



Greenfield
Primary School

Greenfield Primary School
MATERNITY/ADOPTION & PATERNITY
POLICY



**Leicestershire
Traded Services**

Maternity/Adoption & Paternity Policy

This policy applies to all employees, including Head Teachers/Principals, Teachers and all Support Staff.

This policy does not form part of employees' terms and conditions of employment and therefore may be subject to change at the discretion of the Trust/Governing Body.

For the purposes of this policy Head Teachers/Principals will be referred to as Head Teacher and School/Academy will be referred to as school.

1. Purpose

- 1.1 This policy outlines the entitlements covering maternity, adoption and maternity support (paternity) provisions, as well as the wider issues concerning working families such as parental leave. Shared Parental Leave provisions are dealt with separately.
- 1.2 This policy outlines an employee's entitlement to both leave and pay in respect of the above in accordance with their length of service with the school, their continuous service under the Modification Order and whether or not they wish to return to work once their leave comes to an end.

2. Health & Safety – Workplace Risk Assessment

- 2.1 An employee must inform the Head Teacher as soon as their pregnancy is confirmed to enable a workplace risk assessment to be carried at the earliest opportunity.
- 2.2 The Management of Health and Safety at Work Regulations 1999 requires employers to carry out a specific risk assessment based on the existing risk assessment that is in place, where employees of child bearing age or new or expectant employees may be at risk from a work process, working conditions or physical, chemical or biological agents.
- 2.3 This includes:
 - Physical Agents: Shock and vibrations, Movements and Postures, Manual Handling, Noise, Radiation etc.
 - Chemical Agents: Toxic Chemicals, Mercury, Lead, Substances absorbed through skin etc.
 - Biological Agents: Bacteria, Infectious Diseases etc.
 - Working Conditions: Facilities (including rest rooms), Mental and Physical fatigue, Stress (including post-natal depression), Working Alone, Travelling, Working at Height, Personal Protective Equipment etc.
- 2.4 If the duties of the job are likely to cause the employee harm, steps will be taken to remove or reduce the risk.
- 2.5 Specifically, consideration will be given to:
 - removing the employee from any duties that might pose a risk to their health and safety;
 - temporarily adjusting their working hours (if reasonable to do so) to avoid exposure to a risk or reduce the effects of a risk;
 - transferring the employee to an alternative job on comparable terms and conditions;

as a last resort consider suspension from work on full pay until maternity leave commences if no suitable alternative work, or steps to remove or reduce the risk, is available. In such circumstances, advice should be sought from your HR Adviser;

- where, the employee is advised by an approved medical practitioner to take absence from school, for example due to the risk of Rubella, the employee will be granted leave with full pay.

2.6 Any adjustments will be discussed with the employee in the first instance.

2.7 If the Head Teacher or employee considers that the general risk assessment is no longer valid or that there has been a significant change in circumstances or to the physical structure/layout of the school for example, then the employer will revisit and review the risk assessment accordingly.

3. Time Off for Antenatal Care, IVF Appointments & Pre-Adoption Leave

3.1 Antenatal Care:

All pregnant employees are entitled to reasonable paid time off for appointments for antenatal care made on the advice of a GP, registered midwife or health visitor. Antenatal care includes:

- Appointments with the GP or registered Midwife
- Hospital appointments for scans or tests
- Relaxation Classes
- Parent-craft Classes
- Other appointments, including parenting classes made on the recommendation of the GP or registered Midwife

3.2 Employees must:

- provide as much notice as possible, of the date and time of appointments.
- arrange appointments at the beginning or the end of the school day, where possible
- Provide documentary evidence of the appointment, such as an appointment card etc.

3.3 The expectant partner/father will also be entitled to take unpaid time off work to attend up to 2 antenatal appointments with their partner.

3.4 IVF Appointments:

Employees should refer to the schools Leave of Absence Policy for entitlements regarding medical appointments for IVF.

An employee who, following IVF treatment, subsequently becomes pregnant, will be entitled to the same time off for ante-natal care as outlined above.

3.5 Adoption Appointments:

Employees who are entitled to receive adoption leave will also be entitled to paid time off work to attend up to 5 adoption appointments **after** they have been matched with a child.

For all appointments, employees must:

- provide as much notice as possible, of the date and time of appointments.
- arrange appointments at the beginning or the end of the school day, where possible
- Provide documentary evidence of the appointment, such as an appointment card etc.

3.6 **Surrogacy Arrangements:**

Both parents will be entitled to take unpaid time off to attend up to 2 antenatal appointments with the surrogate carrying the child.

4. Maternity/Adoption Leave

4.1 The tables contained in this section outline the amount of leave an employee can take in respect of Maternity/Adoption. There are different provisions for pay based on length of service. With the exception of pay, all other terms and conditions of employment will remain unchanged during the Maternity Leave Period.

| SECTION A: Maternity Leave Eligibility: | Adoption Leave Eligibility |
|---|---|
| <p>All employees are entitled to take up to 52 weeks’ maternity leave (provided the relevant notification periods are complied with):</p> <ul style="list-style-type: none"> • 26 weeks is known as ‘Ordinary Maternity Leave’ (OML) (which includes 2 weeks Compulsory Maternity Leave) • 26 weeks is known as ‘Additional Maternity leave’ (AML) <p>Multiple births do not affect these entitlements.</p> <p>Only the pregnant employee can take maternity leave. The partner may be entitled to Maternity Support (Paternity) leave.</p> <p>Leave can start:</p> <ul style="list-style-type: none"> • No earlier than the 11th week before the EWC, unless <ul style="list-style-type: none"> ○ the day after the baby is born if premature, i.e. before maternity leave has commenced; • Automatically if the employee is absent from work for pregnancy related reasons (wholly or partly) during the 4 weeks immediately prior to EWC. <p>In such circumstances, leave and pay will automatically commence from the day after the child’s birth/the day following the employees first day of absence.</p> | <p>All employees are entitled to take up to 52 weeks’ adoption leave (provided the relevant notification periods are complied with)::</p> <ul style="list-style-type: none"> • 26 weeks of Ordinary Adoption Leave (OAL) • 26 weeks of Additional Adoption Leave (AAL) <p>Multiple placements do not affect these entitlements.</p> <ul style="list-style-type: none"> • Only 1 person in a couple can take adoption leave. The partner may be entitled to Adoption Support (Paternity) leave. The employee must also sign form SC6 if adopting a child from overseas with a partner. This confirm the employee is not taking paternity leave or pay. <p>Leave can start:</p> <ul style="list-style-type: none"> • On the date the child starts living with the employee <p>OR</p> <ul style="list-style-type: none"> • up to 14 days before the expected placement date (UK adoptions) • when the child arrives in the UK or within 28 days of this date (overseas adoptions) • the day the child is born, or the day after (if the employee has used a surrogate to have a child) |

SECTION B: Maternity Pay Eligibility

To qualify for SMP an employee must:

- have at least 26 weeks continuous service with the current employer (without a break) by the end of the 15th week before the EWC. This is known as the 'Qualifying Week'. N.B. this is not covered by the continuous service as per Modification Order
- remain in employment before the beginning of the "Qualifying Week".
- earn an average weekly wage equal to, or greater than, the lower earnings limit for National Insurance contributions.
- have complied with the necessary notification provisions at Section D.

The diagram below shows how to identify the "Qualifying Week".



Diagram showing the qualifying week

Adoption Pay Eligibility

To qualify for SAP employees must:

- have at least 26 weeks continuous service with the current employer (without a break) by the week in which they were matched with a child. N.B. this is not covered by the continuous service as per Modification Order.
- remain in employment by this time.
- earn an average weekly wage equal to, or greater than, the lower earnings limit for National Insurance contributions.
- Confirm that they are not in receipt of statutory Paternity Pay
- have complied with the necessary notification provisions at Section D.

To qualify for OMP employees must:

- have at least one year's continuous service with the current employer, local authority or other body contained within the Redundancy Modifications order at the beginning of the 11th week before the EWC,
AND
- confirm in writing their intention to return to work after their maternity leave and complete:
 - 13 weeks service (for teachers) **OR**
 - 3 months service (for support staff)

(inclusive of school holidays, regardless of whether they return on a full time or part time basis).

To qualify for OAP employees must:

- have at least one year's continuous service with the current employer, local authority or other body contained within the Redundancy Modifications order at the date of matching,
AND
- confirm in writing their intention to return to work after their adoption leave and complete:
 - 13 weeks service (for teachers) **OR**
 - 3 months service (for support staff)

(inclusive of school holidays, regardless of whether they return on a full time or part time basis).

For Overseas Adoptions, employees must also:

- have worked continuously for their current employer for at least 26 weeks by the time they receive 'official notification'. This is permission from a UK authority that the employee can adopt a child from abroad.
- sign [form SC6](#) if adopting a child with their partner to confirm the employee is not taking paternity leave or pay.

Surrogacy arrangements: to qualify for Statutory Adoption Pay, where a surrogate is being used, the employee must:

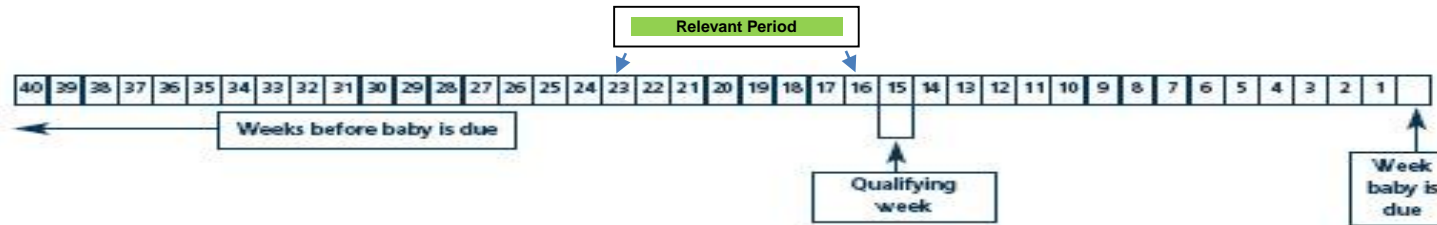
- have worked continuously for your employer for at least 26 weeks by the 15th week before the baby's due.
- confirm that they have or intend to apply for a [Parental Order](#)
- confirm that they expect the Order to be granted.

All the other conditions for qualifying for pay and leave are the same as for adoptive parents.

If the employee is genetically related to the child (i.e. the egg or sperm donor), the employee can choose to receive [Paternity leave and pay](#) instead. An employee cannot receive both adoption leave/pay and paternity leave/pay.

SECTION C: Maternity & Adoption Pay

An employee may be eligible for one or a combination of statutory or occupational pay. The combined amount must not exceed the amount the employee would normally earn. The amount of SMP paid is based on an employees average earnings during a period of at least 8 weeks before the end of the “Qualifying Week”, this is the “Relevant Period”



Statutory Maternity/Adoption Pay:

Statutory Maternity/Adoption Pay (SMP/ SAP) can be paid for up to 39 weeks (known as the Maternity Pay Period (MPP) or Adoption Pay Period (APP) as follows:

Teachers:

Higher Rate SMP/SAP:

- Full Pay for the first 4 weeks of the MPP/APP (off set against SMP/SAP)
- The following 2 weeks - 90% of employees average weekly earnings, before tax

Support Staff:

Higher Rate SMP/SAP

- Paid for the first 6 weeks of the MMP/APP - 90% of the employees average weekly earnings, before tax.

Lower Rate SMP/SAP (for the remaining 33 weeks of the MPP/APP):

paid at a rate set by the Government for the relevant tax year **or** 90% of the employees average weekly earnings (whichever is lower).

Occupational Maternity/Adoption Pay:

For eligible employees OMP/OAP is 12 weeks half pay, paid:

- over a 12 week period alongside the lower rate of SMP/SAP **OR**
- As a lump sum in the first available payroll after the employee returns to work.

For employees (teachers or support staff) not intending to return to work with LCC (for maintained schools)/their current employer for academies at the end of their maternity leave:

- payments will be their entitlement to SMP/SAP only (currently 39 weeks in total).
- No OMP/OAP will be paid.

Employees who receive OMP/OAP but do not return to work with their current employer at all will be required to pay this back in full. If the employee returns to work but fails to complete the necessary 13 weeks/3 months service, they will be required to pay back a proportion of the OMP.

Where an employee returns to work before the end of the Maternity/Adoption Pay Period (MPP/APP) i.e. before 39 weeks, they will forfeit any outstanding SMP/SAP.

| SECTION D: Maternity Leave & Pay Notification | Adoption Leave & Pay Notification |
|---|--|
| <p>To qualify for Maternity Leave an employee must, no later than 15 weeks before the EWC confirm in writing to the Head Teacher:</p> <ul style="list-style-type: none"> • that they are pregnant • their EWC • the date they want their maternity leave and pay to start (this can be no earlier than the 11th week before the EWC). • an indication of whether they intend to return to work after their period of leave. <p>Employees must complete and submit:</p> <ul style="list-style-type: none"> • MAT01 Form • MATB1 Certificate (this is proof of the pregnancy available from the employees doctor/midwife, available from 20 weeks before the due date. <p>Employees are encouraged to give notice of when they want their SMP to commence at the same time as giving notice for leave. Employees are required to give at least 28 days notice of the date they want their SMP to start.</p> <p>The Employer must then confirm in writing, to the employee, their maternity leave start and end dates and whether they are entitled to OMP within 28 days of receiving this notification.</p> | <p>For UK Adoptions: the employee must inform the Head Teacher in writing, within 7 days of being notified by the Adoption Agency of a match with a child:</p> <ul style="list-style-type: none"> • that they wish to take adoption leave • the date the child is to be placed with the employee • provide at least 28 days notice of the date they want their adoption leave and pay to start, and how much leave they want to take, and • Indicate whether they intend to return to work after their period of leave. <p>Employees must complete and submit:</p> <ul style="list-style-type: none"> • ADOPT01 Form • Matching Certificate from the Adoption Agency <p>For Overseas adoptions: Notification should be given in 3 stages:</p> <ul style="list-style-type: none"> • Stage 1: As soon as possible, the employee must inform the Head Teacher of:the date they received ‘official notification’ of a match with a child • the estimated date on which the child is expected to enter the UK <p>Stage 2: within 28 days of receiving “official notification’ OR within 28 days of the employee completing 26 weeks service, the employee must notify the Head Teacher of:</p> <ul style="list-style-type: none"> • The date they want leave to start (this cannot be before the child enters the UK) • how much leave they wish to take. <p>Stage 3: within 28 days of the child entering the UK, the employee must complete the ADOPT01 form, stating:the actual date the child arrived the UK along with evidence:</p> <ul style="list-style-type: none"> • Provide official notification issued on behalf of the relevant UK Authority (to confirm the employee has been approved by them as being a suitable adoptive parent to adopt a child from overseas) OR a matching certificate • Complete Form SC6 if adopting a child with their partner https://www.gov.uk/government/publications/statutory-adoption-pay-and-leave-adopting-a-child-from-abroad-sc6) • A declaration that the employee is claiming SAP and not SPP |

| | |
|---|---|
| Adoption Leave & Pay Notification cont: | <p>The school must confirm within 28 days of receiving notification, how much Statutory Adoption Pay the employee will receive, when it will start and stop.</p> <p>IF the child does not enter the UK on the expected date, the employee must inform the Head Teacher as soon as possible as they will not be entitled to SAL or SAP.</p> <p>Surrogacy arrangements:</p> <p>Where an employee uses a surrogate to have a baby, they must inform the Head Teacher at least 15 weeks before the expected week of birth when they wish their leave to start.</p> <p>The employee must have received a Parental Order, or intend to apply for one when the child is living with them (where one parent is genetically related to the child). Employees may be asked for a written statement ('statutory declaration') to confirm this within 6 months after the child's birth. OR</p> <p>An adoption order to adopt the child (where there is no genetic relationship) and must use a registered adoption agency throughout the adoption process.</p> <p>In some cases a MATB1 form may be available to the employees. .</p> |
| <p>The employee must notify the Head Teacher of any change in circumstances that affects their right to receive maternity/adoption pay.</p> <p>Change of dates:</p> <p>If an employee wishes to change the notified maternity/adoption leave start date/placements date or the child's UK arrival date (overseas adoptions), they must give the Head Teacher:</p> <ul style="list-style-type: none"> • at least 28 days notice of the revised date OR • 28 days before the original state date, whichever is earlier. <p>The revised date can be earlier or later than the original date, subject to the above provisions for premature birth or pregnancy related illness.</p> <p>If it is not possible to give the required notice, the employee must give notice as soon as reasonably practical. If an employee fails to comply with the relevant notification requirements it may not be possible to change the start date. If the employee does not have an acceptable reason for failing to comply with the notification requirements, the start date can be delayed.</p> <p>Employees must provide at least 8 weeks' notice if they want to change their return to work date.</p> | |

Employees who do not qualify for SMP or OMP:

Employees who do not qualify for SMP or OMP may be entitled to [Maternity Allowance](#), paid by Jobcentre Plus. Maternity Allowance may be payable for 39 weeks.

Employees who are unsure whether they are entitled to SMP, they should, in the first instance, contact their payroll provider.

For more information on eligibility and options for claiming Maternity Allowance visit [GOV.UK - Maternity Allowance](#).

Employees who do not qualify for Adoption Pay:

Employees will not qualify for Statutory Adoption Leave or Pay if they:

- arrange a private adoption, for example without permission from a UK authority or adoption agency
- become a special guardian or kinship carer
- adopt a stepchild
- adopt a family member or stepchild

Employees must receive a form SAP1 from the school detailing why they are not eligible for Statutory Adoption Pay.

Employees who do not qualify for SAL or SAP may, if they wish:

- Apply for unpaid leave in the form of a [career break](#); or
- Request annual leave or a short period of unpaid leave, in which case the normal procedure for requesting leave should be followed.
- Apply for Parental Leave.

Withholding Maternity or Adoption Pay

Maternity/Adoption Pay may be withheld if the employee:

- Is taken into police custody; or
- Continues working after childbirth or after the adoption; or
- Works for another employer or agency after childbirth or within the Maternity Pay Period/Adoption Pay Period; or
- Does not provide a Form MATB1 form/Matching Certificate or other formal documentation as specified in the tables above; or
- Gives late or no notification of their intention to take Maternity/Adoption Leave (unless there are mitigating circumstances, such as hospitalisation).

The employee must notify the Head Teacher of any change in circumstance that affects their right to received maternity/adoption pay.

- 4.2 Following submission of the relevant documents as detailed in the table above, the employee will then receive written confirmation of their Maternity/Adoption leave start date and the expected date of return to work (if the full entitlement to Maternity/Adoption leave is taken). This should be no later than 28 days from the date of notification.
- 4.3 If the required notification is not given, the employee may lose the right to start maternity/adoption leave on the chosen date, although this will not affect the ability to take maternity/adoption leave.
- NB.** Whilst employees no longer require 26 weeks continuous service to qualify for adoption **leave**, this period is still applicable in relation to when employees must provide the relevant notification.

5. Returning to Work: Maternity/Adoption/Paternity Leave

- 5.1 Employees returning to work at the end of their OML/OAL/SPL are entitled to return to the same job on the same terms and conditions.
- 5.2 If an employee returns to work at the end of their AML/AAL, they are entitled to return to the same job, but if that is not reasonably practicable, to another suitable job on comparable terms and conditions.
- 5.3 Employees taking the full Maternity/Adoption/Paternity leave entitlement are not required to provide further notification of returning to work, provided they intend to return on the date originally stated on the MAT01 form/ADOPT01 form. However, employees are encouraged to re-confirm their return date to ensure that the school are completely clear on when the employee wishes to return to work.
- 5.4 Where an employee wishes to return before the end of the Maternity/Adoption/Paternity Leave Period employees should notify the Head Teacher in writing, at least 21 days before the day on which they propose to return if this is before the end of any AML/APL period. Where less than 21 days notice is given, the Head Teacher can delay the return until after 21 days' notice has been received, or until the end of the full maternity/paternity leave period if this is earlier than 21 days.
- 5.5 Since arrangements may have been made to cover the employees' absence on Maternity/Paternity leave the employee is required to give as much notice as possible, where the return to work is concerned.

Delayed return due to sickness

- 5.6 If the employee is unable to return to work at the end of their period of leave due to sickness, then Maternity/Adoption/Paternity leave will cease and normal sickness absence reporting arrangements will apply.

If the Employee Does Not Return to Work (with their current employer):

- 5.7 An employee who decides not to return to work with their current employer, must notify their Head Teacher in writing of their decision, confirming their resignation. The resignation will take effect on the date the SML/SAL/SPL would have ended.
- 5.8 Where the employee does not return to work but has received OMP/OAP, they will be required to repay it in full.

Employees whose Fixed Term Contract ends during Maternity/Paternity Leave:

- 5.9 Where a fixed term contract expires during the Maternity/Adoption/Paternity leave, the school must comply with the normal fixed term contract termination process. The reason for non-renewal must not be maternity related.

Employees who return to work and then resign

- 5.10 Employees who return to work and subsequently resign from their post will be subject to their normal contractual notice provisions.
- 5.11 If the employee returns to work but fails to complete 3 months' service (Support Staff) or 13 weeks' service (Teaching Staff), they will be required to repay the OMP/OAP in full or a pro-rata portion of the 3 months/13 weeks half pay depending on the service completed.
- 5.12 If an employee is made compulsory redundant and is unable to return to work for the 3 months' (Support Staff) or 13 weeks (teaching staff), they will not be required to repay any OMP received during maternity leave, unless the employee unreasonably refuses an offer of suitable alternative employment.

6. Maternity/Adoption Support Leave & Pay (Paternity)

SECTION E: Maternity/Adoption Support Leave & Pay (Paternity Leave) Eligibility:

Employees are [eligible](#) for Maternity/Adoption Support (Paternity) Leave and Pay if they and their partner are:

- having a baby
- adopting a child
- having a baby through a surrogacy arrangement

The employee must:

- Have at least 26 weeks continuous service with the current employer by the end of the 15th week before the EWC/the week in which the employee is matched with the child (UK adoptions) /the date the child enters the UK (Overseas adoptions) **AND**
- Be either:
 - The child's father;
 - The mother's spouse/partner/civil partner;
 - One of a couple jointly adopting a child;
 - An intended parent if using a surrogate to have a child;
- Have the main responsibility (apart from the responsibility of the mother/primary adopter for the upbringing of the child);
- Be taking time off work to help care for the child or to support the child's mother / primary adopter;
- Provide the relevant notice and evidence to the school of their intention to take Statutory Paternity Leave.

Employees with less than 26 weeks service:

- Will not qualify for Maternity/Adoption Support (Paternity) Leave;
- Will be entitled to 2 weeks unpaid leave in accordance with the leave entitlement outlined below.

If the child born prematurely, the employee will still be eligible for leave based on the above criteria.

SECTION F: Maternity/Adoption Support (Paternity) Leave Entitlement

- Up to 2 consecutive calendar weeks (regardless of whether a multiple birth/adoption is expected).
- Leave to be taken within 56 days from the date of birth/date the child entered the UK (for overseas adoptions) inclusive of school holidays.
- Leave must be taken in one go.

SECTION G: Maternity/Adoption Support (Paternity) Pay Entitlement

- Qualifying employees are paid at their normal rate of pay for the first week of paternity leave and an optional second week of leave may be taken which will be payable at the Statutory Paternity Pay rate only.
- Statutory Paternity Pay (SPP) is a rate set by the Government for the relevant tax year or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

Employees with less than 26 weeks service:

- Will not qualify for Maternity/Adoption Support (Paternity) Pay.

SECTION H: Notification

At least 15 weeks prior to the EWC or no later than 7 days after the date on which they were notified by the adoption agency of a match with a child, the employee must:

- Complete the OPL02 form;
- Advise the date on which they wish their OPL to commence. Leave cannot start until the baby is born. The start and end dates are different if the employee is adopting;
- Indicate how much leave they want to take (i.e. 1 or 2 weeks).

In addition, employees should:

- Provide details of the EWC (for births) **OR** the date on which the adopter was notified of having been matched with the child (adoptions);
- the date the child is expected to be placed with the employee (or, if placement has already occurred, the date of the placement) (adoptions);
- the date on which the employee received the "official notification" of the placement (overseas adoptions);
- the date on which the child is expected to enter the UK (overseas adoptions).

For Overseas adoptions:

The employee must subsequently give their employer at least 28 days' advance notice of:

- when they want their paternity leave to start; and
- whether they wish to take one or two weeks' leave.

No later than 28 days after the date the child entered the UK, the employee must inform his or her employer of this date.

Change of start date:

The employee must provide at least 28 days' written notice of any change to their leave start date or, if that is not possible, as soon as reasonably practicable.

If the baby is born prematurely, the leave is to be taken between the birth and 56 days after the birth.

If an employee fails to comply with the relevant notification requirements they may not be entitled to OPL, or its payment may be delayed.

An employee is not entitled to take paternity leave if they have exercised the right to paid time off to attend an adoption appointment prior to the commencement of the adoption placement in respect of the same child.

7. Miscarriage, Stillbirth or Neo-Natal Death

- 7.1 In the event that the employee has a miscarriage, before the 24th week of pregnancy, they will not be entitled to maternity leave or maternity pay. Any subsequent absence will be treated as sickness absence and normal sick pay provisions will apply.
- 7.2 If the employee has a stillbirth, after the beginning of the 24th week of pregnancy, they will be entitled to receive maternity leave and pay, which will commence on the day after the stillbirth occurred. Eligible employees will also be entitled to the same Maternity Support (Paternity) leave and pay as if the pregnancy had reached full term.
- 7.3 If the baby is born alive but dies later, the employee is entitled to full maternity leave and pay.

8. Breastfeeding

- 8.1 As part of its obligation under health and safety legislation the employer will consider reasonable measures to support mothers who wish to continue breastfeeding their baby/expressing milk following their return to work where reasonably practicable. Whilst there is no statutory requirement to provide facilities for this purpose, the employer is required to provide somewhere for a breastfeeding mother to rest and, where necessary, this should include somewhere to lie down.
- 8.2 On returning to work an employee should provide their employer with written notification that they are breastfeeding and ideally let their employer know before they return. The employee's line manager must then conduct a specific risk assessment.
- 8.3 The Head Teacher who may seek advice from their Health and Safety Adviser, regarding any appropriate assistance that can be offered to the employee.

9. Keeping In Touch Days (KIT)

- 9.1 KIT days are intended to help the employee keep in touch with the workplace during their maternity leave/adoption leave for example to allow the employee:
 - to attend training
 - to attend away or development days with the team
 - Personal Development Reviews
 - Or to communicate significant changes within the school
- 9.2 An employee may undertake up to, but not exceed, 10 KIT days during their Maternity/Adoption leave period/without bringing their Maternity/Adoption leave to an end or affecting their pay.
- 9.3 KIT days can be worked separately or in a block and either as full or part days, by agreement between the employee and the school. Working for any part of a day will count as one day towards the 10 KIT days; however employees will only be paid for the hours worked.
- 9.4 The employee will be paid at their normal rate of pay for the hours/days worked as KIT days and this will be offset against their Maternity/Adoption pay. The hours worked should not exceed the employee's normal weekly contracted hours.

- 9.5 The Head Teacher is responsible for completing and certifying a KIT form for payment of the hours / days worked.
- 9.6 If the employee exceeds the 10 days by only one day, the full week of SMP will be forfeited (where applicable).
- 9.7 The school cannot require an employee to undertake KIT days and an employee does not have any entitlement to be offered them. The amount and type of work that is to be done should be mutually agreed between the employee and the Head Teacher, subject to the above provisions.
- 9.8 The provisions apply to the entire period of Maternity/Adoption pay except during the first 2 weeks after childbirth.
- 9.9 Where maternity or adoption leave is curtailed to undertake Shared Parental Leave, the entitlement for KIT days would be forfeited and Shared Parental Leave In Touch Days (SPLIT) would be applicable.

10. Reasonable Contact During Periods of Leave

- 10.1 The Head Teacher is entitled to make reasonable contact with the employee during their Maternity /Adoption leave, to enable them to be kept informed of developments/vacancies or changes within the school and to discuss plans for returning to work. How this is undertaken, and the extent to which an employee would like to be contacted should be discussed with the employee prior to the commencement of maternity leave. The level of contact will be minimal and would not be considered as work and would not count towards the 'Keeping in Touch' days.

11. Continuous Service

- 11.1 **Teachers:** Continuous service dates are not broken by approved periods of maternity/adoption leave whether paid or unpaid.
- 11.2 **Support Staff:** Maternity/Adoption leave shall be regarded as continuous service for the purposes of calculating a redundancy payment, occupational sick pay and annual leave entitlement. For employees who have had a break in local government service for maternity reasons, or reasons concerned with caring for children or other dependants, they will be entitled to have previous service taken into account in respect of occupational sick pay and maternity/ adoption leave provided that the break in service has not exceeded 8 years and that no permanent paid full time employment has intervened.

12. Annual Leave

- 12.1 Annual leave will accrue during maternity/adoption leave.
- 12.2 **Teachers:**
Accrued annual leave will be offset against any school closure periods during the academic year (or annual leave year where this is different to the academic year). Where there are insufficient closure periods available before the end of the leave year to allow for the accrued leave to be taken, the employee will be allowed to carry over any remaining leave to the next leave year.
- 12.2 **Support Staff (Term-time / annualised hours only):**

Accrued leave should be taken in the current leave year if possible. In agreement with the Head teacher, the options for taking any accrued holiday are either:-

- During non-term time periods. In such circumstances the employees will receive an additional payment for the amount of accrued holiday taken during the closure period paid at normal salary rates.
- During term time where this cannot be taken during school closure periods. Time off taken during this period will be paid at normal salary rates.
- Immediately following the end the maternity leave and before the employee returns to work. Paid at normal salary rates.

All requests to take annual leave must be made in writing to the Head teacher.

If there are insufficient school closure periods available before the end of the annual leave year to allow for the accrued leave to be taken, the employee must be allowed to carry over any remaining leave into the next annual leave year. Where possible leave should be taken during school closures to accommodate the leave in that year. The employee will be paid at normal salary rates for this annual leave.

All calculations for holiday are at hourly rate x hours taken

13. Pensions

13.1 For an employee who is a member of either the Teachers' Pension Scheme (TPS) or the Local Government Pension Scheme (LGPS), pension contributions will continue to be deducted each month from their salary during the paid period of their maternity leave/adoption leave. Contributions will be based on the levels of pay applicable at the various stages of maternity leave.

13.2 When an employee enters a period of unpaid leave, it will not be possible to collect pension contributions.

13.3 Payment for KIT days will be pensionable.

13.4 Teachers' Pension Scheme

For members of the TPS, pension contributions cease at the end of the paid period of maternity / adoption leave, and membership of the scheme suspended. For further information regarding pensions, employees should contact:

Teachers' Pensions,
Mowden Hall,
Darlington,
DL3 9EE or visit their website <https://www.teacherspensions.co.uk/public/contact-us.aspx> .

Alternatively members may contact the Employee Service Centre by telephone on 0300 3030222 or email at escservicedesk@emss.org.uk .

13.5 Local Government Pension Scheme – Support Staff

Members of the Local Government Pension Scheme are able to make up “missing” contributions so that the period of service concerned can be counted for pension purposes.. An employee wishing to make up their contributions must notify the Pensions Section of their decision by completing and returning the Maternity Leave or Adoption Absence Option form (please contact the Pensions Teams at County Hall for more information).

within 30 days of their return to work. The outstanding contributions can be paid either as a lump sum or, by agreement, in instalments.

14. Government Tax Free Childcare Scheme

For more information please visit: <https://www.gov.uk/get-tax-free-childcare>

15. Unpaid Parental Leave

16.1 Parental leave offers employees, who qualify, the right to take unpaid time off work to look after their child’s welfare, e.g. to:

- spend more time with their children
- look at new schools
- settle children into new childcare arrangements
- spend more time with family – e.g. visiting grandparents
- remain with the child during a period of hospitalisation

16.2 Leave is to be taken as whole weeks, up to a maximum of 4 weeks, per year, per child. Parents of a child with a disability can take leave as whole weeks or single days. (For the purposes of parental leave, a child with a disability is one for whom disability living allowance has been awarded).

16.3 Entitlement is for a total of 18 weeks’ leave for each qualifying child, and is applied as shown in the table below. Parental leave is applicable to each child; therefore if an employee has twins the leave entitlement would be doubled.

| Child | Entitlement |
|--|--|
| For each child / adopted child | 18 weeks up to their 18 th birthday |
| For each child who qualifies for Disability Living Allowance | 18 weeks up to their 18 th birthday |

16.4 Qualifying Conditions

To qualify, employees must:

- have one year’s continuous service (at the point at which the leave commences);
- should have or expect to have parental responsibility for the child and
- be named on the child’s birth or adoption certificate

If the employee is separated from the spouse or partner and they don't live with the child, the right to parental leave is maintained if they retain formal parental responsibility for the child. Parental Leave is applicable to individual employees and is not to be transferred between parents.

16.5 Requests for Parental Leave

Employees must provide least 21 days' notice of their intention to take Parental Leave. This request should be in writing, stating the dates on which the leave is to start and end. The Head Teacher may ask to see evidence to confirm that the employee is the parent or the person legally responsible for the child (it would however, not be considered reasonable to ask for proof each time the employee requests leave). Evidence may include:

- the child's birth certificate
- documents confirming the child's adoption or date of commencements for the adoption placement
- a child's entitlement to Disability Living Allowance

Requests for leave can be postponed by the school for up to six months, where the request would cause serious disruption to the school if the leave was taken at the time requested. However, leave cannot be postponed if it means an employee would no longer qualify for parental leave – e.g. postponing it until after the child's 18th birthday.

If leave is to be postponed, the school will:

- write explaining why, within 7 days of the original request
- suggest a new start date (this must be within 6 months of the requested start date)

If an employee wishes to take a period of Parental Leave immediately following their maternity leave, they must also provide the Head Teacher with at least 21 days' notice.

16.6 Returning to Work

At the end of the Parental Leave period, where the period is of 4 weeks or less, the employee is entitled to return to the same job as before. If the Parental Leave period is for more than 4 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 terms and conditions as the previous job.

Maternity Leave and Pay Request Form – MAT01 Form

All employees are entitled to a maximum period of 52 weeks' maternity leave. Entitlement to pay varies at different stages during Maternity /Adoption leave - it is dependent on length of continuous service and compliance with notification dates and other defined conditions.

Please read carefully the Maternity/Adoption & Paternity Policy before completing and submitting this form to your Head Teacher. This form should be submitted 15 weeks prior to the Expected Week of Childbirth (EWC).

| PERSONAL DETAILS | | |
|-----------------------------|---------------------------------------|------------------------------|
| SURNAME: | FIRST NAME(s): | |
| ADDRESS: | | |
| SCHOOL / COLLEGE / ACADEMY: | | |
| JOB TITLE: | PAYROLL REF: | EXPECTED DATE OF CHILDBIRTH: |
| CONTINUOUS SERVICE DATE: | Please attach MATB1 form if available | |

| DECLARATION | | (please tick appropriate box(es)) |
|----------------------------|---|-----------------------------------|
| Eligibility for SMP | I have 26 weeks' continuous service with the current employer by the end of 15 th week before my EWC | <input type="checkbox"/> |
| Eligibility for OMP | I have less than 26 weeks' continuous service with the current employer by 15 th week before EWC | <input type="checkbox"/> |
| MA only | I have 52 weeks' continuous service with a local authority or other body contained within the Redundancy Modifications Order by the beginning of 11 th week before EWC | <input type="checkbox"/> |
| | I acknowledge that I do not have sufficient continuous service to qualify for SMP or OMP and that I am eligible for Maternity Allowance only | <input type="checkbox"/> |

COMMENCEMENT OF MATERNITY LEAVE

I wish to commence my 26 weeks' Ordinary Maternity Leave on.....(date)

I wish to take Additional Maternity Leave forweeks

I expect to return to work on (date)

PLEASE TICK YOUR PREFERRED OPTION (one selection only)

I do not intend to return to work.

I wish to exercise my right to return to work. I wish to receive the 12 weeks' half pay OMP (if eligible), paid at the appropriate stage during my maternity leave but I agree to refund the 12 weeks' half pay in full should I fail to return to work and/or meet the service requirement following my return.

I wish to defer payment of the 12 weeks' OMP until after the birth of my baby. If I return to work I note that my OMP will be paid as a lump sum with the first available payroll. I agree to refund the money in full should I fail to meet the service requirement following my return.

Employee's Signature Date

Head Teacher's Signature..... Date.....

RETURNING TO WORK / RESIGNATION

In line with the terms of this Policy please notify your Head Teacher of the date you wish to return or the date of your resignation (giving the required notice period). **Your Head Teacher must notify Payroll Services of the actual date of return once agreed.**

APPLICATION FOR ADOPTION LEAVE AND PAY – ADOPT01

I request adoption leave and pay under the Maternity/Adoption and Paternity Leave Policy.

| PERSONAL DETAILS | | |
|------------------------------------|--------------------------------|---------------------|
| SURNAME: | FIRST NAME(s): | PAYROLL REF: |
| SCHOOL / COLLEGE / ACADEMY: | | |
| JOB TITLE: | CONTINUOUS SERVICE DATE | |
| DATE OF ADOPTION PLACEMENT: | CHILD'S DATE OF BIRTH | |

ADOPTION LEAVE

- I wish to commence my 26 weeks Ordinary Adoption Leave on..... (date)
- I would also like to take Additional Adoption Leave for weeks
- I expect to return to work on(date)

UK ADOPTIONS

A copy of the matching certificate must be provided to the Head Teacher and forwarded to the EMSS.

OVERSEAS ADOPTIONS

Date Child Entered the UK..... (This must be within 28 days of the child's date of entry)

PLEASE COMPLETE ONE OF THE FOLLOWING SECTIONS

Please tick as appropriate

- I do **not** intend to return to work.
- I am **intending to return** to work. I agree to refund all of the 12 weeks half pay, should I fail to return to work. I wish to exercise my right to return to work.

(If eligible) **I would like to receive my 12 weeks at half pay:**

- a) distributed over 12 weeks
- b) paid as a lump sum in the first available payroll after my return to work

Employee's Signature Date

Head Teacher's Signature..... Date.....

Application for Maternity / Adoption Support Leave (incorporating Statutory Paternity Leave) OPL02

Please read the full information relating to Maternity / Adoption Support Leave in the Maternity/Adoption and Paternity Leave Policy before completing and submitting this form. Please print clearly if completing by hand.

| Part 1: PERSONAL DETAILS | | | |
|--------------------------------------|------------------------------------|-------------------------------------|---|
| SURNAME: | | FIRST NAMES: | |
| HOME ADDRESS: | | | |
| SCHOOL/ACADEMY: | | | |
| JOB TITLE: | | EMPLOYMENT START DATE: | PAYROLL REF: |
| Expected birth date of child: | Actual birth date of child: | Date of adoption placement : | Date of original application (if varying date of leave / notifying other changed circumstances): |

| DATES |
|---|
| <p>I wish to request that my maternity / adoption support leave:</p> <p>commences on: _____ and ends on: _____</p> |

OPL Week 1: All employees are entitled to one week's leave at full pay regardless of length of service. This is a local condition of service and supersedes the first week of Ordinary Paternity Leave.

OPL Week 2: Subject to meeting certain criteria as defined in the Maternity/Adoption Leave Policy and Procedure (incorporating Statutory Paternity Pay) employees may be eligible for a further week's leave payable at the Statutory Paternity Pay rate.

A maximum of two consecutive calendar weeks only may be taken. These two weeks are known as Ordinary Paternity Leave and must be taken within 56 days of the child's actual date of birth / original expected date of birth if the child is born early / date of adoption placement.

Part 2: Eligibility Criteria – Statutory Paternity Pay

I confirm that I will have been continuously employed by the school for at least 26 weeks by the end of the 15th week before the week the child is/was due to be born or before the week of the adoption placement.

Tick box:

I also declare that I am: Tick as appropriate

The child's father:

The mother's spouse:

The mother's partner:

The mother's civil partner:

One of a couple jointly
adopting a child:

• I do not meet any of the criteria listed in Part 2 above. I accept that I am therefore only eligible for one week's leave paid at full pay.

• I meet the criteria in Part 2 for a second week's leave at statutory paternity pay rate only

Employee's Signature.....Date

I agree to this request and confirm that to the best of my knowledge the details are correct.
Head Teacher's Signature
Date

Please forward completed application to (where the school buys into the relevant service):

EMSS, Schools HR Team, County Hall, Glenfield, Leicester, LE3 8SR 15 weeks before the expected week of birth or 7 days after date of adoption matching notification

NOTIFICATION THAT EMPLOYEE HAS UNDERTAKEN KEEPING IN TOUCH DAYS (KIT)

Form to be completed by Head Teacher and returned to the EMSS Service Desk or Payroll Provider.

| | |
|---|--|
| EMPLOYEE | |
| PAYROLL REFERENCE | |
| JOB TITLE | |
| SCHOOL / ACADEMY | |
| ESTABLISHMENT / BASE | |
| DATE EMPLOYEE UNDERTOOK WORK | |
| HOURS OF WORK TO BE PAID FOR | |
| IDENTIFY WHETHER THIS IS KIT or SPLIT ENTITLEMENT | |

Signed (Head Teacher):

Date:

Print Name:

Signed (Employee):

Date:

Print Name:

MATERNITY LEAVE OF ABSENCE - RETURN TO WORK CONFIRMATION

Employee's Full Name

Home Address

Job Title

School / Academy

My baby was born on: _____

Please select relevant option below:

I will be returning to work on: _____

OR

I wish to exercise my right to take a period of Additional Maternity Leave and will return to work on:

OR

I wish to take a period of Additional Maternity Leave and will notify you as soon as possible of my intention to return but no later than 21 days before my intended return date.

OR

I do not wish to return to work and hereby give _____ months' contractual notice of my resignation to take

effect on: _____

Employee's Signature:

Date:

Please complete and return this form to your Head Teacher in the first instance.

Your Head Teacher (where an academy buys into that service) will in turn forward the form to the EMSS, Schools HR Team, County Hall, Glenfield, Leicester, LE3 8SR for processing.

Failure to return this form before your return date may result in a delay in pay, contractual or other administrative matters associated with your maternity leave being processed in time and may ultimately lead to postponement of your return date.

| | |
|-----------------------------------|---|
| AAL | Additional Adoption Leave |
| ADOPT01 | Adoption leave and pay request form |
| AML | Additional Maternity Leave. 26 weeks' leave following the period of Ordinary Maternity Leave |
| Compulsory Maternity Leave | The 2 weeks immediately following the birth when the employee is not permitted to work (included in the Ordinary Maternity Leave period) |
| EWC | Expected week of childbirth |
| MATB1 Certificate | The certificate issued by a doctor or midwife showing the date that the baby is due (available from the 20 th week before the expected week of childbirth) |
| KIT days | Keeping in touch days |
| MA | Maternity Allowance. Women who do not qualify for SMP may be entitled to claim Maternity Allowance |
| MAT01 | Maternity leave and pay request form |
| MPP | Maternity Pay Period. 39 week period during which either SMP or Maternity Allowance is paid |
| OML | Ordinary Maternity Leave. The first 26 weeks of maternity leave |
| OAL | Ordinary Adoption Leave |
| OMP | Occupational Maternity Pay. Maternity pay paid under the employer's maternity pay provisions |
| OPL | Ordinary Paternity Leave |
| SAL | Statutory Adoption Leave |
| SAP | Statutory Adoption Pay |
| SMP | Statutory Maternity Pay. The employee's statutory entitlement to maternity pay |
| SPP | Statutory Paternity Pay |