



# Maternity, Paternity and Adoption Policy

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Parneet Kang  
Principal

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William Holland  
Chair of Trustees

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These policies describe the arrangements in place at The Emscote School for the following;

- Section A - Maternity leave and pay
- Section B - Paternity leave and pay
- Section C - Shared parental leave
- Section D - Parental leave
- Section E – Adoption Leave and Paternity Leave

These policies describe the responsibilities of the school and the employee in making sure that the arrangements for maternity and parental leave and pay and adoption leave are clear.

The arrangements within this policy have been designed to be adopted by the school aiding pregnant mothers, and future parents continue within their role without stress and concern for their employment.

## **Section A:**

### **Maternity leave and pay policy**

1. During maternity leave, the employee's contract and benefits continue as before except that they are not required to work or attend the workplace and do not receive pay for hours worked.

The employee retains their entitlement to paid holiday; accrued holiday that has not been taken before the start of maternity leave can be taken after maternity leave.

2. The Principal / Operations Manager will undertake a risk assessment (Appendix 1) to identify, eliminate or control any hazards associated with the employee's job. Where the employee is not able to carry out her full range of duties safely or a potential health risk has been identified, The school will take such steps as necessary to avoid any identified risks affecting her health and safety, which may include a temporary adjustment to her working conditions or working hours. If this is not possible, the employee may be offered suitable alternative work on terms and conditions that are the same or not substantially less favourable or be suspended from work on full pay until the start of maternity leave unless she has unreasonably refused suitable alternative work.

### **Antenatal care**

3. A pregnant employee is entitled to reasonable time off with pay for antenatal care, including visits to the GP or hospital. A spouse, civil partner or partner has equivalent rights to unpaid time-off to accompany to up to two ante-natal appointments.

4. Following the first antenatal appointment, the employee must submit an appointment card to the Principal or Operations Manager prior to the second appointment. On the day following each visit, the date and time of the next appointment must be notified to the SLT

For other appointments we require written notification, and where possible these should be given well in advance, by at least 2 weeks.

5. Wherever possible, antenatal appointments should be arranged to minimise absence from the post. For part-time staff, appointments should be made outside normal working hours wherever possible. Paid time off will be given where this is not possible.

### **Maternity leave and pay**

6. Employees are entitled to 52 weeks' maternity leave. The employee must take compulsory maternity leave during the first two weeks following the baby's birth.

7. The employee must inform us in writing by the 15th week before the expected week of childbirth that she is pregnant and when the baby is due (the expected week of childbirth), when she intends to start her maternity leave and provide a MatB1 form completed by a doctor or midwife.

8. We will confirm receipt of this notification, within 28 days of receipt, and confirm a return date, assuming that the employee will her full maternity leave entitlement of 52 weeks, unless she informs the practice otherwise. This will be done via writing and kept on file within the employee's personnel file.

9. Maternity leave may start at any time from the beginning of the 11th week before the expected week of childbirth until the week of the birth.

10. Maternity leave will start earlier if the employee is absent due to a pregnancy-related illness after the beginning of the fourth week before the expected week of childbirth or the baby is born before its expected due date.

11. When maternity leave starts earlier than notified, the employee must notify the school, in writing, of a pregnancy-related illness or an early childbirth as soon as is reasonably practicable. Failure to notify of the start of maternity leave could result in the loss of Statutory Maternity Pay (SMP).

12. During the first 39 weeks of maternity leave, the employee will receive SMP, providing they meet the government's qualifying conditions. Statutory Maternity Pay will be paid in the same way as normal pay, monthly via a BACS transfer. Tax and national insurance will be deducted where appropriate. Statutory Maternity Pay will end after 39 weeks or from the beginning of the week in which you return to work, whichever is the earlier.

### **Returning to work**

13. Before the start of maternity leave, the school will confirm in writing the date that the employee is expected to return to work. The employee must give the Principal at least eight weeks' written notice if they wish to change this return date.

14. For children due on or after 5 April 2015, the employee can give notice to end her maternity leave and take shared parental leave, which can be taken in separate blocks of leave and shared with their spouse or partner (see section C). For children due on or before 4 April 2015, if the employee returns to work without using their full

maternity leave entitlement, her spouse or partner may be entitled to additional paternity leave (see paragraph 26). Keeping in touch days (KITs days)

15. The employee is entitled to work up to ten days during her maternity leave without affecting her right to maternity leave or maternity pay.

16. The school will inform the employee of any training days that she may wish to attend during her maternity leave; the employee is under no obligation to attend.

17. The employee should contact the Principal to discuss the date or dates of keeping-in-touch days that she wishes to work.

### **Part-time working**

18. The employee can request to alter her working hours on her return to work. Such requests should be discussed with the Principal who will consider the request fully. Further information is available in the 'Flexible working policy'.

## **Section B**

### **Paternity leave and pay policy**

19. During paternity leave, the employee's contract and benefits continue as before except that they are not required to work or attend the workplace and do not receive remuneration. The employee retains their entitlement to paid holiday.

### **Antenatal appointments**

20. A pregnant woman's spouse, civil partner or partner in a long-term relationship can take reasonable unpaid time off to accompany the expectant mother to [ legal minimum is two] antenatal care appointments. Wherever possible, antenatal appointments should be arranged to minimise absence from the parish duties.

For part-time staff, appointments should be made outside normal working hours wherever possible.

### **Paternity leave and pay**

21. Eligible employees can take up to two weeks' ordinary paternity leave, either as one full week or two consecutive weeks. Multiple births (twins, triplets, et cetera) do not affect this entitlement; only one period of ordinary paternity leave can be taken.

To qualify for ordinary paternity leave, the employee must:

- Have been continuously employed for 26 weeks into the 15th week before the expected week of childbirth
- Be the biological father of the child and have responsibility for the care of the child or be the mother's spouse, civil partner or long-term partner (including same-sex relationships).

23. Ordinary paternity leave can start on the day of birth or within the first six or seven weeks after the child's birth, as long as leave finishes within 56 days (8 weeks) of the baby's birth.

24. By the 15th week before the expected week of childbirth, the employee must inform PaYP in writing

- The expected week of childbirth
- That they intend to take paternity leave, including whether they intend to take one or two weeks
- The date they intend to start the paternity leave.

25. Providing the employee has met the government's qualifying conditions, Statutory Paternity Pay will be paid during paternity leave. The employee must give PaYP 28 days' notice of the date they want their paternity pay to start Paternity leave and shared parental leave

26. For children due on or after 5 April 2015, you may be entitled to further leave should the child's mother opt to take shared parental leave instead of maternity leave (see section C).

For children due on or before 4 April 2015, the employee is entitled to Additional Paternity Leave if the child's mother returns to work without using her full maternity leave entitlement:

- The child's mother must have returned to work
- Additional paternity leave of up to 26 weeks can start from 20 weeks after the birth. It must end one year after the birth regardless of the date that leave started
- Additional paternity pay is payable for any unexpired term of SMP that the child's mother would have been entitled to had she not returned to work

## **Section C**

### **Shared parental leave policy**

27. For children due on or after 5 April 2015, an expectant or new mother can take shared parental leave instead of maternity leave if she wishes. Opting for shared parental leave allows the employee to share some of her leave entitlement with her spouse, civil partner, long-term partner or the child's biological father. Also shared parental leave allows the employee to split the leave into separate blocks.

28. Before shared parental leave can start, the mother must take at least two weeks compulsory maternity leave following the birth of the child.

The amount of shared parental leave available depends on how much maternity leave will be taken: • The maximum amount of shared parental leave available is 50 weeks, which must end by the baby's 1st birthday at the latest

- Any week or weeks of maternity leave taken by the mother beyond the compulsory maternity leave period (that is the 2 weeks following the birth of the baby) reduces the shared parental leave available by a corresponding amount.

### **Shared leave following maternity leave**

29. To change from maternity leave to shared parental leave, the employee must give the school at least eight weeks' written notice before the date that she wants to end her maternity leave. The employee does not have to return from work at the end of the notice; she may simply be changing from one form of leave to another.

Notice to opt into shared parental leave can be given at any time, providing there is sufficient maternity leave outstanding after the end of the notice period:

- Notice of leave given before the birth of the child can be withdrawn at any time up to six weeks after the birth; the employee is allowed to continue maternity leave
- Notice of leave given after the birth of the child cannot be withdrawn and the employee's maternity leave will end on the date given in her notice.

30. To claim the right to shared parental leave, the employee must give at least eight weeks' written notice before the date that she wants to start shared parental leave.

This notice of entitlement can be given to the Principal at the same time as the notice to formally end maternity leave.

The employee must include:

- The date that the child is expected or their actual date of birth
- The name, address and national insurance number of her spouse or partner (if she intend to share her leave with that person)
- Confirmation that her spouse or partner shares responsibility for childcare
- The amount of shared parental leave available for her or for sharing with her spouse or partner; the dates of any maternity leave that has been or will be taken should also be stated
- An indication of the shared parental leave that the employee intends to take; the actual dates must be provided a separate notice of leave
- The amount of shared parental leave that the spouse or partner intends to take
- A personal declaration that the employee meets the eligibility criteria for shared parental leave and that the information provided is accurate
- A signed declaration from the employee's spouse or partner that they also meet the eligibility criteria for shared parental leave

31. The employee must provide at least eight weeks' written notice of the dates when she wishes to take shared parental and state her proposed start and end dates. This notice of leave can be given to the school at the same time as the notice to end maternity leave and the notice of entitlement.

32. Shared parental leave can be taken at the same time or at different times to any shared parental leave taken by the employee's spouse or partner.

It can be requested as:

- One continuous period of full weeks, or
- Separate blocks of leave, where each block must last for at least one week and be separated by a break of at least one week, during which the employee must attend work in accordance with her contract.

33. Where the employee has requested a continuous period of shared parental leave (which may or may not start immediately after the end of her maternity leave) this will be agreed.

34. Where the employee has requested two or more non-continuous periods of shared parental leave, this will be subject to the agreement between employee and PaYP. Agreement will only be withheld for reasons associated with the operational requirements of the business. Within two weeks of receiving the employee's request for leave, we will reply, either accepting or refusing the request or suggesting alternative dates for the employee to consider.

35. Where the school refuses a request for non-continuous periods of leave, the employee can take the leave requested as one continuous period of leave.

This would commence on either:

- The date that the employee requested to start the first block of leave; confirmed in writing by the employee, or
- Another date indicated by the employee in an amended notice of leave, as long as the new date allows at least eight weeks' notice to be given.

36. Emscote school may contact the employer of the employee's partner about the amount and dates of shared parental leave that they are taking. By requesting shared parental leave, an employee gives consent for us to contact her partner's employer and to share details of the proposed shared parental leave.

### **Arranging shared leave – the spouse or partner**

37. The partner is eligible for shared parental leave if they are entitled to paternity leave (see section B), share the responsibility for caring for the new born child, and have a connection to the child's mother by being her spouse, civil partner or partner in a long term relationship and living with her and the child, or the child's biological father (even if they are not in a stable relationship with the mother).

38. The partner must have the mother's consent to take shared parental leave. The mother must have notified her employer that she wants to change from maternity leave to shared parental leave.

39. To claim the right to take shared parental leave, the partner must give at least eight weeks' written notice before the date that they want to start the shared parental leave.

This notice of entitlement must include:

- The date that the child is expected or their date of birth
- The mother's name, address and national insurance number
- Confirmation that the partner shares childcare responsibility with the mother
- The amount of leave available for shared parental leave. The dates of any maternity leave that has been or will be taken should be stated
- An indication of the shared parental leave that the partner intends to take; the actual dates must be provided a separate notice of leave
- The amount of shared parental leave the mother intends to take
- A personal declaration that the partner meets the eligibility criteria for shared parental leave and that all the information provided is accurate
- A signed declaration from the mother that they meet the eligibility criteria for shared parental leave.

40. Within 14 days of receiving the notice of entitlement, we can ask for a copy of the child's birth certificate and the name and address of the mother's employer. If requested, the partner must provide this information within 14 days

41. The partner must provide at least eight weeks' notice (in writing) of the shared parental leave that they wish to take – stating their proposed start and end dates. This notice of leave can be given to the practice at the same time as the notice of entitlement.

The shared parental can be requested as:

- One continuous period of full weeks, or
- Separate blocks of leave, where each block must last for at least one week and be separated by a break of at least one week, during which the employee must attend work in accordance with their contract.

42. Where the partner has requested a continuous period of shared parental leave this will be agreed.

43. Where the partner has requested two or more non-continuous periods of shared parental leave, this will be subject to the agreement between employee and PaYP. Agreement will only be withheld for reasons associated with the operational requirements of business. Within two weeks of receiving the partner's request for leave, the school will reply, either accepting or refusing the request or suggesting alternative dates for the partner to consider.

44. Where we refuses a request for non-continuous periods of leave, the partner can take the leave requested as one continuous period of leave.

This would commence on either:

- The date that the partner requested to start the first block of leave; confirmed in writing by the partner, or
- Another date indicated by the partner in an amended notice of leave, as long as the new date allows at least eight weeks' notice to be given.

45. Up to three requests for shared parental leave can be made. The same procedure should be followed if the partner wishes to vary their shared parental leave.

46. PaYP may contact the employer of the mother about the amount and dates of shared parental leave that she is taking. By requesting shared parental leave, the partner gives consent for PaYP to contact the mother's employer and to share details of the partner's proposed shared parental leave.

### **Shared Parental Pay**

47. During shared parental leave, Shared Parental Pay (ShPP) at the statutory rate will be paid, providing the employee has met the government's qualifying conditions and

- Has notified school at the time of giving their notice of leave that they wish to claim ShPP
- Has informed school of the amount of ShPP being claimed by their partner or the mother, and
- The total amount of ShPP that both the employee and their partner or the mother claim is no more than 37 weeks.

### **Shared parental leave keeping in touch days (SPLIT days)**

48. The employee is entitled to work up to 20 days during their shared parental leave without it affecting their entitlement to shared parental leave or any entitlement to ShPP.

To arrange keeping in touch days the employee must contact the Headteacher and/or Operations Manager stating the date or dates that they wish to attend work.

Emscote school will inform the employee of any training days that the employee may wish to attend during their shared parental leave (but there is no obligation to attend).

## **Section D**

### **Parental leave policy**

49. Employees who have been continuously employed for one year or more and who are named on the child's birth certificate and have parental responsibility are eligible for parental leave. Parental leave can be taken for any reason associated with looking after the child and is unpaid.

50. For each child under five, the employee can take 18 weeks' parental leave up to the child's fifth birthday. If the child qualifies for Disability Living Allowance, 18 weeks' parental leave can be taken up to their 18th birthday.

51. Parental leave must be taken as whole weeks, unless the child is disabled. Parents of disabled children can take parental leave in single or multiple days.

52. The employee must give 21 days' notice in writing before their intended start date and confirm the start and end dates.

53. PaYP can only postpone the requested leave if there are significant business reasons for doing so – for example, it would cause serious disruption to the business. If PaYP requires the leave to be postponed, it will write to the employee within seven days of receiving the request and suggest a new start date within six months of the requested start date.

54. The Emscote School cannot postpone the requested leave if the employee is taking it immediately after the birth of a child or if postponement means the employee would no longer qualify for parental leave.

## **Section E**

### **Adoption Leave and Paternity Leave**

55. Employees are entitled to up to 52 weeks Statutory Adoption Leave.

56. Leave can be taken from the date the adopted child starts living with the employee or up to 14 days before the date the employee expects the child to start living with them.

57. Employees must follow these notification procedures

- Inform the PCC that they wish to take adoption leave within seven days of being told that they have been matched with a child for adoption.
- State when they expect the child to be placed with them.
- State when they want the adoption leave to start. To change the start date they need to give 28 days notice.

58. We will write to the employee within 28 days confirming that the employee has given notification and confirming the date that we expect the employee to return from leave (we will presume that the employee will take 52 weeks' leave unless we are informed otherwise).

59. The employee will be able to work up to 10 days during their adoption leave without it affecting their right to adoption pay.

60. We will inform the employee of any training days which they may consider taking during their adoption leave (there is no obligation to attend).

61. The employee will contact the school should they wish to work during their adoption leave.

62. Should the employee wish to change the return date, they must give eight weeks notice.

63. Adoption Paternity Leave: Eligible employees can take up to two weeks' ordinary adoption paternity leave, either as one full week or two consecutive weeks. Multiple adoptions (twins, triplets, et cetera) do not affect this entitlement; only one period of ordinary paternity leave can be taken.

To qualify for ordinary adoption paternity leave, the employee must:

- Have been continuously employed for 26 weeks into the 15th week before the expected week of the adopted child's arrival
- Be the adopted father of the child and have responsibility for the care of the child or be the mother's spouse, civil partner or long-term partner (including same-sex relationships).

64. Ordinary adoption paternity leave can start on the day of birth or within the first six or seven weeks after the child's birth, as long as leave finishes within 56 days (8 weeks) of the baby's birth.

65. By the 15th week before the expected arrival of the child, the employee must inform the school in writing

- The expected week of arrival
- That they intend to take adoption paternity leave, including whether they intend to take one or two weeks
- The date they intend to start the adoption paternity leave.

66. Providing the employee has met the government's qualifying conditions, Statutory Paternity Pay will be paid during adoption paternity leave. The employee must give 28 days' notice of the date they want their paternity pay to start.