When the employee would like to begin their statutory adoption leave
  - A declaration that they would like to receive Statutory Adoption Pay
  - Either a declaration that they would like to receive Occupational Adoption Pay where applicable, which they will repay if they do not return to employment for a period of three months after the adoption leave has ceased. Or a declaration that they do not wish to receive Occupational Adoption Pay.

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

- The matching certificate

- 5.5.3 Within 28 days of the receipt of the employee's notice under paragraph 5.3.1, the employer will notify the employee of the date on which the additional adoption leave is due to end.
- 5.5.4 If an employee wishes to vary the date he or she has chosen for taking adoption leave, he or she must give notice in writing to the employer of the variation, giving 28 days' notice unless this is not reasonably practical.
- 5.5.5 The employee must give the employer a further notice in writing of the date in which the child was placed and this should be done as soon as is reasonably practicable after the child's placement.

### **5.6 Contractual rights during Adoption Leave**

- 5.6.1 All of the adoption leave will count as a period of continuous employment for length of service and all contractual benefits except remuneration will continue to apply as if the employee had not been absent.
- 5.6.2 Annual leave will continue to accrue during all of the adoption absence (for teachers this is statutory, for support staff the entitlement is contractual). Annual leave entitlement can be offset by any period of school closure that has taken place in the leave in year in question (deemed to be 1 September to 31 August) both before and after the adoption leave period. On the employee's return from adoption leave, they must be allowed to take any outstanding leave during term time during that leave year in the unlikely event that there are insufficient school closures to accommodate her leave in that leave year. Support staff on all year round contracts continue to accrue annual leave whilst on adoption leave therefore these employees should discuss and plan with their line manager taking their annual leave before and after their adoption leave period.
- 5.6.3 Employees who contribute to a pension scheme will continue to have contributions deducted from statutory and occupational adoption pay at the usual rate. This period will count in full for pension purposes. If the adoption leave includes a period that is unpaid, the employee will be given the option to make contributions at a rate based on the employee's last week of pay. If the employee chooses to make these payments, the employee must confirm this in writing to Payroll within 30 days of her return to work.

### **5.7 Contact during adoption leave**

- 5.7.1 The manager should make reasonable contact with the employee during their adoption leave. This contact can be by telephone, email or letter, or could involve the employee visiting the workplace.
- 5.7.2 The employee must be advised of any recruitment opportunities available. The manager should ensure that the employee is made aware of any other information relating to the employee's job that they would normally be made aware of if they were at work.
- 5.7.3 Similarly the employee is entitled to make reasonable contact with their manager during adoption leave.
- 5.7.4 An employee may, with the agreement of their manager, undertake up to 10 days work during the adoption leave without bringing their adoption leave to an end or losing their entitlement to pay, these working days are known as 'Keeping in Touch Days'. Such days are different to the reasonable contact outlined above, as during Keeping in Touch Days the employee undertakes work, for which they are paid. The work the employee does on these days is a matter for agreement with the manager.

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

- 5.7.5 Work undertaken during the adoption leave period may only take place by agreement between the employee and the manager. The employee cannot be required to work during the adoption leave, nor is there a right to work, if the manager does not agree.
- 5.7.6 The employee is entitled to be paid for the work and the rate of pay will be as per the contract of employment on Keeping in Touch days. If the employee only works part of the day, they will receive payment appropriate to the time actually worked. If they are receiving SAP during a week in which the work is done, this will count towards the contractual pay they would receive for the work undertaken. For example, if the normal rate of pay for a working day is £60, and the SAP for that days is £30, should the employee work the whole day as a 'Keeping in Touch Day', they will receive an additional payment of £30. The manager should notify payroll through a Changes Form.

### **5.8 Returning to Work**

- 5.8.1 If the employee is taking their full adoption leave entitlement, there is no need to formally notify the manager of the return to work date.
- 5.8.2 If the employee intends to return to work earlier than the last day of entitlement, they must provide eight weeks' notice in writing of the intended date of return. This also applies if the adoption placement is disrupted and the employee is returning to work earlier than expected.
- 5.8.3 If the appropriate notice to return is not provided, the manager may delay the return for up to 8 weeks, provided this does not extend beyond the end of the maximum leave entitlement.
- 5.8.4 Employees may be able to extend their adoption leave by combining it with a period of parental leave, where the qualifying criteria are met.
- 5.8.5 The employee may also be eligible to request to work flexibly on return from adoption leave by applying in accordance with the employer's flexible working policy.
- 5.8.6 The employee has the right to return to the same job after the period of ordinary adoption leave. Following additional adoption leave, the employee is also entitled to return to the same job unless there is a good reason why they cannot do so, in which case they must be offered a similar job on terms and conditions no less favourable than their original job.
- 5.8.7 If the employee decides not to return to work after adoption leave, they must provide their resignation in writing to their manager.

### **5.9 Redundancy during Adoption Leave**

- 5.9.1 An employee whose job becomes redundant while they are on adoption leave (whether it is ordinary adoption leave or additional adoption leave) is entitled to be offered, before the end of the existing contract, a suitable alternative vacancy where one exists. The new contract of employment must take effect immediately on the ending of the employee's employment under the previous contract.
- 5.9.2 The work the employee is to do under the new contract of employment should be both suitable and appropriate for them to do in the circumstances. In addition, the terms and conditions of the new contract should not be substantially less favourable to them than if they had continued to be employed under the previous contract.
- 5.9.3 It is unlawful for employees to be selected for redundancy on grounds relating to adoption leave. It is also important to ensure that any employee who is on adoption leave is fully consulted about any redundancy proposals in the same way as for other staff who are working

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

normally. If a redundancy situation is anticipated, it is important that advice is taken from the Human Resources Adviser at an early stage.

### **5.10 Dismissal during Adoption Leave**

- 5.10.1 Where an employee is dismissed after an ordinary or additional adoption leave period has begun, but before the time when that period would end, the period ends at the time of dismissal, however, their entitlement to statutory adoption pay continues until the end of the 39 week period or until they start working for another employer, whichever is earlier.
- 5.10.2 Employees on adoption leave, or contemplating taking adoption leave, are protected by law against dismissal for reasons relating to adoption leave.

## **6. Paternity Leave**

### **6.1 Entitlement to Ordinary Paternity Leave and Pay**

- 6.1.1 To qualify for Ordinary Paternity Leave (OPL) you must be an employee and be taking the time off to support the mother or carer for the baby and intend to be fully involved in their upbringing. You must have been with your employer for at least 26 weeks by either the 15<sup>th</sup> week before the expected week of childbirth, or by the week in which you are notified you are matched with your child. You must be the baby's biological father or the partner/husband of the mother or the child's adopter or the partner/husband of the child's adopter.
- 6.1.2 The entitlement is for a single period of one or two week's paternity leave. The time off should be taken at, or around, the time of the birth or the placement but must end within 56 days of the baby being born. A week is based on your usual working pattern.
- 6.1.3 The employee must advise their line manager of their intention to take paternity leave by the end of the fifteenth week before the baby is expected advising their manager of the start date of the leave to be taken, the week the baby is expected and the duration of the leave to be taken. It is recognised the actual date of leave may change, where the actual date of birth changes. In cases of adoption notice must be given to the employer by the employee no more than 7 days after the date on which the adopter is notified of having been matched with the child or as soon as practicable thereafter.
- 6.1.4 Employees will receive the statutory entitlement which is the standard weekly rate or 90% of their average weekly earnings (whichever is lower.) The employee may be entitled to one week's worth of full (Occupational Paternity) Pay.
- 6.1.5 Employees whose partner has a multiple birth are only allowed one period of Ordinary Paternity leave.
- 6.1.6 If the baby is still born after 24 weeks of pregnancy, the employee is still entitled to Paternity Leave.

### **6.2 Time off for Ante Natal Care**

- 6.2.1 Expectant fathers or partners of pregnant woman have the right to take unpaid time off during working hours to accompany their pregnant partner to antenatal appointments on up to two occasions for a maximum of six and a half hours each time.
- 6.2.2 Fathers and partners include:  
a) the baby's father;  
b) the expectant mother's spouse, her civil partner, or partner (of either sex) in an enduring relationship; or

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

c) intended parents of a child in a surrogacy arrangement if they expect to be entitled to and intend to apply for a parental order in respect of that child.

6.2.3 This right applies to expectant fathers/partners irrespective of their length of service and to agency workers who have worked in a role for the MAT for a continuous period of 12 weeks or more. This right applies to appointments made on the advice of a registered medical practitioner, registered midwife or registered health visitor.

6.2.4 Where the father/partner requests more than two appointments or more than 6 and a half hours each time it is down to the Headteacher's discretion whether they wish to approve the additional time.

6.2.5 Fathers/partners should provide as much notice of the appointment as possible and may be asked to provide a declaration stating:

a) that the employee has a qualifying relationship with a pregnant woman or her expected child;

b) that the employee's purpose in taking time off is to accompany a pregnant woman to an ante-natal appointment;

c) that the appointment in question is made on the advice of a registered medical practitioner, registered midwife or registered nurse; and

d) the date and time of the appointment.

6.2.6 Fathers/partners unpaid time off should be recorded on the school's monthly absence return and payroll will make the appropriate amendments to pay or alternatively, where able to do so the employee may come to an agreement with the School's Headteacher to take the time as time off in lieu.

### **6.3 Rights during and after paternity leave**

6.3.1 Employees who qualify for paternity leave are entitled to return to the same job, the same terms and conditions of employment and not to be subjected to a disadvantage, unfair treatment or dismissal as a result of taking paternity leave.

6.3.2 Employees have a right to unpaid parental leave (see Leave of Absence Policy) and to request flexible working arrangements in accordance with the MAT's Right to Request Flexible Working Policy. Employees may also be entitled to Shared Parental Leave and Shared Parental Pay where the mother/main adopter agrees to curtail their leave (see section 7).

## **7 Shared Parental Leave**

### **7.1 Eligibility to Shared Parental Leave (SPL)**

7.1.1 Shared Parental Leave enables eligible parents of babies due, or children placed for adoption, on or after 5 April 2015 to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child.

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

7.1.3 To qualify for SPL a mother/main adopter must:

- have a partner (it can only be shared with one person)
- be entitled to either maternity/adoption leave or to statutory maternity/ adoption pay or maternity allowance
- have curtailed, or given notice to reduce, their maternity/adoption leave, or their pay/allowance (if not eligible for maternity/adoption leave).

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

7.1.4 A parent intending to take SPL must:

- be an employee
- share the primary responsibility for the child with the other parent at the time of the birth or placement for adoption
- have properly notified their employer of their entitlement and have provided the necessary declarations and evidence.

7.1.5 In addition, a parent wanting to take SPL is required to satisfy the 'continuity of employment test' i.e. the individual has worked for the same employer for at least 26 weeks at the end of the 15<sup>th</sup> week before the child's expected due date/matching date and is still working for the employer at the start of each leave period; and their partner must meet the 'employment and earnings test' i.e. in the 66 weeks leading up to the baby's due date/matching date, the person has worked for at least 26 weeks and earned an average of at least £30 (as of 2015) a week in any 13 weeks.

7.1.6 Sometimes only one parent will be eligible for SPL. For example a self-employed parent will not be entitled to SPL themselves but they may still pass the employment and earnings test so their partner, if they are an employee, may still qualify.

### **7.2 Shared Parental Leave Entitlement**

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

7.2.2 A mother/main adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date. The mother/main adopter must give their employer eight weeks' notice to end their entitlement to end their maternity/adoption leave early. This notice can be given before or after the child's birth/placement. If it is given after the birth/placement the notice is binding. If notice is given before the birth/placement they are able to revoke the notice up to six weeks after the birth/placement.

7.2.3 SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The main adopter can take SPL after taking at least two weeks of adoption leave
- The father/partner/spouse can take SPL immediately following the birth/placement of the child (as per 7.2.4), but may first choose to exhaust any paternity leave entitlements as they cannot take paternity leave or pay once they have taken SPL or ShPP.

7.2.4 Where a mother/ main adopter gives binding notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

7.2.5 SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).

7.2.6 If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).



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

7.2.7 SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

### **7.3 Notification Requirements**

7.3.1 An employee entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL. An employee can make up to three notifications for a period of SPL in the 50 week period.

7.3.2 The employee must give written notification to their line manager of their entitlement to SPL and ShPP, including:

- their partner's name;
- maternity/adoption leave or pay start and end dates;
- that they satisfy the eligibility criteria;
- the total amount of SPL and ShPP available and how much they and their partner intend to take;
- that they're sharing childcare responsibility with their partner;
- the date on which the child is expected to be born or the actual date of birth, or in the case of an adopted child, the date on which the employee was notified of having been matched with the child or the date of placement for adoption;
- a non-binding indication of when the employee expects to take the leave;
- declare that the information they have given is accurate;
- if they are not the mother/main adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter; and
- that should they cease to be eligible they will immediately inform the MAT.

It must also include a signed declaration from the partner stating:

- they are the father, mother of the child or partner of the mother of the child
- their name, address and National Insurance number;
- that they satisfy the 'employment and earnings test' 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 agree to the employee taking the amount of SPL and ShPP (as applicable);
- that they consent to the amount of SPL that the employee intends to take;
- that they consent to the MAT processing the information contained in the declaration form; and
- (in the case where the partner is the mother/ main adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.
- (if the mother) they are entitled to statutory maternity leave, statutory maternity pay or maternity allowance and that they have given notice to end that leave and pay/allowance
- that at the time of the birth or placement they shared the responsibility for the care of the child with the employee seeking to take SPL

### **7.4 Requesting further evidence of eligibility**

7.4.1 The MAT may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

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

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

### **7.5 Discussions regarding Shared Parental Leave**

7.5.1 An employee considering/taking SPL is encouraged to contact their line manager to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the school/MAT to provide appropriate support.

7.5.2 The line manager may, upon receiving a notification of entitlement to take SPL, seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement. A copy should be provided to Human Resources.

7.5.3 Upon receiving a leave booking notice the line manager will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved, a meeting may not be necessary.

7.5.4 The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the school/MAT, and what the outcome may be if no agreement is reached.

7.5.5 Qualifying employees have the legal right to choose to take SPL, however the MAT can refuse to agree a request for discontinuous leave. In the case where a discontinuous period of leave is declined, the entitlement remains and the number of weeks requested in the notice will default to a single block of continuous leave.

### **7.6 Booking Shared Parental Leave**

7.6.1 In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take the leave, a copy should be provided to their line manager. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

7.6.2 The employee has the right to submit up to three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

7.6.3 SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

7.6.4 The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

#### *Continuous leave notifications*

7.6.5 A notification can be for a period of **continuous leave**, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

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

7.6.6 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 (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

7.6.7 An employee may submit up to three separate notifications for continuous periods of leave.

### *Discontinuous leave notifications*

7.6.8 A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

7.6.9 Where there is concern over accommodating the notification, the school/MAT or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the school/MAT (see "Discussions regarding Shared Parental Leave" above).

7.6.10 The school/MAT will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

7.6.11 When considering request for discontinuous leave the School/MAT will take the following factors into account:

- the impact the employee's absence will have on the school
- how this impact can be reduced
- whether an alternative leave pattern would cause less disruption
- How the role can be covered to maintain business continuity

7.6.12 In considering requests for discontinuous leave the School will take a non-discriminatory approach.

## **7.7 Responding to a Shared Parental Leave notification**

7.7.1 The school will respond to the employee's leave booking notice as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

7.7.2 All notices for continuous leave will be confirmed in writing.

7.7.3 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the school/MAT against any adverse impact to the business.

7.7.4 Each request 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. Where the school is considering refusing a period of discontinuous leave advice should be sought from Human Resources.

7.7.5 The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the school/MAT may propose a modified version of the request.

7.7.6 If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given. If the employee does withdraw their request before the 15<sup>th</sup> day it will not count as one of their three notices to book

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

leave. If the employee does not withdraw the request, the discontinuous leave notification will automatically default to a period of continuous leave, the total number of weeks in the notice will become a single continuous block. The employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

### **7.8 Variations to arranged Shared Parental Leave**

- 7.8.1 The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the school in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 7.8.2 Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the school/MAT requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the school.

### **7.9 Statutory Shared Parental Pay (ShPP)**

- 7.9.1 Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.
- 7.9.2 ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.
- 7.9.3 In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:
- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
  - the employee must intend to care for the child during the week in which ShPP is payable;
  - the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15<sup>th</sup> week before the child's expected due date/matching date which are not less than the lower earnings limit in force for national insurance contributions;
  - the employee must remain in continuous employment until the first week of ShPP has begun;
  - the employee must give proper notification in accordance with the rules set out below.
- 7.9.4 Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager written notice advising of their entitlement to ShPP, a copy should be provided to Human Resources. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.
- 7.9.5 In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:
- the start and end dates of any maternity/adoption pay or maternity allowance;
  - the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
  - a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the school/MAT should they cease to be eligible.

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

It must be accompanied by a signed declaration from the employee's partner confirming:

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

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

### 7.10 Occupational Shared Parental Pay (OShPP)

7.10.1 Employees who are entitled to ShPP and have more than one year's service at the beginning of the 11<sup>th</sup> week before the expected date of birth/placement will be entitled to Occupational Shared Parental Pay (OShPP).

7.10.2 OShPP is calculated by reference to the employee's normal pay. Where normal pay varies from week to week, the average of the 2 months prior to the start of the leave will be used in the calculation.

7.10.3 Teachers Occupational Shared Parental Pay is offered as follows (the amounts specified start from the date the mother/main adopter starts maternity or adoption leave. The amount available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period):

- Weeks 1 to 4 at full pay, inclusive of ShPP where eligible,
- Weeks four to six at 90% of a week's pay, inclusive of ShPP where eligible
- Weeks 7 - 18 at half normal pay, plus ShPP where eligible, though where the amount of ShPP, plus half pay would be higher than normal pay, the total amount the employee will receive will not be greater than normal pay.

7.10.4 If the teacher does not return to employment for a period of at least 13 weeks immediately after the shared parental leave period they will be required to repay the 12 weeks half pay of OShPP. The 13 weeks is inclusive of school closures and starts from the date the teacher returns to work or the date during the school holiday on which they end their SPL and would have been available for work if the school had been opened.

7.10.5 Support Staff's Occupational Shared Parental Pay is offered as follows (the amounts specified start from the date the mother/main adopter starts maternity or adoption leave. The amount available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period)

- Weeks 1 - 6 at 90% of weeks pay, inclusive of ShPP where eligible
- Weeks 7 - 18 at half normal pay, plus ShPP where eligible, though where the amount of ShPP, plus half pay would be higher than normal pay, the total amount the employee will receive will not be greater than normal pay.

7.10.6 If the employee does not return to employment for a period of at least three months immediately after the SPL period, the employee will need to repay the half pay element.

7.10.7 Any employee (including teachers) can elect, before they go on shared parental leave, whether or not to receive the 12 weeks' half pay OShPP as it becomes due. If the employee elects not to receive it during maternity leave, but returns to employment for a period of three months immediately after shared parental leave has ceased, they will be entitled to receive the half pay element as a lump sum.

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

7.10.8 During shared parental leave, OShPP will be adjusted to take into account any pay increases during the absence.

### **7.11 Terms and conditions during Shared Parental Leave**

7.11.1 During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

7.11.2 Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the MAT's contributions will be based on the salary that the employee would have received had they not been taking SPL.

### **7.12 Annual Leave during Shared Parental Leave**

7.12.1 Annual leave will continue to accrue during periods of Shared Parental Leave (For teachers this is statutory entitlement, for support staff the annual leave is contractual). Annual leave entitlement can be offset by any period of school closure that has taken place in the leave in year in question (deemed to be 1 September to 31 August) both before and after the Shared Parental leave period. On return from maternity leave, the employee must be allowed to take any outstanding leave during term time during that leave year in the unlikely event that there are insufficient school closures to accommodate her leave in that leave year. Support staff on all year round contracts continue to accrue annual leave whilst on SPL therefore these employees should discuss and plan with their line manager taking their annual leave before and after their SPL period.

### **7.13 Shared Parental Leave in Touch days (SPLIT)**

7.13.1 An employee can agree to work (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

7.13.2 The MAT has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the school/MAT and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Where an employee is receiving OShPP at full pay, then no further payment will be made. Any SPLIT days worked do not extend the period of SPL.

7.13.3 An employee, with the agreement of the MAT, may use SPLIT days to work part of a week during SPL. The MAT and the employee may use SPLIT days to affect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

### **7.14 Returning to work after Shared Parental Leave**

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

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

- 7.14.2 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the school/MAT at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the school/MAT does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.
- 7.14.3 On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.
- 7.14.4 If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.
- 7.14.5 If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.
- 7.14.6 If a parent takes a period of 5 weeks unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

**The Bath and Wells Diocesan Academies Trust operating as Bath & Wells Multi Academy Trust**

The Old Deanery, Wells, Somerset, BA5 2UG Tel: 01749 670777 [www.bathwellsmat.org](http://www.bathwellsmat.org)

A company limited by guarantee. Registered in England No. 8207095. VAT Reg. 170835015. Registered Office as above.

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

### Appendix 1: Summary of Maternity Pay Entitlements

#### Example 1

Employee has:

- More than 26 weeks service with current employer by 15<sup>th</sup> week before EWC AND
- More than 1 year's continuous service by 11<sup>th</sup> week before EWC

	Weeks 1-4	Weeks 5-6	Weeks 7-18	Weeks 19-39
Teachers	Full pay (includes 90% pay SMP)	90% pay (includes 90% pay SMP)	Half pay OMP plus standard rate SMP*	Standard rate SMP
Other employees	90% pay (includes 90% pay SMP)	90% pay (includes 90% pay SMP)	Half pay OMP plus standard rate SMP*	Standard rate SMP

\*subject to half pay plus SMP not exceeding full normal pay.

#### Example 2

Employee has

- Less than 26 weeks service with current employer by 15<sup>th</sup> week before EWC AND
- Less than 1 year's continuous service by 11<sup>th</sup> week before EWC

Employees will not be eligible for either SMP or occupational maternity pay – may be eligible for MA.

#### Example 3

Employee has:

- 5 More than 26 weeks service with current employer by 15<sup>th</sup> week before EWC AND
- 6 Less than 1 year's continuous service at the 11<sup>th</sup> week before the EWC

	Weeks 1-4	Weeks 5-6	Weeks 7-18	Weeks 19-39
Teachers and other employees	90% pay SMP	90% pay SMP	Standard rate SMP	Standard rate SMP



**Maternity, Adoption, Paternity & Shared Parental Leave Policy**

**Appendix 2: Summary of Adoption Pay Entitlements**

Example 1

Employee has:

- More than 26 weeks service with current employer by the week they are matched with the child
- More than 1 year’s continuous service at the beginning of the 11<sup>th</sup> week before the expected date of placement

	Weeks 1-4	Weeks 5-6	Weeks 7-18	Weeks 19-39
Teachers	Full pay (includes 90% pay SAP)	90% pay (includes 90% pay SAP)	Half pay OAP plus standard rate SAP*	Standard rate SAP
Other employees	90% pay (includes 90% pay SAP)	90% pay (includes 90% pay SAP)	Half pay OAP plus standard rate SAP*	Standard rate SAP

\*subject to half pay plus SAP not exceeding full normal pay.

Example 2

Employee has

- Less than 26 weeks service with the MAT by the week they are matched with the child
- Less than 1 year’s continuous service at the beginning of the 11<sup>th</sup> week before the expected date of placement

Employees will not be eligible for either SAP or OAP.

Example 3

Employee has:

- More than 26 weeks service with the MAT by the week they are matched with the child
- Less than 1 year’s continuous service at the beginning of the 11<sup>th</sup> week before the expected date of placement

	Weeks 1-4	Weeks 5-6	Weeks 7-18	Weeks 19-39
Teachers and other employees	90% pay SAP	90% pay SAP	Standard rate SAP	Standard rate SAP

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

### Appendix 3: Summary of Shared Parental Pay Entitlements

#### Example 1

Employee has:

- More than 26 weeks service with the MAT at the end of the 15<sup>th</sup> week before the expected due date/matching date and is still working for the MAT at the start of each leave period
- More than 1 year's continuous service at the beginning of the 11<sup>th</sup> week before the expected date of birth/date of placement
- Criteria outlined in 7.1.5 is met

	Weeks 1-4	Weeks 5-6	Weeks 7-18	Weeks 19-39
Teachers	Full pay (includes 90% pay ShPP)	90% pay (includes 90% pay ShPP)	Half pay OShPP plus standard rate ShPP*	Standard rate ShPP
Other employees	90% pay (includes 90% pay ShPP)	90% pay (includes 90% pay ShPP)	Half pay OShPP plus standard rate ShPP*	Standard rate ShPP

\*subject to half pay plus ShPP not exceeding full normal pay.

#### Example 2

Employee has:

- More than 26 weeks service with the MAT at the end of the 15<sup>th</sup> week before the expected due date/matching date
- Less than 1 year's continuous service at the beginning of the 11<sup>th</sup> week before the expected date of birth/date of placement
- Criteria outlined in 7.1.5 is met

	Weeks 1-4	Weeks 5-6	Weeks 7-18	Weeks 19-39
Teachers and other employees	90% pay ShPP	90% pay ShPP	Standard rate ShPP	Standard rate ShPP

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

### Appendix 4 – Maternity Notifications Form for Teaching Staff



#### NOTIFICATION OF THE COMMENCEMENT OF MATERNITY LEAVE TEACHING STAFF

This form records when you wish to start maternity leave. You should complete and return the form to your Headteacher/Manager.

You need to give the correct notice of starting maternity leave in order to receive payment of Statutory Maternity Pay (SMP) or Maternity Allowance, as soon as practicable but no later than the end of the 15<sup>th</sup> week before the expected week of childbirth.

You may start your maternity leave on any day of the week, unless triggered by illness or birth.

You can change the start date of your maternity leave. You must inform your Headteacher/Line Manager, in writing, at least 28 days before your absence begins (or as soon as is reasonably practicable).

When complete the Headteacher/Line Manager is responsible for sending this form to payroll along with the employee's original MATB1 certificate. A copy of this completed application form and the employees MATB1 form should be kept on their personal file within the school. Forms should be sent to the following address:

HR & Payroll Admin, HR & OD, PO BOX 4385, Trowbridge, Wiltshire, BA14 4DS

MATERNITY LEAVE			
Your Name:		Payroll references Number:	
Address:		School:	
		Manager:	
Expected Date of Childbirth:			
My first day of maternity leave will be:			
My last working day will be:			
<input type="checkbox"/> I confirm that I have given the required notice, i.e. by the 15 <sup>th</sup> week before the expected week of childbirth.			
MATERNITY PAY			
<input type="checkbox"/> I have 1 years continuous service prior to the 11 <sup>th</sup> week before my expected week of confinement and I am entitled to Occupational Maternity Pay			
HALF-PAY			
If you have at least 1 year's continuous service at the start of the 11 <sup>th</sup> week before the Expected Week of Childbirth, you may qualify for half-pay. If you return to the school where you were employed before maternity leave began for at least 13 weeks after your maternity leave, you will be eligible to receive half of your full pay for 12 weeks in addition to SMP (except where the total of these payments exceeds your full pay).			
<input type="checkbox"/> I am entitled to half-pay		<input type="checkbox"/> I am not entitled to half-pay	
<input type="checkbox"/> I understand that if I fail to return to work to the school where I was employed before maternity			

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

leave began for a period of at least 13 weeks after my maternity leave, that any half pay received will have to be repaid.

I wish to receive my 12 weeks' half pay:

- After I return from my maternity leave.
- During my maternity leave, over a 12 week period starting at the 7th week of maternity leave.

### CHILDCARE VOUCHERS

- I wish to continue to participate in the childcare vouchers scheme whilst I am on maternity leave
- I do not wish to continue to participate in the childcare voucher scheme whilst I am on maternity leave – **In order to remove yourself from the scheme you will need to complete the relevant form from your online Edenred account and send to Human Resources**

For advice regarding participating in the childcare voucher scheme whilst on maternity leave please contact the MAT's HR Department.

### INFORMATION FOR PAYROLL WHILST ON MATERNITY LEAVE

Because it may affect my entitlement to Statutory Maternity Pay, I undertake to inform the Payroll Department if during my maternity leave:

- (i) I am in legal custody
- (ii) I return to work for Multi Academy Trust (other than 'keeping in touch' days)
- (iii) I start work for any other employer

For further information please see the Maternity, Adoption, Paternity and Shared Parental Leave Policy which is available from [www.bathwellsmat.org](http://www.bathwellsmat.org)

Detailed maternity provisions are set out in the Teachers' Conditions of Service Handbook – the Burgundy Book.

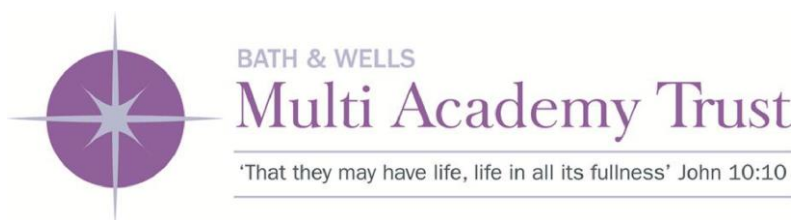
Signed:

Date:

The Bath and Wells Diocesan Multi Academy Trust trading as Bath and Wells Multi Academy Trust has a duty to protect personal information and will process personal data in accordance with the Data Protection Act 1998 and any amendments to the act. The personal data you provide on this form will only be used for the purpose of maintaining our employee records and related purposes; it may also be used for the prevention or detection of fraud or crime and in an anonymous form for statistical purposes. The data will be stored on computer and/or manual files.

**Maternity, Adoption, Paternity & Shared Parental Leave Policy**

**Appendix 5 – Maternity Notification Form for Non-Teaching Staff**



**NOTIFICATION OF THE COMMENCEMENT OF MATERNITY LEAVE  
(NON TEACHING STAFF)**

This form records when you wish to start maternity leave. You should complete and return the form to your Headteacher/Manager.

You need to give the correct notice of starting maternity leave in order to receive payment of Statutory Maternity Pay (SMP) or Maternity Allowance, as soon as practicable but no later than the end of the 15<sup>th</sup> week before the expected week of childbirth.

You may start your maternity leave on any day of the week, unless triggered by illness or birth.

You can change the start date of your maternity leave. You must inform your Headteacher/Line Manager, in writing, at least 28 days before your absence begins (or as soon as is reasonably practicable).

.....

**When complete the Headteacher/Line Manager is responsible for sending this form to payroll along with the employees original MATB1 certificate. A copy of this completed application form and the employees MATB1 form should be kept on their personal file within the school. Forms should be sent to the following address:**

HR & Payroll Admin, HR & OD, PO BOX 4385, Trowbridge, Wiltshire, BA14 4DS

Maternity Leave			
Your Name:		Employee payroll ref	
Address:		School:	
		Your Manager:	
Post code:		Managers contact no:	
My expected date of childbirth is:			
My first day of Maternity leave will be:		My last working day will be:	
<input type="checkbox"/> I confirm that I have given the required notice, i.e. by the 15 <sup>th</sup> week before the expected week of childbirth.			
Pay			
<input type="checkbox"/> I have 1 years continuous service prior to the 11 <sup>th</sup> week before my expected week of confinement and I am entitled to Occupational Maternity Pay			
Half-Pay			
If you have at least 1 year's continuous service at the start of the 11 <sup>th</sup> week before the Expected Week of			

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

<p>Childbirth, you may qualify for half-pay. If you return to employment for at least three months after your maternity leave, you will be eligible to receive half of your full pay for 12 weeks in addition to SMP (except where the total of these payments exceeds your full pay).</p>	
<input type="checkbox"/> I am entitled to half pay	<input type="checkbox"/> I am not entitled to half pay
<input type="checkbox"/> I understand that if I fail to return to work for a period of at least three months after my maternity leave that any half pay received will have to be repaid.	
<p>If you return to work on different hours than those you worked before your maternity leave, this period will be different e.g. before maternity leave 37hrs (1.0fte) returning on 18.5hrs (0.5fte) will need to complete 24 weeks.</p>	
<p>I wish to receive my 12 weeks half pay:</p>	
<input type="checkbox"/> After I return from my maternity leave.	
<input type="checkbox"/> During my maternity leave, over a 12 week period, starting at the 7 <sup>th</sup> week of maternity leave.	
<b>Local Government Pension Scheme</b>	
<input type="checkbox"/>	<input type="checkbox"/> I wish to make pension contributions during any period of unpaid maternity leave.
<input type="checkbox"/>	<input type="checkbox"/> I do not wish * to make pension contributions during any period of unpaid maternity leave.
<input type="checkbox"/> I understand that I can review this decision no later than 30 days after the date I return to work or cease to be employed, whichever is the sooner.	
<b>Childcare Vouchers</b>	
<input type="checkbox"/>	<input type="checkbox"/> I wish to continue to participate in the childcare voucher scheme whilst I am on maternity leave
<input type="checkbox"/>	<input type="checkbox"/> I do not wish to continue to participate in the child care voucher scheme whilst on maternity leave – <b>In order to remove yourself from the scheme you will need to complete the relevant form from your online Edenred account and send to Human Resources</b>
<p>For advice regarding participating in the childcare voucher scheme whilst on maternity leave please contact the MAT's HR department.</p>	
<b>Information to be provided to payroll during Maternity Leave</b>	
<p>Because it may affect my entitlement to Statutory Maternity Pay, I undertake to inform the Payroll Department if during my maternity leave:</p>	
(i)	I am in legal custody
(ii)	I return to work for the Bath and Wells Multi Academy Trust (other than 'keeping in touch' days)
(iii)	I start work for any other employer

For further information please see the Maternity, Adoption, Paternity and Shared Parental Leave Policy which is available from [www.bathwellsmat.org](http://www.bathwellsmat.org)

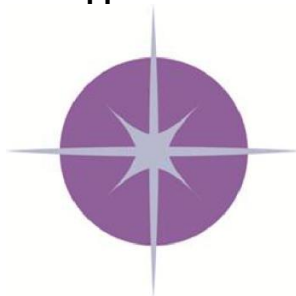
Signed

Dated

The Bath and Wells Diocesan Multi Academy Trust trading as Bath and Wells Multi Academy Trust has a duty to protect personal information and will process personal data in accordance with the Data Protection Act 1998 and any amendments to the act. The personal data you provide on this form will only be used for the purpose of maintaining our employee records and related purposes; it may also be used for the prevention or detection of fraud or crime and in an anonymous form for statistical purposes. The data will be stored on computer and/or manual files.

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

### Appendix 6 – Application for Adoption Leave



BATH & WELLS

# Multi Academy Trust

'That they may have life, life in all its fullness' John 10:10

### Application for Adoption Leave

Personal Information			
Name:		Title:	
Employee reference number:		School:	
Address:		Contact number(s):	
Adoption Leave Information			
According to your matching certificate/letter from adoption agency what is your expected date of placement:			
On what date do you intend to start your adoption leave:		On what date do you intend to end your adoption leave:	
<input type="checkbox"/> I have attached a copy of my matching certificate and/or letter from the agency			
<input type="checkbox"/> I confirm that I have given the required notice, i.e. within 7 days of the date of notification of a match or within 28 days from receipt of official notification in the case of overseas adoption			
Adoption Pay Information			
<input type="checkbox"/> I confirm that I have 1 years continuous service as at the beginning of the 11 <sup>th</sup> week before the expected date of placement and am entitled to Occupational Adoption Pay			
Half Pay			
If you have at least 1 year's continuous service at the start of the 11 <sup>th</sup> week before the expected date of placement, you may qualify for half-pay. If you return to employment for at least 13 weeks after your adoption leave, you will be eligible to receive half of your full pay for 12 weeks in addition to SAP (except where the total of these payments exceeds your full pay).			
<input type="checkbox"/> I am entitled to half pay		<input type="checkbox"/> I am not entitled to half pay	
<input type="checkbox"/> I understand that if I fail to return to work for at least 13 weeks after my adoption leave that any half pay received will have to be repaid.			
I wish to receive my half pay:			
<input type="checkbox"/> After I return from adoption leave			
<input type="checkbox"/> During my adoption leave, over a 12 week period			

Local Government Pension Scheme – For Non-Teaching Staff only	
<input type="checkbox"/>	I wish to make pension contributions during any period of unpaid adoption leave.
<input type="checkbox"/>	I do not wish * to make pension contributions during any period of unpaid adoption leave.
<input type="checkbox"/> understand that I can review this decision no later than 30 days after the date I return to work or cease to be employed, whichever is the sooner.	
Childcare Vouchers	
<input type="checkbox"/>	I wish to continue to participate in the childcare voucher scheme whilst I am on adoption leave
<input type="checkbox"/>	I do not wish to continue to participate in the childcare voucher scheme whilst on adoption leave – <b>In order to remove yourself from the scheme you will need to complete the</b>

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

	<b>relevant form from your online Edenred account and send to Human Resources</b>
<input type="checkbox"/>	I do not participate in the childcare voucher scheme.
For advice regarding participating in the childcare voucher scheme whilst on adoption leave please contact the MAT's HR department.	
<b>Information to be provided to payroll during Adoption Leave</b>	
Because it may affect my entitlement to Statutory Adoption Pay, I undertake to inform the Payroll Department if during my adoption leave:	
(i)	I am in legal custody
(ii)	I return to work for the Bath and Wells Multi Academy Trust (other than 'keeping in touch' days)
(iii)	I start work for any other employer

For further information please see the Maternity, Adoption, Paternity and Shared Parental Leave Policy which is available from

**Signed**

**Dated**

**When complete the Headteacher/Line Manager is responsible for sending this form to payroll along with the employee's matching certificate. A copy of this completed application form and the employees matching certificate should be kept on their personal file within the school.**

**Forms should be sent to the following address:**

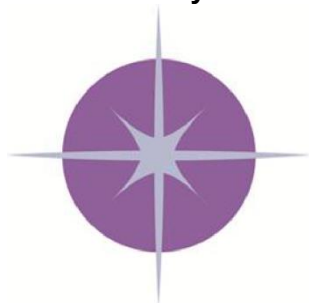
HR & Payroll Admin, HR & OD, PO BOX 4385, Trowbridge, Wiltshire, BA14 4DS

The Bath and Wells Diocesan Multi Academy Trust trading as Bath and Wells Multi Academy Trust has a duty to protect personal information and will process personal data in accordance with the Data Protection Act 1998 and any amendments to the act. The personal data you provide on this form will only be used for the purpose of maintaining our employee records and related purposes; it may also be used for the prevention or detection of fraud or crime and in an anonymous form for statistical purposes. The data will be stored on computer and/or manual files.



**Maternity, Adoption, Paternity & Shared Parental Leave Policy**

**Appendix 7 – Paternity or Maternity/Adoption Support Leave Application Form**



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'That they may have life, life in all its fullness' John 10:10

**Paternity or Maternity/Adoption Support Leave Application Form**

**Personal Details**

Name:		Job Title:	
School:		Employee Number:	
Address:		Contact number(s):	

**Ordinary Paternity Leave**

My baby is due on:	
I would like my paternity/support leave to start on:	
I would like my paternity/support leave to end on:	
Please note, you are entitled to take a single period of one or two consecutive weeks paid paternity leave (A week is your usual working pattern). Time off should be taken on, or around the baby being born or the placement, but must end within 56 days of birth or placement.	
<input type="checkbox"/> I have provided notice by the end of the 15 <sup>th</sup> week before the baby is expected	
<input type="checkbox"/> I have 26 weeks service with the MAT at the fifteenth week before the expected week of childbirth or by the week you are notified you are matched with your child.	

**Declaration**

I declare that, I am:		
<input type="checkbox"/> The baby's biological father OR	<input type="checkbox"/> Married to the Mother/Adoptive Partner, OR	<input type="checkbox"/> Living with the mother/adoptive partner
<input type="checkbox"/> have responsibility for the child's upbringing		
<input type="checkbox"/> will take time off work to support the mother/adoptive partner or to care for the child		
<input type="checkbox"/> have spoken to my Line Manager who has approved this period of leave		

**Employees Authorisation**

Name:		Signed:	
Date:			

**Manager Authorisation**

Name:		Signed:	
Date:			

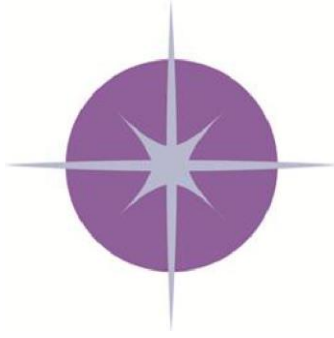
## **Maternity, Adoption, Paternity & Shared Parental Leave Policy**

**When complete the Headteacher/Line Manager is responsible for sending this form to payroll along with a copy employee's partners MATB1 certificate/matching certificate. A copy of this completed application form and a copy of the MATB1/matching certificate form should be kept on the employee's personal file within the school. Forms should be sent to the following address:**

HR & Payroll Admin, HR & OD, PO BOX 4385, Trowbridge, Wiltshire, BA14 4DS

**Maternity, Adoption, Paternity & Shared Parental Leave Policy**

**Appendix 8 - Shared Parental Leave Booking Form**



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**Multi Academy Trust**

'That they may have life, life in all its fullness' John 10:10

**Shared Parental Leave Booking Form**

Employee to complete this form to notify school/MAT of their intention to take Shared Parental Leave. Employees may submit up to three notifications to take up to three periods of Shared Parental Leave. School is responsible for sending the completed form to the MAT's payroll provider for processing.

Name:		Position:	
Payroll number:		School:	
Address:		Staff group:	<input type="checkbox"/> Support staff <input type="checkbox"/> Teaching
The date of expected childbirth, or the actual date of birth, or the date which the employee was notified of having been matched with the child, or the date of placement for adoption is as follows:			
My/my partners Maternity/adoption leave start date:		My/my partners Maternity/adoption leave end date:	
The total amount of SPL available is:		I intend to take the following amount of SPL:	
My partner intends to take the following amount of SPL:		My period of continuous SPL will start on the (start date must be at least 8 weeks from notification) :	
My period of Continuous SPL will end on:		I confirm that I am the:	<input type="checkbox"/> Mother <input type="checkbox"/> Main adopter <input type="checkbox"/> Father <input type="checkbox"/> Spouse, civil partner or partner of the mother/adopter
I wish to make a request for the school to consider a period of discontinuous leave			

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

as follows (start date must be at least 8 weeks from date of notification):

\* Payroll - please see Managers section at bottom of form to confirm that this arrangement has been approved or an alternative has been agreed.

I confirm that I satisfy the eligibility criteria (see section 7.1 of Maternity, Paternity, Adoption and Shared Parental Leave Policy)

I confirm that I am sharing childcare responsibility with my partner

I declare that the information I have provided is accurate

I confirm that I have not exceeded more than three notifications specifying SPL periods

I confirm that I have one year's service at the beginning of the 11<sup>th</sup> week before the expected date of birth/placement and I am entitled to the Occupational Shared Parental Pay scheme (OShPP) (see section 7.10 of Maternity, Paternity, Adoption and Shared Parental Leave Policy for full details).

If I should cease to be eligible for SPL I will immediately inform the MAT/school

### Statutory Pay

I am eligible for Statutory Shared Parental Pay as I meet the following criteria:

I/The mother/adopter is/was entitled to statutory maternity/adoption pay or maternity allowance and has reduced their maternity/adoption pay period

I intend to care for the child during the weeks in which ShPP is payable

I have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected date/matching date which are not less than the lower earnings limit in force for national insurance contributions

I have/will remain in continuous employment until the first week that ShPP begins

I have given eight weeks notification

### Occupational Pay

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

If you have at least 1 year's continuous service at the start of the 11<sup>th</sup> week before the Expected Week of Childbirth/date of adoption, you may qualify for half-pay(see section 7.10 of Maternity, Paternity, Adoption and Shared Parental Leave Policy for full details). If you return to the school where you were employed before shared parental leave began for at least 13 weeks after your leave, you may be eligible to receive half of your full pay for up to 12 weeks (depending on the amount of leave available) in addition to ShPP (except where the total of these payments exceeds your full pay).

I am entitled to half-pay

I am not entitled to half-pay

I understand that if I fail to return to work to the school where I was employed before Shared Parental Leave began for a period of at least 13 weeks after a period of Shared Parental Leave, that any half pay received will have to be repaid.

I wish to receive the half pay that I am eligible for:

After I return from my Shared Parental Leave

During my Shared Parental Leave.

### CHILDCARE VOUCHERS

I wish to continue to participate in the childcare vouchers scheme whilst I am on shared parental leave

I do not wish to continue to participate in the childcare voucher scheme whilst I am on Shared Parental Leave – In order to remove yourself from the scheme you will need to complete the relevant form from your online Edenred account and send to Human Resources

I am not in the childcare voucher scheme

For advice regarding participating in the childcare voucher scheme whilst on shared parental leave please contact the MAT's HR Department.

I have enclosed a signed declaration from my partner stating:

- they are the father, mother of the child or partner of the mother of the child
- their name, address and National Insurance number;
- that they satisfy the 'employment and earnings test' 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 agree to the employee taking the amount of SPL and ShPP (as applicable);
- that they consent to the amount of SPL that the employee intends to take;
- that they consent to the MAT processing the information contained in the declaration form; and
- (in the case where the partner is the mother/ main adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.
- (if the mother) they are entitled to statutory maternity leave, statutory maternity pay or maternity allowance and that they have given notice to end that leave and pay/allowance
- that at the time of the birth or placement they shared the responsibility for the care of the child with the employee seeking to take SPL

**Maternity, Adoption, Paternity & Shared Parental Leave Policy**

**I declare this form is correct and accurate to the best of my knowledge**

**Signed.....(employee) Date.....**

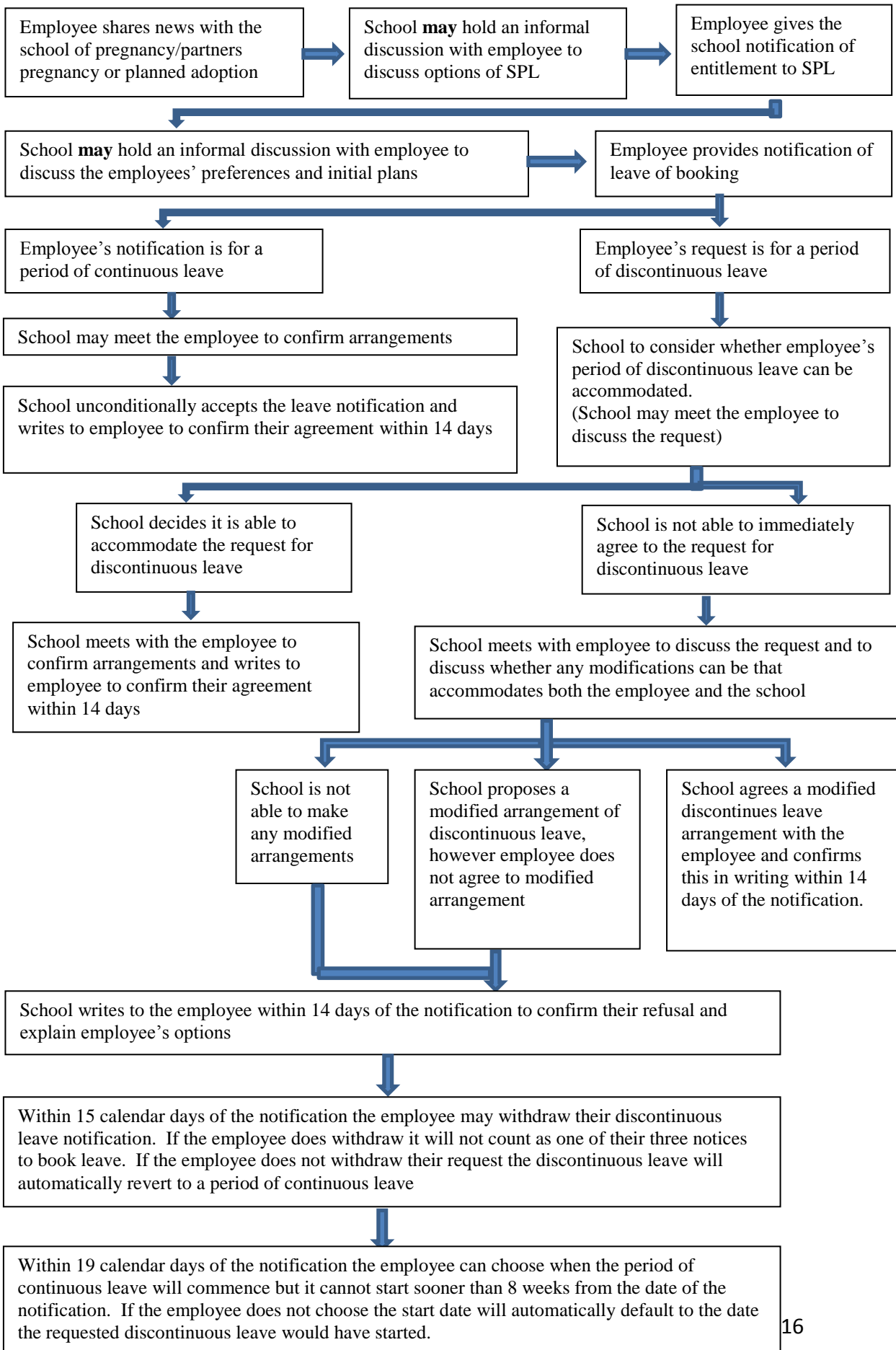
**This section is to be completed by the Manager**

<input type="checkbox"/> I confirm that I have checked the above details and any additional information provided by the employee and that they are correct to the best of my knowledge	
Where a period of discontinuous leave has been requested please complete the following:	<input type="checkbox"/> I have approved the period of discontinuous leave outlined above  <input type="checkbox"/> I have not approved the period of discontinuous leave requested by the employee
Where a period of discontinuous leave has been declined, please outline the alternative arrangements/default arrangement that is to be put in place:	
Please specify which weeks, from parental leave available (weeks 3 - 52), this shared parental leave period is applicable to: (Please contact HR for advice)	

**Signed.....(manager) Date.....**

# Maternity, Adoption, Paternity & Shared Parental Leave Policy

## Appendix 9 – Shared parental Leave Process Flowchart



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

### Appendix 10 – Confirmation of entitlement to Shared Parental Leave

**INSERT NAME**  
**INSERT ADDRESS**

**INSERT DATE**

Dear **INSERT NAME**

#### **Confirmation of entitlement to Shared Parental Leave**

Thank you for advising us of your entitlement to take Shared Parental Leave. We confirm that, based on the information you have provided us, you are entitled to take Shared Parental Leave.

We can confirm that you currently have **INSERT NUMBER OF WEEKS LEAVE** weeks of Shared Parental Leave to take. You have **INSERT NUMBER OF WEEKS PAY** weeks of Statutory Shared Parental Pay.

If you and your partner wish to vary the amount of leave and/or pay that you are each entitled to then you must notify us of the change in writing and inform us:

- (a) of any Shared Parental Leave or Pay that you or your partner have already booked
- (b) the number of weeks you are adding to your entitlement from your partner's entitlement or the number of weeks you are deducting to give to your partner
- (c) when you expect to take any additional weeks of leave.

You will also need to give us a declaration signed by you and your partner both consenting to the change.

If you have any questions about any aspect of your shared parental leave and/or pay entitlement, please do not hesitate to contact me or Human Resources.

Yours sincerely

**INSERT NAME**  
**INSERT JOB TITLE**



**Maternity, Adoption, Paternity & Shared Parental Leave Policy**

**Appendix 11 – Letter to Discuss Leave Booking**

**INSERT NAME**  
**INSERT ADDRESS**

**INSERT DATE**

Dear **INSERT NAME**

**Invite to discuss Shared Parental Leave Booking Notification**

Thank you for your notice to book a period of Shared Parental Leave that was given on **INSERT DATE**. We would like to arrange a convenient time to discuss your notification with you.

I therefore suggest a meeting at **[location]** on **[date]** at **[time]**. You may, if you wish, be accompanied by a workplace colleague or trade union representative.

Please could you contact **[name of individual]** to confirm whether you are able to attend the meeting suggested above or, if not, to suggest an alternative time and date.

Yours sincerely

**INSERT NAME**  
**INSERT JOB TITLE**

**Maternity, Adoption, Paternity & Shared Parental Leave Policy**

**Appendix 12 - Confirmation Letter of Shared Parental Leave Booking**

**INSERT NAME**  
**INSERT ADDRESS**

**INSERT DATE**

Dear **INSERT NAME**

**Confirmation Letter of Shared Parental Leave Booking**

Thank you for your notice to take Shared Parental Leave commencing on **INSERT DATE**. We confirm that you are entitled to take Shared Parental Leave as set out in your notification.

I can confirm that you will be away from work on Shared Parental Leave from **INSERT START DATE** to **INSERT END DATE** [If leave is discontinuous then please amend as needed] You are expected to return to work on the first working day after your leave period ends. You have informed us that this period of leave runs from **INSERT FIRST WEEK** to **INSERT LAST WEEK** of the Shared Parental Leave period following your child's date of birth/adoption.

During your leave period you will receive pay as follows:  
Occupational Shared Parental Pay from **INSERT START DATE** to **INSERT END DATE** at a rate of **INSERT RELEVANT RATE (DELETE IF NOT APPLICABLE)**

Statutory Shared Parental Pay from **INSERT START DATE** to **INSERT END DATE**.  
[If leave is discontinuous, or where no pay is applicable then please amend as needed]

If you wish to vary or reduce the leave that you have booked, you must give at least eight weeks notice before any amended dates occur. A notice to vary your booked leave will count as a new notice thereby reducing your entitlement to make three statutory notifications by a further one.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to contact me or Human Resources.

Yours sincerely

**INSERT NAME**  
**INSERT JOB TITLE**

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

### Appendix 13 – Refusal Letter of a discontinuous leave booking

**INSERT NAME**  
**INSERT ADDRESS**

**INSERT DATE**

Dear **INSERT NAME**

#### **Refusal of Discontinuous Leave Booking**

Thank you for your notice booking Shared Parental Leave that was given on **INSERT DATE**. Having given the proposal thorough consideration, I regret that the organisation is unable to agree to the pattern of discontinuous leave that you requested.

Unless your notice is withdrawn the total amount of leave requested in your notice, amounting to **INSERT WEEKS** weeks, will automatically become a continuous block. Unless the organisation is informed otherwise this will begin on the date you originally requested your leave period to start **INSERT DATE**

If you would like the period to begin on a different date please confirm this to **[name of individual]** on or before **INSERT DATE**. Please remember that the start date cannot be sooner than eight weeks from the date your original notice was given.

Alternatively you may withdraw your notification on or before **INSERT DATE**. This would then not count as one of your notifications.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to contact me or Human Resources.

Yours sincerely

**INSERT NAME**  
**INSERT JOB TITLE**