

Maternity, Paternity and Shared Leave Policy

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Introduction

This policy sets out statutory and contractual rights in relation to maternity, paternity, adoption and parental leave for Boleyn Trust employees. It covers rights and responsibilities, arrangements for leave and pay, and provisions for return to work. This policy reflects our commitment to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. No-one will be discriminated against, be subject to detriment or lose career development opportunities by taking leave under this policy.

1. Maternity Leave and Pay (Teaching Staff)

1. Introduction

The rules and regulations governing maternity leave and pay are very complex. A special package has been prepared which incorporates all the information employees need to know.

2. Statutory Benefits

All women employees regardless of hours of work or length of service are entitled to 52 weeks maternity absence with their conditions protected and the right to return to work.

If an employee has not completed one-year continuous teaching service with local government by the 11th week before the Expected Date of Confinement (EDC) there is no entitlement to Newham's Occupational Maternity Pay, but they may be entitled to Statutory Maternity Pay (SMP) (see below).

3. Statutory Maternity Pay

Statutory Maternity Pay is payable to women who meet the following criteria:

- a) Have 26 weeks continuous teaching service with Newham leading into the 15th week before the baby is due.
- b) Have average earnings that are above the lower earnings limit for the payment of National Insurance contributions.
- c) Will be pregnant at the 11th week before the expected date of confinement, or have been confined by that time.
- d) Have submitted medical evidence of the date the baby is due, i.e. the Mat.B1. Certificate at least 28 days before the start of the maternity pay period.
- e) Have stopped work.

If the employee meets the criteria outline above in (a)-(e) for SMP they will receive 39 weeks SMP.

SMP will be payable for 39 weeks, the first 6 weeks at a rate of 90% of average earnings followed by 33 weeks at a flat rate, (the rate is equivalent to the standard rate SSP). Women are entitled to the full 39 weeks of SMP from the time they choose to start their maternity leave, provided that this is no longer than the 11th week before the expected date of confinement.

If they are informed that they are not entitled to SMP they will be given Form SMP1 to complete along with their MATB1 certificate of E.D.C., (expected date of confinement) which will enable them to claim state maternity allowance from the DSS and they will be entitled to 52 weeks unpaid leave.

SMP will be triggered from the notified date of maternity leave. Any sickness wholly or partly due to pregnancy after the 4th week before the expected week of confinement will automatically trigger maternity leave and pay.

4. Occupational Benefits

All women who have 1 year's continuous teaching service with one or more local authorities by the 11th week before the expected week of confinement qualify for Occupational Maternity Pay.

Any woman qualifying for occupational maternity benefits is entitled to a total of 52 weeks maternity leave, commencing no earlier than the 11th week before the expected day of confinement and with the condition that they return to work for at least 13 weeks to qualify for the half pay period.

The 52-week leave comprises of the following:

Occupational Maternity Pay benefit comprises:

- | | |
|------------------------------|-----------------------|
| - 4 weeks at full pay | Including 4 weeks SMP |
| - 2 weeks 9/10ths paid leave | Plus 2 weeks SMP |
| - 12 weeks at half pay | Plus 12 weeks SMP |
| - 21 weeks at SMP only | |
| - 3 weeks unpaid leave | |

If at any point salary plus SMP amounts to more than full pay, then the half pay will be scaled down so that no more than full pay is received.

If an employee decides not to return to work after their maternity leave then they will only be entitled to the first six weeks' pay and any further SMP payment they may have received. Any occupational half pay they may have received will have to be paid back to the Trust.

5. Ante-Natal Care

Any pregnant employee has the right to paid time off to attend for ante-natal care and must produce evidence of appointments if requested to do so by their employer. Where possible these should be made to cause the least disruption to the working day.

6. What employees need to do

If the employee is pregnant and is intending to take maternity leave or to stop working for the school in which they are employed, then the Headteacher or designated officer should be notified as soon as possible of their intention. As soon as they receive their E.D.C. Certificate (Expected date of Confinement - form Mat.B1.) they must forward this to Schools HR Service so that their eligibility for maternity pay and leave can be assessed. At the latest, they must do this by the 15th week before the E.D.C. This certificate can be obtained from the Midwife or GP. Attached at Appendix 1 is the form to be completed.

7. Payment

Maternity pay is paid like normal pay, i.e. straight into the Bank or Building Society account and all payments under both SMP and Occupational Maternity Pay are liable for tax and deduction for National Insurance Contributions and Superannuation.

8. Returning to work and notice of returning to work

All employees have the right to return to the job in which they were employed, but they must give notice in writing that they are going on maternity leave, and for how long, as soon as possible, but no later than 28 days before their maternity leave is to start. If an employee intends to return to work after maternity leave, they must let their Headteacher or designated officer at the school where they are employed know as soon as possible. They will be paid the additional 12 weeks at half pay, once they have confirmed their intention to return in writing

An employee may change the date of their return to work to an earlier date as long as they give eight weeks' notice to the Headteacher. If this notice is not provided, the Headteacher may postpone their return by eight weeks.

An employee whose return has been postponed under these circumstances is not entitled to receive wages or salary if they return to work during the period of postponement.

If an employee is not sure whether they wish to return to work following maternity leave it can be arranged to withhold their half pay. It will then be paid if they return. However, they must return for a period of at least 13 weeks including school holidays and closures.

If an employee decides they wish to return to duty only to enable them to retain their half pay entitlement, they must resign their post, complying with the laid down resignation dates and leave at the end of the current term.

9. Health and Safety Regulations

A woman who is pregnant or has recently given birth or is breast feeding now has a statutory right to be offered suitable alternative employment, or if not available, may be suspended on full pay, if their continued presence at work contravenes certain health and safety regulations.

The regulations cover such areas as night work, or with hazardous substances, or work in dangerous industrial processes, it is not anticipated that any of the Trust's employees will be covered by this clause of the regulations. However, it is advised that a risk assessment of the workplace should be carried out when an employee notifies their Headteacher or delegated officer that they are pregnant.

10. Keeping in touch days (KIT)

Keeping in touch days are whereby staff on maternity leave can agree with their employer to return to work for up to 10 days during their statutory maternity leave, without bringing the maternity leave to an end or losing SMP. The KIT days do not

have to be consecutive and can be used for any work related training or meeting for example. It is not a requirement on either the school or the employee to arrange or attend KIT days respectively.

Payment for KIT days will be agreed in advance with the Headteacher. The employee will not lose payment of the SMP where a KIT day takes place, however, SMP will be offset against any payment made by the employer for working on a KIT day.

For further advice on this please contact the payroll officer for your school.

11. Adoption Leave Scheme

The Adoption Leave scheme provides the same level of benefits and length of leave as under the maternity leave scheme if an employee is to be the primary carer of a child. Leave is governed by the same terms and conditions as for maternity leave, subject to the provision that such leave should commence no earlier than 14 days prior to the date of adoption. An extended period of unpaid leave may be applied for, providing that the period of adoption leave does not exceed 52 weeks.

The employee retains the same rights to return to work as exist for women on maternity leave. The Paternity Leave and Parental Leave Scheme applies.

The qualifying length of service is the same as under the Occupational Maternity Leave Scheme and employees should give as much notice as possible that they have been approved as an adoptive parent and that they will require adoption leave. The provisions apply to the adoption of a child under the age of 18.

12. Notification

An employee must notify the school, in writing, within seven days after the date on which they are notified of having been matched with the child for the purposes of adoption. They must state the date on which the child is expected to be placed with them and the date on which they intend to begin their adoption leave.

13. Evidence of Entitlement

An employee must produce one or more documents provided to them by an adoption agency that contains:

- the name of the employee claiming adoption leave
- the name and address of the adoption agency
- the date on which the child is expected to be placed for adoption
- the date the employee was informed by the agency that the child would be placed for adoption with them
- a declaration that they elected to receive Statutory Adoption Pay and not statutory paternity pay for the newly adopted child and will subsequently be the primary carer.

2. Maternity Leave and Pay (Support Staff)

14. Introduction

The rules and regulations governing maternity leave and pay are very complex. A special package has been prepared which incorporates all the information employees need to know.

15. Statutory Benefits

All women employees regardless of hours of work or length of service are entitled to 52 weeks maternity absence with their conditions protected and the right to return to work.

If an employee has not completed one-year continuous local government by the 11th week before the EWC there is no entitlement to the Trusts Occupational Maternity Pay, but they may be entitled to Statutory Maternity Pay (SMP) (see below).

16. Statutory Maternity Pay

Statutory Maternity Pay is payable to women who meet the following criteria:

- a) Have 26 weeks continuous service with the Trust leading into the 15th week before the baby is due.
- b) Have average earnings that are above the lower earnings limit for the payment of National Insurance contributions.
- c) Will be pregnant at the 11th week before the expected date of confinement, or have been confined by that time.
- d) Have submitted medical evidence of the date the baby is due, i.e. the Mat B1 Certificate at least 28 days before the start of the maternity pay period.
- e) Have stopped work.

If the employee meets the criteria outline above in (a)-(e) for SMP they will receive 39 weeks SMP.

SMP will be payable for 39 weeks, the first 6 weeks at a rate of 90% of average earnings followed by 33 weeks at a flat rate, (the rate is equivalent to the standard rate SSP). Women are entitled to the full 39 weeks of SMP from the time they choose to start their maternity leave, provided that this is no longer than the 11th week before the expected date of confinement.

If they are informed that they are not entitled to SMP they will be given Form SMP1 to complete along with their MAT B1 Certificate of E.D.C., (expected date of confinement) which will enable them to claim state maternity allowance from the DSS and they will be entitled to 52 weeks unpaid leave from the Trust.

SMP will be triggered from the notified date of maternity leave. Any sickness wholly or partly due to pregnancy after the 4th week before the expected week of confinement, will automatically trigger maternity leave and pay.

17. Occupational Health

All women who have 1 year's continuous service with one or more local authorities by the 11th week before the expected week of confinement qualify for the Trusts Occupational Maternity Pay.

The Trusts Occupational benefit comprises of an additional 24 weeks at half pay.

Any woman qualifying for maternity benefits is entitled to a total of 52 weeks maternity leave, commencing no earlier than the 11th week before the expected day of confinement and with the condition that they return to work for at least 3 months to qualify for the half pay period.

Occupational Maternity Pay benefit comprises:

6 weeks 9/10ths of pay	Including 6 weeks SMP
	24 weeks half pay, Plus 24 weeks SMP
	9 weeks SMP only
	13 weeks unpaid leave

If at any point salary plus SMP amounts to more than full pay, then the half pay will be scaled down so that no more than full pay is received.

If an employee decides not to return to work after their maternity leave then they will only be entitled to the first six weeks' pay at 9/10ths and any further SMP payment they may have received. Any occupational half pay they may have received will have to be paid back to the Trust.

18. Ante-Natal Care

Any pregnant employee has the right to paid time off to attend for ante-natal care and must produce evidence of appointments if requested to do so by their employer. Where possible these should be made to cause the least disruption to the working day.

19. Leave

Providing the employee returns to work, their annual leave entitlement is not affected by maternity leave. They may use their annual leave (if they are an employee who receives an annual leave entitlement) to increase their paid leave entitlements or they may keep it until after they return to work. However, the normal arrangements for carrying over leave will still apply, so their maternity leave and annual leave must be planned well in advance. In addition, payment in full for any Bank Holiday or statutory days that fall during the first 18 weeks of maternity leave is also payable. Payment for the latter will be calculated by HR, before the employee's return to work.

Where an employee works term time the booking and carryover of annual leave does not apply.

20. What employees need to do

If the employee is pregnant and is intending to take maternity leave or to stop working for the school in which they are employed, then the Headteacher or designated officer should be notified as soon as possible of their intention. As soon as they receive their E.D.C. Certificate (Expected date of Confinement - form Mat B1) they must forward this to HR so that their eligibility for maternity pay and leave can be assessed. At the latest, they must do this by the 15th week before the E.D.C. This certificate can be obtained from the Midwife or GP. Attached at Appendix 1 is the form to be completed.

21. Payment

Maternity pay is paid like normal pay, i.e. straight into the Bank or Building Society account and all payments under both SMP and the Trusts Occupational Maternity Pay are subject to tax, National Insurance and Superannuation Contributions.

22. Returning to work and notice of returning to work

All employees have the right to return to the job in which they were employed, but they must give notice in writing that they are going on maternity leave, and for how long, as soon as possible, but no later than 28 days before their maternity leave is to start. If an employee intends to return to work after maternity leave, they must let their Headteacher or designated officer at the school where they are employed know as soon as possible. They will be paid the additional 24 weeks at half pay, once they have confirmed their intention to return in writing

An employee may change the date of their return to work to an earlier date as long as they give eight weeks' notice to the Headteacher. If this notice is not provided, the Headteacher may postpone their return by eight weeks.

An employee whose return has been postponed under these circumstances is not entitled to receive wages or salary if they return to work during the period of postponement.

If an employee is not sure whether they wish to return to work following maternity leave it can be arranged to withhold their half pay. It will then be paid if they return. However, they must return for a period of at least 13 weeks including school holidays and closures.

If an employee decides they wish to return to duty only to enable them to retain their half pay entitlement, they must resign their post, complying with the appropriate notice.

23. Health and Safety

A woman who is pregnant or has recently given birth or is breast feeding now has a statutory right to be offered suitable alternative employment, or if not available, may be suspended on full pay, if their continued presence at work contravenes certain health and safety regulations.

The regulations cover such areas as night work, or with hazardous substances, or work in dangerous industrial processes, it is not anticipated that any of the Trusts employees will be covered by this clause of the regulations. However, it is advised that a risk assessment of the workplace should be carried out when an employee notifies their Headteacher or delegated officer that they are pregnant.

24. Keeping in touch days (KIT)

Keeping in touch days are whereby staff on maternity leave can agree with their employer to return to work for up to 10 days during their statutory maternity leave, without bringing the maternity leave to an end or losing SMP. The KIT days do not have to be consecutive and can be used for any work related training or meeting for example. It is not a requirement on either the school or the employee to arrange or attend KIT days respectively.

Payment for KIT days will be agreed in advance with the Headteacher. The employee will not lose payment of the SMP where a KIT day takes place; however, SMP will be offset against any payment made by the employer for working on a KIT day.

For further advice on this please contact the payroll officer for your school..

25. Adoption Leave Scheme

The Adoption Leave scheme provides the same level of benefits and length of leave as under the maternity leave scheme if an employee is to be the primary carer of a child. Leave is governed by the same terms and conditions as for maternity leave, subject to the provision that such leave should commence no earlier than 14 days prior to the date of adoption. An extended period of unpaid leave may be applied for, providing that the period of adoption leave does not exceed 52 weeks.

The employee retains the same rights to return to work as exist for women on maternity leave. The Paternity Leave and Parental Leave Scheme applies.

The qualifying length of service is the same as under the Trust's Maternity Leave Scheme and employees should give as much notice as possible that they have been approved as an adoptive parent and that they will require adoption leave. The provisions apply to the adoption of a child under the age of 18.

26. Notification

An employee must notify the school, in writing, within seven days after the date on which they are notified of having been matched with the child for the purposes of adoption. They must state the date on which the child is expected to be placed with them and the date on which they intend to begin their adoption leave.

27. Evidence of Entitlement

An employee must produce one or more documents provided to them by an adoption agency that contains:

- the name of the employee claiming adoption leave

- the name and address of the adoption agency
- the date on which the child is expected to be placed for adoption
- the date the employee was informed by the agency that the child would be placed for adoption with them
- a declaration that they elected to receive Statutory Adoption Pay and not statutory paternity pay for the newly adopted child and will subsequently be the primary carer.

3. Paternity Leave

28. What is Paternity Leave and who qualifies?

Employees who:

- have or expect to have a responsibility for the child's upbringing
- are the biological father of the child or mother's husband or partner and
- have worked continuously for their employer for 26 weeks ending with the 15th week before the baby is due or the end of the week in which the child's adopter is notified of being matched with the child can choose to take either one week or two consecutive weeks' paid paternity leave (this cannot be taken in odd days)

29. When must paternity leave be taken?

Paternity leave must be completed:

On any day of the week on or following the child's birth, but must be completed:

- Within a 56-day period which starts either on the date of birth of the child, or at the beginning of the expected week of childbirth, whichever is the later.
- If the child is born early or within the period from the actual date of birth up to 56 days after the first day of the week in which the birth was expected.

30. What Paternity Leave must employers provide?

Employers must provide the right to two weeks' paid paternity leave which can be taken in two ways:

- either as two single weeks, or
- as 2 weeks consecutively

31. What notice and action are required?

Employees are required to give the employer a self-certificate of entitlement to leave. The employee should provide:

- Their name
- The expected week of the child's birth (EWC) or, if birth has already occurred, the actual date of birth
- The length of the period of leave required and the date from which leave is requested
- The date of return

32. Leave

The above information should be given to the employer on or before the 15th week before the Expected Week of Confinement (EWC) or, if this is not practicable, as soon as possible thereafter and at least 28 days before the leave commences.

There is no requirement for the employee to give the employer any medical evidence of the pregnancy or birth.

33. Pay

In order for the employee to claim Statutory Paternity Pay (SPP), the employee must provide the employer with a completed self-certificate that he is the father of the child and/or the partner or the husband of the mother and:

is taking leave either to care for the child and/or to support the mother, and has or expects to have responsibility for the upbringing of the child

The self-certificate must be given as evidence of the entitlement at least 28 days before the employee wants SPP to begin.

34. Statutory Paternity Pay (SPP) & benefits provided during Paternity Leave

The level of Statutory Paternity Pay (SPP) is the same as the flat rate for Statutory Maternity Pay (SMP), currently from the 6th April 2016, this is £139.58 per week, or 90% of the employees average weekly earnings if this is less than £139.58.

In addition, employees retain the benefit of their terms and conditions of employment and are entitled to return to work to the same job. However the Trust pays all employees who meet the eligibility requirements 10 days contractual pay.

35. Can an employee delay the start of Paternity Leave after giving notice?

Yes, provided that the employee gives their employer written notice of the required change, whether to the date on which they require the leave to commence, or to its length. The notice must be at least 28 days' notice, before the new leave date commences.

4. Shared Parental Leave

36. What is Shared Parental Leave?

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 (SPL) and statutory Shared Parental Pay (ShPP).

[This is based on statutory entitlements to SPL and ShPP. If you are considering offering enhanced entitlements, this would need to go here]

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 HR to ensure that they are followed.

37. Who is eligible for Shared Parental Leave?

SPL 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 organisation at the start of each period of SPL;
- 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 (this is correct as of 2015 but may change annually) a week in

- any 13 of those weeks;
- the employee must correctly notify the organisation of their entitlement and provide evidence as required.

38. The Shared Parental Leave Entitlement

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.

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.

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 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, 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 SPL 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.

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).

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).

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.

39. Notifying the School of an entitlement to Shared Parental Leave

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.

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 SPL 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 SPL 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 SPL;
- 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 organisation.

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

- their name, address and national insurance number (or a declaration that they do not have a 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’ (see “Who is eligible for Shared Parental Leave?” above), and had at the date of the child’s birth or placement for adoption the main responsibility for the child, along with the employee;
- that they consent to the amount of SPL 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.

40. Requesting further evidence of eligibility

The School 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

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

41. Fraudulent Claims

The School can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual company investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

42. Discussions regarding Shared Parental Leave

An employee considering/taking SPL is encouraged to contact the person responsible for HR in the School 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 person responsible for HR in the School 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.

Upon receiving a leave booking notice the person responsible for HR in the School 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 or even a personal friend or family member.

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

43. Booking Shared Parental Leave

In addition to notifying the employer of entitlement to SPL/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 SPL.

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.

[Allowing an employee to submit three notifications to book/vary leave is the statutory minimum and employers may find it preferable to specify a higher/unlimited number of notifications]

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.

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.

44. 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 SPL 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.

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

Where there is concern over accommodating the notification, the School 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 organisation (see "Discussions regarding Shared Parental Leave" above).

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.

46. Responding to a Shared Parental Leave Notification

Once the School receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

All notices for continuous leave will be confirmed in writing.

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

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.

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 may propose a modified version of the request.

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; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in 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.

47. Variations to arranged Shared Parental Leave

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.

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.

48. Statutory Shared Parental Pay (SHPP)

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.

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

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 15th week before the child's expected due date/matching 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 SPL.

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 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 organisation 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.

49. Terms and Conditions during Shared Parental Leave

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 (such as use of a company car, laptop, mobile phone and gym membership) will continue and contractual annual leave entitlement (if entitled) 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 SPL. Employee contributions will be based on actual pay, while the School's contributions will be based on the salary that the employee would have received had they not been taking SPL.

50. Annual Leave

SPL 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 an SPL 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.

51. Contact during Shared Parental Leave

Before an employee's SPL begins, the organisation 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 SPL. 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.

52. Shared Parental Leave in Touch Days

An employee can agree to work for the School (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.

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.

53. Returning to work after Shared Parental Leave

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 otherwise. If they are unable to attend work due to sickness or injury, the School's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the school 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 does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after 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, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

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.

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.

If a parent takes a period of 5 weeks of 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.

54. Special Circumstances and further information

In certain situations, an employee's rights and requirements regarding SPL and ShPP may change. In these circumstances the School will abide by any statutory obligations and an employee should refer to the documents listed below and/or clarify any issues

or queries with Trust HR.

Law relating to this document:

- The Shared Parental Leave Regulations 2014;
- The Shared Parental Pay (General) Regulations 2014;
- The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014;
- Employment Rights Act 1996;
- Child and Families Act 2014;
- Equality Act 2010

5. Policy Status and Review

The Board of Trustees has agreed to this Policy and, as such, it applies to all Schools within the Trust. Please note that should any further national guidance be issued by external agencies that are relevant to this policy, it will be updated accordingly prior to the review date shown below and re-circulated.

Date approved: September 2019
Review date: September 2021

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Chair of the Board of Trustees

6. Appendices

Appendix 1 Application for Maternity Leave – Teaching Staff

Ask Boleyn Trust HR for template

Appendix 2 Letter acknowledging notification of Maternity Leave for Teaching Staff

Ask Boleyn Trust HR for template

Appendix 3 Statement of Intention to return to work teaching staff.

Ask Boleyn Trust HR for template

Appendix 4 Support Staff Application for Maternity Leave

Ask Boleyn Trust HR for template

Appendix 5 Letter acknowledging notification of Maternity Leave for Support Staff

Ask Boleyn Trust HR for template

Appendix 6 Statement of intention to return to work for support staff

Ask Boleyn Trust HR for template

Appendix 7 Application for Paid Maternity Leave

Ask Boleyn Trust HR for template

Appendix 8 Shared Parental Leave: Curtailment Notice

Ask Boleyn Trust HR for template