

## Parent Policy

### Integrated Policy and Procedures on Maternity, Adoption, Paternity and Parental Leave and Pay

#### Introduction

Trustees recognise the importance of having a clear policy on the entitlements of all trust employees regarding expectant, new and established parents. Cotswold Beacon Academy Trust (CBAT) follow National Agreements and apply the Nationally Agreed Terms & Conditions for adoption, maternity and paternity leave so this policy should be read in conjunction with the relevant sections of Conditions of Service for School Teachers (Burgundy Book) and the National Joint Council for Local Government Pay and Conditions of Service (Green Book – Support Staff).

#### Who is covered by this Policy?

1. **For maternity/adoption leave and pay:** any employee of the organisation who has become pregnant or who has been matched with a child for adoption or who has achieved successful surrogacy.
2. **For shared parental leave:** the partner of any such employee whether or not they work for this organisation (subject to certain qualifying and earnings criteria); or an employee whose partner has become pregnant or been matched with a child for adoption.
3. **For paternity leave and pay:** any employee of the organisation whose partner has become pregnant or been matched with a child for adoption.
4. **For unpaid parental leave:** any employee with at least one year's service who has a child under 18 years old.

#### What am I entitled to?

##### **If you are an employee who is pregnant or the main adopter:**

You will be entitled to take up to 52 weeks maternity/adoption leave if you want to, irrespective of your length of service or earnings with the organisation.

If 15 weeks before the expected birth or adoption you have been employed by us continuously for at least 26 weeks, and your average weekly earnings are at least equal to the lower earnings limit for National Insurance contributions we will pay you statutory maternity/adoption pay.

Statutory maternity/adoption pay is payable for 39 weeks; for the first six weeks it is paid at 90 percent of your average weekly earnings. The following 33 weeks will be paid at the statutory rate set by the Government each tax year or 90 per cent of your average weekly earnings whichever is the lower.

##### **If your partner is pregnant, or you are an adopter or will share the responsibility with a partner for bringing up a child:**

If 15 weeks before the expected birth or adoption you have been employed by us continuously for at least 26 weeks, you will be entitled to 2 weeks paternity leave.

If your average weekly earnings are at least equal to the lower earnings limit for National Insurance contributions, we will pay you statutory paternity pay during your leave.

##### **If you are a parent with a child who is under 18 years old, then:**

After one year service you can take up to 18 weeks unpaid parental leave for that child up to their 18<sup>th</sup> birthday.

This allowance applies to each of your children and should be taken in blocks of a week or multiples of a week and should not be taken as "odd" days off, unless your child is disabled. You cannot take off more than four weeks during a year. A "week" is based on your normal working pattern.

#### Am I entitled to share maternity/adoption leave with my partner?

Shared parental leave is designed to give parents/adopters more flexibility in how to share the care of their child in the first year following birth or adoption. If you are eligible, you can effectively share up to 52 weeks leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child. To be eligible you must meet certain criteria as follows.

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You (or your partner) must be entitled to maternity/adoption leave, or statutory maternity/adoption pay (or maternity allowance from the Government) and you must share the main responsibility for caring for the child with your partner. In addition, you and your partner will also be required to follow a two-step process to establish eligibility as follows:

- **Step 1 - Continuity test:** if you are seeking to take shared parental leave, one parent/adopter must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and they should still be employed in the first week that shared parental leave is to be taken.

The other parent/adopter must have worked for 26 weeks in the 66 weeks leading up to the due date and have earned at least £390 in total over 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row)

- **Step 2 - Individual eligibility for pay:** To qualify for shared parental pay the birth parent/main adopter must, as well as passing the Continuity test, also have earned an average salary of the National Insurance lower earnings limit or more for the 8 weeks prior to the 15th week before the expected birth/adoption.

Although the situation around pregnancy and adoption appears complex, it is normally quite straightforward to work out your entitlement. Therefore, as soon as you know you, or your partner are pregnant or have been matched with a child for adoption, please let us know as soon as is practical. We will calculate your entitlement and the relevant dates for you.

#### **What should I do once I know me, or my partner is pregnant, or have been linked with a child for adoption, or have achieved a successful surrogacy?**

Congratulations on your big event! There are a few things you now need to do so we can ensure you get all you are entitled to and that the process goes smoothly for you and the organisation. Here is what you need to do:

- Please let us know as soon as possible. You should have a chat with your manager about your situation especially if you are pregnant as there are health and safety issues which we must consider. Your manager will arrange a risk assessment to ensure your work doesn't put you or your baby at any risk. You will also be entitled to take reasonable paid time off work to attend antenatal appointments as advised by your doctor, registered midwife or health visitor, or adoption meetings. If you are the partner, you may also take paid time off to attend up to two ante-natal clinic visits or adoption meetings.
- When you receive it from your doctor or midwife, we will need your **MAT B1** form which confirms your pregnancy and when your baby is expected. If you are adopting, we will need a copy of the **matching certificate** completed by the adoption agency (or if the adoption is from overseas then we will need the official notification from the relevant UK authority and the date the child is due into the UK).
- At least 15 weeks before the due date for your baby, please let us know when you intend to take your maternity leave. If adopting, within 7 days of the date in which you were matched with the child we will need the expected week of the placement and the date on which you intend to start your adoption leave. Don't worry these dates can still be changed if you give us at least 28 days' notice before the new start date or, if that is not possible, as much notice as is reasonably practicable.
- If you plan to start adoption leave before the actual date of placement, you must be sure that the placement will be going ahead on the date agreed before you start your leave. If the placement is delayed for whatever reason and adoption leave has already commenced, you cannot stop and start it again later.
- If you are absent from work due to a pregnancy-related illness after the beginning of the fourth week before your baby is expected, then you must let us know that is the case and your maternity leave will start automatically at that point.
- If you miscarry after 24 weeks pregnancy you will retain your full maternity leave and pay entitlement.

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#### Your maternity or adoption leave

Regardless of the number of hours you work or your length of service, you are entitled to 26 weeks “ordinary” maternity/adoption leave. During this period all your contractual entitlements are maintained except for your pay; any benefits in kind will continue and contractual annual leave entitlement will continue to accrue. You are entitled to return to the same job that you left if you return after the ordinary leave period.

You are also entitled to take up to 26 weeks “additional” maternity/adoption leave immediately following your ordinary leave. During this leave your contractual terms and conditions such as holidays continue to accrue. You also have the right to return to a job on no less favourable terms and conditions than the job you had at the commencement of the leave period. If it is not practicable for you to return to your original job, then you will be offered a suitable alternative on terms and conditions no less favourable. Your continuity of service will be preserved.

Except during the first two weeks after childbirth or adoption, you can agree to work or to attend training for up to 10 days during either ordinary maternity/adoption leave or additional maternity/adoption leave, without that work bringing your period of maternity/adoption leave to an end and without a loss of a week’s Statutory Maternity Pay (SMP). These are known as “keeping-in-touch” (KIT) days. KIT days may be carried out and paid as a half day or a whole day but either counts as one KIT Day.

We will also maintain reasonable contact with you from time to time during your maternity/adoption leave. This may be to discuss changes within the organisation, your plans for returning to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

We will let you know before starting your ordinary maternity/adoption leave whether you have any outstanding holiday entitlement. We might ask you to take all or some of your outstanding holiday before commencing your leave or agree that you can carry the leave over and take it on your return to work.

Members of the Teachers’ Pension Scheme (TPS) and Local Government Pension Scheme (LGPS) will pay contributions based on the actual maternity pay received during the first 39 weeks of the maternity pay period. During unpaid maternity leave the employer shall not make any payments into the pension scheme and the employee will no longer continue paying contributions and no pension will be accrued. Employees should seek further information from the relevant pension scheme in respect of their options to enhance contributions for the period of unpaid maternity leave.

#### Pay

As the birth parent you may take up to 52 weeks leave, of which up to 11 may be taken before the expected week of childbirth (EWC). As a primary adopter you may take up to 52 weeks leave starting on either a predetermined date no more than 14 days before the Expected Placement Date, or on the date of placement itself. The leave is paid as:

- Teaching Staff – Four weeks at full pay, two weeks at 90% of average earnings, followed by 12 weeks half pay and lower rate Statutory Maternity Pay (SMP), followed by 21 weeks lower rate SMP only. Remainder unpaid.
- Support Staff – Six weeks at 90% of average earnings, followed by 12 weeks half pay and lower rate SMP, followed by 21 weeks lower rate SMP only. Remainder unpaid.

#### Returning to work

Once we know the start date of your maternity/adoption leave, we will inform you in writing of the date on which you are expected back at work if you take your full 52-week entitlement to maternity/adoption leave. You are expected to return on this date unless you notify us otherwise.

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If you want to return to work earlier than the expected return date, please give us at least eight weeks notice of your date of early return. If you fail to do so we may have to postpone your return to such a date as will give us eight weeks' notice if this is not later than the expected return date.

If you are unable to attend work at the end of your maternity/adoption leave due to sickness or injury, our normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If you worked full-time prior to maternity/adoption leave you have no automatic right to return to work on a part-time basis or to make other changes to your working pattern. However, all requests for part-time work or other flexible working arrangements will be formally considered in line with the operational requirements of the organisation. If you would like flexible working arrangements to be considered, please write to your manager, setting out your proposals, in line with your usual contractual notice period,

If you decide not to return to work after maternity/adoption leave, you must give us at least your usual contractual notice period of your resignation. If your notice period would expire after maternity/adoption leave has ended, we may require you to return to work for the remainder of the notice period.

If you are fully entitled to receive statutory maternity/adoption pay, then you will receive your full 39-week entitlement to Statutory Maternity/Adoption Leave even if you resign, however you will be required to pay back the 12 weeks at half pay earned during your maternity/adoption leave if you do not return to work for a period of 13 continuous weeks.

#### **How can I share parental leave with my partner?**

**Firstly, you and your partner must meet the eligibility criteria described earlier. If you do:**

You can effectively "convert" a period of maternity/adoption leave and pay, into shared parental leave and pay that can be taken by either parent.

Your partner can take shared parental leave concurrently with you when you are on maternity leave or shared parental leave.

Shared parental leave does not have to be taken in a single continuous block, it can be taken in chunks of as little as a week with our agreement.

When on shared parental leave you will be entitled to the same terms and conditions that would have applied had you been at work, except for pay.

Shared Parental Leave may be taken at any time within the period which begins on the date the child is born or date of the adoption placement and ends 52 weeks after that date.

**Here is how you and your partner should go about opting into shared parental leave:**

The birth parent/primary adopter must bring their period of maternity/adoption leave to an end by letting their employer know at least 8 weeks before the date they intend to curtail the leave (maternity leave cannot be ended before the end of the two-week compulsory maternity/adoption leave period). The balance of maternity leave at that point becomes available for the partner to share as shared parental leave. While this notice of curtailment of maternity/adoption leave can be given before or after the birth/placement, if it is given afterwards, the notice is binding. However, if notice is given before, there is a six-week window after the child's birth/adoption, during which a birth parent/primary adopter who has previously stated they intends to share the leave can change their mind and decide to remain on leave.

Both you and your partner should let your respective employers know in writing that you are eligible for and intend to take shared parental leave. You should also give an indication of how much shared parental leave and pay each parent intends to take and when.



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If requested within 14 days of letting us know about your intention to take shared parental leave, you should provide us with a copy of the child's birth certificate, or if this is not yet available, confirmation from your midwife or GP of the date of the child's birth. In the case of adoption, you should provide details of the adoption agency, the date you (or your partner) were informed of the adoption match, and the expected date that the child will be placed with you. You must provide the information requested within 14 days.

The information about how and when you and your partner are intending to take shared parental leave is non-binding – you are free to change your minds about how leave and pay are to be allocated between you by letting your employers know of the variation in writing. To do this, please complete the form at Appendix 2. We will need at least 8 weeks' notice of each period of leave, and you can submit a total of three requests. You can take up to three periods of shared parental leave.

If you submit a request for a single continuous period of shared parental leave (e.g., a single block of 12 weeks) this will be granted automatically.

If you submit a request for discontinuous leave (e.g., 6 weeks shared parental leave followed by 2 weeks at work followed by another 6 weeks shared parental leave etc.) we may need to discuss with you whether the school can support such a work pattern. If not, we will try to agree an alternative arrangement with you, or we may need to refuse the request.

We may ask you to stay in touch with work during your shared parental leave. This could be for training purposes, meetings or just to keep generally up to date with the business. You can work for up to 20 days without bringing your period of shared parental leave to an end. Any days worked do not extend your leave period. When you work you will receive your normal rate of pay inclusive of any shared parental pay. You are under no obligation to undertake any work during your shared parental leave period, and we are under no obligation to offer you any work. These 20 days are in addition to the 10 days available during maternity or adoption leave.

While on shared parental leave you will continue to accrue your normal holiday entitlement. We may ask you to take some or all of your outstanding holidays prior to commencing your shared parental leave. We may also ask you to take some or all of the holidays you have accrued on shared parental leave at the end of your leave period and prior to returning to work.

#### Returning to work from Shared Parental Leave

If you wish to alter your return date from shared parental leave, please ensure you give us notice as follows:

- If you wish to extend your SPL, at least 8 weeks' notice from the originally agreed return date.
- If you wish to shorten your SPL, at least 8 weeks' notice from the new return date.

If you return to work after a period of shared parental leave (including any maternity/adoption leave) which was 26 weeks or less, then you are entitled to return to the same job that you left with terms and conditions no less favourable than would have applied had you not been on leave.

If you return to work from a period of shared parental leave (including any maternity/adoption leave) which was greater than 26 weeks, we will try to allow you to return to the same job you left. If it is not practicable for you to return to your original job, then you will be offered a suitable alternative on terms and conditions no less favourable than would have applied had you not been on leave.

#### Do I have any further statutory rights on parental leave?

If you have completed one year's service with us, you are entitled to 18 weeks unpaid parental leave for each of your children born or adopted. The leave can start once the child is born or placed for adoption, or as soon as you have completed a year's service, whichever is later. You can take it at any time up to the child's 18<sup>th</sup> birthday.

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Parental leave should be taken in blocks of a week or multiples of a week and should not be taken as "odd" days off, unless your child is disabled. You cannot take off more than four weeks during a year. A "week" is based on your normal working pattern.

Please ensure you give us at least 21 days' notice in writing if you intend to take unpaid parental leave. The entitlement to take 18 weeks' leave in total is in relation to each child not with each separate employer. We will ask you to confirm whether you have already taken some of your entitlement with another employer and how much. During unpaid parental leave the employer shall not make any payments into the pension scheme and the employee will no longer continue paying contributions and no pension will be accrued. Employees should seek further information from the relevant pension scheme in respect of their options to enhance contributions for the period of unpaid parental leave.

Parents of a disabled child should discuss their needs regarding unpaid parental leave at the earliest opportunity.

#### What are my Paternity Leave and Pay entitlements?

To be eligible for paternity leave you must satisfy the following criteria:

- You must be the non-birth parent of the child or living in partnership with the child's birth parent, expect to have responsibility for the upbringing of the child, and be making the request to help care for the child or support the birth parent.
- Have 26 weeks' service at the 15th week before the baby is due to be born, or in respect of an adopted child, the week in which the child's adopter was notified of having been matched with a child
- You may be asked to produce evidence of entitlement to paternity leave by signing a self-certification form declaring that you meet the statutory eligibility criteria

Paternity leave is granted in addition to your normal holiday entitlement. Paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of birth but within eight weeks of the expected date of childbirth. Ordinary paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date. In addition, employees who are the non-birth parent or partner have the right to take paid time off work to accompany expectant mothers on up to 2 antenatal appointments.

To qualify for paternity pay you must have average earning at or above the lower earnings limit for the payment of National Insurance contributions.

- Paternity Pay is paid for a maximum of 2 weeks. It is paid at full pay

Paternity Pay will begin at the same time as your paternity leave commences and will be paid on the same date that your salary would have been paid and will be subject to deductions for tax, National Insurance and any pension contributions in the usual way.

#### Application Forms to accompany this policy.

- Teacher Application for Maternity/Adoption Leave and Pay (Gloucestershire) - to be completed during or before the 15<sup>th</sup> week before EWC.
- Support Staff Application for Maternity/Adoption Leave and Pay (Gloucestershire) - to be completed during or before the 15<sup>th</sup> week of EWC.
- Application for Paternity Leave – to be completed during or before the 15<sup>th</sup> week of EWC.
- Shared Parental Leave Application and Consent Form – to be completed at least 8 weeks before requested leave.

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- Parental Leave (Unpaid) Application and Consent Form - to be completed at least 21 days before requested leave.

#### Further Information

For further information or assistance on any other aspect of Parenting and employment at Cotswold Beacon Academy Trust, please talk to the HR department. This may include queries relating to support while undergoing IVF treatment, Early Permanence Adoption, and bereavement leave.