



Maternity and Family Leave Policy

Policy in effect from: September 2023

Review Date: September 2025



Introduction

The Trust are committed to ensuring employees are aware of all the different options available to them when considering how best to care for their child/family. This policy sets out employees' entitlement to take maternity leave and/or other types of family leave.

Rights for Mothers	Rights for Fathers & Partners	Rights for Adoptive Parents
Maternity Leave	Paternity Leave	Adoption Leave
Shared Parental Leave	Maternity Support Leave	Paternity Leave
Unpaid Parental Leave	Shared Parental Leave	Maternity Support Leave
	Unpaid Parental Leave	Shared Parental Leave
		Unpaid Parental Leave

This policy should enable the Trust to manage leave fairly, consistently and in line with employment legislation and best practice guidance. It should also equip the Trust Board, Head's of School and Line Managers with the tools to effectively manage maternity and family leave.

If changes to working patterns are required, please refer to the **Flexible Working policy**.

Policy Sections

1. Maternity Leave
2. Paternity Leave
3. Adoption Leave (including surrogacy)
4. Shared Parental Leave
5. Unpaid Parental Leave

Key Terms

The policy uses the following key terms:

- **'Expected week of childbirth'** means the week, starting on a Sunday, during which the baby is due.
- **'Qualifying week'** means the 15th week before the expected week of childbirth.
- **'MATB1' or Maternity certificate** is issued by the doctor or midwife around the 26th week of pregnancy. It confirms the date on which the baby is due.
- **'Compulsory Maternity Leave'** is the two weeks from the date of childbirth.

- **‘Matching Date’** is the date that the adopter receives confirmation that they have been matched with a child.
- **‘Expected Date of Placement’** is the expected date the child starts living with the adopter.
- **‘Actual Date of Placement’** might be the same as the Expected Date of Placement or may be different. It is the date that the child is placed with the adopter.
- **‘Partner’** means the father of the child, or the person who, at the date of the child’s birth, is married to, the civil partner of, or the partner of the mother. This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who is not the mother’s child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

Section 1

Maternity Leave Scheme

1.1 Pregnancy

Notification of pregnancy

As soon as an employee notifies her Head of School / Line Manager that she is pregnant, the Head of School / Line Manager should carryout a risk assessment which assesses the steps taken to avoid any identified risks, such as altering the employee’s working conditions.

By the end of the qualifying week or as soon as possible thereafter, a pregnant employee must inform her Head of School / Line Manager in writing of:

- the fact that she is pregnant,
- her expected week of childbirth; and
- the date on which she expects to start her maternity leave.

She must also:

- Provide a copy of her MATB1 form from her GP or Midwife which confirms her expected week of childbirth to her line manager.
- Complete a Maternity Leave Application Form confirming the date that maternity leave will commence and submit it to her Head of School / Line Manager.

The School should forward Maternity Leave Application forms to their HR Officer. The HR Officer will provide written confirmation of leave plans within 28 days of receiving the Maternity Leave application form, which will confirm the expected return to work date if the full 52-week entitlement to maternity leave is taken.

An employee is permitted to bring forward her maternity leave start date provided she advises her Head of School at least 28 days before the new start date, or as soon as reasonably practicable.

The employee may also postpone her maternity leave start date provided that she advises her Head of School / Line Manager in writing at least 28 days before the original proposed start date, or as soon as reasonably practicable.

Time off for antenatal care

All pregnant employees are entitled to paid time off to attend antenatal appointments as advised by her doctor, registered midwife or health visitor.

After the initial appointment the Head of School / Line Manager may request to see the antenatal appointment card.

Under The Children and Families Act 2014, prospective fathers and partners of pregnant women are entitled to unpaid time off to attend **two** antenatal appointments (up to a maximum of six and half hours for each appointment).

Protection against discrimination on grounds of pregnancy

Pregnant employees are entitled not to be subjected to any type of unfavourable treatment related to their pregnancy or impending absence on maternity leave.

Sickness absence

Employees absent from work during pregnancy due to sickness will receive contractual sick pay in accordance with the sick pay scheme.

Where employees are absent from work for a pregnancy related illness after the beginning of the fourth week before her Expected Week of Childbirth, maternity leave will start automatically.

- Further information can be found in Guidance Note 1 – Pregnancy and Work.

1.2 Maternity Leave

All employees, regardless of hours worked or length of service are entitled to take up to 26 weeks ordinary maternity leave and up to 26 weeks additional maternity leave (52 weeks in total).

All employees who take maternity leave have the right to return to work at any time during either ordinary maternity leave or additional maternity leave except during the compulsory maternity leave period, subject to the correct notification procedures being followed. The compulsory maternity leave period is two weeks.

Employees are entitled to start maternity leave at any time after the beginning of the 11th week before the Expected Week of Childbirth.

Maternity leave will start on whichever date is the earlier of:

- The employee's chosen start date.
- The day after the employee gives birth.

- The day after any day on which the employee is absent for a pregnancy related reason in the four weeks before the Expected Week of Childbirth.
- Further information can be found in Guidance Note 2 – Maternity Leave.

1.3 Keeping In Touch (KIT) days

During maternity leave it is important that Head of School / Line Managers and employees maintain reasonable contact.

Employees can agree to work or attend training for **up to 10 Keeping In Touch days** during maternity leave without bringing the period of maternity leave to an end.

KIT days cannot be worked during the compulsory maternity leave period. They can be taken individually, consecutively or a mixture of both. Working for part of a day will count as a whole day out of the 10 days entitlement. However, payment will be for the actual amount of time worked.

KIT days will be paid at the employee's normal contractual rate. If the KIT day falls within a period when the employee is receiving maternity pay, this will be a top-up payment to the level of her normal contractual rate.

- Further information can be found in Guidance Note 3 – KIT / SPLIT Days.

1.4 Returning to Work

All employees will be advised in writing, by HR, of the date on which they are expected to return to work if they take their full 52-week entitlement to maternity leave.

Employees are expected to return on this date, unless they notify their Head of School / Line Manager otherwise. If an employee wishes to return to work earlier than the expected return date, she must give at least **8 weeks written notice** of her date of early return. If 8 weeks notice is not given, the Head of School may postpone the return.

Employees are under no obligation to indicate their intended return to work date earlier than the timescales indicated above, however, employees are encouraged to discuss their plans for their return as early as possible. This is to assist the Head of School in their planning for the School.

If an employee is unwell at the end of her maternity leave due to sickness or injury, the School's normal arrangements for absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If an employee decides not to return to work after maternity leave, she must give notice as soon as possible and in accordance with the terms and conditions of her contract of employment. Employees in receipt of contractual maternity pay will be required to repay the full amount of contractual maternity pay received should they not return to work for a minimum of 3 months.

Rights on and after return to work

On resuming work after ordinary maternity leave, an employee is entitled to return to the post that she occupied before commencing maternity leave on the same terms and conditions of employment.

On resuming work after additional maternity leave, an employee is entitled to return to the post occupied before commencing maternity leave on the same terms and conditions of employment had she not been absent. However, if it is not reasonably practicable she may be offered suitable alternative work on terms and conditions that are no less favourable.

Flexible working

All employees have the right to request flexible working arrangements, including women returning to work following maternity leave. The Flexible Working Policy should be followed when making such a request.

1.5 Maternity pay

Eligible employees are entitled to receive maternity pay during the first 39 weeks of maternity leave. The level of payment is dependent on length of service and earnings.

Statutory Maternity Pay

Statutory maternity pay is payable to eligible employees for up to 39 weeks during maternity leave.

An employee is eligible for SMP if she:

- has been continuously employed for at least 26 weeks at the end of the qualifying week,
- has average weekly earnings of not less than the lower earning limit (currently £112 per week as per HMRC) for NI purposes, which applies at the end of the qualifying week,
- is still pregnant at the 11th week before the baby is due or has had the baby by that time; and
- has provided a MATB1 form.

Maternity Allowance

Women who are not entitled to statutory maternity pay may be entitled to Maternity Allowance from the government. To apply for Maternity Allowance, the employee must complete a MA1 Form.

Contractual Maternity Pay – Teachers

Teachers who have completed less than 1 year's continuous service with one or more Local Authority at the 11th week before the baby is due is entitled to SMP only.

Teachers who have completed more than 1 year's continuous service at the 11th week before the baby is due with one or more Local Authorities will be entitled to pay detailed below:

Weeks 1-4	Weeks 5-6	Weeks 7-18	Weeks 19-39	Weeks 40-52
Full pay which includes SMP or MA if applicable	90 % of a weeks salary which includes SMP or MA if applicable	Half pay plus SMP (deductions are made if the total exceeds full pay)	SMP	Nil Pay

The amount of contractual maternity pay paid will be recovered if the employee does not return to work for a minimum of 3 months.

Contractual Maternity Pay – Non Teaching Employees

Employees with at least 12 months continuous service at the 11th week before the baby is due are entitled to receive contractual maternity pay. This can be paid either as a lump sum when the employee returns to work or can be paid monthly while she is on leave.

The amount of contractual maternity pay paid will be recovered if the employee does not return to work for a minimum of 3 months.

Contractual Maternity Pay Rates

Weeks 1-6	Weeks 7-18	Weeks 19-39	Weeks 40-52
90% of an average week's pay	Half an average week's pay + flat rate SMP	Flat rate SMP or 90% of earnings (if less than SMP)	Nil Pay

Where a **pay rise** is awarded which is effective at any time from the start of the set period used to work out SMP and the end of maternity leave, SMP must be re-calculated.

Where **salary sacrifice** arrangements are in place during the period used to work out SMP average weekly earnings, the calculation will be based on contractual earnings which count for NI contributions.

1.6 Terms and conditions of employment

During maternity leave, terms and conditions of contract remain in place, subject to some exceptions including pay.

Continuous Service

Continuous service continues to accrue during maternity leave.

Annual Leave

Contractual annual leave entitlement continues to accrue during maternity leave (ordinary and additional maternity leave).

Employees will also be credited with a substituted day/s of paid leave for any bank holiday/concessionary holiday which falls during their maternity leave period

Salary Sacrifice

Each salary sacrifice scheme has its own arrangements during maternity leave.

Employees should refer to the individual scheme details to find out arrangements during periods of maternity leave.

Pensions

Employee and Employer pension contributions continue to be payable on any contractual or statutory maternity pay which is paid. Pension contributions are also payable on any KIT days worked.

Further information can be found in Guidance Note 4 – Maternity Leave and Pensions

Section 2

Paternity Leave Scheme

2.1 Purpose

Paternity leave enables eligible employees i.e. new fathers or the partner or spouse of the mother to take time off to care for the child or to support the child's mother.

This right also applies to those who are adopting a child.

There are two separate schemes identified in this section; Statutory Paternity Leave and Maternity Support Leave.

Only one period of leave is provided per pregnancy / adoption.

2.2 Statutory Paternity Leave

Statutory paternity leave is an entitlement to take **up to 2 weeks** leave.

This is paid at the Statutory Paternity Pay rate or 90% of average weekly earnings (whichever is lower).

Leave must be taken in blocks of either one week or two weeks taken together. It cannot be taken in odd days.

Statutory paternity leave cannot start before the actual date of birth and can only be taken during the 56 days after the actual date of birth, or if the child is born early, up to 56 days after the Expected Week of Childbirth.

Teachers Paternity Pay

In addition to the entitlement above, teachers will also receive 2 days at full pay as part of the payment.

Eligibility

Statutory paternity leave applies to all eligible employees who meet the following qualifying criteria:

- either the biological father, married to the mother or partner of the mother,
- must have, or expects to have, responsibility for the child's upbringing,
- taking the time off to support the mother and/or care for the new child,
- have been continuously employed by the Council for 26 weeks ending with the 15th week before the Expected Week of Childbirth; and

- continues to be employed by the Council from the qualifying week (15 weeks before Expected Week of Childbirth) up until the birth of the baby.

Notification

Employees wishing to take statutory paternity leave must complete a Paternity/Maternity Support Application Form and submit it to their line manager by the end of the 15th week before the EWC. 28 days notice is required if an employee wishes to change their request.

A copy of the child's birth / matching certificate should be provided with the application form. If the birth / matching certificate is not available (i.e. because the child has not been born yet), it should be provided as soon as reasonably practicable.

Terms and conditions of employment

During statutory paternity leave, terms and conditions of contract remain in place, subject to some exceptions including pay.

Continuous Service

Continuous service continues to accrue during statutory paternity leave.

Annual Leave

Contractual annual leave entitlement continues to accrue during statutory paternity leave.

Employees will also be credited with a substituted day/s of paid leave for any bank holiday/statutory holiday which falls during their statutory paternity leave period.

Salary Sacrifice

Each salary sacrifice scheme has its own arrangements during maternity leave.

Employees should refer to the individual scheme details to find out arrangements during periods of statutory paternity leave.

Pension

Pension contributions continue to be payable on any statutory paternity pay which is paid.

2.3 Maternity Support Leave

Maternity support leave is a contractual entitlement to take 5 days leave at full pay.

This should be taken at a time mutually agreed by the employee and line Manager.

Employees eligible to take Maternity Support Leave may choose to take a maximum of 2 weeks paternity leave comprising of one week of paid maternity support leave and one week of statutory paternity leave (notification requirements for statutory paternity leave still apply in these circumstances).

Eligibility

Maternity Support Leave only applies to staff employed under NJC Conditions of Service (this does not apply to employees employed on Teacher contracts) where they are either:

- the child's father,
- the partner of an expectant mother; or
- a nominated carer of the expectant mother.

There is no minimum length of service requirement.

Notification

Employees requesting maternity support leave should provide reasonable notice and should complete a Paternity/ Maternity Support Application Form and submit it to their line manager.

If an employee intends to take an additional week of statutory paternity leave, the notice requirements will apply.

Terms and conditions of employment

During maternity support leave, all terms and conditions of contract will continue.

Pension contributions continue to be payable on any maternity support leave pay which is paid.

Section 3

Adoption Leave Scheme

3.1 Introduction

There are two separate schemes identified in this section; statutory adoption scheme and Telford & Wrekin Council adoption scheme which Governors have adopted. Surrogacy also falls into the category of adoption.

Statutory Adoption Scheme

3.2.1 Eligibility

The adoption provisions apply to eligible employees (male and female) where a child is newly matched for adoption. They do not apply when a step-parent is adopting a partner's child.

The adoption leave scheme is available to only one member of the couple where a couple adopt jointly. The couple must choose which partner takes adoption leave (adopter). The other may qualify for paternity leave and / or shared parental leave and / or unpaid parental leave

For surrogacy arrangements, if the intended parents have applied, or intend to apply, for a 'parental order' then, subject to meeting qualifying conditions, the nominated 'primary' adopter will be entitled to take adoption leave and pay.

Eligible employees are entitled to take up 52 weeks adoption leave. This is made up of 26 weeks ordinary adoption leave and up to 26 weeks additional adoption leave.

3.2.2 Notification requirements

Employees are encouraged to tell their Head of School that they are intending to adopt as soon as possible.

Within 7 days of being matched with a child, employees wishing to take adoption leave must complete an Adoption Leave Application Form to notify their Head of School of:

- the expected date of placement;
- when they wish adoption leave to start; and
- how much adoption leave they wish to take.

Employees should also provide a Matching Certificate to their Head of School as evidence for entitlement to statutory adoption pay and adoption leave. The Matching Certificate provides information on matching and expected placement dates.

For overseas adoptions, employees must also provide the relevant UK authority's "official notification" which confirms permission to adopt from abroad.

Head of Schools should forward the Adoption Leave Application form and supporting documentation to HR. HR will provide written confirmation of leave plans within 28 days of receiving the Adoption Leave Application Form, which will confirm the expected return to work date if the full 52-week entitlement to adoption leave is taken.

An employee must inform their Head of School within 28 days if the expected date of placement (or UK arrival date for overseas adoptions) changes.

Employees who use a surrogate to have a baby must inform their Head of School at least 15 weeks before the expected week of birth of:

- the date the baby is due;
- and when they want adoption leave to start

A copy of the "statutory declaration" to confirm they have applied for/will apply for a Parental Order in the 6 months after the child's birth must also be provided.

3.2.3 Timing of adoption leave

Adoption leave can start:

- From the date the child is placed or from a fixed date up to 14 days before the date of placement for UK adoptions; or
- From the date the child arrives in the UK or within 28 days of this date for overseas adoptions.

3.2.4 Time off to attend formal appointments

The adopter is eligible to take **paid** time off for up to five adoption appointments for a maximum of 6.5 hours on each occasion. The secondary adopter will be entitled to take unpaid time off for up to two appointments for a maximum of 6.5 hours on each occasion.

Employees should give the Head of School as much notice (in writing) as possible about the formal appointments.

To be eligible for time off, the appointment must have been arranged by or at the request of the adoption agency.

The time off must be taken before the date of the child's placement for adoption and the purpose of the appointment should be:

- to enable the employee (and his/her partner) to have contact with the child (e.g. to bond with him/her before placement); or
- for any other purpose connected with the adoption (e.g. to meet professional involved in the care of the child).

3.2.5 Statutory Adoption Pay

If eligible, statutory adoption pay is payable for up to 39 weeks during adoption leave.

To qualify for statutory adoption pay for UK and overseas adoptions, employees must have:

- average weekly earnings of not less than the lower earning limit for NI purposes, which applies at the end of the 15th week before the Expected Date of Placement,
- given the correct notice; and
- provided proof of the adoption.

Employees who do not meet the qualifying criteria for statutory adoption pay will be provided with a SAP1 form.

Statutory Adoption Pay

Eligible employees are entitled to statutory adoption pay for up to 39 weeks during adoption leave.

To be eligible for statutory adoption pay an employee must meet all of the following criteria:

- Continuous employment with Telford and Wrekin Council for at least 26 weeks by the end of the week they are notified of being matched with a child (Matching Date).
- Have an average weekly earnings of not less than the lower earning limit for NI purposes, which applies at the end of the qualifying week.
- Provided a Matching Certificate as evidence of the Expected Date of Placement.
- Given the correct notice.

Statutory Adoption Pay Rates

Weeks 1-6	Weeks 7-18
90% of an average week's pay	Flat rate SAP or 90% of earnings (if less than SAP)

3.2.6 Terms and conditions of employment

During statutory adoption leave, terms and conditions of contract remain in place, subject to some exceptions including pay

Continuous Service

Continuous service continues to accrue during adoption leave.

Annual Leave

Contractual annual leave entitlement continues to accrue during adoption leave (ordinary and additional adoption leave).

Employees will also be credited with a substituted day/s of paid leave for any bank holiday/statutory holiday which falls during their adoption leave period.

Salary Sacrifice

Each salary sacrifice scheme has its own arrangements during adoption leave.

Employees should refer to the individual scheme details to find out arrangements during periods of adoption leave.

Pension

Pension contributions continue to be payable on any contractual or statutory adoption pay which is paid. Pension contributions are also payable on any KIT days worked.

Further information can be found in Guidance Note 4 – Maternity Leave and Pensions

3.2.7 Keeping in Touch (KIT) Days

During adoption leave it is important that managers and employees maintain reasonable contact.

Employees can agree to work or attend training for **up to 10 Keeping In Touch days** during adoption leave without bringing the period of adoption leave to an end.

KIT days can be taken individually, consecutively or a mixture of both. Working for part of a day will count as a whole day out of the 10 days entitlement. However, payment will be for the amount of time worked.

KIT days will be paid at the employee's normal contractual rate. If the KIT day falls within a period when the employee is receiving adoption pay, this will be a top-up payment to the level of the normal contractual rate.

Further information can be found in Guidance Note 3– KIT / SPLIT Days.

3.2.8 Returning to Work

Employees qualifying for statutory adoption pay will be advised in writing of the date on which they are expected to return to work if they take their full 52-week entitlement to adoption leave. Employees are expected to return on this date, unless they notify their Head of School otherwise.

If the employee wishes to return to work earlier than the expected return date, they must give at least **8 weeks written notice** of the date of early return. If 8 weeks notice is not given, the line manager may postpone the return.

Employees wishing to curtail their Statutory Adoption Leave to take, or enable their partner to take Shared Parental Leave must give advance notice of their intention to do so.

If an employee is unwell at the end of their adoption leave due to sickness or injury, the School's normal arrangements for absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If an employee decides not to return to work after adoption leave, he/she must give notice as soon as possible in accordance with the terms and conditions of the contract of employment. Employees in receipt of contractual adoption pay will be required to repay the full amount of contractual adoption pay received should they not return to work for a minimum of 3 months.

3.2.9 Rights on and after return to work

On resuming work after ordinary adoption leave, an employee is entitled to return to the post that he/she occupied before commencing adoption leave on the same terms and conditions of employment.

On resuming work after additional adoption leave, an employee is entitled to return to the post occupied before commencing adoption leave on the same terms and conditions of employment had he/she not been absent. However, if it is not reasonably practicable he/she may be offered suitable alternative work on terms and conditions that are no less favourable.

3.2.10 Protection from discrimination

Employees have the right not to be subjected to any type of unfavourable treatment for exercising their right to adoption leave.

3.3 Adoption Scheme

The Telford & Wrekin adoption scheme mirrors the Statutory Adoption Scheme set out above in section 3.2, with the exception of **eligibility** and **pay**.

Eligibility

To be eligible for Telford & Wrekin's Adoption Scheme, the employee must have at least one year continuous service with either Telford & Wrekin Council or a Telford & Wrekin School by the expected date of placement.

Contractual Adoption Pay - Teachers

Employees with at least 12 months service are entitled to receive contractual adoption pay. This can be paid either as a lump sum when the employee returns to work or can be paid monthly while on leave.

The amount of contractual adoption pay paid will be recovered if the employee does not return to work for a minimum of 3 months.

Weeks 1-4	Weeks 5-6	Weeks 7-18	Weeks 19-39	Weeks 40-52
Full pay which includes SAP if applicable	90 % of a weeks salary which includes SAP if applicable	Half pay plus SAP (deductions are made if the total exceeds full pay)	SAP	Nil Pay

Contractual Adoption Pay – Non Teaching Employees

Employees with at least 12 months continuous service are entitled to receive contractual adoption pay, which is comparable with contractual maternity pay.

This can be paid either as a lump sum when the employee returns to work, or can be paid monthly while on leave.

The amount of contractual adoption pay paid will be recovered if the employee does not return to work for a minimum of 3 months.

Weeks 1-6	Weeks 7-18	Weeks 19-39
90% of an average week's pay	Half an average week's pay + flat rate SAP	Flat rate SAP or 90% of earnings (if less than SAP)

Section 4

Shared Parental Leave

Shared Parental Leave (SPL) enables eligible parents (both natural and adoptive) to choose how to share the care of their child during the first year of birth or adoption. Eligible parents are able to share a pot of leave and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

SPL enables the mother or adopter to reduce their maternity / adoption leave entitlement and opt into shared parental leave: enabling the mother or their partner to take any remaining weeks as shared parental leave and pay.

Although there are legal requirements and timeframes for providing formal notification to request shared parental leave, employees are encouraged, as much as possible, to discuss their leave plans / ideas at the earliest opportunity.

Early informal discussions enable:

- Both the Head of School and employee to understand what type(s) of family leave the employee is potentially entitled to
- An opportunity to clarify uncertainty around entitlements to shared parental leave / pay
- Head of School to start thinking about cover arrangements
- The employee and Head of School to plan how any outstanding annual leave can be taken.
- Further information can be found in Guidance Note 5 – Shared Parental Leave.

4.1 Entitlement

Eligible employees may be entitled to take up to 50 weeks SPL.

The amount of SPL to which an individual is entitled will depend on when the mother / adopter brings the maternity / adoption leave period to an end and the amount of leave that the other parent takes in respect of that child.

4.2 Eligibility

SPL can only be taken by two people:

- the mother / adopter and
- One of the following:
 - The father of the child 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.

In addition, both parents must meet certain eligibility requirements.

Further information can be found in Guidance Note 6 – Shared Parental Leave: Eligibility Criteria.

4.3 Commencing SPL

SPL can commence as follows:

- The mother can start SPL after she has taken the legally required two weeks of compulsory maternity leave immediately following the child's birth
- The adopter can start SPL after taking at least two weeks of adoption leave
- The father/partner/spouse can start SPL immediately following the birth/placement of the child or after taking paternity leave.

Note: If the father/partner/spouse starts SPL immediately following the birth/placement, he/she loses the right to two weeks paternity leave.

SPL must end no later than one year after the birth/placement of the child.

4.4 Notice Requirements

The notices that parents must give to be able to take shared parental leave are made up of three elements.

- A “maternity / adoption curtailment notice” from the mother / adopter setting out when she / he proposes to end maternity / adoption leave (unless the mother / adopter has already returned to work from maternity / adoption leave).
- A “notice of entitlement and intention” from the employee giving an initial, non-binding indication of each period of SPL that he/she is requesting.
- A “booking notice” from the employee setting out the start and end dates of each period of SPL that he/she is requesting.

The notice periods set out below are a minimum and employees are encouraged to inform the Head of School of their intentions as soon as possible.

Employees who have decided the pattern of SPL they wish to take can provide more than one type of notice at the same time. For example, the mother could provide a maternity leave curtailment notice, notice of entitlement and intention and a booking notice at the same time.

4.4.1 Maternity / Adoption Curtailment Notice

Before a mother / adopter or partner can take SPL, the mother / adopter must either return to work before the end of maternity / adoption leave or provide a Maternity / Adoption Leave Curtailment Notice.

This Curtailment Notice must be in writing and state the date on which maternity / adoption leave is to end. That date must be:

- after the compulsory maternity / adoption leave period,
- at least eight weeks after the date on which the mother / adopter has given the Curtailment Notice to the Head of School; and
- at least one week before what would be the end of the additional maternity / adoption leave period.

A Curtailment Notice may be withdrawn in writing only if the mother / adopter has not returned to work and:

- it is discovered that neither the mother nor the partner are entitled to SPL or statutory shared parental pay and the mother withdraws her maternity leave Curtailment Notice within eight weeks of the date in which the notice was given; or
- the maternity leave Curtailment Notice was given before the birth of the child and the mother withdraws it within six weeks of the child’s birth; or

- the partner has died.

4.4.2 Notice of Entitlement and Intention

The employee (whether the mother, adopter or the partner) must provide the Head of School with notice of their entitlement and intention to take SPL.

Notice must be provided on the appropriate form, at least ***eight weeks before*** the start date of the first period of SPL.

Notice should include a non-binding indication of when the employee expects to take SPL.

A copy of the child's birth certificate (if available) or in the case of an adopted child, documentary evidence of the date of matching and the expected placement date, must be provided with the Notice of Entitlement and Intention form, which should be submitted to the Head of School.

4.4.3 Booking Notice

To book a period of SPL, the employee must provide written notice (***binding***) setting out the start and end dates of each period of SPL.

Employees must complete and submit a Booking Notice Form to their line manager at least eight weeks before the date on which they wish to start SPL.

Employees can submit a maximum of ***three*** notifications to book leave.

Further information can be found in Guidance Note 7 – Shared Parental Leave: the Request process.

4.5 Periods of Shared Parental Leave

SPL can only be taken in complete weeks but may begin on any day of the week.

SPL can either be taken as one continuous period or as a number of discontinuous blocks.

Continuous leave notifications

Employees who submit a Booking Notice requesting one continuous period of leave will automatically be entitled to take that period of leave (provided this does not exceed the total number of weeks of SPL available to them and that they have provided at least eight weeks' notice). This will be confirmed in writing by the Head of School.

Employees can submit up to three separate notifications for continuous periods of leave.

Discontinuous leave notifications

Employees may submit a Booking Notice requesting two or more periods of discontinuous leave to their Head of School.

With discontinuous leave, the employee requests a set number of weeks over a period of time with breaks in between where they return to work. This may enable the mother and partner to alternate childcare responsibilities.

Upon receipt of a Booking Notice for discontinuous leave, the Headteacher will consider the request and respond to the employee in writing within the 14 calendar days.

The Head of School may:

- consent to the pattern of leave requested;
- propose an alternative pattern of leave; or
- refuse the pattern of leave requested.

If agreement is reached within 14 calendar days of receiving the Booking Notice, the employee is entitled to take the leave on the dates agreed.

If the leave pattern is refused, the employee can either withdraw it without detriment within 15 days or take the total number of weeks requested as one continuous block.

If the employee chooses to take the leave in a single continuous block, this must start at least eight weeks from the date on which the Booking Notice was originally given.

Employees must notify their Head of School of the start date within 5 calendar days of receiving written confirmation of the Head of School's decision to refuse the request. If the employee fails to provide a start date, the period of continuous leave will start on the date of the first period of leave requested in the booking notice.

4.6 Variations to proposed / arranged SPL

Employees can vary or cancel any proposed or booked period of SPL by providing written notification.

Variations to Notice of Entitlement and Intention

Employees can cancel or vary proposed period(s) of SPL by submitting a shared parental leave notice of entitlement and intention – cancellation/variation form to the Head of School.

As the Notice of Entitlement and Intention is non binding, there is no limit to the amount of variations employees can submit.

Variations to Booking Notices

Employees can cancel or vary booked periods of SPL by submitting a Shared parental leave booking notice – cancellation/variation form to their line manager.

This must be submitted at least **eight weeks** before the date of any variation.

Any new start date cannot be agreed sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification (including notice to return to work early) will usually count as one of the three notifications. However the following do not count towards this limit:

- A notice withdrawn within 15 days of providing it
- A notice to vary leave due to a child being born earlier or later than the Expected Week of Childbirth.
- A notice to vary provided following a request from the manager

Any variation will be confirmed in writing.

4.7 Shared Parental Leave In Touch (SPLIT) days

During SPL it is important that Head of Schools and employees maintain reasonable contact.

Employees can agree to work or attend training for **up to 20 SPLIT days** during SPL without bringing the period of SPL to an end.

SPLIT days can be taken individually, consecutively or a mixture of both.

Working for part of a day will count as a whole day out of the 20 days' entitlement. However, payment will be for the amount of time worked.

SPLIT days will be paid at the employee's normal contractual rate. If the SPLIT day falls within a period when the employee is receiving Shared Parental Pay, this will be a top-up payment to the level of his/her normal contractual rate.

Further information can be found in Guidance Note 3 – KIT / SPLIT Days.

4.8 Returning to work

Employees will receive written notification of the end date of any period of SPL.

If they wish to return to work earlier than this date, they may provide a written notice to vary the leave and must provide at least eight weeks notice of their date of early return. This will count as one notification.

Employees have the right to return to the same job on the same terms and conditions as long as the period of SPL, when added to any other period of statutory maternity / paternity / adoption leave taken, is 26 weeks or less.

If the maternity / paternity / adoption leave and SPL amounts to 26 weeks or more, the employee is entitled to return to the same job unless this is not reasonably practicable, in which case he/she may be offered suitable alternative work on terms and conditions that are not less favourable.

If an employee is unable to return to work at the end of his/her SPL due to sickness or injury, the Schools normal arrangements for absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If an employee decides not to return to work after SPL, he/she must give notice as soon as possible and in accordance with the terms and conditions of their contract of employment.

Further information can be found in Guidance Note 5 – Shared Parental Leave.

4.9 Shared Parental Pay (ShPP)

Eligible employees may be entitled to up to 37 weeks ShPP whilst taking SPL.

Any ShPP due will be paid at the relevant statutory rate.

The amount of ShPP available will depend on the amount by which the mother / adopter reduces their maternity / adoption pay or maternity allowance period.

ShPP can be shared between parents whilst on SPL. It is up to the parents as to who is paid the ShPP and how it is apportioned between them.

For employees to be eligible to receive ShPP they must meet the eligibility requirements for SPL and they must also satisfy additional eligibility requirements which are included within the Guidance Note.

Further information is available in:

Guidance Note 6 – Shared Parental Leave: Eligibility criteria.

Guidance Note 8 – Shared Parental Leave Pay.

4.10 Terms and conditions of employment

During SPL, terms and conditions of contract remain in place, subject to some exceptions including pay.

Pension contributions continue to be payable on statutory ShPP which is paid. Pension contributions are also payable on any SPLIT days worked.

Section 5

Unpaid Parental Leave Scheme

5.1 Introduction

Unpaid parental leave is available to eligible employees in addition to all other family leave described in this policy.

5.2 Entitlement

Parental leave is an entitlement **to up to 18 weeks of unpaid leave** per child for natural or adoptive parents of a child under the age of 18.

In the case of multiple births or the adoption of more than one child as part of the same placement, the employee has the right to take unpaid parental leave in respect of each child.

Entitlement to unpaid parental leave is limited to 18 weeks irrespective of changes of employer.

5.3 Eligibility

To qualify for unpaid parental leave the child must be under 18 and the employee must:

- have been continuously employed by a Telford & Wrekin School for one year by the time the unpaid parental leave is taken,
- be named on the birth or adoption certificate; and
- have or expect to have parental responsibility.

5.4 Period of Notice

Employees must give their Headteacher **twenty one days' notice** of the period of leave that he/she proposes to take.

Requests must be submitted on the Unpaid Parental Leave Form, confirming the start and end dates of the leave. A copy of the child's birth or adoption certificate must also be provided and a copy will be kept on the employee's personnel file.

5.5 Taking Unpaid Parental Leave

Parental leave must be taken in blocks of one week, except where the child is disabled in which case leave may be taken one day at a time.

The maximum amount of parental leave that may be taken in any one year in respect of a child is **four weeks**.

Leave may be taken as multiple or individual week blocks.

A week is equivalent to the length of time an employee normally works over seven days.

5.6 Postponing Unpaid Parental Leave

Where there is a "significant reason", the Head of School may postpone unpaid parental leave for up to six months, except in cases where:

- It is being taken by the father/spouse/partner immediately after the birth or adoption of a child
- It means an employee would not longer qualify for unpaid parental leave e.g. postponing it until after the child's 18th birthday.

Where the Head of School cannot agree to a request for leave to be taken at a specific time the manager will inform the employee, in writing, within seven days of receiving the request.

The response will include:

- an explanation as to why the request cannot be agreed; and
- a suggestion for an alternative start date (which will be within 6 months of the requested start date).

The Head of School cannot change the amount of leave being requested.

5.7 Pay

Unpaid Parental Leave is **unpaid**.

Employees should not undertake paid work for another employer during periods of unpaid parental leave.

Employees who fall sick during a period of unpaid parental leave will be entitled to pay under the sickness scheme and this period shall not count towards their unpaid parental leave entitlement. A doctor's note must be submitted to cover the period of sickness absence and normal absence reporting procedures must be followed.

5.8 Terms and conditions of employment

During unpaid parental leave, terms and conditions of contract remain in place, subject to some exceptions including pay.

Terms that will continue include:

- Continuous service
- Annual leave entitlement accrual
- Entitlement to salary increments
- Right to notice of termination of employment
- Right to compensation in the event of redundancy (eligibility criteria applies)

Employees may opt to continue contributing to the pension scheme whilst on unpaid parental leave.

5.9 Returning to work

Employees have the right to return to the same job on terms and conditions that are no less favourable than those that would have applied had he/she not taken unpaid parental leave, so long as the parental leave was an isolated period of leave lasting four weeks or less.

Where an employee returns after more than four weeks parental leave, or after a period of parental leave which follows on immediately from another period of statutory leave in relation to the same child which, when added together, totals more than 26 weeks, he/she is entitled to return to the same job or, if that is not reasonably practicable, to another appropriate and suitable job on terms and

conditions that are not less favourable than those that would have applied had the employee not taken unpaid parental leave.

5.10 Untaken Unpaid Parental Leave

Unpaid Parental leave not taken before the child's eighteenth birthday will be lost.

5.11 Additional Points

- Unpaid parental leave does not apply to casual workers or foster carers/parents. However, there may be other options for leave available in the special leave policy or flexible working policy.
- Employees who fall sick before or during a period of unpaid parental leave may have the leave credited if they are able to provide a signed Fit Note confirming the dates of sickness. Any sick pay will be paid in line with the Schools Absence policy.