



## Windsor Park CE Middle School

*Learning for Life*

*“Teach me good judgement and knowledge”  
Psalm 119:66*

### **MAPP Leave (Maternity, Adoption, Paternity & Parental) Policy**

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*Respect & Resilience & Responsibility*

## OUR VISION

### Learning for Life

“Teach me good judgement and knowledge”

*Psalm 119:66*

**As a Church of England school and a founding partner in the Uttoxeter Learning Trust community, the teachings of Jesus are at the heart of all we do. Whilst striving for excellence, we celebrate achievement in all its forms and encourage pupils and staff to live life in all its glory and flourish.**

## OUR MISSION

- 1. Encourage all children irrespective of background or ability to fulfil their God-given potential and flourish. Our broad and balanced curriculum takes a holistic approach to education ensuring that spirituality, emotional intelligence, physical development, academic excellence and social skills are developed creatively across a range of school subjects.*
- 2. Deliver a safe space for children to develop philosophical and theological thinking through Religious Education as a core subject; delivering inspirational lessons which bestow upon pupils the skills to understand Christianity as a living and diverse faith, whilst teaching a knowledge and respect of other faiths and world views.*
- 3. Value education in its widest sense; building on our history and Christian foundations, making the most of today in order that we can make even more of tomorrow and the days, weeks, months and years that lie ahead. This is Learning for Life: ‘teach me good judgement and knowledge’ Psalm 119:66*
- 4. Foster respect for all God’s children; embracing difference and diversity and teaching all to live well together in an inclusive, welcoming community, supporting each other to remove or cross barriers and live with dignity and respect.*
- 5. Reinforce the Christian values and beliefs that will make our children good people: kind, honest, forgiving and courageous.*
- 6. Care deeply about our pupils’ and staff wellbeing and mental health, appreciating that it is the genuine quality of relationships that matter. We strive to support each other to flourish, achieving happiness and fulfilment.*
- 7. Encourage our pupils to approach local and global communities with a deep sense of integrity, justice, responsibility and courageous advocacy; identifying and challenging injustice.*
- 8. Collaborate primarily with St Mary the Virgin church to share the teachings of Jesus through inspirational collective worship. Develop, deliver and evaluate opportunities for pupils and adults to express spirituality through varied worship experiences.*
- 9. Encourage and nurture exploration, creativity and compassion with unlimited and unbounded energy. At Windsor Park learning is not a spectator sport.*

## **1. Scope of policy**

- 1.1 The purpose of this policy is to provide details about entitlements to leave and pay for the following circumstances: maternity leave, paternity leave, adoption, parental leave.
- 1.2 Any reference to 'the employer' refers to the Uttoxeter Learning Trust. The 'appropriate level of authority' should be determined according to the employer's decision making structure. This policy applies to colleagues of the organisation, referred to in this policy as colleagues.
- 1.3 The policy and procedure applies to all colleagues, regardless of length of service, but does not form part of the contract of employment and can be varied from time to time and in consultation with the recognised trade unions. The procedure does not apply once you have left the employer.
- 1.4 The policy and procedure is commended for adoption by governing bodies for application to all colleagues employed in schools.

## **2. Policy Statement**

- 2.1 You will not be treated less favourably because you are pregnant, absent on maternity, adoption, paternity, parental leave or for any other reason connected with pregnancy or maternity.
- 2.2 You will not be discriminated against on grounds of pregnancy or maternity in the areas of training, selection, promotion, job security or in any other terms and conditions of employment.
- 2.3 You will not be excluded from communication and consultation because of absence due to pregnancy or childbirth.
- 2.4 You will not be dismissed for a reason connected with pregnancy, childbirth or related leave.
- 2.5 These provisions apply equally to full time and part time workers, regardless of hours worked or length of service.

## **3 Maternity Leave**

- 3.1 All pregnant colleagues are entitled to take up to 26 weeks Ordinary Maternity Leave and up to 26 weeks Additional Maternity Leave, making a total of 52 weeks continuous leave. This is regardless of the number of hours they work or their length of service. Additional Maternity Leave begins on the day after Ordinary Maternity Leave ends.
- 3.2 The scheme also provides for 39 weeks statutory maternity pay (SMP) for all women with at least 26 weeks continuous service at the 15<sup>th</sup> week before the expected week of Childbirth and who are in receipt of average earnings equal to the lower earnings limit for National

Insurance. For the purpose of this policy 'Childbirth' means the birth of a living child or a stillborn child after 24 weeks of pregnancy.

3.3 Immediately after childbirth there is a minimum period of compulsory maternity leave that a colleague must take and before which she may not return to work. The period of compulsory maternity leave lasts for two weeks from the date of childbirth. Ordinary Maternity Leave can start at any time after the beginning of the 11<sup>th</sup> week before the colleague's expected week of childbirth (unless her child is born prematurely before that date in which case it will start earlier). Maternity Leave will start on whichever date is the earlier of:

- the colleague's chosen start date; the day after the colleague gives birth; or
- the day after any day on which the colleague is absent for a pregnancy-related reason after the beginning of the four weeks before the expected week of childbirth.

3.4 A woman's maternity leave can only be triggered by pregnancy-related reason from the beginning of the 4<sup>th</sup> week before the expected week of Childbirth. If a woman is absent with a pregnancy-related reason during this period, her maternity leave will start on the day following the first day on which she was absent. Her SMP, if entitled, will also start on this day and run for 39 weeks.

#### **4. Notifying the Headteacher that she is pregnant – All Colleagues**

4.1 To be eligible for maternity leave a colleague is legally required to formally notify her employer of certain information. Accordingly, a colleague on becoming pregnant should notify their Manager/ Head teacher in writing by the end of the 15<sup>th</sup> week before her EWC or as soon as is reasonably practicable of the following:

- that she is pregnant.
- of the expected week of childbirth (EWC).
- of the date her maternity leave will begin. This cannot be earlier than the beginning of the 11<sup>th</sup> week before the expected week of childbirth.

4.2 A MATB1 certificate must be submitted to the Bursar who will inform Payroll Stoke as soon as provided by their Doctor or Midwife. If the colleague qualifies for statutory maternity pay the MATB1 must be submitted before the birth or no more than 3 weeks after the birth.

4.3 The Headteacher will confirm the receipt of the colleague's notification within 28 calendar days. This will also detail her entitlements to maternity pay and maternity leave.

#### **5 Colleagues Notice Periods for changing original commencement date of maternity leave**

5.1 It will be possible for a colleague to change the date her leave commences provided she gives 28 days' notice before the original date or the new date she wishes her leave to commence, whichever is the earlier.

#### **6. Pregnancy related illness**

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6.1 The colleague should notify her Manager / Head Teacher as soon as is practicably possible that she is absent with a pregnancy related illness. If the absence begins after the beginning of the fourth week before expected week of childbirth, maternity leave will automatically commence.

## **7. Time off for Ante Natal Care**

7.1 All pregnant colleagues are entitled to paid time off to keep appointments for antenatal care made on the advice of a registered medical practitioner, registered midwife or registered health visitor. Antenatal care is not restricted to medical examinations, for example it could include relaxation classes and parent craft classes as long as these are advised by a registered medical practitioner, registered midwife or registered health visitor. Colleagues must also be prepared to show their Manager/ Headteacher that an appointment card or document showing the appointment has been made. Managers/ Headteachers should allow reasonable time off for this. Where the colleague is able to arrange ante-natal appointments outside of working hours, they should try to do so.

## **Non – pay contractual entitlements during Additional Maternity Leave (AML)**

### **8. Holiday Entitlement during Maternity Leave – All Colleagues except Term Time workers**

8.1 The colleague will continue to accrue their usual annual leave entitlement whilst on Ordinary and Additional Maternity Leave, for both annual leave and bank holidays. These will accrue as they fall, with a substitute day's leave being provided, as if the colleague was at work. Depending on the timing of maternity in relation to the annual leave year, they may take annual leave before maternity leave commences or alternatively bring maternity leave forward so that annual leave can fit into the annual leave year. For example, if a colleague goes on maternity leave in June, they can use their leave entitlement for the current leave year prior to going on maternity leave. This would need to be discussed and agreed with their line manager and is subject to it meeting the needs of the business. Annual leave for the future leave year cannot be brought forward. If a colleague is unable to take annual leave before the start of their maternity leave due to early birth or pregnancy related absence, she will have the right to carry over the allowance that she would otherwise lose into the next year or at the end of the maternity leave period.

### **9. Maternity Pay**

9.1 To be eligible to receive Statutory Maternity Pay during Maternity Leave a colleague must:

- be pregnant and have reached, or have given birth before reaching, the start of the 11<sup>th</sup> week before the expected week of childbirth.
- have been continuously employed for at least 26 weeks by the end of the 15<sup>th</sup> week before the expected week of childbirth.
- have average weekly earnings, for the 8-week period ending with the qualifying week, of not less than the Lower Earnings Limit.
- have stopped working for the employer.

- have supplied her MATB1 before the birth of her child or no more than 3 weeks after.
- give Headteacher and Bursar 28 days' notice of when she wishes her statutory maternity pay to start.

9.2 Where the colleague does not meet the criteria for SMP they may be entitled to a Maternity Allowance.

## 10. Colleagues other than Teachers

### 10.1 Colleagues other than Teachers with less than one year's service

10.1.1 If they have less than one year's continuous service at the 11<sup>th</sup> week before their expected week of childbirth, they will be entitled to:

- 9/10<sup>ths</sup> of a week's pay **for the first six weeks' absence** (SMP).

**plus**

- 33 weeks' SMP. (SMP is paid at a fixed, flat rate, which is reviewed annually or 90% of average weekly earnings whichever is the lesser). Once the above is exhausted any Additional Maternity Leave to which they may be entitled is unpaid.

### 10.2 Colleagues other than Teachers with at least one year's service

10.2.1 If they have at least one year's continuous service in Local Government at the 11<sup>th</sup> week before their expected week of Childbirth they will be entitled to:

- 9/10 of a week's pay **for the first six weeks' absence, plus, either:**
  - 12 weeks' half pay plus SMP followed by 21 weeks SMP.
- or:**
- 33 weeks' SMP if they do not intend to return to work.

Once the above is exhausted any Additional Maternity Leave to which they may be entitled is unpaid.

## 11. Teaching Staff only

### 11.1 Teaching Staff with less than one year's service

11.1.1 If they have less than one year's continuous service as a teacher with one or more Local Authorities (LAs)/Academies at the 11<sup>th</sup> week before their expected week of Childbirth they will be entitled to:

- 9/10<sup>ths</sup> of a week's pay **for the first six weeks absence** (SMP)

**plus**

- 33 weeks' SMP. (SMP is paid at a fixed, flat rate, which is reviewed annually or 90% of average weekly earnings whichever is the lesser). Once the above is exhausted any Additional Maternity Leave to which they may be entitled is unpaid.

## 11.2 Teaching Staff with at least one year's service

11.2.1 If they have at least one year's continuous service as a teacher with one or more LEAs at the 11<sup>th</sup> week before their expected week of Childbirth they will be entitled to:

- Full pay **for the first four weeks' absence** (this will be offset against any entitlement to SMP during this period).

**plus:**

- 9/10 of a week's pay **for the next two weeks' absence** (this will be offset against any entitlement to SMP during this period),

**plus, either:**

- 12 weeks' half pay plus SMP followed by 21 weeks SMP.

**or:**

- 33 weeks' SMP if they do not intend to return to work.

Once the above is exhausted, any additional Maternity Leave to which they may be entitled is unpaid.

## 12. All colleagues

12.1 The 12 week's half pay plus SMP cannot exceed a normal week's pay and to be able to keep the Occupational Maternity Pay the colleague must return to work for:

- three months after their maternity leave (for colleagues other than Teachers).
- 13 weeks after their maternity leave (for teaching staff). This may include periods of school closure.

12.2 If they don't, they must repay such proportion of the pay (but not the SMP) as determined by Uttoxeter Learning Trust, ie:12 weeks' half-pay for all colleagues.

12.3 If a colleague starts working for another employer during the SMP period after the baby is born, she must inform the Bursar within 7 days of this and she will lose her entitlement to SMP. The school will continue to pay occupational maternity pay unless otherwise stated and agreed in the colleague's statement of employment particulars or relevant policy.

## 13. Still Birth

13.1 If the pregnancy results in a still birth or termination before 24 weeks of pregnancy, the colleague is not entitled to receive SMP, however, she may be entitled to sick pay if she satisfies the qualifying conditions. Please refer to the Managing Absence at Work Policy for further information on this.

13.2 If the pregnancy results in a still birth after 24 weeks the colleague qualifies for full maternity benefits and leave.



## 14. If you are not eligible for Statutory Maternity Pay

- 14.1 If a colleague is not eligible for SMP but meets the eligibility requirements for Occupational Maternity Pay i.e. a colleague has at least one years service at the 11<sup>th</sup> week before your expected week of childbirth, she will receive the occupational maternity pay as follows:

### Colleagues other than Teachers:

- 6 weeks at 9/10ths of full pay
- 12 weeks at half pay

### Teachers:

- 4 weeks at full pay
- 2 weeks at 9/10ths of full pay
- 12 weeks at half pay

- 14.2 If a colleague is not eligible for SMP she may be able to claim Maternity Allowance direct from the DWP/Jobcentre Plus. Payroll Stoke will provide her with a form SMP1 along with their MATB1. This will be returned to her for this purpose. They should contact these organisations direct.
- 14.3 Should you be entitled to Occupational Maternity Pay, any maternity allowance you receive will be offset against the Statutory Maternity Pay rate. If you do not qualify for maternity allowance, or it is paid at a lesser rate than the Statutory Maternity Pay, the colleague will need to forward a copy of their maternity allowance statement to the Department of Working Pensions (DWP) or Job Centre Plus.

## 15. Adoption

- 15.1 The adoption leave provisions apply to all colleagues where an approved agency notifies them of a match with a child and provides a basic right to a minimum of 26 weeks Ordinary Adoption Leave irrespective of hours worked or length of service. Additional Adoption Leave (unpaid), amounting to a further 26 weeks is also available. The period of Ordinary Adoption Leave may additionally attract 39 weeks Statutory Adoption Pay for those with at least 26 weeks service at the relevant date. This policy also covers situations where a child is adopted from overseas.

## 16. Adoption Leave Eligibility

- 16.1 Adoption leave and pay is available to individual colleagues who adopt a child. This paid leave will only be granted to one member of a couple where both are employed by Uttoxeter Learning Trust (the couple may choose which partner takes adoption leave).
- 16.2 The partner of an individual who adopts or the other member of a couple who are adopting jointly, may be entitled to paternity leave and pay.

## 17. Ordinary Adoption Leave



17.1 All colleagues are entitled to Ordinary Adoption Leave regardless of length of service or hours worked.

## 18. Additional Adoption Leave

18.1 A colleague must have worked continuously for Uttoxeter Learning Trust for at least 26 weeks leading into the week in which the colleague is told they have been matched with a child for adoption. If the child is being adopted from overseas the colleague must have worked for Uttoxeter Learning Trust for at least 26 weeks – either the 26 weeks ending with the week in which they receive their official notification (see below) or 26 weeks from the start of their employment. The reason for the slightly different rules for adopting from abroad is that it can take up to 12 months from the date of receiving the official notification to the time that the child enters Great Britain. The 26 week qualifying period can be completed either before a colleague receives their official notification or at a later date before the leave and pay is due to begin.

## 19. Statutory Adoption Pay

19.1 To qualify for statutory adoption pay the colleague must have average weekly earnings at or above the Lower Earnings Limit for National Insurance. (There is an amount of weekly pay below which colleagues do not pay National Insurance contributions – the Lower Earnings Limit. A colleague must be earning above this limit to qualify for Statutory Adoption Pay.)

19.2 In either case the colleague:

Must be newly matched with a child for adoption by a UK\* adoption agency. Adoption leave and pay will not apply in situations where the child is not newly matched for adoption (for example – where a stepparent adopts their partner's child).

\*If adopting from abroad the colleague must have received an **official notification** from the overseas Authority confirming that the colleague has been assessed and approved as being a suitable adoptive parent.

## 20. Special Guardianship

20.1 A Special Guardianship Order gives a special guardian, legal parental responsibility for a child normally until they are 18 years old. However, the order does not remove parental responsibility from the child's birth parents. Colleagues granted this order have no entitlement to Adoption leave. They will be entitled to other benefits that those with parental responsibilities get such as parental leave, right to request flexible working and participation in the childcare voucher scheme.

## 21. Provisions

## 21.1 Time off for Adoption Vetting Process

21.1.1 This applies to all individuals seeking to adopt regardless of length of service.

21.1.2 Although a number of days is not stipulated in the legislation, a colleague is entitled to a “reasonable” amount of paid time off for this purpose. In terms of this policy it has been agreed that a maximum of 5 days should be sufficient in most cases. This paid leave will only be granted to one member of a couple where both are employed by Uttoxeter Learning Trust.

## 22. Adoption Leave

22.1 Colleagues can take up to 52 weeks’ adoption leave made up of 26 weeks’ Ordinary Adoption Leave (OAL) and up to 26 weeks’ Additional Adoption Leave (AAL).

22.2 Adoption leave can start:

- From the date of the child’s placement (whether this is earlier or later than expected) or
- From a fixed date which can be up to 14 days before the expected week of placement.

22.3 In the case of an overseas adoption the leave can commence from the date the child enters Great Britain or from a date up to 28 days after the child enters Great Britain. If a child is being adopted from overseas the colleague must have received a written notification from the overseas Authority confirming that they are eligible to adopt.

22.4 Leave can start on any day of the week. Only one period of leave is available irrespective of whether more than one child is placed.

22.5 If the child’s placement ends during the adoption leave period the colleague will be able to continue the adoption leave for up to 8 weeks after the end of the placement. If a further placement is later arranged the colleague will need to apply for another period of adoption leave.

## 23. How to Apply

23.1 In order to qualify for **Adoption Leave** the colleague must, within 7 days of being told they have been matched with a child (or as soon as is reasonably practicable), notify their line manager that they have been matched with a child for adoption, the date they intend to take adoption leave and the date the child is expected to be placed with them.

23.2 In the case of an adoption from overseas, the colleague must, within 28 days of having received their official notification, inform their employer of the date on which they received official notification and the date the child is expected to enter Great Britain. In addition, within 28 days of the child entering Great Britain, colleagues must give further evidence of the date of entry (such as a plane ticket or entry clearance documents). The colleague must give 28 days’ notice of when they intend to take adoption leave.

23.3 The colleague can amend the date that they want to start the adoption leave provided they give their employer 28 days’ notice (unless this is not reasonably practicable).

- 23.4 The colleague should provide a copy of their 'Matching Certificate' or their 'official notification' (in relation to overseas adoptions) to their line manager as evidence of their entitlement to statutory adoption pay. The certificate should show the name and address of the adoption agency, the date that a child was matched with the colleague for adoption and the date that the adoption is happening.
- 23.5 If a child is being adopted from overseas the colleague must have received a written notification from the overseas Authority confirming that they are eligible to adopt.
- 23.6 Having received notification the Manager / Headteacher should arrange for a letter to the colleague to confirm that the adoption leave will start as agreed and also confirming the date that the adoption leave will end.
- 23.7 In order to qualify for Adoption Pay the colleague:
- must at least 28 days before the start of their adoption leave notify their employer that they want to receive Statutory Adoption Pay (SAP) If this timescale is not reasonably practicable notification must be made as soon as possible.
  - must have agreed with an agency that a child will be placed with them and the date that the child will be placed.
- 23.8 In the case of an adoption from overseas the colleague must, within 28 days of having received their official notification, inform their Manager/Headteacher of the date on which they received official notification and the date the child is expected to enter Great Britain.
- 23.9 In addition, within 28 days of the child entering Great Britain, colleagues must give further evidence of the date of entry (such as a plane ticket or entry clearance documents).
- 23.10 Adoption pay will start at the same time as the adoption leave and will be subject to the colleague producing the 'Matching Certificate' or official notification as described earlier.

## 24. Adoption Pay

- 24.1 Statutory Adoption Pay is payable for 39 weeks. It is paid at a fixed, flat rate, which is reviewed annually or 90% of average weekly earnings whichever is lesser).

## 25. Colleagues other than Teachers

### 25.1 Colleagues Other Than Teachers – less than one year's continuous service

- 25.1.1 If a colleague qualifies for Statutory Adoption Pay but has **less than one year's continuous service** by the date on which they are notified of being matched with the child they will be entitled to:

- 9/10<sup>ths</sup> (90%) of a week's pay **for the first six weeks absence, plus**

- 33 weeks' Statutory Adoption Pay. Statutory Adoption Pay is the same as Statutory Maternity Pay. It is paid at a fixed, flat rate, which is reviewed annually or 90% of average weekly earnings whichever is the lesser). Once the above payment has been exhausted, any Additional Adoption Leave to which they may be entitled is unpaid.

## 25.2 Colleagues Other Than Teachers – at least one year's continuous service

25.2.1 If a colleague qualifies for Statutory Adoption Pay and **has at least one year's continuous service** with Uttoxeter Learning Trust by the date on which they are notified of being matched with the child they will be entitled to:

- 9/10 of a week's pay for the first six weeks' absence,  
**plus, either:**
- 12 weeks' half pay plus Statutory Adoption Pay followed by 21 weeks Statutory Adoption Pay  
**or:**
- 33 weeks' Statutory Adoption Pay if they do not intend to return to work. Once the above payment has been exhausted any Additional Adoption Leave to which they may be entitled is unpaid.

## 26. Teaching Staff

### 26.1 Teaching Staff - less than one year's continuous service

26.1.1 If a colleague qualifies for Statutory Adoption Pay but has **less than one year's continuous service** by the date on which they are notified of being matched with the child they will be entitled to:

- 9/10<sup>ths</sup> of a week's pay **for the first six weeks absence,**  
**plus**
- 33 weeks' Statutory Adoption Pay. (Statutory Adoption Pay is paid at a fixed, flat rate, which is reviewed annually or 90% of average weekly earnings whichever is the lesser). Once the above payment has been exhausted any Additional Adoption Leave to which they may be entitled is unpaid.

### 26.2 Teaching Staff - at least one year's continuous service

26.2.1 If a colleague qualifies for Statutory Adoption Pay but has **at least one year's continuous service** by the date on which they are notified of being matched with the child they will be entitled to:

- Full pay **for the first four weeks' absence** (this will be offset against any entitlement to Statutory Adoption Pay during this period),  
**plus:**
- 9/10 of a week's pay **for the next two weeks' absence,**  
**plus, either:**

- 12 weeks' half pay plus Statutory Adoption Pay followed by 21 weeks Statutory Adoption Pay.  
**or:**
- 33 weeks' Statutory Adoption Pay if they do not intend to return to work. Once the above payment has been exhausted additional Adoption Leave to which they may be entitled is unpaid.

## **27. All colleagues**

- 27.1 The 12 weeks' half pay plus Statutory Adoption Pay cannot exceed a normal week's pay, and to be able to keep the 12 week's half pay, the colleague must return to work for:
- three months after their adoption leave (for colleague's other than teachers).  
**or:**
  - 13 weeks after their Adoption Leave if they do not intend to return to work. This may include periods of school closure.

Any Additional Adoption Leave to which they may be entitled is unpaid.

## **28. If you are not eligible for Statutory Adoption Pay**

- 28.1 If a colleague is not eligible for Statutory Adoption Pay but meets the eligibility requirements for Occupational Adoption Pay she will receive the Occupational Adoption Pay as follows:

### **Colleagues other than Teachers:**

- 6 weeks at 9/10ths of full pay
- 12 weeks at half pay

### **Teachers:**

- 4 weeks at full pay
- 2 weeks at 9/10ths of full pay
- 12 weeks at half pay

## **29. Holiday Entitlement during Maternity / Adoption Leave**

- 29.1 Colleagues are entitled to accrue contractual leave during maternity / adoption leave. Depending on the timing in relation to the annual leave year, they may take annual leave before the maternity / adoption leave commences or alternatively bring maternity / adoption leave forward so that annual leave can fit into the annual leave year. If a colleague is unable to take annual leave before the start of their maternity / adoption leave due to an earlier date/ birth, or where maternity / adoption leave overlaps with annual leave, an exception may be given to carry over the allowance that they would otherwise lose in the next year under the terms of the annual leave policy.

### **29.2 Holiday Entitlement– Term Time Only Colleagues and Teachers**

For details of entitlement enquiries can be made by contacting Payroll Stoke – number on salary slip.

### **29.3 Essential & Lease Car User Entitlement during Maternity / Adoption Leave**

29.3.1 Colleagues will be entitled to receive essential car user allowance at full rate during all of their Adoption Leave.

29.3.2 Colleagues who are lease car users should speak to the Car Leasing Manager (Fleet Management) to understand what impact it will have. Advice should be sought from Car Leasing regarding any arrangements needed regarding the provision of Indemnity Insurance.

### **30. Childcare Voucher Scheme**

30.1 Colleagues may purchase Childcare vouchers as part of a salary sacrifice scheme. Where a colleague has agreed to reduce their salary entitlement and receive childcare vouchers instead. This will not be classed as wages or salary and should therefore be provided on top of any statutory maternity / adoption pay or occupational maternity / adoption pay payable.

30.2 Neither statutory maternity/adoption pay nor occupational pay should be reduced to take account of the fact that childcare vouchers are also being provided. It should be remembered that in the case of salary sacrifice arrangements the colleague's Statutory maternity / Adoption Pay and Occupational Pay will already be based on the reduced pay.

30.3 Childcare vouchers must continue to be paid in any period during which the colleague is in receipt of adoption pay. This cost will be met by the employer.

### **31. Returning to Work**

31.1 If a colleague is returning to work at the end of their full maternity / adoption leave entitlement they will not have to give any further notification to their Manager / Headteacher.

31.2 It will be assumed that the colleague is returning to work at the end of their maternity/adoption leave on the date previously notified. If the colleague intends to return early they must provide 8 weeks' notice, otherwise they simply return at the end of the period.

31.3 The colleague returning from Ordinary Maternity / Adoption Leave is entitled to return to the job in which they were employed. The colleague returning from Additional Maternity / Adoption Leave is entitled to return to the job in which they were employed unless that is not practicable, in which case they have the right to return to a job that is both suitable and appropriate.

31.4 If the colleague no longer wishes to return to work they will be effectively resigning and will need to give the employer written notice of termination in accordance with their contract.

The manager/head teacher should ensure that the colleague provides written confirmation that this is their intention.

## **Other Considerations**

### **32. Keeping in Touch days**

- 32.1 Keeping in touch (KIT) days are intended to facilitate a smooth return to work for colleagues returning from maternity/adoption leave. A colleague can agree to work or attend training for up to 10 days during their period of maternity / adoption leave without loss of benefits or bringing their maternity / adoption leave to an end.
- 32.2 During the maternity / adoption leave period the Trust has no right to expect the colleague to undertake work (without prior mutual agreement), and similarly the colleague has no right to demand this. Part of any day worked will count as one KIT day. Colleagues will be paid their full contractual hourly pay for any KIT day worked and this must not exceed a standard working day.
- 32.3 Colleagues will receive their Statutory Maternity / Adoption Pay for the week but any Statutory Maternity / Adoption Pay paid will be offset against any payments made for the KIT day. The leave period will not be extended by the number of keeping in touch days worked. After 10 KIT days have been worked the current rules will continue and the colleague will lose a week's Statutory Maternity / Adoption Pay for any week in which they work. Payments made for KIT days will be paid at the end of the maternity / adoption leave period.

### **33. Pension Scheme during Maternity / Adoption Leave**

- 33.1 Colleagues should be encouraged to seek advice on how maternity / adoption leave is likely to affect their pension rights in the long term. Advice can be sought from:
- a). The Pensions Section for colleagues in the Local Government Pension Scheme, and;
  - b). The Teacher Pensions or relevant professional associations for colleagues in the Teachers' Pension Scheme.

### **34. Paternity Leave**

- 34.1 Paternity leave is available to colleagues on the birth of their child but is also available for adopters where a child has been placed for adoption after that date.
- 34.2 Maternity support leave will be granted to a colleague who is the child's father, or partner/nominated carer of an expectant mother at or around the time of the birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother.

**You can claim either Paternity leave or Maternity Support leave you cannot claim both.**



### 35. Eligibility (All colleagues)

35.1 To be eligible for paternity leave you must:

- have or expect to have responsibility for the child's upbringing.
- be the biological father of the child or the mother's husband/partner or civil/same sex partner or in the case of adoption, the adopter's spouse/partner or civil partner.
- have worked continuously for Uttoxeter Learning Trust for 26 weeks ending with the 15th week before the baby is due or in the case of adoption, for 26 weeks ending with the week in which you have been notified that you have been matched with a child.

35.2 Eligible colleagues will be entitled to take either one or two complete consecutive weeks' paternity leave (not to be taken as odd days).

35.3 You can choose to start your leave:

- In the case of birth of a child: from the date of the child's birth (whether this is earlier or later than expected), or from another date as long as it is after the birth.
- In the case of adoption of a child, from the date the child is placed with you or from another date as long as it is after the child has been placed with you.

Your leave can start on any day of the week on or following the child's birth or being placed with you for adoption but must:

It must be completed within 56 days of the actual birth or the placement of the child; or if the child is born early, within the period from the actual birth up to 56 days after the expected week of childbirth.

35.5 Only one period of leave is available irrespective of whether more than one child is born.

### 36. Paid Paternity Leave (all colleagues)

36.1 To qualify for **paid** paternity leave;

(a) You must be able to declare that:

- You are the baby's biological/adoptive parent, or
- Married to or in a civil partnership with the mother or child's primary adopter in the case of adoption, or
- Living with the mother in an enduring family relationship, but are not an immediate relative, **and**
- You will be responsible for the child's upbringing, **and**
- You will take time off work to support the mother/child's primary adopter or care for the child.

## You must also

- (b) Have worked continuously for the Trust for at least 26 weeks leading into the 15<sup>th</sup> week before the baby is due or in the case of adoption at least 26 weeks by the week in which the adopter is notified that the child has been placed for adoption,  
**and**
- (c) Earn at least the lower earnings limit (LEL) for National Insurance Contributions for the 8-week period ending with the qualifying week.

You will be asked to confirm in writing that you meet these conditions.

36.2 If you do not qualify or are not eligible for Statutory Paternity Pay (SPP), you may be able to receive an income support allowance direct from the Department of Working Pensions (DWP) or Jobcentre Plus. Payroll Stoke will provide you with an SPP1 form which you will need to complete and send directly to these organisations.

### 37. Amount of Paternity Pay Due - (different conditions apply)

37.1 Subject to meeting the eligibility requirements as above, the colleague's payment is based on their terms and conditions of employment:

37.2 For Colleagues on NJC (Green book) terms and conditions:

During **week 1** you will be entitled to full pay (offset against any entitlement to SPP during this period).

During **week 2** you will be entitled to statutory paternity pay paid at a fixed flat rate (or 90% of your average weekly earnings whichever is the lesser).

37.3 For Teachers only

You will be entitled to statutory paternity pay paid at a fixed flat rate per week (or 90% of your average weekly earnings whichever is the lesser) for one or two weeks.

### 38. Notice of your Intention to take Paternity Leave (all colleagues)

38.1 Before the 15<sup>th</sup> week before the baby is expected or in the case of adoption within 7 days of being notified that a child has been matched, unless it is not reasonably practicable, you must inform your manager in writing of the following:

- That you intend to take paternity leave the week the baby is due/or in the case of adoption the week the child is expected to be placed for adoption and the date when you were notified that you were matched with a child for adoption;
- whether you wish to take one or two weeks leave; and
- when you want the leave to start.

You will also need to produce a copy of the mother's MATB1 (Maternity certificate).

- 38.2 You can change your mind about the start date of leave provided you give your manager at least 28 days' notice, unless this is not reasonably practicable.
- 38.3 **Note:** Similar provisions apply in the case of adoption – simply substitute 'placed' for 'childbirth. To qualify you must confirm in writing that:
- the purpose of the leave is to care for the child or to support the child's adopter;
  - that you are married to the adopter or the partner of the child's adopter; and;
  - that you expect to have responsibility for the upbringing of the child.

## 39. Maternity Support Leave

- 39.1 **Eligibility** - This scheme is applicable to you (regardless of hours of work and length of service) if you fall within the scope of the NJC 'Green Book' Terms and Conditions of Service only. Maternity Support leave **does NOT apply to staff on teaching terms and conditions.**

**Please note that you cannot take Maternity Support leave in addition to Paternity Leave.**

- 39.2 The purpose of granting Maternity Support Leave (MSL) is to meet your needs of addressing commitments outside work. In most cases such care and support would be provided by the father, partner, civil partner/same sex partner; however, the role may otherwise be fulfilled by a relative or someone who has a caring relationship with the mother and/or child.
- 39.3 To qualify for Maternity Support Leave you must be the baby's biological or in the case of adoption the adoptive parent provided you are not the primary adopter, married to the mother, living with the mother in an enduring family relationship but not an immediate relative, or nominated carer (who is the person nominated by the expectant mother to assist in the care of the child and to provide support to the mother at or around the time of the birth).
- 39.4 If a number of relatives connected to the birth work within the organisation, maternity support leave will only be granted one individual.
- 39.5 Those meeting the eligibility criteria for maternity support leave will have an entitlement of up to 5 days paid leave, specifically to help you to meet the problems and commitments which will arise from your responsibilities in this area.

## 40. Additional Paternity Leave and Pay

- 40.1 Additional Paternity Leave and Pay allows for a father, husband or partner of a child's mother to take additional paternity leave and receive additional statutory paternity pay in order to share the care of their new baby.

## 41. Eligibility

- 41.1 To be eligible for statutory paternity leave and pay you must:

- have continuous employment for at least 26 weeks by the end of the 15<sup>th</sup> week before the due date (maternity) or matching date (adoption).
- be in the same employment until you start additional paternity leave.
- intend to care for the child during the leave period.
- have average weekly earnings at or above the lower earnings limit.
- the mother/adopter must have returned to work and stopped receiving payment of statutory maternity pay, maternity allowance or statutory adoption pay before additional statutory paternity pay can begin.

## **42. Provisions**

42.1 The following outlines details of the scheme:

- A father, partner or husband of a child's mother can take up to 26 weeks' additional paternity leave and pay in order to share the care of their new baby.
- The earliest date additional paternity leave can start is 20 weeks after the child is born or placed for adoption.
- Additional parental leave has to be taken in continuous weeks (minimum of two weeks and maximum of 26 weeks) and can continue until the child's first birthday.
- Additional parental leave can be paid for a maximum of 19 weeks depending on how much maternity leave and pay the mother has taken.
- The child's mother must have returned to work and be eligible for maternity leave, statutory maternity pay, maternity allowance or statutory adoption pay.
- Once APL has begun the mother will not be entitled to any further statutory maternity leave or pay.

## **43. How to Apply**

43.1 Notice must be provided to your manager in writing at least eight weeks before the employee wishes to take their additional paternity leave. This notification must include a statement that you wish to take additional paternity leave, the proposed start and end dates of APL and the expected week of childbirth, and the actual birth date. In addition, you must sign a declaration by completing one of the appropriate form.

## **44. Maternity Support Pay**

44.1 You will be paid full pay up to the maximum of 5 days.

## **45. How to Apply**

- 45.1 You will need to produce a copy of the mother's MATB1 (Maternity certificate) when applying for this form of leave. Requests to take Maternity Support Leave will not be granted until the end of the 15<sup>th</sup> week before the expected week of confinement. All requests should be made to your manager.
- 45.2 Entitlement to Maternity Support Leave will be granted on most occasions when unexpected or unforeseen occur. Clearly, you must tell your manager as soon as practicable what reasons you have for being absent from work and how long you expect to be away.
- 45.3 If your application is refused, and you do not consider that your request has been dealt with fairly, you may choose to raise this as a grievance under the terms of Uttoxeter Learning Trust Grievance Policy.

## **46. Parental Leave**

- 46.1 This entitlement allows parents to take unpaid time off work, which is planned in advance, to look after or make arrangements for the child's welfare.

## **47 Eligibility**

- 47.1 Parental leave is available to all parents who have a minimum of one year's continuous service.

## **48. Provisions**

- 48.1 The following outlines the details of the scheme:

Both mothers and fathers can take parental leave. You do not have to be living with the child to qualify for parental leave.

You are entitled to a total of 18 weeks for each child (in the case of multiple births, the entitlement is 13 weeks per child) and 18 weeks for parents of disabled children. A week's parental leave is equal to the length of time that you normally are required to work in a week. If your working week varies, the time off is based on an average working week. You must take the time in blocks of one week or more up to the maximum of 13 weeks or 18 weeks if eligible.

You can choose to take parental leave any time up until the child's 12<sup>th</sup> birthday. In the case of being an adoptive parent, this can be up until the 12<sup>th</sup> birthday or for 5 years after the child is first placed with your family for adoption up to a maximum of the child's 18<sup>th</sup> birthday. Parents of a child who has been awarded a disability living allowance can take parental leave up until the 18<sup>th</sup> birthday.

You cannot normally take more than 4 weeks in any year. An exception to this can apply however if added to maternity leave or with the special approval of your manager.

- 48.2 Requests for parental leave will be granted subject to the following circumstances:

- your leave will not unduly disrupt the business of your section/unit.
- your manager can, after consultation with the departmental personnel unit, postpone your leave entitlement for a period no longer than 6 months after the beginning of the period that you originally wanted to start your parental leave. They will discuss the issue with you and will ensure you receive confirmation of the postponement arrangements in writing no later than 7 days after your notice to take leave, stating the reason for the postponement and giving you new dates of parental leave. The length of leave will be equivalent to your original request.
- work is at a seasonal peak and your absence would have an unfair impact on colleagues' workloads.
- a significant number of staff from the section/unit are absent from work already
- your absence would unduly harm the business of the unit.

48.3 Except that parental leave will not be postponed where the colleague wishes to take this immediately on the birth of their child or their child being placed with them for adoption.

#### **49. How to Apply**

49.1 Application for Parental leave must be made to your manager. The following minimum notice should be given:

1 or 2 days leave: 1 weeks' notice

2 days plus leave: 3 weeks' notice

Longer periods: no less than the period of parental leave requested

49.2 Notice can be waived with the agreement of your manager.

49.3 Records of all parental leave granted will be maintained throughout your employment with the Trust. You can request details of your parental leave records at any time from your manager or the Payroll Stoke.