



St Edmundsbury and Ipswich

Diocesan Multi Academy Trust

Maternity, Paternity and Adoption Policy and Guidelines

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1 Introduction

The purpose of this policy and guidance is to detail the statutory rights for maternity, paternity and adoption leave and the associated pay provisions, together with contractual rights for teachers and support staff working in the Trust and Trust schools schools, including provisions for:

- Teachers under the Conditions of Service Handbook for Teachers (Burgundy Book) and
- Support Staff employed under the terms of the NJC for Local Government Services (Green Book).

Note: This covers only the leave and pay rights where a child is matched and placed for adoption within the UK. The scheme will differ slightly where a child is being adopted from overseas for practical reasons. Further guidance on the rights in cases of inter-country adoptions should be obtained from the Schools' HR team.

Open discussion between the employer and the employee is encouraged to ensure that questions or problems relating to maternity/paternity/adoption leave and are resolved as quickly as possible. As the provisions are complex, employees should clarify the relevant procedures with the school/Trust or a member of the Schools' Choice HR Team as soon as possible to ensure they are followed correctly.

St Edmundsbury & Ipswich Diocesan Multi Academy Trust supports balanced parenting and wants to enable all and each of its staff who are parents to find the right work/life balance for them, and to be able to have time off work following the birth or adoption of a child.

Note: Our parental policies avoid the use of gendered language as much as possible. They do continue to refer to maternity and paternity leave, pay and entitlements, as they have legal definitions. Trans and non-binary staff may not identify with these words, so, where relevant, managers should ask what the appropriate language to use in discussion is. Managers should be aware that cis women are not the only people who may experience pregnancy: the policy may also apply to trans men, and other gender diverse people, such as those who are intersex or non-binary.

1.1 Maternity checklist

In order to ensure that all issues are addressed prior to, during and after the employee's maternity leave period, it is advisable that the employer meets with the employee at the earliest opportunity to:

- review the Maternity Leave Flowchart in **Appendix 1**
- complete the Maternity Checklist provided at **Appendix 4**
- complete the Risk Assessment for New and Expectant Mothers, provided at **Appendix 6**

1.2 Adoption checklist

In order to ensure that all issues are addressed prior to, during and after the employee's adoption leave period, it is advisable that the employer meets with the employee at the earliest opportunity to review the Adoption Flowchart at **Appendix 2** and complete the Adoption Checklist provided at **Appendix 5**.

2 Maternity leave

Broadly, all pregnant employees can take up to 26 weeks' ordinary maternity leave (OML) and up to 26 weeks' additional maternity leave (AML), making a total of 52 weeks. 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.

An employee's entitlement to pay depends on several factors, such as length of service and whether pay is high enough – see **Section 2.8**.

An employee's rights come partly from statute and partly from their contract of employment.

A flowchart of the procedures for maternity leave can be found in **Appendix 1**.

2.1 Notification of pregnancy

The employee is required to give notice that they are pregnant and intends to take maternity leave no later than the 15th week before the Expected Week of Childbirth (EWC).

To qualify for leave under either the occupational or statutory maternity schemes, they are required to give at least 28 days' notice in writing before they intend to go on maternity leave. However, the employee may give less than this if they have a good reason for doing so.

The notice should be given by completing form MP3, attached at **Appendix 8** of this document. This notice should state:

- that they are pregnant
- the expected week of childbirth (EWC)*
- the date they intend to commence their maternity leave.

** The employee should also provide a certificate from a registered medical practitioner or a registered midwife, known as a MATB1 form, stating the expected week of childbirth, when this is available. Both forms should be submitted to the Payroll team.*

The Schools' HR team/Trust will respond to the employee's notification of maternity leave plans within 28 days of receipt, setting out the date on which the employee is expected to return to work in the event of taking the full statutory entitlement to maternity leave of 52 weeks, made up of Ordinary Maternity Leave (OM) and Additional Maternity Leave (AML).

The employee can change their mind about the date on which they wish to commence maternity leave by giving at least 28 days' notice of the revised date (unless this is not reasonably practicable).

If reasonably practicable, notice of the date the baby was born must be given within 28 days.

The starting date of the maternity leave period should normally be agreed between the employee and Headteacher. However, the final decision is that of the employee. The earliest maternity leave can start is 11 weeks before the baby is due, or from the time of childbirth if that is earlier. However, if the employee is fit enough, they can work right up to the time the baby is due.

Normally, maternity leave will commence on the day specified by the employee concerned, although maternity leave can be triggered by pregnancy-related absence (see Section 2.6) or the birth of the baby. When this happens, the maternity leave and maternity pay period is deemed to have begun on the day following the first day of absence or childbirth.

2.2 Health & Safety rights for new and expectant mothers

There is a duty of care to assess a pregnant employee's work activities to see if there are risks while they are pregnant, a new mother (up to six months after giving birth) or breast-feeding, where the work is of a kind that could involve a risk of harm or danger to their health and safety or the health and safety of their baby and the risk arises from either processes, working conditions or physical, chemical or biological agents in the workplace.

Under health and safety legislation, if the job duties of a pregnant employee are in any way likely to cause them or their unborn child harm, reasonable steps must be taken to remove or reduce the risks. Specifically, consideration must be given where necessary to:

- exposure to infectious diseases e.g. rubella
- removing the employee from any job duties that might pose a risk to their health or safety
- transferring the employee to an alternative job – which must be on terms and conditions not substantially less favourable than those of their normal job
- where alternative work is not available or would not remove or reduce the risks to the employee, placing them on paid medical suspension until the commencement of their maternity leave may be required. If an employee is suspended in these circumstances, their employment will continue during the period of the suspension and it does not in any way affect their statutory or contractual employment and maternity rights. The employee will be entitled to their normal salary and contractual benefits during the period of their suspension unless they have unreasonably refused an offer of suitable alternative employment.

The Headteacher/line manager should arrange with the pregnant employee to carry out a risk assessment using the form in **see Appendix 6**. This is particularly necessary where a job involves lifting. The assessment must be undertaken in conjunction with the employee when possible. Control measures and adjustments to their working environment contained within the assessments must be implemented immediately.

The risk assessment should be reviewed regularly by the Headteacher/line manager (every 4-6 weeks) using the update form in **Appendix 7**. This interval may need to be more frequent as the pregnancy progresses taking into account the changing needs of the employee. The risk assessment should be held locally for ongoing review during this period. A copy of the risk assessment should also be held on file.

If the school/Trust has any concerns regarding Health & Safety issues during their employee's pregnancy, or whilst they are breastfeeding, they should contact the Trust Estates team for Health and Safety advice.

2.3 Length of maternity leave

The employee is automatically entitled to a period of 26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave, regardless of working hours or length of service, where the appropriate notice has been given (see **Section 2.1**). This means they can remain on maternity leave for a total period of up to 52 weeks. The employee may receive Maternity Allowance (MA), Statutory Maternity Pay (SMP) and/or Occupational Maternity Pay (OMP) during this period, depending on the eligibility criteria being satisfied (see **Section 2.8**).

An employee need give no further notice of their date of return unless they would like to return to work earlier than the end of the 52 weeks' (one year) period.

Notice required for returning to work before the end of 52 weeks:

Support Staff	Teachers
At least 8 weeks	At least 21 days

In cases where the notice given is less than required, a manager can postpone the return to ensure the minimum notice period above, if this does not go beyond the end of the maternity leave period. Where no early or prior notice of a return date is given, the employee will be expected to return to work at the end of the 52-week leave period, as notified.

The Headteacher or line manager must notify the Payroll team of the employee's return to work.

2.4 Compulsory maternity leave and automatic commencement

There is a period of 2 weeks immediately following the birth of a child which is known as 'compulsory maternity leave'. Employees who have given birth must take at least this length of time off, for the purposes of rest and recuperation after birth, and bonding with the child. It is the only period of maternity leave that is reserved: it cannot be used by the other parent as part of shared parental leave.

This means that maternity leave must commence automatically upon the birth of the baby if the parent is not already on leave.

Maternity will also commence if the employee is absent from work because of a pregnancy-related illness on or after the 4th week before the expected birth date, unless it is a very minor illness, and the employee returns to work within 1-2 days.

2.5 Antenatal Care

Once an employee has given notice of pregnancy, they will be entitled not to be unreasonably refused paid time off work to attend antenatal appointments as advised by a registered medical practitioner, midwife, or nurse.

In order to be entitled to take time off for antenatal care, the employee is required to produce a certificate from their doctor, registered midwife or registered health visitor, stating that they are pregnant (usually the MATB1). Except in the case of the first appointment, the employee should also produce evidence of the appointment, such as a medical certificate or appointment card, if requested to do so.

Antenatal care includes appointments with a registered medical practitioner, midwife or health visitor. It may also be extended to include reasonable time for relaxation classes and parenting classes. Employees should give their manager reasonable notice of antenatal appointments, where possible and wherever possible, try to arrange them near to the start or end of the working day.

From 1 October 2014, employees and agency workers who have a qualifying relationship with a pregnant person, or an expected child are entitled to take unpaid time off work to accompany that pregnant person at up to two antenatal appointments.

Employees will have the right from day one of their employment. Agency workers will qualify after 12 weeks in the same assignment. The right to time off is capped at a maximum of six-and-a-half hours on each occasion, which can include travelling time, waiting time and attendance.

An employee or agency worker has a qualifying relationship with a pregnant person or their expected child if they:

- are the marital partner or civil partner of the pregnant employee
- live with the pregnant person in an enduring family relationship, but is not their parent, grandparent, sister, brother, aunt, or uncle
- are the father of the expectant child or;
- are an intended parent in a surrogacy situation who meets certain conditions.

Again, the antenatal appointment must be made on the advice of a registered medical practitioner, midwife, or nurse. Schools can ask for a signed declaration confirming:

- the individual's relationship to pregnant employee or their expected child
- the time and date of the appointment
- the purpose of the time off
- the appointment is made on the advice of a registered medical practitioner, midwife or nurse.

2.6 Sickness Absence and Maternity Leave

Maternity-related sickness absence should be recorded using the "pregnancy-and maternity related conditions" option. This is to ensure it is not included in any performance management or redundancy selection processes looking at levels of absence.

If the employee is absent from work because of a pregnancy related illness on or after the 4th week before the baby is due, this should be treated as the start of maternity leave, unless it is a very minor illness and they are expected to return within 1 or 2 days.

If the employee is ill for a non-pregnancy related reason, they will be regarded as being on sick leave until either the baby is born, or the date given as the start date of their maternity leave, when the employee will start receiving their maternity pay.

If an employee is off sick during or after the 4th week before the baby is due, and they have not started their maternity leave, it is essential that the reason for absence is identified quickly. For illnesses where there is uncertainty if the absence is due to pregnancy, wholly or partly, then the advice of the employee's GP and/or an Occupational Health practitioner may be obtained.

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2.7 Maternity Pay

There are two maternity pay schemes in operation:

- Statutory Maternity Pay (SMP), which is paid by Payroll on behalf of the Department of Work and Pensions, and
- Occupational Maternity Pay (OMP), which is paid by Payroll in accordance with the appropriate National Conditions of Service. Depending on the length of the employee's service, they may have entitlement under one or both of these schemes.

Entitlement to SMP and OMP are based on relevant continuous service, but cannot, when added together, exceed normal total pay. To make sure this does not happen, OMP is offset by SMP.

2.7.1 Statutory Maternity Pay (SMP)

Eligibility

Statutory maternity pay is payable for up to 39 weeks during maternity leave. To get SMP, an employee must:

- have been continuously employed by their current employer for at least 26 weeks, at the start of the 15th week before the baby is due. This 15th week is known as the 'qualifying week'
- have average weekly earnings of not less than the lower earnings limit for the payment of National Insurance contributions in the 26 weeks up to and including the 15th week before the expected week of childbirth
- still be pregnant at the 11th week before the week the baby is due or have had the baby at that time
- have provided medical evidence of the date the baby is due (normally a MATB1 certificate) at least 28 days before the maternity absence is due to start
- have stopped work.

If the employee satisfies these conditions, they qualify for SMP.

If an employee is not entitled to SMP, Payroll will issue them with a form SMP1, explaining why they are not entitled to SMP.

If baby is born before the expected week of childbirth: Maternity pay is not affected.

If the employee stops work before the qualifying week: The employee will not normally qualify for SMP if their employment ends before the qualifying week. However, if the baby is born prematurely before the qualifying week they will be taken as satisfying the continuous employment rule if they would have been continuously employed but for early childbirth.

If the employee stops work during or after the qualifying week: If employment ends during or after the qualifying week the employee can still qualify for SMP from their former employer.

Those who do not qualify for SMP details will be provided with information on how they can claim State Maternity Allowance (SMA) from Job Centre Plus.

Rates of SMP

For the first 6 weeks, SMP is paid at the higher rate, which is equivalent to 90% of the employee's average weekly earnings calculated over the period of eight weeks up to and including the qualifying week. For the purposes of calculating, average weekly earnings, shift allowances and overtime payments, if applicable, are included.

The remaining 33 weeks (of the 39-week allowance) is paid at a rate set by the government, or 90% of average earnings or Statutory Maternity Pay, whichever is lowest.(see the [https://www.gov.uk/maternity-pay-leave/pay.gov.uk website](https://www.gov.uk/maternity-pay-leave/pay.gov.uk%20website)).

Any pay rise during maternity leave will be calculated into a revised payment. This may lead to a lump sum payment being made to make up the difference.

Statutory maternity pay is treated as earnings and is subject to PAYE and National Insurance

SMP is payable whether or not the employee intends to return to work after their maternity leave.

2.7.2 Occupational Maternity Pay (OMP)

Eligibility

To qualify for OMP, the employee must have at least 1 year of continuous local government service at the 11th week before the expected week of childbirth. The Occupational Maternity

Pay Scheme applies to pregnant employees with qualifying service regardless of the number of hours worked per week.

If an employee has less than 1 year of continuous local government service at the 15th week before the expected week of childbirth, then they will not qualify for OMP.

The amount of OMP the individual receives will depend on whether they wish to return to work.

If the employee's baby is born early, before or during the qualifying week and they would have completed 26 weeks' employment but for the early birth, the continuous service rule for OMP is satisfied.

Rates of OMP

Length of service	OML	AML	SMP	OMP
Less than 26 weeks at the qualifying week (QW)	✓	✓	No entitlement except possibly SMA	No entitlement
At least 26 weeks at QW but less than 1 year at 11 weeks prior to EWC	✓	✓	6 weeks at 90% of average pay plus 33 weeks standard rate SMP	No entitlement
More than 1 year at 11 weeks before EWC	✓	✓	6 weeks at 90% of average pay plus 33 weeks standard rate SMP	Support Staff Weeks 1-6 as per SMP Weeks 7-18 half pay (unless half pay plus standard rate SMP exceeds normal pay) *
				Teachers Weeks 1-4 full pay Weeks 5-6 as per SMP Weeks 7-18 half pay (unless half pay plus standard rate SMP exceeds normal pay) **

Note that if the normal earnings are lower than the standard rate of SMP, but above the Lower Earnings Limit (LEL), the 33 weeks will be paid at 90% of normal earnings.

Please note that the employee must return to contracted work in order to secure the entitlement to OMP. Supply and casual contracts do not count as contracted work.

* Support Staff are required to return to work to a school within the Trust for a minimum of 3 months to secure an entitlement to OMP. If they do not, then the half pay entitlement must be repaid (SMP is not refundable). They may choose to have the half pay paid as it falls due, as a lump sum on return to work or as a lump sum after they have returned to work for three months.

** Teachers are required to return to work (technically to the same job in the same school, in accordance with the Burgundy Book) for a minimum period of 13 weeks (or pro rata equivalent if they reduce working hours on their return to work) to secure an entitlement of

OMP. If they do not, then the half pay entitlement must be repaid (SMP is not refundable). The employee may choose to have the OMP paid as it falls, as a lump sum on return to work or as a lump sum after they have returned to work for three months.

2.8 Neonatal Care Leave & Pay

Neonatal Care Leave will apply to parents of babies who are admitted into neonatal care up to 28 days old and who have a continuous stay in hospital of 7 full days or longer. This will allow eligible parents to take up to 12 weeks of leave (and, if eligible, pay) on top of any other leave they may be entitled to, including maternity and paternity leave. This will be known as Statutory Neonatal Care Pay.

This additional time off will be a day one right for all employees.

Legally, the leave cannot be designated as maternity leave, so it will instead be added as a period of paid leave at the end of the period of parental leave. There may be tax, NI and pensions implications, so individuals are advised to speak to Payroll when they are able to, before making a request about when and how the extra pay is to be received.

In terms of proof, the expectation would be that managers have been supporting their employees, and keeping in touch with them, so would already know when the baby was due, and when it was actually born. Managers can require the employee to provide proof of a baby's due date and hospital treatment, but this will usually be taken on trust.

In terms of notice for the purposes of maternity pay, if the baby is born after the employee has gone on maternity leave, there will be no effect on maternity pay. If the baby is born before the maternity pay period is due to start, the employee must, if reasonably practicable, give notice of the date of the birth within 28 days, and payments will be paid from the day following the day of childbirth.

2.9 Surrogacy

Surrogacy is when a third party agrees to undergo a pregnancy on behalf of other people, of a child they do not intend to parent, and who they may not be genetically related to.

Every pregnant employee has the right to paid time off for antenatal care, and to [maternity leave](#). Surrogate carriers should also be protected from health and safety risks and given the same support as other expectant employees throughout their pregnancy and the postpartum period.

The receiving parents are likely to be entitled to adoption, paternity and/or shared parental leave.

2.10 Baby loss / Miscarriage and Parental Bereavement and Pay

If the employee suffers a miscarriage, or their baby is stillborn earlier than the 25th week of pregnancy they will not be entitled to maternity leave or SMP, but they may still be eligible for sick pay and/or possibly special leave, according to circumstances.

If the employee suffers a miscarriage or their baby is stillborn from the beginning of the 25th week of pregnancy onwards, they are entitled to the same leave and SMP they would have received if their baby had been born alive.

From 6 April 2020, there is a statutory entitlement to two weeks off following the death of a child under 18, or a stillbirth after 24 weeks. This extends to parents, adopters, foster parents, and guardians, as well as close relatives or family friends who have taken responsibility for the child's care.

3 Adoption Leave

This section outlines the adoption leave and pay rights for employees of the Trust and Trust schools. These only apply where a child is matched and placed for adoption within the UK. The scheme will differ slightly where a child is being adopted from overseas for practical reasons. Further guidance on the rights in cases of inter-country adoptions should be obtained from the Schools' HR team.

For the primary adopters of children matched for adoption on or after 5 April 2015, the rights to adoption leave and pay mirror maternity leave and pay.

Adopters also have the same entitlement to Shared Parental Leave and Pay. Some of the notification requirements will be different, for example, the relevant dates will be linked to the time of the match and the relationship is evidenced by providing details of the adoption agency and a Matching Certificate (see **Section 3.4.1**). For further information see the Shared Parental Leave Guidance.

The rights to adoption leave and pay allow an eligible employee who is adopting a child to take time off when a child is placed with them for adoption. An eligible employee is entitled to 26 weeks' ordinary adoption leave (OAL) and a further 26 weeks' additional adoption leave (AAL), running from the end of ordinary adoption leave. During the period of ordinary adoption leave the employee may also be entitled to Statutory Adoption Pay (SAP) and Occupational Adoption Pay (OAP), see **Section 3.4**.

Paternity leave and pay and Maternity Support Leave may be available to the partner of an individual who adopts, or the other member of a couple who are adopting jointly. Adoption leave and pay is **not** available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's child.

Please refer to the Glossary of Terms in **Appendix 10** for definitions used in this policy.

Employees are entitled to the benefit of their normal terms and conditions of employment, except for terms relating to wages or salary, throughout their 26 week ordinary adoption leave period and any period of shared parental leave. Most adopters will be entitled to SAP during this period.

During additional adoption leave, the employment contract continues and some contractual benefits and obligations remain in force, for example, compensation in the event of redundancy and notice periods.

For information regarding adoption rights, the employee should ask their line manager or a member of the Schools' HR Processing Team on 0300 123 1420. If they have access to the internet, they can check their statutory rights through the government's own web resource at www.gov.uk. For specific enquiries on an employee's adoption pay entitlement they should contact payroll@schoolschoice.org

3.1 Notice of intention to take adoption leave

Employees must inform their line manager and the Schools' HR Processing Team of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. This notification should be in writing using the form provided in **Appendix 9**. Adopters will need to confirm:

- the date on which the child is expected to be placed with them
- the date on which they want their adoption leave to start

Employees will be able to change their mind about the date on which they want their leave to start, providing they tell their line manager and the Schools' HR Processing Team at least 28 days in advance (unless this is not reasonably practicable). Employees will also have to tell their line manager and the Schools' HR Processing Team the date they expect any payments of SAP to start at least 28 days in advance, unless this is not reasonably practicable.

The Schools' HR Processing Team will respond to employees' notification of their leave plans within 28 days.

3.2 Statutory Adoption Leave

There is no longer a continuous service requirement for eligibility to Statutory Adoption Leave.

Where a couple is adopting jointly, the couple may choose which one of them takes adoption leave and which takes paternity leave. Paternity leave can be taken by a the partner of the parent taking Statutory Adoption Leave. This can be a spouse, civil partner or other partner of either sex.

Employees will be entitled to a total of 26 weeks' ordinary adoption leave, followed immediately by 26 weeks' additional adoption leave. Employees may choose to start their leave:

- 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 date of placement (and no later than expected date of placement).

Leave can start on any day of the week. Only one period of leave will be available, irrespective of whether more than one child is placed for adoption as part of the same arrangement.

If the child's placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to eight weeks after the end of the placement.

Employees who intend to return to work at the end of their full adoption leave entitlement will not have to give any further notification, although it is often helpful to do so.

Notice required for returning to work before the end of 52 weeks:

Support Staff	Teachers
At least 8 weeks	At least 28 days

3.3 Pre-Adoption Care

This is an estimate of the amount of time the adoption agency would expect an employee to take in preparation for the adoption:

- Preparation course – 4 days + 1 day follow up approximately 3 months later.
- Assessments with the Social Workers – 6-8 half days.
- Meeting with the adoption panel – ½ day.
- Meeting with the Performance Panel – ½ day.
- Introduction to the child – 1-2 weeks, depending on the age of the child (older children may need longer).

The school/Trust should grant time off with pay for (a) to (d) above, up to a maximum of 10 days. In respect of (e), the employee will be expected to use annual leave for this purpose, or take time outside of term time, if practical. If this is not feasible, consideration should be given to paid or unpaid leave at the school/Trust's discretion. The school/Trust should ensure that requests for this leave will be granted, as the timing is dependent upon the adoption agency.

3.4 Adoption Pay

There are two adoption pay schemes in operation:

- Statutory Adoption Pay (SAP), which is paid by Payroll on behalf of the Department of Work and Pensions, and
- Occupational Adoption Pay (OAP), which is paid by Payroll in accordance with the appropriate National Conditions of Service. Depending on the length of the employee's service, they may have entitlement under one or both of these schemes.

Entitlement to SAP and OAP are based on relevant continuous service, but cannot, when added together, exceed normal total pay. To make sure this does not happen, OAP is offset by SAP.

3.4.1 Statutory Adoption Pay (SAP)

During their adoption leave, most adopters will be entitled to Statutory Adoption Pay.

Statutory Adoption Pay is paid for up to 39 weeks. The first six weeks will be paid at 90% of the employee's average gross weekly earnings, in line with Statutory Maternity Pay. The remainder will be paid at the standard rate set by the Government. For further information, see the [Directgov website](#).

Adopters who have average weekly earnings below the Lower Earnings Limit for National Insurance Contributions will not qualify for SAP. Additional financial support may be available through Housing Benefit, Council Tax Benefit or Tax Credits. Further information is available from the local Jobcentre Plus office or Social Security office.

Employees will have to, on request, give their line manager and the Schools' HR Processing Team a 'matching certificate' from their adoption agency as evidence of their entitlement to SAP. This certificate will also serve as proof of entitlement to adoption leave. Employees should ask their adoption agency for a matching certificate, which will include basic information on matching and expected placement dates

3.4.2 Occupational Adoption Pay

For employees who have completed a minimum of 1 year's continuous local government service, the occupational adoption provisions at the commencement of adoption leave will apply as follows:

Teachers	Support Staff
a) For the first 4 weeks of absence, they are entitled to full pay (SAP offset)	a) For the first 6 weeks of absence, they are entitled to 9/10ths (90%) of a week's pay (SAP offset)
b) 2 weeks at 9/10ths (90%) of a week's pay (SAP offset)	b) 12 weeks at half pay, as well as the standard rate of SAP, provided that the two added together do not exceed normal pay.
c) 12 weeks' half pay plus any entitlement to SAP (not exceeding normal full pay)	c) 21 weeks' Statutory Adoption Pay
d) 21 weeks' Statutory Adoption Pay	
Teachers are required to return to work for 13 weeks (or pro rata equivalent if they reduce their working hours on their return to work) at the end of their	If support staff do not intend to return to work, pay entitlement during weeks 7 to 39 will be at standard rate of SAP only.

leave, to receive and not have to repay, Occupational Adoption Pay (SAP is non-refundable). The employee may choose to have the Occupational Adoption Pay paid as it falls or held until they return.	Employees are required to return to work (technically to 'Trust employment' meaning that school-based support staff can return to another school without having to repay their OAP) for a minimum of 3 months to secure entitlement to Occupational Adoption Pay (12 weeks half pay). If they do not, then the half pay entitlement must be repaid (SAP is non -refundable). They may choose to have the 12 weeks' half pay paid as it falls due, or held until they return.
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4 Paternity leave

An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to two weeks' ordinary paternity leave provided that they have 26 weeks' continuous service by the end of the 15th week before the week in which the child(ren) is expected to be born.

Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption in the UK. Either adoptive parent may take paternity leave where the other adoptive parent has elected to take adoption leave. In respect of an adopted child, the employee must have 26 weeks' continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption.

To qualify for paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother/primary adopter.

Paternity leave may be taken as two weeks together or two separate blocks of one week within 52 weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within 52 weeks of the expected date of childbirth. 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.

Where an employee wishes to request paternity leave in respect of a birth child, they must give 28 days' written notice of the date on which their partner's baby is due, the length of paternity leave they wish to take and the date on which they wish the leave to commence. (Flow chart **Appendix 3**). An employee must also tell you the due date at least 15 weeks before the baby is expected.

In the case of an adopted child, the employee must give written notice of their intention to take paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, the date the employee intends to start paternity leave, the length of the intended paternity leave period and the date on which the adopter was notified of having been matched with the child.

If an employee subsequently wishes to change the timing of the paternity leave, they must give 28 days' written notice of the new dates.

4.1 Ordinary Paternity Pay

Pay during ordinary paternity leave will be at a standard rate of Statutory Paternity Pay (SPP) set by the Government for the relevant tax year, or at a rate equivalent to 90% of the employee's average weekly earnings if this figure is less than the rate of SPP. However, employees whose average weekly earnings are below the lower earnings limit (LEL) for national insurance contributions will not be eligible for ordinary statutory paternity pay.

Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Statutory paternity pay can start from any day of the week in accordance with the date the employee starts their paternity leave.

Note: Please see additional guidance on Maternity Support Leave (**Section 7**), which may provide for full pay during the first week.

5 Shared Parental Leave and Pay

Shared parental leave enables eligible mothers, fathers, partners, and adopters to choose how to share time off work after their child is born or placed. This could mean that the mother or adopter shares some of the leave with their partner, perhaps returning to work for part of the time and then resuming leave at a later date.

The first two weeks of the 52-week entitlement must be taken by the mother or primary adopter, but the remaining 50 weeks' entitlement and pay can be shared or split between both parents, if they meet the eligibility criteria. There may also be an entitlement to a maximum of 37 weeks of shared parental pay. The school will apply the same enhanced rate of occupational maternity pay to eligible employees on shared parental leave.

For more information on Shared Parental Leave see the separate **Shared Parental Leave Guidance**.

6 Neonatal Care Leave & Pay

Neonatal Care Leave will apply to parents of babies who are admitted into neonatal care up to 28 days old and who have a continuous stay in hospital of 7 full days or longer. This will allow eligible parents to take up to 12 weeks of leave (and, if eligible, pay) on top of any other leave they may be entitled to, including maternity and paternity leave. This will be known as Statutory Neonatal Care Pay.

This additional time off will be a day one right for all employees

Legally, the leave cannot be designated as maternity leave, so it will instead be added as a period of paid leave at the end of the period of parental leave. There may be tax, NI and pensions implications, so individuals are advised to speak to Payroll when they are able to, before making a request about when and how the extra pay is to be received.

In terms of proof, the expectation would be that managers have been supporting their employees, and keeping in touch with them, so would already know when the baby was due, and when it was actually born. Managers can require the employee to provide proof of a baby's due date and hospital treatment, but this will usually be taken on trust.

In terms of notice for the purposes of maternity pay, if the baby is born after the employee has gone on maternity leave, there will be no effect on maternity pay. If the baby is born before the maternity pay period is due to start, the employee must, if reasonably practicable, give notice of the date of the birth within 28 days, and payments will be paid from the day following the day of childbirth.

7 Maternity Support Leave (support staff only)

Under national conditions of service school support staff have an entitlement to take 5 days of maternity support leave which is at full pay. This is available to the child's father or the partner or nominated carer of the mother, to assist in the care of the child and provide support to the mother at or around the time of the birth. Where an employee qualifies for both Statutory Paternity Leave and Pay and Maternity Support Leave, they will receive SPP topped up to full pay for the first week and SPP only for the second week.

8 Bereaved Partners Paternity Leave

Where the employee is the father of a child whose mother has died, or who was the spouse, civil partner or partner of a child's deceased primary carer, Bereaved Partners Paternity Leave allows an employee to be absent from work to care for a child during the first year following the child's birth or placement for adoption. which may be for a single period of up to 52 weeks to care for the child.

Further details of this may be found in the:

- Leave of Absence Policy
- Bereaved Partners Paternity Leave FAQs.

9 Contact During Maternity/ Paternity / Adoption Leave

Shortly before an employee's maternity/adoption leave starts, their line manager should discuss the arrangements for them to keep in touch during their leave, should they wish to do so. The school/Trust may reserve the right, in any event, to maintain reasonable contact with the employee from time to time during their maternity/adoption leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work, or simply to update them on developments at work during their absence.

In order to ensure that the employee is kept updated on developments within the workplace, it is advisable that a designated representative, ensures that the employee is forwarded by post, copies of any team meeting notes, job vacancies and/or general information on a regular basis.

Similar planning applies to paternity leave.

9.1 Keeping-in-touch (KIT) days during maternity or adoption leave

Keeping-in-touch (KIT) days allow an individual to work for up to 10 days (pro-rated for part-time staff) during their maternity or adoption leave, without the risk of statutory maternity/adoption leave being stopped. Any work and the dates must be mutually agreed by both parties. A KIT Day cannot take place during the first two weeks following the birth of a child (compulsory maternity leave).

KIT days do not have to be consecutive and can be used for work activities, training or any other activity such as a staff meeting, that enables the employee to keep in touch with the workplace.

There is no requirement on employees to take KIT days, nor on managers to offer them; however, they may be useful for helping to ease the employee back into the workplace and keeping their practice up to date. An employee, with the agreement of the school, may use KIT days to effect a gradual return to work towards the end of their leave period or to trial a possible flexible working pattern.

KIT days are usually paid at the employee's contractual daily rate. Employees should be aware that KIT payment is offset against statutory maternity pay (The weekly rate of SMP is divisible by 7 to arrive at a daily rate – not by the hours worked to get an hourly rate, or by 5 to represent 5-day weeks. Employees should note if they work for part of a day, it still counts as an entire KIT day out of their 10 maximum. Any KIT days worked do not extend the period of maternity leave.

Payment for KIT days (in addition to SMP or SAP) is discretionary.

The school/Trust should email the Payroll team (Payroll enquiries) with details of the employee's name, employment number, the hours worked and date, together with details of how much they should be paid, according to this policy. Payroll will calculate the payment due and payment will be made in the next available payslip. No payment is made for travel or childcare costs.

It is the Headteacher's responsibility to write to the employee, both inviting them to attend a KIT day and/or acknowledging their request to attend a KIT day; and to ensure they keep a record of KIT days the employee has attended.

10 Employees working under more than one contract

If the employee satisfies the qualifying rules with more than one employer, they can receive SMP/SPP from each of them.

If an employee works under two separate contracts of employment and the Trust/School as the employer pays National Insurance Contributions separately for each contract, eligibility for the payment of SMP/SPP will be assessed separately.

If the pay from the contracts is added together before National Insurance contributions are calculated, then SMP/SPP is assessed on the total payment.

11 Annual Leave during maternity/paternity/adoption leave

11.1 Maternity/Paternity leave

If the employee is contracted to work throughout the school closure periods, and therefore has annual leave entitlement, the school/Trust should contact the Schools' Choice HR team for advice concerning their entitlement to annual leave and public holidays during maternity/paternity leave.

If their maternity/paternity leave crosses over the annual leave year into the following year, they may at the school/Trust's discretion, be able to carry over any entitlement remaining. They will then continue to accrue annual leave as normal in that annual leave year. With the school/Trust's agreement, they may take any carried over annual leave immediately after their maternity/paternity leave, in line with normal notification and annual leave policies and allowance.

At the school/Trust's discretion, the employee may be asked to take any outstanding annual leave prior to commencing maternity/paternity leave, if their planned return to work date crosses over into the next annual leave year.

The employee may also be able to take any annual leave accrued but not taken within the annual leave year, prior to the end of their maternity/paternity leave, providing they have given notice of their intended return to work date. For example, if a member of support staff has 10 days' annual leave entitlement remaining from that year's annual leave allowance, they may give 8 weeks' written notice of their return 10 working days early, and take those 10 days then as annual leave for which they will be paid at their normal daily or hourly rate of pay. Please note however, once they have returned into annual leave, their maternity/additional paternity leave will be deemed to have ceased.

Employees will accrue annual leave and public holidays during their leave period, as normal in that annual leave year. Wherever possible, leave should be taken during the current leave year.

11.2 Adoption leave

Employees will accrue annual leave throughout the adoption leave period, if they are entitled to this. Employees who return to work on a part-time basis will have leave accrued pro-rata from the effective date in the changed contract.

It is normally advised that individuals take annual leave pro-rata for the year before adoption leave starts, but this should be agreed with the school/Trust in advance. As far as possible, leave should be taken in the current leave year and if employees are taking additional adoption leave, employees may take holiday during that period, as long as it is arranged with you. Leave which cannot be taken may be carried forward into the subsequent leave year at the headteacher/CEO's discretion.

Subject to the Headteacher/CEO's approval, annual leave can sometimes be taken in the first weeks back at work; effectively, extending the adoption leave period. However, any such period of annual leave will be subject to operational requirements.

12 Return to work after maternity/paternity/adoption leave

The School/Trust must notify the Schools' HR Processing Team of the employees return to work, on their first day of return, or as soon as practicably possible.

12.1 Ordinary maternity leave

On resuming work after Ordinary Maternity Leave, the employee is entitled to return to the same job they occupied before commencing maternity leave, on the same terms and conditions of employment, as if they had not been absent.

If they are employed on a fixed-term contract and this is due to end whilst they are on maternity leave, there is no right to return to the same role they occupied before commencing maternity leave. However, the fixed-term contract may be renewed, and the school/Trust should consult with the employee on this, prior to agreeing to its extension/renewal. If it is not renewed, and as the ending of a fixed-term contract is classed as a dismissal in law, it should be dealt with in the same way as any dismissal providing the same rights of accompaniment and appeal. Contact your HR Consultant for further advice

12.2 Additional maternity/paternity leave

On resuming work after additional maternity/paternity leave, again, the employee is entitled to return to the same job as they occupied before commencing maternity/paternity leave on the same terms and conditions of employment. However, if it is not reasonably practicable to allow the employee to return to the same job, they may be offered suitable alternative work, on terms and conditions that are not substantially less favourable than would have been applied if they had not been absent. If changes have taken place to their work structure, they are entitled to be offered suitable alternative employment.

12.3 Adoption leave

There is no absolute right to return to work on different terms as the right to return after adoption leave relates to the position held before the leave began. If employees feel they may like to change their hours (or other conditions), they should discuss the matter with the school/Trust in the first instance. It may take some time to consider/implement changes; therefore, it would be helpful if employees could raise the matter as soon as possible.

Returning on a different basis (e.g. part-time from full-time) will affect some contractual entitlements such as annual leave, pension provisions, etc, depending on the change being made, normally pro-rata to the new hours being worked. Further advice can be obtained from the Schools' HR Casework Team (hrcaseworkteam@schoolschoice.org).

There are also conditions that employees must satisfy if they take Shared Parental Leave. Full details are set out in the Shared Parental Leave Policy. Key elements are set out below.

- If the adoption leave and shared parental leave amount to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.
- If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of adoption leave and shared parental leave do not exceed 26 weeks.
- If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of adoption leave and shared parental leave do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

12.4 If the employee decides not to return

12.4.1 Maternity/Paternity

If the employee decides not to return to work after their period of maternity/paternity leave, they must notify the school/Trust in writing, giving their contractual notice. If they do not provide their contractual notice prior to the end of their maternity/paternity leave, they will be expected to return to work immediately after their maternity/paternity leave ends to complete the remainder of their notice. This may be waived by agreement by the school/Trust in exceptional circumstances, but they will not be paid for any hours that they do not work as part of their contractual notice, but which they are expected to work, unless they are sick, and then sick pay rules will apply.

If the employee's notice period ends before they have exhausted all of their SMP, this will still continue to be paid to the employee until all 39 weeks have been paid.

12.4.2 Adoption

Adopters who decide during their period of adoption leave that they will not be returning to work should give the notice required under their contract. If sickness prevents an adopter's return, the absence will be covered by the sickness scheme in the normal way, such as notifying their line manager.

12.4.3 Shared Parental Leave

For shared parental leave, if employees wish to return to work earlier than the expected return date, they may provide at least 8 weeks' written notice to vary the leave and the date of early return. This will count as one of the employee's 3 notifications (see the **Shared Parental Leave Guidance** for more detail about notifications).

12.5 Managing requests for flexible working

Employees have a statutory right to request flexible working such as changing/reducing their hours. For more details see the **MAT Flexible Working Policy**.

Please note that an employee does not have an absolute right to return to work on different terms, as the right to return after maternity/adoption/additional paternity leave relates to the position held before the leave began. However, if the employee wishes to change their hours (or other conditions), they should discuss the matter with their Headteacher/line manager in the first instance.

All requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the school/Trust. Any requests made for flexible working should be made and considered in line with the statutory provisions for flexible working, paying particular attention to the specified timings.

It may take some time to consider/implement changes therefore, discussions should take place as soon as possible.

Employees should be aware that returning on a different basis (e.g. part-time from full time) will affect some of their entitlements, such as annual leave, pension provisions, etc, depending on the change being made, contact the Schools' HR Team for further clarification.

It is the Trust's/school's policy that all posts are considered suitable for job sharing, unless there are specific, stated, reasons why not, which could include:

- if there are job sharing arrangements already operating in the school/Trust, such that further arrangements could be detrimental to the delivery of the service
- where a particular post relies on continuity by one person throughout the week and job sharing is considered inappropriate

Any post considered unsuitable must be reviewed next time it becomes vacant or upon request by the post holder.

Note:

- *For support staff, returning part-time does not affect an employee's entitlement to retain their 12 weeks at half pay, providing they return to work for the minimum period of 3 months, regardless of the number of hours they work.*
- *For teaching staff where there is a reduction in hours, the requirement to work for a minimum of 13 weeks is increased pro rata, e.g. a reduction from full time to 0.5 full time equivalent necessitates the employee returning for a minimum of 26 weeks to retain all their occupational maternity pay.*

13 Pensions

During any period of paid maternity/paternity/adoption leave (including any period when only Statutory Maternity Pay or Statutory Adoption Pay is paid); and during any unpaid maternity/adoption leave during the 26 week OML/OAL period; and during any period of unpaid statutory paternity leave, the employee must continue to pay pension contributions on the actual pay they are receiving, if any. Benefits will continue to accrue as if they were working normally on full pay.

If the employee has the right to return to work, they can choose to pay contributions for any period of unpaid maternity leave beyond the 26 weeks' OML/OAL period, or in any period of unpaid additional paternity leave, so that the period of absence will count in full for pension

purposes. The contributions will be calculated on the rate of pay (or reduced pay) the employee was entitled to receive immediately before they commenced the period of unpaid maternity/paternity leave.

If the employee chooses to pay the contributions, they will be given the opportunity to pay at the end of the period of unpaid leave. Repayments are usually made over the same period as the length of the missing service e.g. unpaid maternity leave of six months would mean recovery of the pension contributions over the following six months. Instalments are subject to agreement between the employee and the Payroll and Pensions Manager.

If, before going on maternity/paternity/adoption leave, the employee was paying additional contributions to increase their membership, these remain payable. They are calculated on the rate of pay the employee would have received if they were not on maternity/paternity/adoption leave. The additional membership continues to accrue in full.

Pension contributions will continue to be made during any period when the employee is receiving statutory paternity pay but not during any period of unpaid additional paternity leave. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had they not gone on paternity leave.

14 Continuous Service

Maternity/paternity/adoption leave counts as continuous service for redundancy purposes and does not adversely affect an employee's right to a redundancy payment. If there is any threat of redundancy, it is the school's responsibility to ensure that the employee is kept informed and consulted on any developments that may adversely affect their employment.

For the purposes of entitlements regarding annual leave, the Occupational Sickness Scheme and the Occupational Maternity Pay Scheme, continuous service will include continuous previous service with any public authority to which the Redundancy Payments Modification Order (Local Government) 1983 (as amended) applies.

Where an employee returns to the Trust/school following a break for maternity/paternity reasons, or reasons concerned with caring for children or other dependants, they will be entitled to have previous service taken into account in respect of the sickness and maternity/paternity schemes, provided that the break in service does not exceed eight years and that no permanent paid full time employment has intervened. For the purposes of the calculation of entitlement to annual leave, the eight years' time limit does not apply, provided that no permanent full-time employment has intervened.

Where an employee is transferred to an organisation not covered by the Redundancy Payments (Continuity of Employment in Local Government etc) (Modification) Order 1999, continuity of service is protected under the TUPE Regulations where there is a TUPE transfer.

NOTE: If an employee returns voluntarily to another Trust/school continuity may be broken. Where an employee returns in such circumstances, without a break between employments, all previous continuous service will be recognised for the purposes of calculation of entitlements to annual leave, occupational maternity leave/pay and occupational sick pay.

15 Protection against discrimination

Pregnant employees are entitled not to be subjected to any type of unfavourable treatment related to their pregnancy or impending absence on maternity leave. Such unfavourable treatment has been ruled by the courts to amount to direct sex discrimination and will always be unlawful. You should, therefore, ensure that pregnant employees do not experience:

- exclusion from training, appraisal, or other normal activities

- demotion
- detrimental change to job duties
- removal of responsibility
- denial of sick pay if absent on account of a pregnancy-related illness
- pressure to resign or dismissal
- abuse or derogatory remarks

Any dismissal on any grounds related directly or indirectly to the fact that an employee is pregnant will be automatically unfair, as well as discriminatory. Employees may bring complaints of pregnancy-related detriment or dismissal to any employment tribunal, irrespective of their length of service.

When an employee first announces that they are pregnant, you should take care that what is said in response is appropriate and supportive.

Those taking paternity, adoption or shared parental leave, are also not to be subjected to any type of unfavourable treatment related to their impending leave.

16 Agency worker regulations and maternity/paternity entitlements

If schools hire temporary agency workers through an agency, they will need to provide the agency with up to date information on the Trust's terms and conditions so that they can ensure that an agency worker receives the correct equal treatment, as if they were recruited directly, after 12 weeks in the same job. However, the regulations **do not alter agency workers' employment status** i.e. they do not make an agency worker an employee of either the hirer or the agency. Therefore, they will still not have the right to claim occupational maternity/paternity pay.

Most breaks between or during an assignment to the same job that are less than six weeks in length will simply pause the accrual of the 12-week qualifying period. Most breaks between or during an assignment to the same job that are six weeks or more will reset the 12-week qualifying period. However, during closure periods (e.g. holidays, PD days, industrial action), the qualifying period will be paused rather than stopped and will continue running from where it left off when it re-opens.

The accrual of the 12 weeks qualifying period can also be paused by any leave which they are entitled, including annual, maternity, and paternity leave.

In cases of absence relating to pregnancy, maternity leave, and paternity leave the period will continue to run for the originally intended duration of the assignment, or the likely duration of the assignment (whichever is longer). Pregnant agency workers will now be allowed to take **paid** time off for ante-natal appointments during an assignment. Please contact the Schools' HR Team for further guidance.

17 Advice

Statutory rights can be checked through the government's own web resource at www.gov.uk.

For further information on an employee's rights, they should contact the Schools' HR Team on **0300 123 1420** or hrcaseworkteam@schoolschoice.org

For specific enquiries on an employee's pay entitlement, they should contact the Payroll on **0300 123 1420** or payroll@schoolschoice.org

Appendix 1 - Flowchart for Maternity Leave

When the employee informs the school that they are pregnant:

Risk Assessment undertaken.
Discuss planned antenatal care appointments

Risk Assessments should be conducted at least every 4-6 weeks to ensure the workplace remain safe for a pregnant employee.

By the 15th week before the baby is due:

Employee should notify school/Trust of their planned dates for maternity leave using form MP3. Remind employee to submit their MATB1 to the Payroll Team (together with their MP3 form when available)

The Payroll Team will write to the employee within 28 days confirming entitlements to maternity leave/pay and their return to work date.

Before employee goes on maternity leave:

Discuss and agree arrangements for keeping in touch and KIT days.
You may also want to discuss initial plans for returning to work, such as part-time hours.

Before your employee returns to work

Your employee should notify you within 28 days of the actual date of birth.

Employee may make contact to bring their return to work date forward- they must give you at least 8 weeks' notice for support staff and 21 days' notice for Teachers, of the new date.
Please contact the Schools' HR Processing Team immediately confirming any changes.

If employee decides not to return to work, they should send a resignation letter and school should commence the usual leave process.

If employee has not contacted the school, four weeks prior to their scheduled return date, school should get in touch to discuss their return to work plans.

Ensure that any changes to contractual arrangements have been, made and issued to the employee, e.g. Where an employee has decided to return on part-time hours.

On returning to work:

Undertake a return to work induction with employee, using the Maternity Policy checklist. Notify the Payroll team of the employee's return to work.

Appendix 2 - Flowchart of Adoption leave

When your employee tells you they are intending to adopt

Ensure written notification of intention to take adoption leave is received no later than 7 days after the date on which notification of match with the child was provided by the Adoption Agency.

Your employee should notify you of the planned dates for adoption leave using form AP3 (included in this guidance below or from Schools' HR Processing Team).

HR will write to your employee within 28 days confirming entitlements to adoption leave/pay and the return to work date.

Before your employee goes on adoption leave

Discuss and agree arrangements for keeping in touch with your employee during adoption leave. You may also want to discuss initial plans for returning to work, such as part-time hours.

Before your employee returns to work

Your employee may contact you to bring their return to work date forward. They must give you at least 8 weeks' notice (support staff), 28 days' notice (teachers) of the new date. Please contact the Schools' HR Processing Team immediately confirming any changes.

Your employee may contact you to say that they have decided not to return to work. Ask them to send a resignation letter and commence the usual leaver process.

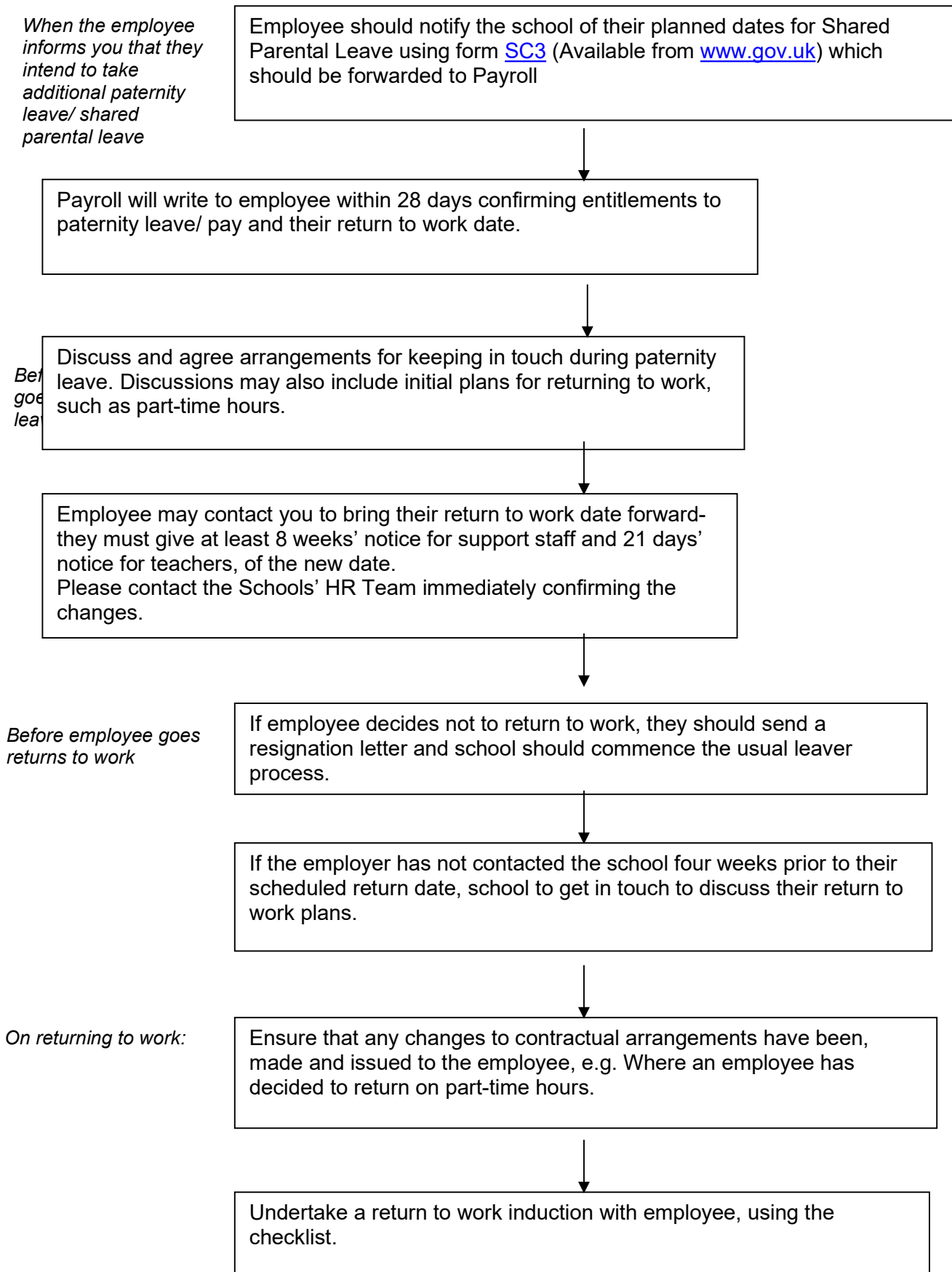
If your employee has not contacted you four weeks prior to their scheduled return date, get in touch to discuss their return to work plans.

On returning to work

Ensure that any changes to contractual arrangements have been made and issued to the employee, e.g. where an employee has decided to return on part-time hours.

Undertake a return to work induction with your employee, using the Manager's Adoption Checklist.

Appendix 3- Flowchart - Paternity Leave



Appendix 4 - Managers Maternity Checklist

(can also be used for additional paternity leave/shared parental leave)

The following checklist is designed to ensure that a consistent approach is taken to supporting an employee before, during and after their maternity leave period and to ensure that a structured return to the workplace is completed. Whilst it is not the manager's responsibility to perform each of the tasks listed, it is their responsibility to ensure that their member of staff is sufficiently guided and supported during this time. This checklist should be retained by the manager until the employee returns to work.

Employee:		Date:	
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General Rights and responsibilities- on initial notification of pregnancy	Tick when complete
Notify HR- ensure employee has sent correct notification (form MP3) to schools' HR processing Team	☐
Ensure employee is in receipt of acknowledgement letter from Schools' HR processing Teams (with details of entitlement supplied by Payroll)	☐
Ensure Health and Safety concerns are explained and complete the new and expectant mothers risk assessment form (See appendix 3).	☐
Level of contact during Maternity Leave- What has been agreed between employee and employer	Tick when complete
Keeping-in-touch days discussed and employee in agreements with KIT Days (for Training, teams meetings, etc)	☐
Level of contact agreed during maternity/ additional paternity/ shared parental leave: • Fortnightly • Monthly • Other (Please state)	
Type of Contact? • Phone calls • Home visits • Emails • Combination	☐ ☐ ☐ ☐
Contact with whom? Please specify a name:	
Ensure nominated representative appointed to forward copies of internal staff vacancies/ announcements	☐
Any specific wishes/ requirements during paternity leave? Please specify:	

Changes at work (restructure, new opportunities, work process changes)- check changes have been communicated to employee, preferable in person or via the telephone	☐
Planning a return to work	
• Job may have changed • Hours to be worked? Change in contract (e.g. flexible working request/ change of hours) • Consider training requirements and incorporate into appraisal/ PDR • Arrange visit to school before day one/ re-introduction to the team (if appropriate)	☐ ☐ ☐ ☐
Returning to work- day 1	
Carry out return to work meeting Have a 're-introduction to work' timetable which should cover the first few days	☐ ☐
Progress reviews (between line manager and employee) to be kept informal. Frequency to be agreed at return to work meeting, but weekly progress meetings are recommended. Need to be clear on required objectives. Week 1 Week 2 Week 3 Week 4 Month 2 Further Regular review required? (add details and dates below)	☐ ☐ ☐ ☐ ☐

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Appendix 5 - Manager's Adoption Checklist

(can also be used for additional paternity leave/shared parental leave)

The following checklist is designed to ensure that a consistent approach is taken to supporting an employee before, during and after the adoption leave period and to ensure that a structured return to the workplace is completed. Whilst it is not the manager's responsibility to perform each of the tasks listed, it is their responsibility to ensure that the member of staff is sufficiently guided and supported during this time. This checklist should be retained by the manager until the employee returns to work.

Employee		Date	
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General Rights and Responsibilities on Initial Notification of Adoption		Tick when complete
Notify HR - ensure employee has sent correct notification (Form AP3) to Schools' HR Processing Team		☐
Ensure employee is in receipt of acknowledgement letter from Schools' HR Processing Team (with details of entitlement supplied by Payroll)		☐
Level of contact during Adoption Leave – What has been agreed between employee and employer		Tick when complete
Keeping-in-touch days discussed and employee in agreement with KIT Days (for training, team meetings, etc)		☐
Level of contact agreed during adoption/shared parental leave:		
• Fortnightly		☐
• Monthly		☐
• Other (please state)		☐
Type of contact?		
• Phone calls		☐
• Home Visits		☐
• Emails		☐
• Combination		☐
Contact with whom? Please specify a name:		
Ensure nominated representative appointed to forward copies of internal staff vacancies/ announcements		☐
Any specific wishes/requirements during adoption/shared parental leave? Please specify:		☐
Changes at work (restructure, new opportunities, work process changes) – check changes have been communicated to employee, preferably in		☐

person or via the telephone.	
Planning a return to work	
• Job may have changed • Hours to be worked? Change in contract (e.g. flexible working request / change of hours) • Consider training requirements and incorporate into appraisal/PDR • Arrange visit to school before day one/re-introduction to the team (if appropriate)	☐ ☐ ☐ ☐
Return to work – day 1	
Carry out return-to-work meeting	☐
Have a 're-introduction to work' timetable which should cover first few days	☐
Progress reviews (between line manager and employee. To be kept informal. Frequency to be agreed at return to work meeting, but weekly progress meetings are recommended. Need to be clear on required objectives. Week 1 ☐ Week 2 ☐ Week 3 ☐ Week 4 ☐ Month 2 ☐ Further regular reviews required? (add details and dates below)	

Appendix 6 - New & Expectant Mothers - Initial Risk Assessment Form

Employee:	Date:
Job Title:	Area of Work:
Date baby due/born:	Date first advised of pregnancy/ birth/ breastfeeding:
Name of Assessor (Usually Line Manager):	Date of next assessment review: (within 4-6 weeks) Reviews may need to be more frequent depending upon the individual and as size increases. (NB the reviewing process must continue for as long as the mother is breastfeeding)
People at risk: New or expectant worker, unborn child	Copies to: Employee, held on personal file
Employees include Volunteers, Agency/ Relief Workers	
Risk and Precautions	Indicate if a risk and how this will be controlled
Medical concerns: Ask employee if there are any medical concerns relevant to their employment to ensure adequate precautions are taken, ask employee to discuss this with the GP and advise us in writing of any medical concerns.	
Night work: This does not in itself present any special risks to new and expectant mothers, but in some circumstances a doctor or midwife may consider it so, on production of a certificate alternative daytime work should be offered (or suspension on paid leave- refer to your HR Consultant)	
Manual handling (moving and handling people or inanimate object) or restraint techniques:	

There are increased risks due to hormonal changes of postural problems when pregnant or limitation of ability if the employee has had a caesarean section. Ensure only light duties are undertaken, not requiring excessive pressure.	
Heat stress/ dehydration / fatigue from extremes of hot or cold (i.e. work in kitchens, cold room etc): Ensure access to refreshments and regular short breaks	
Prolonged standing or work involving much physical effort: Ensure employee is able to take short breaks and seating is available where possible.	
Limited or restricted space: Ensure sufficient space and understanding of issues arises from increasing size and reduced mobility/ dexterity / agility.	
VDU's: There are no known health issues in working with VDU's. however, a DSE assessment should be undertaken/ reviewed to ensure their posture and positioning is suitable.	
Regular breaks: Toilet facilities need to be available and more frequent breaks will be required.	
Raised blood pressure associated with stress: Discuss and agree workload and pace of work, hours of work	
Excessive working hours: Working hours should be assessed and issues discussed and agreed with employee	
Morning sickness: This can arise from early shift work, or from nauseating smells, ensure flexible	

working/ flexible work rota, and flexible work allocation.	
Slips, trips and falls: Poor balance in later stages can increase risks from slippery surfaces, ensure these are cleaned immediately and ensure footwear is appropriate.	
Noise: Noisy environments can be stressful and regular breaks away from the situation should be enabled.	
Vibration: Using machinery or riding/ driving in 'off road' vehicles likely to cause shock or vibration must be avoided during pregnancy.	
Violence/ Challenging Behaviour: If the employee encounters people who are likely to display challenging behaviour or violence, they should be excluded from these situations or work found elsewhere. It may be necessary to put employee on paid leave. Your HR Consultant should be consulted if any of these options is likely to be required.	
COSHH (Chemical risks): Ensure all chemicals used have adequate assessment and follow the safe system of use, which will indicate any specific risks to new or expectant mothers. Eliminate person from hazard or hazard from person. (i.e. Toxic chemicals- mercury, antimitotic (cytotoxic) drugs, pesticides, carbon monoxide, lead)	
Passive smoking: If the work involves working in a smoke environment (i.e. with a customer who smokes) the risk must be assessed, and the risk eliminated where possible.	
Personal Protective Equipment:	

Any personal protective equipment must be suitable (comfort and fit) for the increasing size of the employee. Any work for which PPE has been indicated should not be undertaken if adequate PPE is not available or comfortable for their condition	
First aid Duties: Due to the risk of having to undertake duties which may put undue physical pressure on a new or expectant mother, these duties should not be undertaken.	
Lead: Working with lead (in pottery for example) must be avoided during the pregnancy and until breastfeeding has ceased.	
Confined Space: A specific risk assessment must be completed for this type of work under the regulations, this refers to Storage vessels, tanks etc. and advice must be sought from your Health and Safety Advisor.	
Other risks not mentioned above: It is the responsibility of the manager to assess the risks in the workplace and if risks are present other than those mentioned above, seek advice from your Health and Safety Advisor (i.e. ionising and non-ionising radiation, hyperbaric atmosphere, working at height etc.)	
Employee signature:	Date:
Line manager signature:	Date:

Appendix 7 - New & expectant mothers - Risk Ass'ment Review Form

Employee:	Date:
Name of Assessor:	Date for next review:
Review (Review the details on the initial risk assessment form and enter any changes concerns or additional risks and relevancy control measures)	
Employee Signature:	Date:
Line Manager Signature:	Date:

Appendix 8 - Notification of pregnancy

Form MP3

Please complete and sign this form and forward it to the Schools' HR Processing Team as soon as possible once you are aware of your pregnancy and you have decided on the date you wish to start maternity leave. Please also ensure you attach an original Maternity Certificate (MATB1 form).

The Schools' HR Processing Team will verify the information as indicated and forward the form to payroll. You will receive written confirmation of your rights and obligations.

The information you give will be used to assess:

- a) Your Occupational Maternity entitlements (conferred by Conditions of Service)
- b) Your eligibility to receive Statutory Maternity Pay (SMP)

This form will be accepted as notification:

- a) Of your pregnancy
- b) Of your wishes concerning returning to work after the birth
- c) Of your wishes concerning the receipt of your half pay entitlements (if applicable)
- d) Of the date of commencement of your maternity leave

This form is NOT acceptable as a resignation from your post; you need to write a separate letter to your line manager if you wish to resign.

Notification of Pregnancy			MP3
Section 1			Departmental verification (where needed)
1.1	Name and Forename(s):		
1.2	Personal Number (from latest payslip):	_____/_____	
1.3	Job Title:		
1.4	Department/ Place of work:		
Section 2			
2.1	Date you commenced employment with the County Council:	____/____/____	
2.2	Contracted hours per week:		
2.3	Are you on a fixed term contract?	Yes ☐ No ☐	
2.4	Do you pay contributions into the Local Government Pension Scheme?		
Section 3			
3.1	Is it your intention to return to work following the birth?	Yes ☐ No ☐	
3.2	If YES, how would you like to receive your half pay entitlement, if eligible? (Please tick one box)		
	a. Paid as falls due	☐	
	b. As a lump sum on return to work	☐	
	c. As a lump sum after return to work	☐	

This form is **NOT** acceptable as a resignation of your post: you need to write a separate letter to your Line Manager in this respect.

Section 4			Departmental verification (where needed)
4.1	Do you have a Maternity Certificate (MATB1) or other written evidence that you are pregnant?	Yes ☐ No ☐	
4.2	If YES: Enter date of expected childbirth from certificate (Attach the certificate securely to this form)	____/____/____	Attached?
4.3	If NO: Enter your personal estimate of the date of expected childbirth?	____/____/____	
4.4	Give reason certificate is not available:		
Section 5			
5.1	Have you already commenced maternity leave?	Yes ☐ No ☐	
5.2	If YES: Enter date you commenced maternity	____/____/____	
5.3	If you could not give notice, please explain why:		
5.4	If no: Enter date you intend to commence maternity leave?	____/____/____	
5.5	If you are giving less than 28 days' notice, please explain why:		
Section 6			
6.1	Starting from the Sunday preceding your date of expected childbirth, count back 1 complete week:		
	a. Were you or do you expect to be abroad outside the European Economic Area during this week?	Yes ☐ No ☐	

	b. Were you or do you expect to be in legal custody during this week?	Yes ☐	No ☐	
6.2	Starting from the Sunday preceding your date of expected childbirth (childbirth) count back 15 complete weeks. Do you expect to remain in the employment of the county council during this week?	Yes ☐	No ☐	

Signed: (Employee): _____

Date: ____/____/____

NB: Please attach Maternity Certificate (MATB1 form).

We require written evidence of the pregnancy prior to the payments

Appendix 9 - Notification of Adoption

Form AP3

Please complete and sign this form and forward it to the Schools' HR Processing Team as soon as possible once the adoption is approved and before your adoption leave is planned. The Schools' HR Processing Team will verify the information as indicated and forward the form to Payroll. You will receive written confirmation of your rights and obligations.

The information you give will be used to assess:

- a) Your adoption entitlements (conferred by Conditions of Service)
- b) Your eligibility to receive Statutory Adoption Pay (SAP)

This form will be accepted as notification:

- a) Of your intended adoption
- b) Of your wishes concerning returning to work after the adoption
- c) Of your wishes concerning the receipt of your half pay entitlements (if applicable)
- d) Of the date of commencement of your adoption leave.

This form is NOT acceptable as a resignation from your post; you need to write a separate letter to your line manager if you wish to resign.

Section 1			Departmental Verification (where required)
1.1	Name and Forename(s):		
1.2	Personal Number (from latest payslip)	/	
1.3	Job Title:		
1.4	Department / Place of work:		
Section 2			
2.1	Date you commenced employment with the County Council	/ /	
2.2	Contracted hours per week:		

2.3	Are you on a fixed term contract?	Yes ☐ No ☐	
2.4	Do you pay contributions into the Local Government Pension Scheme?	Yes ☐ No ☐	
Section 3			
3.1	Is it your intention to return to work following the adoption?	Yes ☐ No ☐	
3.2	If YES, How would you like to receive your half pay entitlement, if eligible? (please tick one box)		
	a. Paid as it falls due	☐	
	b. As a lump sum on return to work	☐	
	c. as a lump sum after returned to work for 3 months	☐	
Section 4			Departmental Verification (where needed)
4.1	Do you have an Adoption Matching Certificate (AMC) or other written evidence that you are adopting?	Yes ☐ No ☐	
4.2	If YES: Enter date of expected adoption from certificate (Attach the certificate securely to this form, or send to Payroll as soon as it is available)	/ /	Attached?
4.3	If NO: Enter your personal estimate of the date of expected adoption?	/ /	
4.4	Give reason certificate is not available:		
Section 5			
5.1	Have you already commenced your adoption leave?	Yes ☐ No ☐	
5.2	If YES: Enter date you commenced adoption leave?	/ /	
5.3	If you could not give notice please explain why:		
5.4	If NO: Enter date you intend to commence adoption leave?	/ /	
5.5	If you are giving less than 7 days' notice, please explain why:		

This form is **NOT** acceptable as a resignation of your post: you need to write a separate letter to your Line Manager in this respect.

Signed: (Employee): _____

Date: ____ / ____ / ____

NB: The Adoption Matching Certificate must be forwarded to Payroll immediately it becomes available.
We require written evidence of the adoption prior to the payments being released

Appendix 10 - Glossary of Terms

AAL - Additional Adoption Leave

Statutory entitlement for employees who are adopting or for one member of a couple who are adopting jointly (the second member of the couple may be eligible for Statutory Paternity entitlements). During this period employees will not be eligible for payments.

AML Additional Maternity Leave

Statutory entitlement for pregnant employees (26 weeks).

Cis

Cisgender meaning - denoting or relating to a person whose gender identity corresponds with the sex registered for them at birth; not transgender.

EWC Expected Week of Childbirth

This is the week your doctor or midwife thinks your baby is due.

LEL Lower Earnings Limit

This is the limit below which National Insurance is not due.

MATB1 Maternity Certificate

Ask your midwife or doctor for one of these- usually available between 21/22 weeks. You must give this or a similar document to the Trust/school as evidence of your EWC.

New or Expectant Mother

A new or expectant mother is an employee (including volunteers, agency or relief workers) who are pregnant, have given birth within the previous six months or who are breastfeeding.

Notification period (adoption)

The notification period is the period of time, which begins on the date the adopter received notification of having been matched with the child and for the following seven days.

OAL - Ordinary Adoption Leave

Statutory entitlement for employees who are adopting or for one member of a couple who are adopting jointly (the second member of the couple may be eligible for Statutory Paternity entitlements). During this period employees may be eligible for SAP.

OAP – Occupational Adoption Pay

This is the adoption pay from the school due to the employee under their contract of employment.

OML Ordinary Maternity Leave

Statutory entitlement for all pregnant employees (26 weeks).

OMP Occupational Maternity Pay

This is maternity pay from the Trust/school due to you under your contract of employment.

QW Qualifying Week – Maternity

This determines whether your length of service qualifies you for Statutory Maternity Pay and additional maternity leave. You must have 26 week' service including part of the QW to be eligible for Statutory Maternity Pay.

Qualifying Week – Adoption

The qualifying week is the week beginning with the Sunday that the adopter receives notification of having been matched with the child and ends on the following Saturday.

Qualifying Period

The qualifying period is the period of time from the beginning of the 26-week period before the qualifying week to the end of the qualifying week.

SAP - Statutory Adoption Pay

This is adoption pay due to the employee from the Department of Work & Pensions, paid by the school using normal payment methods at the current standard rate per week (contact the Schools' HR Processing Team to be sure of the current rate) or 90% of normal weekly earnings whichever is lower.

ShPP – Shared Parental Pay

This encompasses both statutory and occupational rates of pay.

SMP Statutory Maternity Pay

This is maternity pay, which is paid via the Trust/school at higher rate SMP (90%) for the first six weeks, followed by 33 weeks at the current standard rate per week or 90% of normal weekly earnings, whichever is lower.

SPL – Shared Parental Leave

Statutory entitlement for eligible employees, enabling available leave to be shared flexibly between partners.