



# Family Leave Policy

(Including Maternity, Paternity, Adoption, & Parental Leave)

The King's School  
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## **1. Legal framework**

This policy has due regard to legislation and statutory guidance, including, but not limited to, the following:

- Equality Act 2010
- Employment Rights Act 1996
- Maternity and Parental Leave etc. Regulations 1999
- The Statutory Parental Bereavement Leave (General) Regulations 2020 (Jack's Law)
- The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018
- 'School teachers' pay and conditions document 2023 and guidance on school teachers' pay and conditions'.

This policy also operates in line with the following school policies and documents:

- Flexible Working Policy
- Equality Statement and Equality Objectives Policy
- Health and Safety Policy

## **2. Roles and Responsibilities**

The Board of Trustees is responsible for:

- Setting, reviewing, and approving this policy to ensure it meets all statutory requirements and is adhered to across the school;
- Ensuring that this policy is implemented fairly, consistently and in line with the board's equality duties;
- Signing off any leave requested by the headteacher, e.g. parental bereavement leave.

The Headteacher is responsible for:

- Implementing this policy across the school in line with their statutory duties;
- Having knowledge of the statutory requirements for maternity, paternity, parental, adoption and bereavement leave;
- Approving leave for staff members;
- Delegating responsibilities to line managers to sign off leave;

Staff members' line managers are responsible for:

- Arranging 'keep in touch' (KIT) days for staff members on leave;
- Approving requests to take statutory leave, as delegated by the headteacher;
- Discussing staff members' concerns with regard to work and their pregnancy, adoption and/or parenting.
- Conducting risk assessments to ensure the safety of pregnant staff members;
- Checking in with staff members following parental bereavement and ensuring the appropriate wellbeing support measures are put in place.

Staff members entitled to leave are responsible for:

- Requesting leave in line with the processes and timescales laid out within this policy;
- Adhering to statutory timescales with regard to notifying the school of pregnancy, adoption, death and intention to take parental leave.
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## **3.0 Family Leave**

### **3.1 Statement of intent**

The King's School recognises its responsibilities to ensure that support is available to employees as they combine career and family responsibilities.

This policy has been developed in recognition of the statutory requirements covering maternity, paternity and adoption provisions, as well as wider issues affecting working families, e.g. parental leave provisions.

The rights described in this policy apply to all employees, including those on temporary contracts. They apply to full-time and part-time employees, irrelevant of the number of hours they work, but are subject to length of service.

### **3.2 Definition of Terms**

Terms relating to pay:

- *SMP*: Statutory maternity pay – payable to eligible employees who take maternity leave or leave employment because of pregnancy or childbirth. Payment of SMP is subject to qualifying conditions; subject to deductions for tax, NI and pension contributions, if applicable; and is payable only for complete weeks. Once paid SMP is not repayable.
- *OMP*: occupation maternity pay – enhanced level of maternity pay provided to eligible employees.
- *MA*: maternity allowance – allowance payable by JobCentre Plus to employees not entitled to SMP.
- *MPP*: maternity pay period – the period during which SMP is payable to an eligible employee.
- *Qualifying week*: qualifying week for SMP – the end of the 15th week before the expected week of childbirth (EWC) for the payment of SMP.
- *LEL*: lower earnings limit – point at which employees start to be treated as if they have paid NI contributions.

Terms relating to leave:

- *OML*: ordinary maternity leave – the 26-week maternity leave period to which all pregnant employees are entitled to regardless of length of service or hours worked.
- *AML*: additional maternity leave – the 26-week maternity leave period, which immediately follows OML. The first 13 weeks of AML is paid, and the second 13 weeks is unpaid.
- *CML*: compulsory maternity leave – the first two weeks following the birth must be taken as maternity leave.

Terms relating to pregnancy/childbirth:

- *EWC*: expected week of childbirth – the week in which the baby is due to be born as certified by the employee's doctor or midwife on the maternity certificate (MAT B1).
- *MAT B1*: maternity certificate – the maternity certificate given to a pregnant woman by a doctor or midwife, which states the EWC and is issued after the 20th week of pregnancy. It is required for the payment of SMP.
- *KIT*: Keeping In Touch days – women are entitled to attend work for up to 10 days during maternity leave.

### **3.3 Statutory legislation and rights**

Maternity leave:

Members of staff are entitled to 52 weeks unpaid maternity leave irrespective of their length of service.

Members of staff with at least 26 weeks service (by the 15th week before the baby is due) will be entitled to 26 weeks OML, followed by 26 weeks AML, during which SMP will be payable for the first 39 weeks – the remainder is unpaid.

Adoption leave:

Members of staff with at least 26 weeks service by the week they are newly matched with a child for adoption, will be entitled to 26 weeks ordinary adoption leave at statutory adoption pay (SAP), followed by 26 weeks additional adoption leave, during which SAP will be payable for the first 13 weeks – the remainder is unpaid.

Parental leave:

Members of staff with children under the age of 18 are entitled to apply for 18 weeks' unpaid parental leave respectively.

Paternity leave:

Members of staff with at least 26 weeks' service by the 15th week before the baby is due, (or 26 weeks' service leading into the week a child is matched in the case of adoption), will be entitled to two weeks of leave at statutory paternity pay.

### **3.4 Maternity Leave**

#### ***Eligibility for leave***

Members of staff are entitled to OML for 26 weeks and AML for 26 weeks – 52 weeks in total, regardless of the number of hours worked or length of service.

Each staff member is required to notify the school of the following at least 15 weeks, or as soon as reasonably practicable, before she intends to begin her leave:

- That she is pregnant
- When the EWC will be and provide a MAT B1 (which will be issued by the midwife after the 20th week of pregnancy)
- When she intends to start her maternity leave

Members of staff can amend the date for the commencement of their maternity leave, providing the school is given at least 28 days' notice (for support staff) or 21 days' notice (for teaching staff), unless it is not reasonably practicable.

The school will respond in writing to a staff member's notification of her leave plans within 28 days, setting out the date on which they are expected to return to work.

Unless notified otherwise the headteacher will assume that the member of staff will be taking their full entitlement to maternity leave.

A written risk assessment will be carried out upon notification that a member of staff is pregnant.

#### ***Eligibility for pay***

To qualify for paid leave the employee must have completed at least 26 weeks of continuous service with the school by the qualifying week (i.e. the 15th week before the expected week of confinement). The expected week of confinement is the week, beginning at midnight between Saturday and Sunday, in which it is expected that the child will be born. The week in which the child is actually born is the "week of childbirth".

All eligible staff will receive SMP whether or not they intend to return to work after maternity leave. To qualify, employee's must have:

- Completed at least 26 weeks of continuous service with the school by the qualifying week.
- Average earnings above the lower earnings limit for NI contributions.

If employees do not meet the above criteria for SMP, they should contact their local social security/JobCentre Plus office to enquire about eligibility for MA. Unlike SMP, it is not paid by the school – instead, payment is made by the social security/JobCentre Plus office.

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

OMP payments made to the employee during Maternity Leave are made on the understanding that the employee will return to work at The King's School for a period of at least 3 months after the maternity leave period. The provisions for teaching staff and support staff differ and are paid in accordance with statutory and locally agreed terms and conditions.

It comprises of pay for 26 weeks during the period of OML, followed by 26 weeks of AML.

To qualify employees must have:

- Completed at least 26 weeks of continuous service with the school by the qualifying week.
- Followed the application procedures informing the school in writing that they intend to return to work at the end of the period of maternity leave for at least 12 weeks (excluding sickness absence and extended unpaid leave).

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

SMP is a state benefit for women on maternity leave. The conditions for which, and the amount of which, are determined by the government, but it is paid by the school.

Average earnings are calculated based on earnings over a statutorily defined period prior to maternity leave. SMP may start on any day of the week.

Employees might not be entitled to receive SMP either because they do not earn enough to pay NI contributions, or because they have made insufficient contributions during the qualified period.

If an employee is not entitled to SMP payroll, the school will send an SMP1 form. This must be taken with the MAT B1 certificate to the Department of Social Security to make a claim for MA.

### ***Payment of maternity pay***

Payment of SMP and OMP commences once an employee's maternity leave has begun. It is paid for complete weeks only, processed through payroll and treated the same way as any other earnings for the purpose of tax, NI, etc. Payment days do not change when a person is on maternity leave.

### ***Teacher Entitlements***

Payment of OMP to the teacher shall be made on the condition that she will return to her job for a period of at least 13 weeks from the date of return (this includes periods of The King’s School holidays). This period would extend, on a pro rata basis, if the employee was returning to work on fewer hours than they worked prior to maternity leave. Should the teacher not be available for work or decide not to return to her job for the required period, she shall refund the OMP payments made during her maternity other than those made during the first six weeks of leave. Payments made by the way of SMP are not refundable

<u>Less than 26 weeks</u> continuous service at the end of the 15 <sup>th</sup> week before EWC and <u>&lt; 1 years service</u> with another LEA at the beginning of the 11 <sup>th</sup> week before EWC.	No Entitlement Maternity Allowance may be payable
<u>Greater than 26 weeks</u> continuous service at the end of the 15 <sup>th</sup> week before EWC but <u>&lt; 1 years service</u> with other LEAs at the beginning of the 11 <sup>th</sup> week before EWC.	6 weeks at SMP equal to 90% of a weeks salary 33 weeks at SMP or 9/10 of avage weekly pay whichever is lower 13 weeks unpaid
<u>Less than 26 weeks</u> continuous service at the end of the 15 <sup>th</sup> week before EWC but <u>&gt; 1 years service</u> as a teacher with other LEAs at the beginning of the 11 <sup>th</sup> week before EWC.	4 weeks full pay- inclusive of maternity allowance (if eligible) Next 2 weeks – 90% of a weeks salary inclusive of maternity allowance (if eligible) Next 12 weeks – Half pay + maternity allowance (if eligible) Next 21 weeks - on maternity allowance (if eligible) 13 Weeks unpaid
<u>Greater than 26 weeks</u> continuous service at the end of the 15 <sup>th</sup> week before EWC and <u>&gt; 1 years service</u> as a teacher with other LEAs at the beginning of the 11 <sup>th</sup> week before EWC.	4 weeks full pay- inclusive of SMP Next 2 weeks – 90% of a weeks salary inclusive of SMP Next 12 weeks – Half pay + SMP or 90% of AWE whichever is lower. Next 21 weeks – SMP Only 13 Weeks unpaid

**Support Staff Entitlements**

Payment of OMP to support staff shall be made on the understanding that she will return to The King’s School for a period of at least 3 calendar months, whether this be on a full-time or part-time basis. This period would extend, on a pro rata basis, if the employee was returning to work on fewer hours than they worked prior to maternity leave. Should the employee not be available for work or decide not to return to her job, she shall refund the whole amount of half pay. Payments made to the employee by way of SMP are not refundable.

<u>Less than 26 weeks</u> continuous service at the end of the 15 <sup>th</sup> week before EWC	1 weeks pay Maternity Allowance may be payable
<u>Greater than 26 weeks</u> continuous service at the end of the 15 <sup>th</sup> week before EWC but <u>&lt; 1 years service</u> at the beginning of the 11 <sup>th</sup> week before EWC	1 weeks full pay 5 weeks SMP at 90% of average weekly pay (inclusive of SMP) 33 weeks at SMP or 90% of average weekly pay whichever is lower. 13 Weeks Unpaid
<u>&gt; 1 years service</u>	6 weeks 90% of a weeks salary inclusive of SMP Next 12 weeks – Half pay + SMP or 90% of AWE whichever is lower. Next 21 weeks – SMP Only 13 Weeks unpaid

**Before taking maternity leave**



To take maternity leave, employees should, no later than the end of the 15th week before the week the baby is due (or as soon as is reasonably practicable), inform HR of the following:

- That they are pregnant
- When the EWC is
- When they intend to start their maternity leave

A Notification; "intention to take Maternity Leave Form" must be completed and submitted to the SLT lead.

Employees can change the date they commence maternity leave as long as they give 28 days' notice.

### ***MAT B1 Certificate***

The MAT B1 certificate is issued to pregnant woman by a doctor or midwife, stating the EWC. It is usually issued after the 20th week of pregnancy.

The certificate is required for the payment of SMP and used in order that maternity pay can be calculated.

Employees are therefore required to forward the original MAT B1 certificate to the DFO (Director of Finance and Operations), as soon as it is provided.

### ***Health and Safety at Work***

The Management of Health and Safety at Work Regulations 1999 require employers to assess risks to their employees and to do what is reasonably practicable to control those risks.

The school is aware of its obligation to assess the risks to women of childbearing age as part of its general workplace risk assessment. In addition, an individual risk assessment will be carried out that covers a staff member's specific needs when they inform the school in writing that they are pregnant, breastfeeding or have given birth in the last six months.

To meet these legal obligations, a specific risk assessment will be carried out paying particular attention to risks that could affect the health and safety of an employee or their child upon notification of their pregnancy. The employee's line manager will be responsible for undertaking this in relation to their work and environment. The risk assessment will be reviewed and any necessary adjustments implemented, e.g. as the pregnancy progresses. Any health and safety concerns should be raised immediately with the employee's line manager.

If the risk assessment identifies any specific risks that cannot be avoided, a series of steps to ensure that the employee is not exposed to that risk will be taken. Some examples of the hazards to consider include working long hours, stress, and violence, exposure to toxic chemicals or pesticides and manual handling.

If the employee is unable to continue in their post on designated health and safety grounds, due to pregnancy concerns, a discussion should be held with the Headteacher, and Occupational Health may be consulted for confidential advice and guidance. If the above steps are not possible, this may ultimately result in being suspended from work on full pay to protect the employee and their unborn child.

The school is aware of its obligations to undertake a specific risk assessment upon an employee's return to work following maternity leave of absence. Should an employee require provision for breastfeeding, this will be discussed with the employee at the time, along with any other support required to support them with their return to work.

### ***Ante-natal care***

Once a pregnancy has been confirmed, employees are likely to receive ante-natal care through appointments with a registered medical practitioner, registered midwife or registered health worker.

Employees are entitled to take paid time off during normal working hours to attend authorised ante-natal appointments, provided they produce the documentation giving details of the appointment.

Employees are requested to try to arrange their appointments at the start or end of their working day, whenever possible. Ante-natal care includes appointments with the GP, hospital scans/clinic, relaxation classes or other recommended appointments on medical advice.

Employees are required to provide an appointment card or some other document confirming appointments as far in advance of their appointment, and they must complete a Leave of Absence Form as appropriate.

### ***Notification commencing maternity leave***

Arrangements for temporary cover during the period of maternity leave and additional leave, and for enabling employees to keep in touch with any developments at work, are important for ensuring smooth transitions at each stage.

Before starting maternity leave, employees will be informed of the arrangements for covering their work and also for remaining in contact whilst they are on leave. These arrangements will be finalised in consultation with the employee by their manager. If an employee has staff reporting to them, the school will try to involve the employee in all decisions relating to the temporary reporting arrangements to cover their maternity leave.

Employees will not be unreasonably requested by the school to undertake work that would have taken place during the maternity leave period prior to departing on maternity leave. This will not, however, prevent the employee from assisting in the planning for coverage of their work in advance of the maternity leave period.

Employees will often find it helpful, before maternity leave starts, to discuss arrangements for staying in touch with the school. This might include agreements on the way in which contact will happen, how often, and who will initiate the contact. It might also cover the reasons for making contact and the types of things that could be discussed.

Employees can undertake up to 10 days' work - refer to Keeping in Touch days for further details regarding this.

### ***Notification required***

Employees are required to give at least 28 days' notice, in writing, to the lead SLT manager of the date they intend to start their maternity leave. They may choose when to start their maternity leave, subject to the following constraints:

- The maternity leave period cannot start before the 11th week before the EWC
- The latest date maternity leave can start is the date of childbirth
- The maternity leave period will be automatically triggered if the employee is absent from work wholly or partly because of pregnancy after the beginning of the fourth week before the EWC.
- The maternity leave period will be automatically triggered if your baby is born early, in which case maternity leave will start the day after the day on which the baby is born.

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

During the maternity leave period, representatives of the school may make reasonable contact with an employee, in the same way an employee may make contact with the school.

What constitutes as “reasonable” contact will vary according to the circumstances. Some individuals are happy to stay in close touch with the workplace and will not mind frequent contact. Others, however, will prefer to keep such contact to a minimum.

The frequency and nature of the contact will depend on a number of factors, such as the following: the nature of the work and post, any agreement that has been reached before the maternity leave began regarding contact, and whether either party needs to communicate important information to the other, for example to be informed of important developments or changes at the school.

This contact may be made in any way that best suits either party – for example, it could be by telephone, by email, by letter, or involve the employee making a visit to the school.

An employee will, in any event, be kept informed of any relevant promotion opportunities, job vacancies that arise during their maternity leave, and other information relating to their role that they would normally be made aware of if they were working.

### ***Keeping in touch (KIT) days***

Up to 10 days’ paid work under an employee’s contract of employment may be undertaken at any stage during the maternity leave period, by prior agreement with the school, with the exception of during the first two weeks after the baby is born.

KIT days enable employees to work for up to 10 days’ without losing a week’s maternity pay or ending the period of maternity leave and will be paid at the normal rate applicable to that employee

KIT days enable employees to keep in touch and up-to-date with developments at work and may include working, attending training sessions or meetings.

KIT days and/or any work undertaken during maternity leave must be by prior agreement with the employee’s line manager.

Neither the school nor staff can insist on it.

KIT days can be worked, at any time, during OML and AML.

If employees decline to work, there will be no loss of maternity benefits or any other detriment suffered as a result of this during maternity leave, and the maternity leave period will not be extended.

Working for any part of a KIT day will count as one of the 10 KIT days available.

Once 10 KIT days have been worked, any further days worked will result in losing SMP for the whole of the week in which work is undertaken.

### ***Annual leave during maternity leave***

During the period of OML and AML, all staff will continue to accrue service.

Non-teaching staff will continue to accrue annual leave, including bank holidays and closure days, in the normal way.

Employees may take their annual leave at the beginning and/or end of their maternity leave. Annual leave accrued prior to the start of the maternity leave period must be taken within the current leave year.

Annual leave accrued during the maternity leave period should be taken during the current leave year wherever possible. Employees will normally only be allowed to carry over any accrued annual leave into the next leave year if it has not been possible to take it.

### ***Returning to work***

Employees are not allowed to return to work during the first two weeks from the date of childbirth. This is classed as a period of CML.

Prior to their return to work, they should have an informal meeting with their manager in order to discuss this. This will also give opportunity to update the employee on any developments at the school or consider any retraining needs which may have arisen, because of new/technical or other developments.

### ***Notification of returning to work***

If an employee's intention is to return at the end of their full 52 weeks of maternity leave, they do not need to provide any further notice. The school automatically assumes that they will take the full maternity leave unless the employee has notified otherwise.

If an employee intends to return to work before the end of their full maternity leave, they must provide eight weeks' notice, in writing, of their intended date of return. This should be sent to lead member of SLT.

If their intention is to only take the OML (26 weeks leave following childbirth), they are entitled to return to the same job they held before they commenced their maternity leave, on terms and conditions that are no less favourable than those that would have applied had they not been absent.

If their intention is to return to work after AML, they will normally be re-employed in their previous post; however, if there are exceptional reasons why this is not possible, they will be employed for similar work, and on terms and conditions no less favourable than if they had not been absent.

### ***Repayment of additional maternity pay***

In the event an employee does not return to work, they shall refund all monies paid, as decided by the school. Payments made to an employee by way of SMP are not refundable.

Payment made in excess of SMP becomes repayable if an employee:

- Fails to return to work after their maternity leave. (Note: This will be treated as unauthorised absence and, as such, the school will be entitled to take appropriate disciplinary action, which may include dismissal).
- Decides not to return to work at the end of their maternity leave. (Note: An employee must give the school at least the notice required in line with their contract).
- Leaves within 12 weeks of their return to work after maternity leave.

### ***Parental leave taken immediately after maternity leave***

A period of parental leave of four weeks or less has no impact on the right of return of the employee. An employee who takes a period of parental leave of more than four weeks straight after the end of either OML or AML, is treated as though they were returning to work after AML.

Parental leave is a separate entitlement for employees who have completed one year's continuous service with the school to take a period of unpaid leave.

If there is a reason which makes it impracticable for the employee to return to her original job, a similar job must be found for her. The new job must be such that:

- The work done by the employee is both suitable and appropriate for her to do in the circumstances; and
- The terms and conditions of her employment – including the quality of the working environment – are no less favourable to her than they would have been had she continued to be employed in her old job.

If the new job that is offered to the employee fulfils the criteria above and the employee refuses it, she will have effectively resigned.

If the new job that is offered to the employee is not suitable or appropriate, or if the terms and conditions are less favourable than they would have been if she had returned to her old job, the employee may bring a claim for sex discrimination or a detriment claim in a tribunal, or might be able to claim constructive dismissal.

### ***Miscarriage and Termination***

Absence due to miscarriage or termination prior to 24 weeks of pregnancy shall be treated as sickness absence provided it is covered by a doctor's certificate.

### ***Still Birth***

In the circumstances of a still birth, which is defined as occurring after 24 weeks of pregnancy, or of neo natal death, employees will be entitled to the same maternity leave and pay as if the pregnancy had reached full term. The return to work notification remains unchanged i.e. 21 days of proposed return to work.

## **3.5 Paternity / nominated carer's leave**

Statutory paternity leave and paternity pay is available to fathers (or adopters) and the partners of mothers of children. The provisions apply whether the employee's service is full time or part time (irrespective of the number of hours), or is permanent or temporary, subject to the conditions of the scheme being met.

Employees (male or female) who are acting as the "prime or nominated carer" for the mother/child may request nominated carers' leave. They are subject to the same provisions as applied to employees requesting paternity leave.

The entitlement is an allowance of up to two consecutive weeks' absence (subject to eligibility as outlined below). In order to apply for birth leave, they will need to provide a copy of the MAT B1 or birth certificate, along with a letter from the mother confirming they are the nominated person.

### ***Statutory paternity leave***

To qualify, employees must:

- Be the child's father (or adopter) or the spouse or partner, same or opposite sex, of the child's mother.
- Have, or expect to have, responsibility for the child's upbringing.
- Have been continuously employed for at least 26 weeks ending with the 15<sup>th</sup> week before the EWC; or the end of the week they are notified of being matched with a child (if adopting from the UK); or from the date the child enters Great Britain (if adopting from overseas).
- Give proper notice and evidence to the school of their intention to take statutory paternity leave.

Employees eligible for the statutory scheme have the right to choose to take one or two consecutive weeks' leave (not odd days). It cannot be taken before the birth (or placement) of the child, and must be taken within eight weeks of the birth (or placement). If the baby is born prematurely, the leave can be taken between the birth and eight weeks after the birth.

The employee must provide the Director of Finance and Operations with written evidence from either the GP, hospital or adoption agency that:

- His/her partner's pregnancy exists (or confirmation of being matched with a child).
- Shows the expected date of confinement (or child placement).

The employee must also live at the same address as his/her partner (except for below).

In order to apply for nominated carer's leave, the employee must provide the Director of Finance and Operations with a copy of the MAT B1 certificate, along with a letter from the mother confirming they are the nominated person of choice. Employees must comply with notification requirements as set out below.

An employee must notify his/her employer by the end of the 15<sup>th</sup> week before EWC, or as soon as reasonably practicable, that he/she intends to take paternity leave. The Inland Revenue Form 'SC3 – Becoming a Parent' (for births) or 'SC4 – Becoming an Adoptive Parent' (for adoptions) can be used to give notice of leave and to apply for statutory paternity pay (SPP). The notice must specify the length of leave to be taken and the date the employee wishes the leave to commence.

If the employee wishes to change the start date, they must give 28 days' notice, in writing if requested.

### ***Contractual Paternity scheme***

To qualify, employees must:

- Be the child's father (or adopter) or the spouse or partner, same or opposite sex, of the child's mother.
- Have, or expect to have, responsibility for the child's upbringing.
- Have been continuously employed for at least one year, (with one or more LAs), by the beginning of the 11th week before the EWC, or the end of the week they are notified of being matched with a child (if adopting from the UK); or from the date the child enters Great Britain (if adopting from overseas).
- Give proper notice and evidence to the school of their intention to take contractual paternity leave.

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

### ***Paternity pay***

The Statutory and Contractual Paternity pay differs between support and teaching staff. This is set out below:

Support staff or teachers with <u>Less than 26 weeks</u> continuous service with The King's School at the end of the 15 <sup>th</sup> week before EWC	No Statutory Pay
Support Staff with <u>Greater than 26 weeks</u> but <u>&lt; 1 years</u> service at the beginning of the 15 <sup>th</sup> week before EWC	2 Weeks at Statutory Paternity Pay Only

Support Staff <u>&gt; 1 years service</u> at the beginning of the 15 <sup>th</sup> week before EWC	1 Week at Full Pay, 1 Week Statutory Paternity Pay
All Teaching Staff with <u>Greater than 26 weeks</u> service at the end of the 15 <sup>th</sup> week before EWC	2 Weeks at Statutory Paternity Pay Only

### ***Paternity leave for antenatal appointments***

Employees can take unpaid leave to accompany a pregnant woman to two antenatal appointments if they are any of the following:

- The baby's father
- The expectant mother's spouse or civil partner
- In a long-term relationship with the expectant mother
- Expecting a child through surrogacy, as long as they intend to become the child's legal parent

Employees can take up to six and a half hours per appointment.

Employees can apply for leave immediately if they're a permanent employee. Employees will need to have been doing a job for 12 weeks before they qualify, if they're an agency worker.

Please complete a Leave of Absence Form to request paternity leave for antenatal appointments.

### **3.6 Adoption leave**

Statutory adoption leave is available to parents to prepare for adoption or to care for a newly placed adoptive child. The adoptive leave facilities will normally apply to women employees. Male employees who are married/living with non-school employees will instead have applied the paternity leave entitlements and conditions.

In recognition of the fact that single men may adopt children, the provisions for adoption leave will apply also to single male employees.

The employee will be subject to all other entitlements and conditions of the appropriate maternity scheme, including the obligation to return to work for a minimum of three months in order to retain the adoptive leave pay.

In cases where both parents are employed by the school, and assuming that both parents are eligible, the total leave entitlement (i.e. the post confinement leave aggregated with the two working weeks' adoptive paternity leave) can be combined and shared between the two employees at their discretion.

#### ***Pre-adoption leave***

There is no statutory right to paid time off for pre-adoption leave. Employees who are adopters or partners of adopters would, in the first instance, be expected to arrange meetings and interviews outside of the working day or during school closure periods/annual leave. However, it is recognised that this is not always practical and, as such, employees will be given reasonable paid time off.

Employees are asked to inform the lead member of SLT as far in advance as possible, of the date and time of an appointment/meeting and the best estimate of the length of absence from work, including travelling time if significant. It would also be helpful in many cases if employees could try to arrange appointments at the beginning or the end of the day, although the school recognises this may not always be possible.

Employees must be prepared to show proof of an appointment.

The time taken to attend such appointments within an employee's working hours for that day (including reasonable travelling time) will be paid at the usual rate, provided they have complied with the above requirements.

If the employee is adopting a child from overseas, any visits to see the child pre-adoption should be taken during school closure periods or by using normal annual leave arrangements. Time off for this reason will not be granted.

### ***Adoption leave***

An employee adopting a child is to be allowed comparable leave and pay arrangements as applies to natural mothers. Accordingly, an employee who satisfies the full criteria and conditions of the maternity scheme specific to his/her conditions of service will be entitled to the following:

- All employees are entitled to ordinary adoption leave of 26 weeks' duration.
- Employees who have 26 weeks' continuous service ending with the week in which they are notified of being matched with a child for adoption, are entitled to a further 26 weeks of additional adoption leave, – a total of 52 weeks' adoption leave.
- Both ordinary and additional adoption leave is to be taken in one block within a 12-month period from the date of placement unless otherwise agreed with the school.
- Be subject to all other entitlements and conditions of their maternity scheme.

Adoption leave will begin on the placement date or up to 14 days before the placement date.

Where employees choose to begin leave on the placement date and they are at work on that date, leave begins the following day.

The employee will be required to notify the school of his/her intention to take adoption leave. Correspondence must be sent from the adoption agency confirming the adoption/placement and the employee should inform their employer no more than seven days after the date of being told by the adoption agency that they have been matched with a child in writing, or as soon as is reasonably practicable, that they will be absent from work due to adoption and whether they intend to return to work.

There is a requirement for employers to respond to an employee's notification of his/her leave plans within 28 days. An employer will need to write to the employee, setting out the date on which they are expected to return to work if the full entitlement to adoption leave is taken. Adopters who intend to return to work at the end of their full adoption leave will not have to give any further notification to their employer and, unless otherwise notified, the employer should assume that the employee will be taking his/her full entitlement to adoption leave

### ***Adoption pay***



Payments for employees who have less than one year's continuous service at the beginning of the 11<sup>th</sup> week before the week of the baby/child's placement shall be the employees' entitlement to SAP.

SAP will be paid for 39 weeks, or if earlier, until the date the employee returns to work, or for eight weeks after the end of the week the placement is disrupted.

The contract of employment continues during adoption leave. The employee receives all contractual benefits during the full period of adoption leave.

Employees are subject to all other entitlements and conditions of their appropriate maternity scheme, including the obligation to return to either his/her 'job' for a period of at least three months in order to retain the occupational pay element.

An employee shall not be entitled to SAP in the case of:

- Private adoption – private adoption refers to any adoption not arranged by an agency or organisation, i.e. when the adoptive parents find a birth mother or baby or child privately.
- The adoption of a step-child by a step-parent.
- The adoption of a foster child by a foster parent.
- Those who become parents through arrangements with a surrogate mother.

### ***Adoptive paternity leave and pay***

Statutory paternity leave for adoption is absence from work for the purpose of caring for a newly placed adoptive child or to support the main adopter. The paternity leave provisions, as set out in section 2.4 of this policy, will apply to employees who:

- Are adoptive fathers.
- Are the spouse or partner of the main adopter.
- Will have responsibility for the child's upbringing.
- Have been continuously employed for at least 26 weeks ending with the week the child's adopter is notified of the match.
- Have given notice and evidence to the appropriate SLT lead.

## **3.7 Parental Leave**

Parental leave offers qualifying parents the right to take a period of unpaid time off work to look after a child or to make arrangements for the child's welfare. Parents can also use it to spend more time with their children.

Employees are entitled to a total of 18 weeks' leave for each qualifying child. Parental leave is for each child and, therefore, if an employee has twins the leave is doubled.

For the purposes of parental leave, a disabled child is one for whom disability living allowance has been awarded. Employees can take a maximum of four weeks per year per child, which can be taken in blocks or multiples of one week.

### ***Qualifying conditions***

Parents (or adopters) of children up to the age of 18 may have the right to parental leave. To qualify, employees must:

- Have one year's continuous service; and
- If employees are separated from the spouse or partner and don't live with their child (or children), they maintain the right to parental leave if they keep formal parental responsibility for the child (or children). Foster parents do not have the right to parental leave, but may be able to request a flexible working pattern (see section 1 of this policy)).

Parental leave is an individual right and cannot be transferred between parents.

### ***Requests for parental leave***

Employees wishing to request a period of parental leave, must make a request to the lead member of SLT giving at least 21 days' notice. This request should be put in writing stating the dates on which the leave is to begin and end.

An employer can ask to see evidence to confirm that the employee is the parent or the person legally responsible for the child; evidence might take the form of information contained in the child's birth certificate or adoption papers, etc.

An employee may elect to take a period of parental leave from the date of child birth or from the date of adoption, in which case the employer cannot delay the date of the leave. The employee must give 21 days' notice before the EWC, or 21 days before the week in which adoption placement is to occur.

If a woman wishes to take a period of parental leave immediately following her maternity leave, she should also ensure that she makes the request to the headteacher, giving at least 21 days' notice

### ***Returning to work***

At the end of parental leave period, the employee is entitled to return to the same job as before, if the leave was for a period of four weeks or less. The employee is also entitled to benefit from any improvements to the rate of pay (or other employment terms and conditions) which may have been introduced while he/she has been away.

If the parental leave period was more than four weeks, the employee is entitled to return to the same job, or if it is not reasonably practicable, a similar job which has the same or better status, terms and conditions as the previous job.

## **4.0 Shared Parental Leave**

### **4.1 Definition and Eligibility**

Shared Parental Leave enables eligible parents 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. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay. This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (ShPL) and statutory Shared Parental Pay (ShPP).

The school recognises that, from time to time, employees may have questions or concerns relating to their shared parental rights. It is the school's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees should clarify the relevant procedures with the lead member of SLT to ensure that they are followed.

ShPL can only be used by two people:

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

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Additionally an employee seeking to take SPL must satisfy each of the following criteria:

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- the employee must still be working for the school at the start of each period of ShPL;
- the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 a week in any 13 of those weeks;
- the employee must correctly notify the school of their entitlement and provide evidence as required.

Eligible employees may be entitled to take up to 50 weeks ShPL 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 ShPL system and take any remaining weeks as ShPL.

A mother/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.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

ShPL can commence as follows:

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

Where a mother/adopter gives 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.

ShPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice.

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

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

## **4.2 Requesting Shared Parental Leave**

An employee entitled and intending to take ShPL must give their line manager notification of their entitlement and intention to take to ShPL, at least eight weeks before they can take any period of ShPL.

Part of the eligibility criteria requires the employee to provide the school with correct notification. Notification must be in writing and requires each of the following:

- the name of the employee;
- the name of the other parent;
- the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of ShPL available;
- the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- the amount of ShPL the employee and their partner each intend to take
- a non-binding indication of when the employee expects to take the leave.

The employee must provide the School with a signed declaration stating:

- that they meet, or will meet, the eligibility conditions and are entitled to take ShPL;
- that the information they have given is accurate;
- if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
- that should they cease to be eligible they will immediately inform the school.

The employee must provide the school with a signed declaration from their partner confirming:

- their name, address and national insurance number;
- that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
- 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 consent to the amount of ShPL that the employee intends to take;
- that they consent to the school processing the information contained in the declaration form; and
- (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.

In addition to notifying the employer of entitlement to ShPL/ShPP, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to ShPL.

The employee has the right to submit 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.

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

The employee must book ShPL 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.

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

An employee considering/taking ShPL is encouraged to contact the lead member of SLT to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the company to support the individual.

The lead member of SLT may upon receiving a notification of entitlement to take ShPL seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their ShPL entitlement.

Upon receiving a leave booking notice the lead member of SLT 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 in the terms stated in the employee's notice booking leave, a meeting may not be necessary.

Where a meeting is arranged it should take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged then the meeting may be held over the telephone.

At the meeting the employee may, if they wish, be accompanied by a workplace colleague, trade union representative.

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, and what the outcome may be if no agreement is reached.

### **4.3 Continuous Leave Notifications**

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).

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 ShPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

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

### **4.4 Discontinuous Leave Notifications**

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 ShPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, the school 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.

The school 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.

### **4.5 Variations to arranged shared parental leave**

The employee is permitted to vary or cancel an agreed and booked period of ShPL, 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.

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 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.

### **4.6 Statutory Shared Parental Pay**

Eligible employees may be entitled to take up to 37 weeks ShPP while taking ShPL. 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.

ShPP may be payable during some or all of ShPL, depending on the length and timing of the leave.

In addition to meeting the eligibility requirements for ShPL, 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's average weekly earnings for the eight weeks leading up to and including the 15th week before the child's expected due date 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.

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. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take ShPL.

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/company should they cease to be eligible.

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

- their agreement to the employee claiming ShPP and for the school/company 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.

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

#### **4.7 Terms and Conditions during Shared Parental Leave**

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

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

##### ***Annual Leave***

ShPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where a ShPL period overlaps two leave years the

employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year.

For Teaching and Term Time only staff: Your leave year, for the purpose of establishing annual leave entitlement whilst on ShPL is 1 September to 31 August. Your statutory holiday entitlement is not an additional entitlement to annual leave on top of the current school closure arrangements. Whilst you are on ShPL you are entitled to your statutory holiday under the Working Time Regulations. You shall not accrue holiday above your entitlement under the Working Time Regulations 1998. Annual leave entitlement will be offset against any period of school closure that has taken place in the leave year in question i.e. both before and after your ShPL period. On return from ShPL, you are permitted to take any outstanding leave during term time during that leave year if there are insufficient school closures to accommodate your holiday in that leave year. Where your return from ShPL is so close to the end of the leave year that there is not enough time to take your entire holiday entitlement, you will be permitted to carry over any balance of outstanding holiday to the following leave year. You can be required to take this during the remaining periods of school closure after the statutory holiday for that leave year has been accommodated. You will not be entitled to a payment in lieu of untaken annual leave. However, payment in lieu may be necessary, if you decide not to return to your job following your ShPL.

#### **4.8 Contact during Shared Parental Leave**

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

An employee can agree to work for the school (or attend training) for up to 20 days during ShPL without bringing their period of ShPL 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.

The school 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 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. Any SPLIT days worked do not extend the period of SPL.

An employee, with the agreement of the school, may use SPLIT days to work part of a week during SPL. The school and the employee may use SPLIT days to effect 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.

#### **5.0 Parental bereavement pay and leave**

Where a staff member's child dies before they turn 18, they may be able to take two weeks' leave from the first day of employment for each child who has died or was stillborn. The leave can start on or after the date of the death and can be taken as two consecutive weeks, two separate weeks or only one week of leave – however the leave is taken, it must finish within 56 weeks of the date of the death.



A week is the same number of days that you would normally work in a week.

Where a staff member is taking another type of statutory leave (e.g. maternity leave following a stillbirth) when the child dies or the stillbirth happens, their parental bereavement leave will start after the other leave has ended but, does not have to be taken immediately after.

### **Eligibility for leave**

To be eligible for leave, the staff member may have been, at the time of the child's death or stillbirth:

- The child's biological parent, where no adoption or parental order was made, unless there was a contact order in place.
- The child's adoptive parent, after the adoption order was granted, or before if the child was already placed with them and that placement was not interrupted. If the child was adopted from abroad, parental leave can be granted if the child was living with the staff member after entering Great Britain or they have an 'official notification' confirming the adoption.
- A parent of the child where the child was born to a surrogate, where a parental order was made, or before if they had applied or intended to apply for a parental order within six months of the child's birth and expected it to be granted.
- The partner of the child's parent.
- Taking care of the child, i.e. the child was living with them at their home for at least four continuous weeks ending with the date of death.
- The individual that had day-to-day responsibility for the child during the time of the child's death.

Staff members who were being paid to look after the child prior to their death will not be eligible for parental bereavement leave unless they were:

- A foster parent being paid a fee or allowance by an LA.
- Reimbursed for expenses related to caring for the child.
- Getting payments under the terms of a will or trust for the child's care.

Where it is between zero and eight weeks after their child's death, a staff member will be expected to notify the school prior to the time they would normally start work on the first day of the week or weeks they want to take off from work.

Where it is between nine and 56 weeks after their child's death, a staff member will be expected to notify the school at least one week prior to the start of the week or weeks they want to take off from work.

The school will not require notifications of parental bereavement leave to be submitted in writing; however, will require that all notifications include:

- The date of the child's death or stillbirth.
- When the staff member intends parental bereavement leave to begin.
- How much leave they are planning on taking, i.e. either one or two weeks.

### **Miscarriages**

If a staff member's baby is stillborn before the end of the 24th week of pregnancy, it is treated as a miscarriage. In these cases, the staff member or a partner would not be eligible for maternity or paternity leave or pay; however, other options are available.

If the staff member is not well enough to work following a miscarriage, they will be entitled to sick leave and pay. The staff member will be able to self-certify their sick leave for the first seven days of their absence and will need a doctor's note for any time period beyond that. Any time off required as a result of a miscarriage will be treated as a pregnancy-related sickness.



## Appendix A Intention to take Maternity Leave Form

<b>Your details</b>	
Surname:	
First name(s):	
Job Title:	
Employee Number:	
<b>Dates for pay and leave</b>	
Expected date of childbirth:	
Anticipated date to intend to start maternity leave:	
Anticipated date to intend to return to work:	
Additional documentation required: (MATB1 certificate attached)	<input type="checkbox"/> Yes
<b>Declaration</b>	
I have read the Maternity, Paternity, Adoption and Parental Leave Policy and accept the terms contained within them. In particular, I agree that if I do not return to work for at least 12 weeks after my maternity leave, I will repay the school any maternity pay that I have received (other than statutory maternity pay). I agree that the school may deduct any unpaid amount from any outstanding payments (including salary and holiday pay) due from the school to me.	
<b>Signed (employee)</b>	
<b>Date</b>	



## Appendix B Shared Parental Leave Request Form and Declarations

### Section A: Basic information

**Guidance notes.** Shared parental leave may be shared between a child's mother and either the child's father or the person who, at the date of the child's birth, is her partner. Both parties must expect to share the main responsibility for the child's upbringing.

"Partner" means the mother's spouse, civil partner, or other person living with her in an enduring family relationship, but who is not her sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

A1	Employee's name	
A2	I am the child's mother*/child's father*/mother's partner* (*delete as appropriate)	
A3	Child's expected week of birth	
A4	Child's actual date of birth (if known)	
A5	Child's place of birth (if known)	
A6	Child's name (if known)	

### Section B: Maternity leave, statutory maternity pay or maternity allowance

**Guidance notes.** If you are the mother, please give your maternity leave (ML) dates below. If you are still on ML you must also submit a maternity leave curtailment notice to bring your ML to an end.

If you are the child's father or the mother's partner, please give the mother's ML dates. If she is not entitled to statutory ML (for example, because she is an agency worker, self-employed or unemployed), give the dates she started and ended (or will end) her statutory maternity pay (SMP) or maternity allowance (MA) period as applicable. She must give her employer notice to curtail her ML or SMP period, or give notice to the Department for Work and Pensions to curtail her MA period as appropriate.

B1	ML / SMP / MA start date	
B2	ML / SMP / MA end date	

B3	Total ML / SMP / MA (weeks)	
<b>Section C: Shared parental leave</b>		
<p><b>Guidance notes.</b> The total shared parental leave (ShPL) available is 52 weeks minus the mother's ML, SMP, or MA period (see B3).</p> <p>The first period of shared parental leave cannot start until at least two weeks after the child is born and at least eight weeks after you submit this opt-in notice.</p>		
C1	Total ShPL available (whole weeks).	
C2	Number of whole weeks' ShPL intended to be taken by you.	
C3	Number of whole weeks' ShPL intended to be taken by the person you will share ShPL with.	
C4	Indication of dates you would like to take shared parental leave.	
C5	<p>The dates in C4 will be treated as a non-binding until a period of leave notice is given.</p> <p>If you want to treat this notice as a period of leave notice to take ShPL on the dates given in C4 tick here.</p>	
<b>Section D: Statutory shared parental pay</b>		
<p><b>Guidance notes.</b> The total statutory shared parental pay (SSPP) available is 39 weeks minus the mother's SMP or MA period (see B3).</p>		
D1	Total SSPP available (whole weeks).	
D2	Number of whole weeks' SSPP intended to be taken by child's mother.	
D3	Number of whole weeks' SSPP intended to be taken by child's father/mother's partner.	

D4	Indication of dates you would like to take SSPP.	
D5	<p>The dates in D4 will be treated as a non-binding until a notice to take SSPP is given.</p> <p>If you want to treat this notice as a notice to take SSPP on the dates given in D4 tick here.</p>	

**Section E: Employee's declaration**

**Guidance notes.** "Child" means the child referred to in Section A.

"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

I am the child's mother and I am entitled to statutory ML. I have submitted a curtailment of maternity leave notice (or will submit it before the person I am sharing SPL with takes SPL and at least eight weeks before the first date on which I intend to take SPL).\*

or

I am the child's father or the child's mother's partner.\*

(\*delete one as applicable.)

I had at least 26 weeks' continuous employment at the end of the 15th week before the expected week of childbirth (EWC) and have remained continuously employed since then.

My normal weekly earnings in the eight-week period ending with the 15th week before the EWC were not less than the lower earnings limit (£111 for 2014-15). (delete if not applicable)

I expect to share the main responsibility for the care of the child with the person who has completed Section F.

I intend to care for the child during each week that I am on shared parental leave and receiving SSPP.

I will immediately inform the SLT Lead if I cease to care for the child, or to otherwise satisfy the conditions for entitlement to shared parental leave or SSPP.

The information I have given in this notice is accurate.

**Signed** .....

**Date** .....

**Section F: Declaration by person taking shared parental leave with employee**

**Guidance notes.** "The employee" and "the child" are the employee and child referred to in Section A.

If the employee is the child's mother, you must be the child's father or the mother's partner.

If the employee is not the child's mother, you must be the child's mother.

"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

Name	
Address	
National Insurance number	
You employer's name and address (if employed) or your business address if self-employed.	

I am the mother of the child and I am (or was) entitled to ML, SMP or MA. I have curtailed my ML, SMP or MA, or will have done so by the time your employee starts parental leave.\*

*or*

I am the child's father.\*

*or*

I am the partner of the child's mother.\*

*(\*delete as applicable)*

I expect to share the main responsibility for the care of the child with your employee.

I have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the EWC.

My average weekly earnings are at least £30, taking the 13 highest-earning weeks in the 66 weeks immediately before the EWC.

I consent to your employee taking shared parental leave and claiming SSPP as set out in this notice and will immediately inform them if I cease to satisfy any of the conditions in this declaration.

I consent to the information in this declaration being used for the purposes of administering shared parental leave and pay.

**Signed** .....

**Date** .....