



Dixons Allerton Academy

Family Friendly Policy

Responsibility for Review: Senior Leadership Team

Index

1. Statement of Intent
2. Definition of Terms
3. Statutory Legislation Rights
4. Maternity
5. Paternity Leave
6. Adoption Leave and Pay
7. Parental Leave
8. Shared Parental Leave

Appendices

1. Maternity Leave Frequently Asked Questions
2. Additional Maternity Allowance/benefit information
3. Useful Addresses & Contacts
4. Notification – Intention to take Maternity Leave Form
5. Risk Assessment Form
6. “Keeping in Touch Day” Request Form

1. Statement of intent

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

There is legislation in place to support employees with caring responsibilities and the Academy have produced this policy, which complies fully with legislation in relation to Maternity, Adoption, Paternity, Parental Leave and Shared Parental Leave. In addition, the Academy has a separate policy specifically relating to Flexible Working.

Should employees' have any queries or have a specific question which is not outlined in this document they should contact the Human Resources Department.

Signed by :.....

Date:.....

(Principal)

Signed by :.....

Date:.....

(Chair of Governors)

2 Definition in terms

Terms Relating to Pay:

- **SMP: Statutory Maternity Pay** - Payable to eligible employees who take maternity leave or leave employment because of pregnancy or childbirth. Payment of SMP is subject to qualifying conditions; subject to deductions for tax, national insurance and pension contributions, if applicable; and is payable only for complete weeks. Once paid SMP is not repayable.
- **OMP: Occupation Maternity Pay** - Enhanced level of maternity pay provided to eligible employees.
- **MA: Maternity Allowance** - Allowance payable by JobCentre Plus to employees not entitled to SMP.
- **MPP: Maternity Pay Period** - The period during which SMP is payable to an eligible employee.
- **QW: Qualifying Week for SMP** – The end of the 15th week before the Expected Week of Childbirth (EWC) for the payment of Statutory Maternity Pay (SMP).
- **LEL: Lower Earnings Limit** – Point start to be treated as if you have paid NI contributions.
- **ShPP: Statutory Shared Parental Pay** - Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL

Terms Relating to Leave:

- **OML: Ordinary Maternity Leave** -The 26-week maternity leave period to which all pregnant employees are entitled to regardless of length of service or hours worked.
- **AML: Additional Maternity Leave** -The 26-week maternity leave period, which immediately follows Ordinary Maternity Leave. The first 13 weeks of AML is paid the second 13 weeks is unpaid.
- **CML: Compulsory Maternity Leave** - First 2 weeks following the birth must be taken as maternity leave.
- **SPL: Shared Parental Leave** - Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption

Terms Relating to Pregnancy / Childbirth:

- **EWC: Expected Week of Childbirth** - The week in which the baby is due to be born as certified by the employee's Doctor or Midwife on the Maternity Certificate (MAT B1).
- **MAT B1: Maternity Certificate** - The maternity certificate given to a pregnant woman by a Doctor or Midwife, which states the Expected Week of Childbirth and is issued after the 20th week of pregnancy. It is required for the payment of SMP.
- **KIT: Keeping In Touch Days** – woman entitled to attend work for up to 10 days during maternity leave.
- **Week** – Generally a period of 7 days that begins at midnight between Saturday and Sunday, where SMP begins on a day other than a Sunday. A week means a period of 7 days such as Thursday to Wednesday.

2. Statutory Legislation rights

MATERNITY LEAVE

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

Members of staff with at least 26 weeks service (by the 15th weeks before the baby is due) will be entitled to 26 weeks ordinary maternity leave, followed by 26 weeks additional maternity leave, during which Statutory Maternity Pay will be payable for the first 13 weeks, the remainder is unpaid.

ADOPTION LEAVE

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

PARENTAL LEAVE

Members of staff with children under the age of 5 (under the age of 18 if the child is disabled) are entitled to apply for 18 weeks unpaid parental leave respectively.

PATERNITY LEAVE

Members of staff with at least 26 weeks service by the 15th week before the baby is due, (or 26 weeks service leading into the week a child is matched in the case of adoption), will be entitled to 2 weeks leave at full pay.

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.

4. Maternity – entitlement & pay

Eligibility for Leave

All employees are statutorily entitled to Ordinary Maternity Leave (OML) for 26 weeks and Additional Maternity Leave (AML) for 26 weeks. 52 weeks in total, regardless of length of service. As long as you give the required notice you can take this no matter how long you have worked for the Academy how many hours you work or how much you are paid. You are required to provide evidence of when the baby is due (MatB1 Certificate) and give notice of when you want the Dixons Academy to start paying you SMP.

Qualifying week

The qualifying week is the 15th week before the week in which your baby is due. The definition of a week for the qualifying week is a period of 7 days that begins at midnight between Saturday and Sunday.

To work out your qualifying week, use a calendar and find the Sunday of your expected week of childbirth. Then count back 15 Sundays (do not include the Sunday of your EWC).

The 15th Sunday is the beginning of your qualifying week.

Example:

- *Baby due Friday 11 October 2016*
- *EWC begins Sunday 6 October 2016*
- *15 Sundays before is 23 June 2016*

Therefore qualifying week is 23 June 2016 to 29 June 2016

Generally, the definition of a week in this guide is a period of 7 days that begins at midnight between Saturday and Sunday, but if your SMP starts on a day of the week other than a Sunday, then a week in your Maternity Pay Period (MPP) means a period of seven days starting from the day of the week your MPP began. For example, if your MPP started on a Thursday, weeks in your MPP run from Thursday to Wednesday.

Eligibility for Pay

To qualify for paid leave you must have:

- *Completed at least 26 weeks of continuous service with the Academy by the Qualifying Week (ie. the 15th week before the expected week of confinement (EWC). The EWC is the week, beginning at midnight between Saturday and Sunday, in which it is expected that the child will be born. The week in which the child is actually born is, the "Week of Childbirth".*

All eligible staff will receive SMP whether or not they intend to return to work after Maternity Leave. To qualify you must have:

- *Completed at least 26 weeks of continuous service with the Academy by the Qualifying Week, average earnings above the lower earnings limit for National Insurance contributions.*

If you do not meet the above criteria for SMP you should contact your local social security/JobCentre Plus office to enquire about eligibility for Maternity Allowance (MA). Unlike SMP it is not paid by the Academy, but instead payment is made by the social security/JobCentre Plus office.

Occupational Maternity Pay (OMP)

OMP is provided by the Academy to give enhanced benefits to staff who intend to return to work after Maternity Leave.

It comprises the following:

In the first year of service - £nil

In the second and subsequent years of service:

- Weeks 1 – 6 – full pay
- Weeks 7 – 26 – 50% of normal pay plus SMP (£139.58)
- Weeks 27 – 39 – SMP
- Weeks 40-52 - £nil

To qualify you must have:

- *completed at least 26 weeks of continuous service with the Academy by the Qualifying Week, and have followed the application procedures informing the Academy in writing that you intend to return to work at the end of the period of maternity leave for at least 12 weeks (excluding sickness absence and extended unpaid leave).*

Payments made by the Academy for OMP during maternity leave shall be made on the understanding that the employee will return to work at the academy for a period of at least three months, which may be varied by the Academy on good cause being shown and in the event of not doing so the employee shall refund all monies paid, or such part thereof if any, the Academy may decide. Payments made to employees by way of Statutory Maternity Pay are not refundable.

Statutory Maternity Pay (SMP)

SMP is a State benefit for women on maternity leave, the conditions for which and the amount of which are determined by the Government, but it is paid by the Academy. Average earnings are calculated based on earnings over a statutorily defined period prior to Maternity Leave. SMP may start on any day of the week.

You might not be entitled to receive SMP either because you do not earn enough to pay National Insurance contributions or because you have made insufficient contributions during the qualified period. If you are not entitled to SMP Payroll we will send you a form SMP1. You must take the form SMP1, together with your certificate MATB1, to the Department of Social Security to make a claim for Maternity Allowance.

Payment of Maternity Pay

Payment of Statutory Maternity Pay (SMP) and Occupational Maternity Pay (OMP) commences once an employee's maternity leave has commenced. It is paid for complete weeks only, processed through payroll and treated the same way as any other earnings for the purpose of tax, NI etc.

MATERNITY – NOTIFICATION OF PREGNANCY

Before taking maternity leave

To take maternity leave you should inform Human Resources no later than the end of the 15th week before the week the baby is due (or as soon as is reasonably practicable) that:

- (i) *you are pregnant*
- (ii) *advise when the expected week of childbirth (EWC) is*
- (iii) *when you intend to start your maternity leave*

A "Notification to take Maternity Leave Form" must be completed and sent to Human Resources (Appendix 4).

You can change the date you commence maternity leave as long as you give 28 days' notice.

MATB 1 Certificate

The MatB1 maternity certificate is issued to pregnant woman by a Doctor or Midwife, which states the Expected Week of Childbirth (EWC) which is usually issued after the 20th week of pregnancy.

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

You are therefore required to forward the original MAT B1 certificate to Human Resources, as soon as it is provided.

MATERNITY – HEALTH & SAFETY & ANTE-NATAL CARE

Health and Safety at work

The Academy are aware of their obligations to protect the health and safety at work of all employees, including new and expectant mothers and mothers who are breastfeeding. The Management of Health and Safety at Work Regulations 1999 require employers to assess risks to their employees and to do what is reasonably practicable to control those risks.

To meet our legal obligations a specific risk assessment will be carried out paying particular attention to risks that could affect the health and safety of yourself or your child upon notification of your pregnancy. Your Manager will be responsible for undertaking this in relation to your work and environment and any health and safety concerns should be raised immediately with your Manager.

If the risk assessment identifies any specific risks that cannot be avoided a series of steps to ensure that you are not exposed to that risk will be taken. Some examples of the hazards to consider

include working long hours, stress, and violence, exposure to toxic chemicals or pesticides and manual handling.

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

The Academy are aware of their obligations to undertake a specific risk assessment upon your return to work following maternity leave of absence. Should you require provision for breastfeeding this will be discussed with you at the time along with any other support you may be required to support you with your return to work.

Ante-Natal Care

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

You are entitled to take paid time off during your normal working hours to attend authorised ante-natal appointments provided you produce the documentation giving details of the appointment. However, you are requested to try to arrange your appointments at the start or end of your working day, whenever possible. Ante-natal care includes; appointments with your GP, hospital scans / clinic, relaxation classes or other recommended appointments on medical advice.

You are required to provide an appointment card or some other document confirming appointments as far in advance of your appointment and you must in addition complete a Leave of Absence Form as appropriate.

MATERNITY – COMMENCING MATERNITY LEAVE

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

Before starting maternity leave you will be informed of the arrangements for covering your work and also for remaining in contact whilst you are on leave. These arrangements will be finalised in consultation with you by your Manager. If you have staff reporting to you, we will try to involve you in all decisions relating to the temporary reporting arrangements to cover your maternity leave.

You will not be unreasonably requested by the Academy to undertake work that would have taken place during the maternity leave period prior to departing on maternity leave. This will not, however prevent you from assisting in the planning of coverage of your work in advance of the maternity leave period.

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

You can undertake up to 10 days' work - *refer to the next section "Keeping in touch days" for further details regarding this.*

Notification required

You are required to give at least 28 days notice, in writing, to your Manager of the date you intend to start your maternity leave. You may choose when to start your Maternity Leave, subject to the following constraints:

- *The Maternity Leave period cannot start before the 11th week before the EWC.*
- *The latest date Maternity Leave can start is the date of childbirth.*
- *The Maternity Leave period will be automatically triggered if you are absent from work wholly or partly because of pregnancy after the beginning of the 4th week before the EWC.*
- *The Maternity Leave period will be automatically triggered if your baby is born early, in which case maternity leave will start the day after the day on which the baby is born.*

WHILST ON MATERNITY LEAVE

Contact during Maternity Leave

During your maternity leave period representatives of the Academy may make reasonable contact with you and in the same way you may make contact with us.

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

The frequency and nature of the contact will depend on a number of factors, such as: the nature of the work and your post, any agreement that has been reached before your maternity leave began regarding contact; and whether either party needs to communicate important information to the other, for example informed of important developments or changes at School. This contact maybe made in any way that best suits either party, for example, it could be by telephone, by email, by letter, involving you making a visit to School, or in other ways.

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

Keeping in Touch (KIT) Days

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

Key facts:

- *KIT days enable you to work for up to 10 days’ without losing a week’s maternity pay or ending the period of maternity leave*
- *KIT days enable you to keep in touch and keep up-to-date with developments at work and may include working, attending training sessions or meetings*

- *KIT days and/or any work undertaken during maternity leave must be by prior agreement with your Managers*
- *Neither the Academy nor staff can insist on it*
- *KIT days can be worked, at any time, during Ordinary and Additional Maternity leave*
- *If you decline to work there will be no loss of maternity benefits or any other detriment suffered as a result of this during maternity leave and will not extend the Maternity Leave period.*
- *Working for any part of a KIT day will count as one of the 10 KIT days available*
- *Once 10 KIT days' have been worked, any further days worked, will result in losing SMP for the whole of the week in which work is undertaken.*

Annual Leave during Maternity Leave

During the period of Ordinary and Additional Maternity Leave all staff will continue to accrue service.

Non teaching staff will continue to accrue annual leave, including bank holidays and closure days, in the normal way. You may take your annual leave at the beginning and/or end of your Maternity Leave. Annual leave accrued prior to the start of the Maternity Leave period must be taken within the current leave year.

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

Pension scheme membership during Maternity Leave

- During Ordinary Maternity Leave you will contribute the same percentage based on your maternity pay as will the Academy
- During Additional Maternity Leave you can either
 - Continue as a contributing member of the pension scheme making payments equal to the amount contributed immediately prior to the commencement of maternity leave. The Academy, in this case, will make payments equal to the amount contributed immediately prior to commencement of maternity leave.
 - or
 - Suspend contributing membership of the scheme, i.e. cease making payments during Additional Maternity Leave and upon return to work make contributions at the normal amount.
- During any period when the employee is receiving SMP only:
 - The Dixons Academy will pay all pension costs where the employee participates in the pension scheme
 - If you choose not to participate in the pension scheme employee pension contributions are based on SMP; the Academy will make up the balance of employee contributions due on the difference between pre maternity leave salary and SMP, plus employer contributions based on the pre maternity leave salary.

- During any period of unpaid maternity leave pension contributions to the Scheme are suspended and will not be paid by the employee or the Academy.
 - This means that you do not accrue any service for this period. Therefore, service in the Scheme and the resulting pension are reduced by the relevant period.
 - When you return to work, you will have the opportunity to make up the shortfall in contributions and restore your pensionable service to that which it would have been had you not been on unpaid leave. Any contributions repaid will be based on the pay you would have received had you not been absent.
 - Please note that in order to make up the shortfall in contributions you would have to pay both the employer and employee contributions during the period.

MATERNITY – RETURNING TO WORK

You are not allowed to return to work during the first two weeks from the date of childbirth. This is classed as a period of Compulsory Maternity Leave.

Prior to your return to work you should have an informal meeting with your Manager in order to discuss your return to work, this will also give opportunity to: *update you on any developments at School or consider any retraining needs which may have arisen, because of new/technical or other developments.*

Notification of returning to work

If your intention is to return at the end of your full 52 weeks of maternity leave you do not need to provide any further notice. The Academy automatically assumes that you will take the full maternity leave unless you have notified otherwise.

If you intend to return to work before the end of your full Maternity Leave you must provide 8 weeks notice, in writing, of your intended date of return. This should be sent to Human Resources.

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

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

Repayment of Additional Maternity Pay:

In the event you do not return to work you shall refund all monies paid which the Academy decide. Payments made to you by way of Statutory Maternity Pay are not refundable.

Payment made in excess of statutory maternity pay becomes repayable if:

- *You fail to return to work after your Maternity Leave. (Note: This will be treated as unauthorised absence and as such the Academy will be entitled to take appropriate disciplinary action, which may include dismissal).*

- *You decide not to return to work at the end of your maternity leave. (Note: You must give the Academy at least the notice required in line with your contract).*
- *You leave within 12 weeks' of your return to work after Maternity Leave.*

Facilities for Breastfeeding and expressing/storing milk

The Workplace Regulations (1992) require employers to provide suitable 'rest' facilities for workers who are pregnant or breastfeeding. Although it is not a legal requirement, the Health and Safety Executive (HSE) encourages employers to provide a healthy and safe environment for nursing mothers to express and store milk.

MATERNITY – PARENTAL LEAVE

If parental leave is taken immediately after maternity leave

A period of Parental Leave of four weeks or less has no impact on the right of return of the employee. An employee who takes a period of parental leave of more than four weeks straight after the end of either ordinary or additional maternity leave is treated as though they were returning to work after additional maternity leave (see section above).

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

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

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

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

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

MATERNITY – REQUEST TO REDUCE CONTRACTUAL WORKING HOURS

Staff who would like to have a request to return to work on reduced / part-time basis following Maternity Leave considered by the Academy will receive sympathetic consideration of the request, and will be accommodated wherever possible. Similarly, requests for flexible working or to job-share will be carefully considered and accommodated wherever possible. Full details relating to employee's rights to request to work flexibly can be found in the Academy Policy on Flexible Working.

5. Paternity/Nominated Carers Leave

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

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

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

Statutory Paternity Leave

To qualify, employees must:

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

Employees eligible for the statutory scheme have the right to choose to take one or two consecutive weeks' leave (not odd days). It cannot be taken before the birth (or placement) of the child and must be taken within 8 weeks of the birth (or placement). If the baby is born prematurely, the leave can be taken between the birth and eight weeks after the birth.

The employee must provide the Human Resources Department with written evidence from either the GP, hospital or adoption agency that:

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

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

In order to apply for Nominated Carer's Leave, the employee must provide the Human Resources Department with a copy of the MAT B1 along with a letter from the mother confirming they are the nominated person of choice. Employees must comply with notification requirements as set out below.

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

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

Contractual Scheme

To qualify, employees must:

- Be the child's father (or adopter) or the spouse or partner, same or opposite sex, of the child's mother
- Have or expect to have responsibility for the child's upbringing
- Have been continuously employed for at least 1 year, (with one or more local authorities), by the beginning of the 11th week before the EWC or the end of the week they are notified of being matched with a child (if adopting from the UK); or from the date the child enters Great Britain (if adopting from overseas); and
- Give proper notice and evidence of their intention to take contractual Paternity Leave.

Employees eligible for the contractual scheme have the right to take up to two working weeks' leave of absence with pay. It can be taken as circumstances dictate, either as a block or in days. The leave may be taken at any time during the pregnancy and up to three months after child birth (or placement). If the employee chooses to take leave on the date of birth (or placement) and they are at work on that day, leave will begin the following day.

The employee must notify the HR Department of intention to take leave as set out above.

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

Paternity Pay

If an employee is entitled to Statutory Paternity Pay and Leave, it will be paid at the weekly rate of Statutory Paternity Pay, or 90% of the employee's weekly earnings, whichever is the lowest.

If an employee is entitled to the contractual paternity scheme, it will be paid at the employee's contractual rate of pay.

If an employee who has met the above criterion has taken some paternity leave but then leaves the Academy's employment before the beginning of the 11th week, and at the date of leaving, has less than one year's continuous local government service then they will be required to repay the cost of the paternity pay received.

Paternity Leave for Antenatal Appointments

You can take unpaid leave to accompany a pregnant woman to 2 antenatal appointments if you're:

- the baby's father
- the expectant mother's spouse or civil partner
- in a long-term relationship with the expectant mother

You're entitled to leave for antenatal appointments if you're expecting a child through surrogacy, as long as you intend to become the child's legal parent.

You can take up to 6 and a half hours per appointment.

You can apply for leave immediately if you're a permanent employee. You'll need to have been doing a job for 12 weeks before you qualify if you're an agency worker.

Please complete a leave of absence form to request paternity leave for antenatal appointments.

6. Adoption Leave and Pay

Introduction

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

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

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

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

Pre-Adoption Leave

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

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

Employees must be prepared to show proof of appointments/meetings/interviews.

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

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

Adoption Leave

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

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

Adoption leave will begin on the placement date or up to 14 days before the placement date. Where employees choose to begin leave on the placement date and they are at work on that date, leave begins the following day.

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

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

Adoption Pay

Payments for employees who have less than one year's continuous service at the beginning of the 11th week before the week of the baby/child's placement shall be the employees' entitlement to Statutory Adoption Pay (SAP)

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

The contract of employment continues during Adoption Leave. The employee receives all contractual benefits during the full period of Adoption Leave.

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

An employee shall not be entitled to Statutory Adoption Pay (SAP) in the case of:

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

Adoptive Paternity Leave and Pay

Statutory Paternity Leave for Adoption is absence from work for the purpose of caring for a newly placed adoptive child or to support the main adopter. The Paternity Leave provisions set out in paragraph 4 will apply to employees who:

- are adoptive fathers
- the spouse or partner of the main adopter
- will have responsibility for the child's upbringing,
- has been continuously employed for at least 26 weeks ending with the week the child's adopter is notified of the match;
- have given notice and evidence to the Human Resources Department (as set out in paragraph 4.2).

Surrogacy

An employee who becomes a parent through surrogacy arrangements is not entitled to Statutory Adoption Leave and Pay.

Employees will instead be entitled to unpaid parental leave upon becoming a parent, providing that:

- they intend to apply for a parental order when the child is living with them (where one parent is genetically related) or adopt the child (where there is no genetic relationship)
- they meet the qualifying conditions outlined in paragraph 6.2

The father of a child born through surrogacy arrangements (provided he is registered as the father) and fulfils eligibility criteria and provisions outlined in Paragraph 4, will be eligible to take paternity leave. (See also Paternity Leave to attend antenatal appointments).

Female employees acting as surrogates are entitled to full maternity leave, pay and provisions as any other pregnant employee.

7. Parental Leave

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

Employees are entitled to a total of 18 weeks' leave for each qualifying child. Parental leave is for each child, therefore if an employee has twins the leave is doubled. Where the child has been adopted, the leave can be taken during the first five years after the child is placed with the family (or the child's 18th birthday if that comes sooner). This is extended to the 18th birthday for disabled children.

For the purposes of parental leave, a disabled child is one for whom disability living allowance has been awarded.

Employees can take a maximum of 4 weeks per year per child, which can be taken in blocks or multiples of one week (except in the case of parents of disabled children who can take leave in blocks or multiples of one day).

Qualifying Conditions

Parents (or adopters) of children under the age of 5 (or age 18 if the child is disabled) may have the right to parental leave. To qualify, employees must:

- have one year's continuous service; and
- Be named on the child's birth or adoption certificate.

If employees are separated from the spouse or partner and don't live with their child (or children) they maintain the right to parental leave if they keep formal parental responsibility for the child (or children). Foster parents do not have the right to parental leave but may be able to request a flexible working pattern (see separate flexible working guidance).

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

Requests for Parental Leave

Employees wishing to request a period of Parental Leave, must give make a request to the Human Resources Department giving at least 21 days' notice. This request should be put in writing stating the dates on which the leave is to begin and end.

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

An employer can postpone the leave for up to six months where the Academy would be particularly disrupted if the leave was taken at the time requested but it cannot be postponed so that the leave ends after the child's fifth birthday (or 18 in the case of adopted or disabled children).

However, the employer will notify the employee of the decision, including the reason for postponement and alternative dates during which the parental leave can be taken.

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

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

Returning to Work

At the end of Parental Leave period, the employee is entitled to return to the same job as before, if the leave was for a period of 4 weeks or less. The employee is also entitled to benefit from any improvements to the rate of pay (or other employment terms and conditions) which may have been introduced while he/she has been away.

If the Parental Leave period was more than 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 status, terms and conditions as the previous job.

8. Shared Parental Leave

1. 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).

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

2. Who is eligible for Shared Parental Leave?

SPL can only be used by two people:

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

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

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

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- the employee must still be working for the school at the start of each period of 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 school of their entitlement and provide evidence as required.

3. 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.

4. Notifying the Academy 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 Academy 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 school.

The employee must provide the Academy 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.

5. Requesting further evidence of eligibility

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

- the name and 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.

6. Fraudulent claims

The Academy can, where there is a suspicion that fraudulent information may have been provided or where the school 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.

7. Discussions regarding Shared Parental Leave

An employee considering/taking SPL is encouraged to contact the HR Department 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 HR Department 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 HR Department will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the employee's notice booking leave, a meeting may not be necessary.

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

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

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

8. 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.

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.

9. 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.

10. 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 Academy 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 Academy (see "Discussions regarding Shared Parental Leave" above).

The Academy 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.

11. Responding to a Shared Parental Leave notification

Once the <<HR Department/Name of Individual>> 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 Academy 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 Academy 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.

12. 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 Academy 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/company 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/company.

13. 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/company should they cease to be eligible.

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

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

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

14. 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 car, laptop, mobile phone and gym membership) will continue and contractual annual leave entitlement will continue to accrue.

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

15. 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.

16. Contact during Shared Parental Leave

Before an employee's SPL begins, the Academy will discuss the arrangements for them to keep in touch during their leave. The Academy 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.

17. Shared Parental Leave in Touch days

An employee can agree to work for the Academy (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 Academy 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 Academy 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 Academy, may use SPLIT days to work part of a week during SPL. The Academy 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.

18. Returning to work after Shared Parental Leave

The employee will have been formally advised in writing by the Academy 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 Academy otherwise. If they are unable to attend work due to sickness or injury, the school/company'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 Academy 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 Academy 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.

19. Special Circumstances and further information

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

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

20. Shared parental leave form

Use this form to opt in to the shared parental leave scheme following the birth of a child. A separate form is available for adoptive parents. Please see the Shared Parental Leave Policy for more information.

If you are the child's mother you must also submit a signed curtailment notice to bring your maternity leave entitlement to an end.

It may be useful to discuss this form, in particular dates in sections B and C with your manager before completing this form.

Shared parental leave opt-in form (birth)

Use this form to opt in to the shared parental leave scheme following the birth of a child. A separate form is available for adoptive parents. Please see our Shared Parental Leave Policy for more information.

If you are the child's mother you must also submit a signed curtailment notice to bring your maternity leave entitlement to an end.

It may be useful to discuss this form, in particular the dates in sections B and C, with the HR Department before completing it.

Section A: Basic information		
Guidance notes. Shared parental leave may be shared between a child's mother and either the child's father or the person who, at the date of the child's birth, is her partner. Both parties must expect to share the main responsibility for the child's upbringing. "Partner" means the mother's spouse, civil partner, or other person living with her in an enduring family relationship, but who is not her sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.		
A1	Employee's name	
A2	I am the child's mother*/child's father*/mother's partner* (*delete as appropriate)	
A3	Child's expected week of birth	
A4	Child's actual date of birth (if known)	
A5	Child's place of birth (if known)	
A6	Child's name (if known)	
Section B: Maternity leave, statutory maternity pay or maternity allowance		

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

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

B1	ML / SMP / MA start date	
B2	ML / SMP / MA end date	
B3	Total ML / SMP / MA (weeks)	

Section C: Shared parental leave

Guidance notes. The total shared parental leave (SPL) available is 52 weeks minus the mother's ML, SMP, or MA period (see B3).

The first period of shared parental leave cannot start until at least two weeks after the child is born and at least eight weeks after you submit this opt-in notice.

C1	Total SPL available (whole weeks).	
C2	Number of whole weeks' SPL intended to be taken by you.	
C3	Number of whole weeks' SPL intended to be taken by the person you will share SPL with.	
C4	Indication of dates you would like to take shared parental leave.	
C5	<p>The dates in C4 will be treated as a non-binding until a period of leave notice is given.</p> <p>If you want to treat this notice as a period of leave notice to take SPL on the dates given in C4 tick here.</p>

Section D: Statutory shared parental pay

Guidance notes. The total statutory shared parental pay (SSPP) available is 39 weeks minus the mother's SMP or MA period (see B3).

D1	Total SSPP available (whole weeks).	
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D2	Number of whole weeks' SSPP intended to be taken by child's mother.	
D3	Number of whole weeks' SSPP intended to be taken by child's father/mother's partner.	
D4	Indication of dates you would like to take SSPP.	
D5	The dates in D4 will be treated as a non-binding until a notice to take SSPP is given. If you want to treat this notice as a notice to take SSPP on the dates given in D4 tick here.

Section E: Employee's declaration

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

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

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

or

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

*(*delete one as applicable.)*

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

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

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

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

I will immediately inform Human Resources if I cease to care for the child, or to otherwise

satisfy the conditions for entitlement to shared parental leave or SSPP.

The information I have given in this notice is accurate.

Signed

Date

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

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

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

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

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

Name

Address

National Insurance number

You employer's name and address (if employed) or your business address if self-employed.

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

or

I am the child's father.*

or

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

(*delete as applicable)

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

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

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

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

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

Signed

Date

APPENDICES

- 1. Additional Maternity Employment & Support/Benefit Information**
- 2. Useful Addresses & Contacts**
- 3. Notification to take Maternity Leave Form**
- 4. Risk Assessment Form**
- 5. Request to take “Keeping in Touch Day**

APPENDIX 1

MATERNITY – FREQUENTLY ASKED QUESTIONS

I have just found out I am pregnant. How do I work out my Statutory Maternity Leave notice period, earliest start date and Ordinary and Additional Maternity Leave period?

Congratulations! These questions have been designed to support you through your pregnancy. There is however a very user friendly Government website available which provides key information/entitlement and calculates your maternity pay or benefits based on information you enter. The site also has a very useful maternity calculator. www.gov.uk/plan-maternity-leave

Am I entitled to the benefits associated with my normal terms and conditions of employment, whilst on Maternity Leave?

Yes. You will continue to receive your contractual benefits and you will continue to accrue service with the Academy during your Ordinary Maternity Leave period and your Additional Maternity Leave, except for terms relating to salary.

I am a non teaching employee, what happens to holiday entitlement, do I accrue holiday during my maternity leave?

Yes. Your holiday entitlement continues to accrue during maternity leave. Any annual leave must be taken outside of the maternity leave as you cannot be on two types of leave at the same time. The Academy reserves the right to require you to take the accrued holiday entitlement immediately after your maternity leave ends. Alternatively, the Academy, in liaison with your Manager, may agree that the outstanding holiday entitlement can be taken at a suitable time after you return to work.

I have been informed that I do not meet the criteria to receive Statutory Maternity Pay (SMP), what should I do?

If, you have not completed at least 26 weeks of continuous service with The Academy, and your average earnings are below the lower earnings limit for National Insurance contributions you will not qualify for SMP and, an SMP1 Form will be issued to you. The Academy will also return your original MatB1 Certificate. You are advised to contact your local Social Security / JobCentre Plus office to enquire about your eligibility for Maternity Allowance (MA). Unlike SMP, this will not be paid by the Academy instead payment is made by the Social Security / JobCentre Plus office.

Where can the contact details for the local JobCentre Plus be found?

To find out how to contact your local JobCentre plus please refer to the following information webpage: <https://www.gov.uk/contact-jobcentre-plus>

What happens if my pregnancy does not go to plan?

Fortunately these situations are rare, but if a baby should die or is stillborn after 24 weeks of pregnancy, the Maternity Scheme including its leave/pay provision, will still apply. Should you find yourself in this unfortunate situation please contact Human Resources where appropriate support can be discussed.

I would like to come into School whilst I am on Maternity Leave. Am I allowed? And can I bring my newborn child into the School?

Yes. We fully understand you may wish to visit your colleagues whilst you are on maternity leave and we welcome this.

We would however advise you to liaise with your department beforehand and agree with your Manager on an appropriate visit day. For health & safety reasons you are advised to be mindful this

is a School environment and care should be taken when bringing your newborn child into School. You are advised to avoid any busy period of the school day (ie. student arrival/departure time, break or lunch period) or a day in which activities are taking place that makes it busier than normal.

How will I get my payslip?

Your payslip will be posted to your home address whilst you are on maternity leave. It is your responsibility to ensure the correct details are held on file prior to you commencing your maternity leave. Should you move address whilst on maternity leave please remember to inform Human Resources immediately. Should you be a pension member you will also need to inform the pension provider of your new address.

What happens to my pension contributions?

Pension contributions will be deducted from all payments made during maternity leave. If you wish to contribute for the entire period of leave, including the period of unpaid leave, you must confirm this decision in writing within 30 days of going back to work.

If I have any questions or require support whilst I am on Maternity Leave, who should I contact?

You are advised to email Human Resources who will endeavor to support you in the first instance.

APPENDIX 2

Please note the following has been extracted from www.gov.uk/benefits provide you with advice and guidance.

Please ensure you check this website regularly for up to date information as the following extraction may be subject to change.

EMPLOYMENT AND SUPPORT / BENEFIT INFORMATION

If you cannot get either SMP from the Academy or MA from Jobcentre Plus, you may be able to get Employment and Support Allowance. This will depend on your National Insurance (NI) contributions in recent years. Your maternity certificate (form MATB1) is accepted as evidence of incapacity for work for the period starting 6 weeks before the week the baby is due, to 14 days after the date on which the baby is born.

If you claim MA, your claim will automatically be considered for Employment and Support Allowance if you do not qualify for MA. You do not need to make a separate claim although you may be contacted for further information. This is true even if your MA claim is delayed until up to 3 months after your baby is born.

Jobseeker's Allowance

If your MA claim is disallowed, you may be able to continue to claim Jobseeker's Allowance (JSA) after the beginning of the 11th week before the week in which your baby is due. But remember, you can claim JSA only if you are available for, capable of and actively seeking work. You should consult Jobcentre Plus.

Income Support

You may be able to claim Income Support from the period beginning 11 weeks before your expected date of childbirth and ending 15 weeks after the date your pregnancy ends. You may also be able to claim at any time during your pregnancy if you are unable to work because of your pregnancy.

Sure Start Maternity Grant

The Sure Start Maternity Grant is a one-off payment (£500 (correct @ December 2013)) to help with the cost of a new baby. For further information regarding this Grant please refer to <https://www.gov.uk/sure-start-maternity-grant>

NI Credits

If you do not qualify for SMP, MA or Employment and Support Allowance, you may still be entitled to some NI credits for 6 weeks before the week your baby is due until two weeks after the date your baby is born. But if you are a married woman paying reduced rate NI contributions you will not be able to get NI credits. You must send your maternity certificate (MATB1) to Jobcentre Plus and you must not work during that time. These credits will maintain your NI record and assist you in any future claims to other benefits.

APPENDIX 3

Useful Contact Information

List useful contacts here including,

Human Resources	01274 770239
Payroll	01274 776777

APPENDIX 4**Notification – Intention to take Maternity Leave Form**Please refer to the **Maternity Guidance Document** before completing this form

Your Details	
Surname:	
First name(s):	
Job Title:	
School/Area based within The <<School/Academy/Academy Trust>>:	
Manager / DOA:	
Employee Number (on payslip):	
Dates for Pay and Leave	
Expected Date of Childbirth:	
Anticipated Date intend to start Maternity Leave:	
Anticipated Date intend to return to work:	
Additional Documentation Required: (MATB1 Certificate attached)	<input type="checkbox"/> Yes
Declaration	
I have read the Maternity Guidance Document and accept the terms contained within them. In particular I agree that if I do not return to work for at least 12 weeks after my maternity leave, I will repay The Academy any maternity pay that I have received (other than statutory maternity pay). I agree that the Academy may deduct any unpaid amount from any outstanding payments (including salary and holiday pay) due from the Academy to me.	
Signed (Employee)	Signed (Manager)
Date	Date

APPENDIX 5

Health & Safety - Risk Assessment Form

Upon receiving written notification of pregnancy the Line Manager/ responsible person will carry out this risk assessment.

Section 1: Action must be taken to avoid exposure to identified risks by substitution with a safer substance, adaptations to the job, to allow the work to be conducted safely and without risk to health. Where this is not possible, the person should be provided with suitable alternative work as required by of the Management of Health and Safety at Work Regulations1999.

Section 2: The varying health effects of pregnancy should be considered and plan any action to which may be needed. The assessment should be reviewed at reasonable intervals as the pregnancy progresses or if problems arise.

Section 3: Return to work within 6 months of delivery or continuing to breastfeed.

Name: _____ **Job title:** _____

Area of Campus: _____ **Date of assessment:** _____

Line Manager/DOA conducting assessment: _____

SECTION 1: HAZARD IDENTIFICATION

1. PHYSICAL HAZARDS

Ionising radiation	Yes <input type="checkbox"/> No <input type="checkbox"/>
Non-ionising radiation	Yes <input type="checkbox"/> No <input type="checkbox"/>
Manual Handling	Yes <input type="checkbox"/> No <input type="checkbox"/>
Adverse movements and postures	Yes <input type="checkbox"/> No <input type="checkbox"/>

Details:

Action:

2. CHEMICAL HAZARDS

Can the work result in exposure to chemicals with any of the following risk phases?

R40: limited evidence of a carcinogenic effect

R45: may cause cancer

R46: may cause heritable genetic damage

R49: may cause cancer by inhalation

R61: may cause harm to the unborn child

R63: possible risk of harm to the unborn child

R64: may cause harm to breastfed babies

R68: possible risk of irreversible effects

Yes No

Details:	
Action:	
3. BIOLOGICAL HAZARDS	
Can the work result in exposure to Biological agents of hazard groups 2, 3 and 4?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Details:	
Action:	
4. WORKING CONDITIONS	
Work with computers	Yes <input type="checkbox"/> No <input type="checkbox"/>
Confined spaces	Yes <input type="checkbox"/> No <input type="checkbox"/>
Mental and Physical Fatigue	Yes <input type="checkbox"/> No <input type="checkbox"/>
Lone working	Yes <input type="checkbox"/> No <input type="checkbox"/>
Stress	Yes <input type="checkbox"/> No <input type="checkbox"/>
Shift work	Yes <input type="checkbox"/> No <input type="checkbox"/>
Working at Heights	Yes <input type="checkbox"/> No <input type="checkbox"/>
Adverse Thermal Environments	Yes <input type="checkbox"/> No <input type="checkbox"/>
Travelling for Work	Yes <input type="checkbox"/> No <input type="checkbox"/>
Standing for prolonged periods	Yes <input type="checkbox"/> No <input type="checkbox"/>
Details:	
Action:	
5. LESS PREVALENT HAZARDS	
Hyperbaric atmosphere /Scuba diving	Yes <input type="checkbox"/> No <input type="checkbox"/>
Shock & Vibration	Yes <input type="checkbox"/> No <input type="checkbox"/>

Mercury & its derivatives	Yes <input type="checkbox"/> No <input type="checkbox"/>
Lead & its derivatives	Yes <input type="checkbox"/> No <input type="checkbox"/>
Carbon monoxide	Yes <input type="checkbox"/> No <input type="checkbox"/>
Violence	Yes <input type="checkbox"/> No <input type="checkbox"/>
Details:	
Action:	
SECTION 2: ASPECTS OF PREGNANCY WHICH MAY AFFECT WORK	
Refer to guidance on health problems associated with pregnancy Plan any contingencies should problems arise	
Comments:	
Summary of control measures introduced:	
Review date:	
Signatures: (Line Manager) (Staff member)	
SECTION 3: BREASTFEEDING OR RETURNING TO WORK WITHIN 6 MONTHS OF DELIVERY	
Date of review:	
Date of delivery:	
Continuing to breastfeed?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please detail arrangement for breastfeeding/expressing:	

Does the work result in exposure to chemicals with risk phase R64	Yes <input type="checkbox"/> No <input type="checkbox"/>
Does the work during the post natal period involve any of the following? Manual Handling Mental and Physical Fatigue Prolonged Standing	
	Yes <input type="checkbox"/> No <input type="checkbox"/>
Have there been any changes to the risk assessments/working procedures that the women should be briefed about?	
	Yes <input type="checkbox"/> No <input type="checkbox"/>
Details:	
Review date:	
Signatures: (Line Manager) (Staff member)	

APPENDIX 5

“Keeping in Touch Day” Request Form

During Maternity Leave it is beneficial to maintain contact with the Academy as this eases your return to work. Please discuss, agree and record below the extent and nature of contact preferred and agree on and record use of the 10 “Keeping in touch days”.

Your Personal Details		
Surname:		
Forename:		
Job Title:		
Area/School based within The Academy Trust:		
Manager:		
Employee Number (on payslip):		
Communication / Contact Arrangements		
Purpose for contact, e.g. department news, training etc.		
Form of Contact, e.g. telephone, email		
Frequency of Contact		
Who will initiate contact		
10 Keeping In Touch days – list dates and purpose		
<i>KIT Days</i>	<i>Specify exact date of KIT day</i>	<i>Initial to confirm that HR/Payroll have been notified of KIT day to ensure payment is made to employee</i>
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
Declaration		
Signed (Employee)		Signed (Manager)
Date		Date
HR Authorised Personnel for the Academy: <i>I confirm my approval to process the above.</i>		
Signed: _____ Name (print): _____ Date: _____		

Signed by Payroll: _____ Date processed: _____