

# **Maternity, Paternity, Adoption and Shared Parental Leave Policy**

<b>Policy Code:</b>	HR26
<b>Policy Start Date:</b>	April 2024

**Policy Review Date:**



3. Commencing dates of Paternity Leave	26
4. Pay entitlement	27
4.1. Statutory Paternity Pay (SPP)	27

## Statement of Intent

CIT recognises its responsibilities to ensure support is available to employees as they combine career and family responsibilities.

This policy has been developed in recognition of the statutory requirements covering maternity, paternity and adoption provisions, as well as wider issues affecting working families, e.g. parental leave provisions.

No-one will be discriminated against, be subject to detriment or lose career development opportunities by taking leave under this policy.

The rights described in this policy apply to all employees, including those on temporary contracts. They apply to full-time and part-time employees, irrelevant of the number of hours they work, but are subject to length of service.

## 1. Legal framework

1.1. This policy has due regard to all relevant legislation and statutory guidance, including, but not limited to, the following:

- Equality Act 2010
- Employment Rights Act 1996
- Maternity and Parental Leave etc. Regulations 1999
- The Paternity Leave (Amendment) Regulations 2024
- The Statutory Parental Bereavement Leave (General) Regulations 2020
- The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018
- School Terms and Conditions (STPCD)

1.2. This policy operates in conjunction with the following school policies:

- Flexible Working Policy
- Equality Objectives Policy
- Staff Well-being Policy
- Health and Safety Handbook and Policy

## 2. Roles and responsibilities

2.1. The Director of HR is responsible for:

- Reviewing this policy and ensuring it meets all statutory requirements and is adhered to across the Trust.
- Ensuring this policy is

- Approving leave for staff members.
- Ensuring risk assessments are conducted to ensure the safety of pregnant staff members.
- Checking in with staff members following parental bereavement.

2.3. **Staff members on leave**

- Arranging Keeping In Touch (KIT) days for staff members on leave.
- Conducting risk assessments with staff.

2.4. **Staff members entitled to leave are responsible for:**

- Requesting leave in line with the processes and timescales laid out within this policy.
- Adhering to statutory timescales with regard to notifying the school of pregnancy, adoption, death and intention to take parental leave.

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order, to become the legal parents. To apply for a parental order, at least one parent must be genetically related to the child.

## **Section A: Maternity Leave and Pay**

This section sets out the statutory rights and responsibilities of pregnant employees and gives details of the arrangements for maternity leave and pay, and in ensuring the transition back to work is managed effectively.

### **1. Eligibility**

- 1.1. These arrangements apply to all permanent, fixed term and temporary contract employees.
- 1.2. All pregnant employees, regardless of length of service have the right to Statutory Maternity Leave (SML) and to resume work afterwards.
- 1.3. Statutory Maternity Leave is a minimum level of entitlement for up to 52 weeks leave and is broken into:
  - Ordinary Maternity Leave (OML): The first 26-week period of maternity leave entitlement;
  - Additional Maternity Leave (AML): The remaining 26-week period of maternity leave entitlement.

### **2. Notification**

- 2.1. In order to exercise their right to maternity leave, the employee should inform the Headteacher or ELT line manager in writing, by completing the Maternity Leave Application Form, no later than the end of the 15th week before the Expected Week of Childbirth (EWC), or as soon as reasonably practicable of:

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- If entitled to OMP, support staff will receive:

- 6.1. Employees will have been advised in writing of the date on which they are expected to return to work. The employee is expected to return on this date unless they notify their Headteacher or ELT line manager otherwise. If an employee, for any reason connected with their health, is not fit to return to work at the end of the maternity leave period (or at an earlier notified date), they will then be deemed as having returned to work and the usual sickness reporting procedures and policies will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 6.2. Employees who intend to return to work at the end of the full maternity leave entitlement are not required to give any further notification. However, it assists the Trust if the employee confirms as soon as is convenient during the maternity leave, that they will be returning to work as expected.
- 6.3. Employees may delay their return to work by taking annual leave immediately after their period of maternity leave. This should always be in agreement with their Headteacher or ELT line manager.
- 6.4. If an employee wishes to delay their return without using annual leave, they may do so by taking Ordinary Parental Leave. Employees should give notice to the Trust as much notice as possible but not less than 21 days.
- 6.5. If an employee wishes to return to work early, they are required to provide 8 weeks' notice of their intended return to work date.

## **7. Deciding not to return**

- 7.1. If an employee does not intend to return to work, or is unsure, it is helpful if they discuss this with their Headteacher or ELT line manager as early as possible. If an employee decides not to return, they should give notice of resignation in accordance with their contract. The amount of maternity leave left to run when notice is given must be at least equal to the employee's contractual notice period; otherwise, the Trust may require the employee to return to work for the remainder of the notice period.
- 7.2. Once an employee has given notice they will not be returning to work, they cannot take any further maternity leave.
- 7.3. If an employee has given notice they will not be returning to work, they cannot take any further maternity leave.

## **8. Rights on and after return to work**

- 8.1. Employees are essentially entitled to return to the same job/or a role with equivalent pay and terms and conditions, following maternity leave as if they had not been absent. An employee who worked full-time prior to maternity leave has no automatic right to work on a part-time basis or to make other changes to their working pattern. However, all requests for part-time work or other flexible working arrangements will be considered in line with the Flexible Working Policy.
- 8.2. If an individual is at risk of redundancy whilst on maternity leave, they are entitled to be offered a suitable alternative vacancy where one exists. There is no requirement for an individual to compete for a role, although an exploratory meeting can be undertaken if they agree to it.

- 8.3. This right is subject to the employee complying with the appropriate provisions on notifying their Headteacher or ELT line manager of their intention to return.
- 8.4. However, if an employee has taken any period of AML or more than 4 weeks' parental leave, and it is not reasonably practicable for the Trust to allow them to return into the same position; they may be given another suitable and appropriate job on terms and conditions no less favourable.

## **9. Premature births**

- 9.1. If the baby is born prematurely before the start of the maternity pay period, employees must inform their Headteacher or ELT line manager as soon as reasonably practicable of the actual date of the birth. This is so the maternity pay can be correctly calculated and paid. Where the birth is before or during the qualifying week, "average earnings" for SMP purposes will be calculated on the 8 weeks immediately before the week during which the birth occurred. The start of the maternity leave and maternity pay period will be calculated following the birth.

## **10. Stillbirths or miscarriage**

- 10.1. If a child dies prior to birth after 24 weeks of pregnancy, this is a stillbirth and the employee will be entitled to the same rights to maternity leave and pay. In addition, employees will be entitled to parental bereavement leave, as detailed in the Annual Leave and Leave of Absence Policy.
- 10.2. If the death of an unborn child occurs before reaching the 24th week of pregnancy, this is a miscarriage and the employee is not eligible for maternity entitlements. However, they may be eligible for sick pay in these circumstances, and a period of compassionate leave.
- 10.3. The same criteria and rights apply to entitlements to statutory paternity pay and leave if their partner/mother of their child suffers a miscarriage or stillbirth.
- 10.4. Employees should approach their Headteacher or ELT line manager to discuss their individual needs together with advice from their doctor. The manager may discuss with the employee a referral to Occupational Health, who can discuss counselling and provide advice with regards workplace adjustments and/or return t

- changes to working conditions or hours of work;
- offering suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- suspending an employee from duties, which will be on full pay unless they have unreasonably refused suitable alternative work.

11.4. Line managers will normally carry out these risk assessments, to ensure appropriate support and adjustments are made where necessary. Updates to these will be carried out through the pregnancy and employees are encouraged to notify their line manager of any additional support or adjustments required. A template risk assessment can be found in Appendix A.

## **12. Sickness**

12.1. Periods of pregnancy-related sickness absence shall be paid in accordance with an employee's contract of employment in the same manner as any other sickness absence.

12.2. Periods of pregnancy-related sickness absence from the start of pregnancy until the end of maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.

12.3. If an employee is absent due to sickness for a pregnancy-related reason during the 4 weeks before the Expected Week of Childbirth, maternity leave will start automatically.

## **13. Annual leave**

13.1. During the period of OML and JET1[ ( ) ]TJETQ EMC /Span #MCID 13/Lang (en-GB)>BDC q0.00

## **15. Keeping In Touch days (KIT)**

- 15.1. Keeping In Touch days are optional and a matter for agreement between the employee and their Headteacher or ELT line manager, and these do not extend the period of maternity or adoption leave. Where KIT days are worked, the school will ensure completion of the necessary notification to Payroll to ensure payment is made.
- 15.2. Keeping In Touch days enable employees to agree with the Headteacher or ELT line manager to undertake work for up to 10 days during their statutory maternity or adoption leave period without:
  - 15.2.1. bringing the period of maternity leave to an end; and
  - 15.2.2.



## **Section B: Adoption, including surrogacy, fostering and fostering to adopt**

This section sets out the statutory rights and responsibilities of employees who are planning to adopt a child and gives details of the arrangements for adoption leave and pay. Throughout this section, there are timescales for which employees must notify the Trust of their plans. In exceptional circumstances, if the timescales are not possible to adhere to, employees must notify the Trust as soon as they can.

Adoption leave and pay is available, subject to eligibility criteria, to employees who have a child through a surrogacy arrangement and are eligible for a Parental Order or who foster a child on 22C of the Children Act 1989.

### **1. Eligibility**

- 1.1. All employees, regardless of hours worked or length of service, are entitled to up to 52 weeks adoption leave which is divided into:
  - 1.1.1. Ordinary Adoption Leave of 26 weeks (OAL)
  - 1.1.2. Additional Adoption Leave of a further 26 weeks immediately following OAL (AAL)
- 1.2. Adoption leave is only available to employees who are a local authority foster parent and have been approved as a prospective adopter or are adopting through a UK or overseas adoption agency (for overseas adoptions see paragraph 3). It is not available if there is no agency involved, for example, if an employee is formally adopting a stepchild or other relative.
- 1.3. Employees are entitled to adoption leave if they meet all the following conditions:
  - 1.3.1. An adoption agency or a local authority has given written notice it has matched the employee with a child for adoption, or it will be placing a child with an employee under a fostering for adoption arrangement and tells the employee the Expected Placement Date.
  - 1.3.2. The employee has notified the agency they agree to the child being placed with them on the Expected Placement Date.
  - 1.3.3. An employee's spouse or partner will not be taking adoption leave with their employer (although they may be entitled to take paternity leave and/or shared parental leave).
- 1.4. There is no right to statutory adoption leave or pay for private adoptions or for stepparents adopting their stepchildren.
- 1.5. In relation to surrogacy, employees are entitled to adoption leave if all of the following conditions are met:
  - 1.5.1. A surrogate mother gives birth to a child who is biologically the employee's child, the child of an employee's







- provide a matching certificate completed by the adoption agency; (the matching certificate must be completed by the adoption agency 6 months after the commencement of adoption leave).

5.1.2. SAP is payable for a maximum period of 39 weeks. This period is called the adoption pay period and can begin from 14 days before the child is placed with the adoptive parent but no earlier. SAP is an amount set by the Government each year.

5.1.3.







- 11.2. Staff members may take their annual leave at the beginning and/or end of their adoption leave. Annual leave accrued prior to the start of the adoption leave period must be taken within the current leave year.
- 11.3. Annual leave accrued during the adoption leave period should be taken during the current leave year wherever possible.
- 11.4. Staff members will normally only be allowed to carry over any accrued annual leave into the next leave year if it has not been possible to take it.

**12. Contact during Adoption Leave**

- 12.1. When adoption leave starts, the Headteacher or ELT line manager will discuss and agree the arrangements for them to keep in touch during this period.

13.7. The opportunity to work KIT days will apply to the entire period of ordinary and additional adoption leave.

13.8. The employee will be responsible for any childcare costs arising from working on KIT



**Section C: Paternity Leave and Maternity/Adoption Support Leave**

This section sets out employees' entitlement to accompany a pregnant woman to appointments to receive ante-natal care, paternity leave and pay. This section can apply to eligible employees of either gender for the purpose of caring for a child or • ] [ ! ç \* Á @ & ç á Á @ ! Á æ ^ } Á à b & Á to the qualifying conditions as set out below.

**1. Eligibility**

1.1.

- a) expect to have main responsibility (with the child's mother, or your partner) for the child's upbringing; or
- b) are the child's biological father and you expecting to have some responsibility for the child's upbringing.



- 4.3.3. The entitlement to Maternity/Adoption Support Leave is for a period of 5 days/1 week in any 12-month period. All arrangements for Maternity/Adoption Support Leave will need to be agreed between the employee and their Headteacher or ELT line manager, via completion of the Maternity/Adoption Support Leave application form. The form will need to be countersigned by the mother/adoptive parent nominating the employee requesting leave as the prime provider of care.
- 4.3.4. Managers may request evidence of the birth or adoption, for example, a copy of the MATB1 (Maternity Certificate) be provided.
- 4.3.5. Employees taking Maternity/Adoption Support Leave who also qualify for Paternity Leave will be entitled to:
  - Maternity/Adoption Support Leave and Paternity Leave must be taken in consecutive weeks.
  - Maternity/Adoption Support Leave is separate from parental leave; and is pro rata for part timers.
- 4.3.6. Maternity/Adoption Support Leave and Paternity Leave must be taken in consecutive weeks.
- 4.3.7. Maternity/Adoption Support Leave is separate from parental leave; and is pro rata for part timers.

## 5. Time off for antenatal appointments

- 5.1. Employees are entitled to take unpaid time off during their working hours to accompany a pregnant woman to up to 2 appointments to receive antenatal care, lasting no more than 6 and a half hours each (including travel and waiting time), if:
  - they are the biological father of the child; or
  - they are the spouse or civil partner of the pregnant employee; or
  - they live with the pregnant employee in an enduring family relationship and are not a relative; or
  - the pregnant employee has undergone assisted conception and at that time they were her wife or civil partner or gave the required legal notices to be treated in law as the second female parent; or
  - they are one of the intended parents in a surrogacy arrangement and expect to obtain a parental order in respect of the child.
- 5.2. Agency workers who have completed their 12-week qualifying period in the same role, with no breaks during or between assignments and who meet the criteria at 5.1 have the same right to accompany.
- 5.3. Eligible employees who wish to take time off for this purpose must provide us with:
  - they have a qualifying relationship (see paragraph 5.1 above) with a pregnant woman or her expected child; and
  - they wish to take time off to accompany the pregnant woman to an appointment to receive antenatal care which has been made on the advice of their doctor, midwife or health visitor; and
  - the date and time of the appointment.



**Section D: Shared Parental Leave**

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- 6.3. A notice to opt into the SPL scheme (see clause 5 above) should be provided at the same time as the curtailment notice. If an employee's partner has provided an opt in notice to their employer this should be confirmed by the employee in a written declaration. They should also confirm they have provided the necessary declaration in the notice.
- 6.4. The curtailment notice is usually binding and cannot be revoked. It can only be revoked if the maternity or adoption leave has not yet ended and one of the following applies:
  - 6.4.1. The employee realises neither they nor the other parent are in fact eligible for SPL or ShPP. The curtailment notice can be revoked in writing up to eight weeks after it was given;
  - 6.4.2. (Birth only) the curtailment notice was given before giving birth, it can be revoked in writing up to eight weeks after it was given, or up to 6 weeks after birth, whichever is later; or
  - 6.4.3. If the employee's partner has died.
- 6.5. Once a curtailment notice has been revoked a second curtailment notice cannot be submitted unless the revocation was given in the circumstances in paragraph 6.4.2.

## **7. Ending the Maternity or Partner's Adoption Leave**

- 7.1. When a child is born, if the employee is not the mother, but the mother is still on maternity leave or claiming SMP or MA, the employee will only be able to take SPL once the mother has either:
  - 7.1.1. returned to work;
  - 7.1.2. given her employer a curtailment notice to end her maternity leave;
  - 7.1.3. given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
  - 7.1.4. given a curtailment notice to the benefits office to end her MA (if she is not entitled to maternity leave or SMP).
- 7.2. When a child is adopted if the employee's partner is taking adoption leave or claiming SAP from their employer, the employee will only be able to take SPL once their partner has either:
  - 7.2.1. returned to work;
  - 7.2.2. given their employer a curtailment notice to end adoption leave; or
  - 7.2.3. given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).

## **8. Evidence of entitlement**

- 8.1. Employees must also provide on request:
  - 8.1.1. A copy of the birth certificate (or if a birth certificate has not yet been obtained, a signed declaration of the child's date and place of birth); OR
  - 8.1.2. One or more documents from the adoption agency showing the agency's name and address and the expected placement date; AND
  - 8.1.3. The name and address of the other parent's employer (or a declaration they have no employer).

## **9. Notifying the Trust of SPL dates**





14.2. During any period of unpaid SPL, the Trust

- 17.3. Employees will normally be entitled to return to work in the position they held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for the Trust to allow an employee to return into the same position, another suitable and appropriate job on terms and conditions no less favourable may be given, but only in the following circumstances:
- 17.3.1. the SPL and any maternity, adoption or paternity leave taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
  - 17.3.2. SPL was taken consecutively with more than 4 weeks of parental leave.
- 17.4. Employees who wish to change their hours or other working arrangements on return from SPL should make a request under the Flexible Working Policy. It is helpful if such requests are made as early as possible.
- 17.5. If an employee decides they do not want to return to work, they should give notice of resignation in accordance with their contract.



4.1.

- 6.3.1. Parental leave is intended to be taken during a peak period;
- 6.3.2. A number of employees wish to take parental leave at the same time;
- 6.3.3. ~~Of a~~ work is of importance to a time-critical project; or
- 6.3.4. Cover cannot be found before the date on which the parental leave is due to start.

6.4. If parental leave is postponed, the Trust will:

- 6.4.1. Consult the employee about the date to which the leave might be postponed; and
- 6.4.2. ~~6.4.2. If notice is given after 16 weeks after the date on which the leave was due to start, the employee must give written notice of the intention to take the leave, give a written notice stating the reason for the postponement and the new beginning and end dates of the leave.~~

## **7. Terms and Conditions during Parental Leave**

- 7.1. Parental leave under this policy is unpaid. Contractual provisions relating to pay and benefits are suspended during parental leave.





The Management of Health and Safety at Work Regulations 1999 requires the employer to carry out a risk assessment of new and expectant mothers, to assess your work and working environment so you and your unborn baby/newly born baby are not placed at risk.

Your co-operation in completing this form will be appreciated. The form is for health and safety reasons only. The information will be treated as confidential and used to ensure any potential hazards to you and/or your baby are evaluated and managed.

Employee's Name:		Workplace:		Job Title:	
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I am pregnant and expecting a baby on (approximately):

Date:

	Employee strongly advised not to work at height, especially in the later stages of pregnancy.		
	Minimise the need to use stairs in the later stages of pregnancy.		
Working at height	Modify task to avoid aspects of working at Height.		

Long working hours or shift work patterns

Exposure to passive smoking	Smoking is not permitted anywhere in the building.		
Noise	Working environment and noise level is suitable.		
	Where practicable, avoid visiting locations/events with high noise levels, if visit needs to be made appropriate PPE must be used, after determining the level of noise.		
Exposure to physical or verbal abuse	Avoid working situations/events where there are likely to be heated campaigns/hostile behaviour.		
	If you have reason to believe there is a risk to your safety/security, then liaise with your line manager asap.		
	Review current risk assessment and ensure employee is aware of protocols in place.		
Exposure to chemical agents	Where applicable refer to COSHH/material safety data sheet for the product; always follow the guidelines given for storage, use and disposal.		
	If your job involves working with chemical hazards a specific assessment should be carried out.		
Fire or another emergency	Ensure there is a fire procedure in place.		
	Ensure there are qualified first aiders/competent person available.		
	Carry out regular fire checks to ensure escape routes are clear from obstructions.		
	Ensure good housekeeping.		
	Liaise with the responsible fire warden/responsible person regarding a personal emergency evacuation plan.		
Lone working	Avoid lone working where practicable.		
	Create a system so somebody is made aware of employee whereabouts when out of the office or working in isolation.		

Signed (employee): \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signed (manager): \_\_\_\_\_

Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

