



FAMILY FRIENDLY POLICY

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1. Maternity Leave

What should I do first?

We have a legal responsibility to look after your health and safety and therefore it is important to tell your Headteacher you are pregnant as soon as possible. Your Headteacher will then need to carry out a risk assessment to see if there is any part of your job that you can no longer do or that needs to be changed during your pregnancy or soon after your baby is born. The assessment should be reviewed regularly because as your pregnancy progresses, things may change for you.

Can I have paid time-off for ante-natal care and classes?

You have the right to paid time off to keep appointments made on the advice of a doctor, midwife or health visitor. You should give your manager reasonable notice and provide evidence such as an appointment card. When possible you should try to make appointments outside your work hours.

Employees may wish to accompany their partners to antenatal care appointments. Fathers to be, partners or nominated carers are entitled to unpaid time off to attend two antenatal appointments. See Paternity/Nominated Carer leave below.

What can I do if there is a risk of rubella or other infectious diseases at the school if I am a class based employee?

If, during the early months of pregnancy, you are advised by your doctor to be absent from school because of the risk of rubella or other infectious diseases, you will be granted leave with full pay, provided that you do not unreasonably refuse to work in another school where there is no such undue risk.

What is the Estimated Week of Childbirth (EWC)?

The EWC is the week (can now start on any day), in which it is expected that the baby will be born, it is also sometimes called the Estimated Date of Delivery or EDD.

Notification

How much notice do I have to give of my intention to go on maternity leave?

For health and safety reasons, you should notify your Headteacher as soon as you are aware that you are pregnant. You are required to tell your Headteacher of your intention to take maternity leave by the 15th week before the expected week of childbirth (EWC), unless this is not reasonably practical. This should be in writing. You need to tell your Headteacher:

- that you are pregnant
- the date that your baby is due
- when you wish your maternity leave to start (this cannot be more than 11 weeks before the expected week of childbirth).

You must also provide your Headteacher with a copy of the MAT B1 form at this stage, which you can get from a registered doctor or midwife. The MAT B1 will be issued by your doctor or midwife between 24-26 weeks of pregnancy. This must be the original of the form: a copy is not acceptable, although you may wish to keep one for yourself.

Within 28 days you will get confirmation from your school of the date you are expected to return from maternity leave. This will be 52 weeks from the start of your leave.

What happens if I want to change the date I start my maternity leave?

If you voluntarily want to change your start date you must give as much notice as possible, but you must give at least 21 days' notice.

Maternity Leave

How much maternity leave am I entitled to?

Provided that you comply with the notification procedures you are entitled to 52 weeks maternity leave regardless of service.

There are two types of maternity leave:

- Ordinary Maternity Leave (OML) – 26 weeks
- Additional Maternity Leave (AML) – 26 weeks

What is the earliest date that I can begin my maternity leave?

You can choose to start your maternity leave on any day of the week, providing it is no earlier than the beginning of the 11th week before EWC.

What is the latest date that I can begin my maternity leave?

Provided that you are well and able to carry out your normal duties safely, you can choose to stay on at work up to the date of childbirth. However, any absence after the beginning of the fourth week before the EWC which is “wholly or partly because of pregnancy or childbirth” will automatically trigger maternity leave. You must inform your Headteacher of the reason for any absence occurring after the beginning of the 4th week to ensure correct entitlements are given.

What happens if I give birth much earlier than expected?

Your maternity leave will automatically be triggered by the birth of your child. If this happens you should let your Headteacher know as soon as you can.

When does my maternity leave start?

OML will usually start on the day you have given written notification of. It will begin earlier if you give birth before that date or if you are absent for any reason wholly or partly related to your pregnancy after the beginning of the fourth week before the EWC. AML it will follow on directly after your OML has finished.

If I work part-time or term-time only will it affect my entitlement to leave?

No, it will not affect your entitlement to maternity leave.

Do I have to take maternity leave?

Yes, but only for a minimum two week period. You are not allowed to work for the two weeks immediately after the baby's birth.

Maternity Pay

Do I qualify for maternity pay?

Dependent upon on your length of service and whether you earn enough to pay NI contributions, you are entitled to Statutory Maternity Pay (SMP). In addition, subject to your length of service and your intention to return to work after your maternity leave you are entitled to Occupational Maternity Pay (OMP).

Your right to entitlement however can be lost if you do not provide your Headteacher with sufficient notice of your intention to start your maternity leave or if you do not provide medical evidence of your pregnancy e.g. the MATB1.

What happens if I do not qualify for statutory maternity pay?

If you have less than 26 weeks' continuous service at the 15th week before the EWC then you will not be entitled to SMP but if you earn over the NI Lower Earnings Limit you may be entitled to Maternity Allowance.

If you are not entitled to statutory maternity pay you will need a MA1 form to claim Maternity Allowance from Jobcentre Plus. Payroll will issue an SMP1 form when they have to refuse to pay SMP. The NI Lower Earnings Limit changes annually – you can get the current rate from Jobcentre Plus.

Maternity allowance is paid for a maximum of 39 weeks. It cannot be paid earlier than the 11th week before the EWC and cannot be paid if you are working. There are no deductions for tax or NI and the allowance is normally weekly or every four weeks into a bank account.

Statutory Maternity Benefits

What is Statutory Maternity Pay (SMP) and how do I qualify for it?

SMP is paid to you by your employer but is partly refundable from the State.

To qualify for SMP, you must have been employed by your employer for 26 weeks continuously by the 15th week before EWC; earn enough to pay NI contributions and provide your employer with form MAT B1 (a certificate of pregnancy issued by a doctor, midwife or health visitor at/ or around the 14th week before EWC). SMP is payable for a period of 39 weeks. The earliest date it can be paid is the 11th week before the EWC.

How much SMP will I get?

If you have more than 26 weeks but less than one year's continuous service at the 15th week before the EWC you will be entitled to SMP of:

Six weeks at 9/10ths of your salary or the current flat rate SMP payment, whichever is greater followed by
33 weeks at SMP.

The flat rate payment alters every April. Your Payroll provider will be able to advise you of the amount payable.

Contractual Maternity Pay

How much Occupational Maternity Pay (OMP) will I get?

If you have more than one year's local government continuous service at the 11th week before the EWC, and you intend to return to work at the end of your maternity leave, you will be entitled to OMP.

Local Government Staff

This consists of six weeks at 9/10ths of your salary (offset by any SMP or Maternity Allowance payable) followed by 12 weeks at half pay (unless, when added to your SMP for those weeks, it exceeds the amount your full pay would be), providing you return back to employment for at least 3 months.

Teachers

This consists of full pay for the first four weeks of leave followed by two weeks at 9/10ths of your salary (offset by any SMP or Maternity Allowance payable) followed by 12 weeks at half pay (unless, when added to your SMP for those weeks, it exceeds the amount your full pay would be), provided you return back to employment for at least 13 weeks.

All Staff (LGS and Teachers)

If you do not know whether you will return to work, a sum equivalent to 12 weeks at half pay may be paid as a lump sum upon return to work. However, to qualify, you must return to work for at least three months after your maternity leave has ended.

What happens if I decide not to return to work but have been paid half pay plus SMP for 12 weeks?

You will be asked to pay back the whole or part of the half pay you have received on top of your SMP, but not the SMP itself.

During Maternity Leave

Will my Headteacher contact me while on Maternity Leave?

It is expected that there will be reasonable contact between yourself and your Headteacher whilst you are on maternity leave. This may include asking you of proposed return dates or whether you are intending to request an alteration in your hours.

Your Conditions of Service allow for you to be kept informed of vacancies, training opportunities and any major workforce developments within the school as they occur.

What are keeping in touch days?

Whilst you are on maternity leave you may, by agreement with your Headteacher, work up to 10 days work without bringing your maternity leave to an end. Keeping in touch days are different to the reasonable contact described above, as you will actually work for the school and be paid accordingly.

The type of work you undertake on these days is a matter for agreement between you and your Headteacher but could include training days, team away days, meetings or any other event that would be useful for you to attend. The days may, or may not, be taken as a block. They must be work related and not simply calling into work to bring the baby to show your colleagues.

There is no requirement whatsoever for you to do the days if you do not want to, nor do you have the right to insist that the work is provided. The days you do work are to be agreed with your Headteacher, and remember you do not have to do the whole 10 days if you would prefer to do less.

Working for part of a day will count as one of your 10 days and you will receive your normal contractual rate of pay for the hours worked. However, where you have already received any pay related to your maternity entitlement for a keeping in touch day the difference will be paid to a maximum of your normal contractual rate of pay.

Your Headteacher will need to notify the School's Payroll Provider of the dates and hours worked of any keeping in touch days to ensure that the payment you receive is correct. You will not lose any SMP.

If you do undertake the 10 keeping in touch days, this does not mean that your maternity leave is extended, it remains 52 weeks.

Can I return to work before my maternity leave ends?

Local Government Staff

Yes. It is now assumed that you will return to work at the end of your maternity leave. Should you wish to return earlier than your 52 weeks entitlement, then you have to give 21 days' notice. This is in accordance with Green Book conditions of service.

Teachers

Yes you can. It is now assumed that you will return to work at the end of your maternity leave. Should you wish to return earlier than your 52 weeks entitlement then you have to give 28 days' notice. This is in accordance with Burgundy Book conditions of service.

Can I apply for other jobs while I am on maternity leave?

There is nothing to stop you applying for other full or part-time jobs whilst you are on maternity leave. However if you wish to resign from your post, you should give the correct amount of notice to your Headteacher. However, please note you will have to return to your post that you left for maternity leave for at least three months to keep your full maternity pay.

Does my maternity leave count as continuous service?

Yes, maternity leave (both OML and AML) does count as continuous service for the accrual of statutory rights e.g. for calculating continuous service for unfair dismissal purposes, and counts as continuous service for contractual annual leave and sickness entitlements. During OML and AML, you are entitled to the benefit of the terms and conditions of employment, which would have applied if you had not been absent, apart from terms and conditions relating to pay.

What happens about my annual leave entitlement?

Local Government Staff

Term time and all year round support staff will continue to accrue statutory annual leave during maternity leave, but absence on maternity leave is not a reason for justifying carry forward of

annual leave to the next year. If you decide not to return to work, your annual leave entitlement will accrue only up to and including your date of resignation. In these circumstances, you may be required to reimburse the Authority for leave taken beyond your entitlement.

Teachers

Teachers have an entitlement to accrue statutory annual leave during their maternity leave, which can be taken following the period of maternity leave. However, for the majority of teachers returning from maternity leave, this will have no practical effect for the reasons set out below.

The annual leave year in schools usually runs from 1 September to 31 August. The statutory minimum legal entitlement to annual leave is 5.6 weeks (28 days) for a full-time teacher or the pro-rata equivalent for a part-time teacher.

Statutory annual leave entitlement can be offset by any period of school closure (including public and bank holidays) that takes place in the leave year in question, either before or after the maternity leave period. For most teachers this will usually mean that periods of school closure either side of their maternity leave will add up to at least the 28 days' statutory minimum legal entitlement.

Where the return from maternity leave is so close to the end of the leave year that there is not enough time for a teacher to take all of her annual leave entitlement, she must be allowed to carry over any balance of her leave to the following leave year. However, the employer can require a teacher to take the 'carried over' leave during the remaining periods of school closure, after the 28 days' leave due in the new leave year has been accommodated.

If a teacher resigns from her post and does not, therefore, return to work at the end of her maternity leave period, she may be entitled to a payment in lieu of accrued statutory annual leave. However, it is likely that any additional payment would be used to offset any OMP that may need to be re-paid, following a failure to return to work for 13 weeks after a period of maternity leave.

Am I entitled to an increment or pay rise when receiving maternity pay?

Any pay (other than flat rate SMP) to which you are entitled during maternity leave will take into account increments or pay awards which you would have received had you not been away from work due to pregnancy.

What happens about my pension?

Your OML counts as pensionable service irrespective of whether or not you receive maternity pay (contractual or statutory). You will pay contributions on actual pay (if any) received.

Support staff can choose to pay pension contributions during any unpaid maternity leave if you wish this period to count as pensionable service. If you choose not to pay contributions during AML, this period will not count as pensionable service. This facility is not available to members of the Teachers Pensions Scheme.

What else is deducted from maternity pay?

Income tax and NI contributions are deducted. Other deductions, e.g. trade union subscriptions, private medical insurance, will only continue as long as you are 'in pay'. When in 'no pay' deductions such as trade union subscriptions will cease unless a refund of tax is large enough to cover the deductions. The onus is on you to be aware when you should arrange for your subscriptions to be paid direct.

Return to Work

Do I have the right to return to work?

Yes. It will be assumed that you will return to work at the end of your full maternity leave entitlement.

Do I have to give notification that I am going to return to work when my maternity leave ends?

You must give notification if you want to return early, however unless you say otherwise it will be assumed that you will return at the end of your 52 weeks maternity leave. You should give at least 21 days' notice in accordance with the Green Book Conditions of Service or 28 days' notice in accordance with the Burgundy Book.

Do I have the right to return to my old job?

At the end of your Ordinary Maternity Leave (OML) you have the right to go back to the same job on conditions no less favourable than would have applied if you had not been absent. At the end of Additional Maternity Leave (AML) you will normally return to the same job, but we are entitled, if that is not practical, to offer you an alternative job that is suitable and appropriate, i.e. on terms and conditions not less favourable to those you previously enjoyed.

Can the Authority/School delay my return to work?

No. However, if you wish to return early and fail to give the required notice, your Headteacher can delay your return or withhold pay until the end of the notice period.

What should I do if I don't know whether I want to come back to work or not?

If you are not sure it is always best to keep your options open and maintain your right to return. If you qualify for 12 weeks half pay you can ask to have it suspended and then paid as a lump sum when you return to work.

Do I have to return to work?

No. However if you do not return to work and have received the 12 weeks half pay you will be required to repay it.

What should I do if I want to return to work part –time or on different hours?

Wherever possible, a school will support any request for a change to working pattern. If you return to work on less hours than you worked previously, the three months you are required to work in order to keep the half pay element of your maternity pay will be increased on a pro rata basis. For instance, if you return on half the hours you originally worked, the three months will increase by 0.5, which means that you will need to work 6 months in order to keep your half pay.

All staff have a statutory right to request to work flexibly. You should put your considered request in writing to your Headteacher, who will then arrange to meet with you to explore how best your request might be accommodated. The Headteacher will then write to either agree to a new work pattern or to provide clear business reasons why your application cannot be granted. Please refer to the flexible working guidance for more information.

What happens if I am sick and can't come back at the end of my maternity leave?

If you are unwell when your maternity leave is due to end then you will need to get a fit note from the doctor stating that you are not able to return to work. You will need to contact your Headteacher making them aware of the situation and giving them a copy of the doctor's note. You will then be on sick leave and the sickness scheme will apply in the normal way.

Frequently asked questions

What happens if my baby is premature?

Your maternity entitlement would remain the same. Your maternity leave will commence automatically on the day of childbirth if your baby is born so early that you have not yet ceased work.

What happens if my baby is stillborn or dies?

If you have a still birth after 24 completed weeks of pregnancy onwards you will be eligible to your maternity entitlements.

If a baby sadly dies after birth or after a premature birth, then entitlement to maternity leave and SMP also remains the same. If you miscarry before 24 completed weeks of pregnancy you will be able to take sick leave.

From 6 April 2020 if you have a still birth after 24 completed weeks of pregnancy you have a statutory right to parental bereavement leave (see page 27), however, you may wish to consider the timing of taking this leave alongside your maternity leave as they two types of leave cannot be taken concurrently.

What happens if I have a miscarriage?

Where a miscarriage occurs after 24 completed weeks of pregnancy, you will be entitled to sick leave and pay in the normal way, provided that the absence is covered by a doctor's statement. In exceptional circumstances, where sick leave is not appropriate, special leave may be considered, depending on the individual circumstances.

What happens if I have twins?

You will be entitled to the same benefits regardless of how many babies you have.

Can I be dismissed for reasons relating to my pregnancy or childbirth?

No. Any dismissal for reasons relating to a woman's pregnancy is automatically unfair, regardless of hours worked or length of service. The right not to suffer unfair treatment at work for reasons relating to pregnancy, childbirth or taking maternity leave applies to all employees, regardless of their length of service.

What is the position if I am employed on a fixed-term contract (FTC) and become pregnant?

The non-renewal of a fixed-term contract for reasons relating to your pregnancy or childbirth will automatically be unfair. If the fixed-term contract under which you are employed is to be renewed but you become pregnant and take maternity leave before the renewal date you have a right to return to the renewed FTC at the end of your maternity leave.

What happens if I am on a secondment?

If the secondment is due to end whilst you are on maternity leave, then at that point your pay will reflect any changes in salary which happen as a result and you will return from maternity leave to your original post. If however the secondment is due to be renewed you will have the right to return to it.

What will happen if I become pregnant again whilst on maternity leave?

If you become pregnant again whilst on maternity leave, then you will again become entitled to OML and AML as appropriate, even if there is no interval between one period of maternity leave and the next.

However, at the end of a second period of OML, which followed on immediately from AML, your right to return is only to the same job or an alternative that is suitable and appropriate.

Who should I contact if I have any queries?

In the event of any general queries, you should contact your Headteacher in the first instance or your payroll provider.

Specific queries relating to salary or SMP payments should be made to your school's Payroll Provider.

2. Paternity Leave/Nominated Carer Leave

Am I eligible to take paternity/nominated carer leave?

Paternity leave is available to employees to assist in the care of a child and to provide support to the mother at or around the time of birth.

The qualification is that you have or expect to have responsibility for the upbringing of the child, and you are the biological father or the husband or partner (including same sex or civil partner) of the mother. However, the school extends this provision to also include 'nominated carers'. A nominated carer is a person nominated by the mother to assist in the care of the child and to act as their primary provider of support at or around the time of birth. This means the role may be filled by a relative or by someone who has a caring relationship with the mother and /or child and is nominated by the mother as their primary provider of support at or around the time of birth.

If you are seeking to take paternity leave/nominated carer leave you will be asked to provide a copy of the mother's MAT B1 form and a self-certification form (SC3) to support your request to take paternity leave which can be downloaded from the following link [HMRC Form SC3](#)

This form gives information about the terms and conditions that apply to Statutory Paternity Pay and includes a declaration which must be signed to confirm the entitlement to maternity leave and pay. The completed SC3 Form should be returned by your Manager to the HR Service Centre or your payroll provider.

If you are seeking to take nominated carer leave you will be asked to produce a copy of the mother's MAT B1 form and evidence that she nominates you as her primary provider of support.

How much time off can I have as paternity leave?

You are entitled to one week's leave without any conditions attached and a further week if you have 26 weeks service at the 15th week before the date the baby is expected to be born. You may take one week, or two consecutive weeks leave but you are not allowed to take odd days or 2 separate weeks.

When do I need to inform the school about taking leave?

You need to let us know whether you intend to take paternity/ nominated carer leave by the 15th week before the baby is due to be born. You will need to tell us in writing:

- The week the baby is due
- If you intend to take one or two weeks leave
- The date your leave will start

When can I take my leave?

You have to take your leave within 56 days (8 weeks) of the date the baby is born.

What if I need to change or postpone my paternity leave dates?

You can change the dates but you should, unless it is not reasonably practical to do so (e.g. if the baby arrives prematurely or is kept in hospital), give 28 days' notice.

How much will I be paid?

You will be paid your full salary for the first week and Statutory Paternity Pay for the second week (please refer to <https://www.gov.uk/maternity-pay-leave/pay> for the rates. Your pension will not be affected by your paternity leave.

Can I take any leave before the baby is born?

You are entitled to unpaid time off to attend up to two antenatal appointments. It is expected that no more than half a day will be needed for an antenatal appointment, and the maximum time, under this entitlement is 6 hours and 30 minutes per appointment.

As an alternative to taking them unpaid, these and additional appointments can be attended or treated as time off in lieu subject to the demands of running the school, and providing that such lost time is made up. You will need to give your manager plenty of notice and bring in evidence of the appointment.

Frequently asked questions

Will any other contractual benefits be affected if I take paternity leave?

These will be unaffected, and you will be entitled to return to your same job following paternity leave.

What happens if the baby is stillborn?

Paternity leave is still available if the baby is still born after 24 completed weeks of pregnancy or if they sadly die during the possible paternity leave period (56 days after the birth).

From 6 April 2020 if the baby is still born after 24 completed weeks of pregnancy you have a statutory right to parental bereavement leave (see page 22)

What happens if twins (or more) are born?

You will get the same entitlement regardless of the number of babies born.

What if complications occur for either mother or child immediately following the birth?

Headteacher's/Business Managers may use their discretion to grant compassionate leave.

3. Parental Leave

What is Parental Leave and can I use it?

Parental Leave is a statutory entitlement to unpaid leave and is available to employees who are parents.

A child's parents have the right to take up to 18 weeks' Parental Leave until their child is 18. The same entitlement is available if the child is disabled.

Parental Leave enables either parent to take time off to care for or spend more time with their child. However, if you need a short time off work to attend to an emergency or crisis you should use Dependants Leave, or the school's arrangements for special or compassionate leave, whichever is more appropriate, (details are given in the section on Dependants Leave).

Am I eligible to take Parental Leave?

To qualify for Parental Leave in all cases you must have completed at least one year's continuous service with your employer, at either:

- The date of birth of your baby
- The date you receive your child from an Adoption Agency/date of adoption

Both parents either natural, adoptive, or the person with legal responsibility for the child are entitled to take Parental leave.

If you are a new employee you must declare any previous Parental Leave taken with another employer.

Leave

How much notice do I need to give?

You will need to give your manager 21 days notice in writing of your intention to take Parental Leave.

How much leave am I entitled to?

You will be entitled to 18 weeks Parental leave for each child, so for example if you have twins you would be entitled to 18 weeks for each one.

You must take your leave in weekly blocks, unless your child is disabled in which case you will be able to take leave in days as well as weeks.

However you are only able to take a **maximum of 4 weeks Parental Leave in one year for each child.**

A week is your normal working week so if you work Monday to Friday this would be 5 days, however if you are part time and work for example Tuesday and Wednesday a week's leave would be equal to 2 days.

Pay

Will I be paid when I take time off for Parental Leave?

You will not be paid whilst you are on Parental Leave although you may be able to get help with benefits. You would need to check this with Jobcentre plus.

Frequently asked questions

Does the school keep a record of the time I have taken off?

The school will keep a note of how much time off you have taken and you must inform them of any previous Parental Leave you have taken.

Can my application to take time off be turned down?

The school can postpone your leave for up to 6 months if it would be particularly disruptive to the service for you to take time off when you have requested.

Leave cannot be postponed if a father wants to take it directly after the birth of his child or an adopter immediately following the placement of a child.

Can my leave be transferred to my partner?

No, Parental Leave is not transferable.

Can Parental Leave be taken directly after maternity leave?

You can ask to take it as soon as your maternity leave (either OML or AML) finishes but you will need to make sure you that you give the correct period of notice.

Will taking Parental Leave affect my entitlements?

You will still accrue annual leave whilst you are on Parental Leave. It will also count as continuous employment for redundancy purposes.

For Local Government Pension Scheme members, the first 30 days you are on unpaid leave at any one time your pension will continue as normal and deductions will be made when you return to work.

You have a right to return to the same job if you have taken 4 weeks or less Parental Leave.

What happens if I decide I don't want to come back when my Parental Leave finishes?

You would need to hand in your notice in the usual way.

Shared Parental Leave

The Shared Parental Leave Regulations 2014 enable eligible employees who have babies due on or after 5 April 2015 to share up to one year's leave with their partner during the first year after birth or following adoption.

The aim of Shared Parental Leave (SPL) is to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. The Regulations will allow mothers to "curtail" their maternity leave and pay, (after the initial two week recovery period) and share the remaining parental leave with their partner. This means couples can either spend time off as a family, the mother can return to work before the year's leave has finished, or parents can take leave in blocks.

There will be a new statutory payment for parents on shared parental leave with the same qualifying requirements that currently apply to statutory maternity and paternity pay

Those who have adopted a child will be entitled to the same pay and leave as birth parents.

SPL can be taken in continuous or discontinuous (depending on the needs of the service) periods of time.

SPL can only be taken during the 12 months following the birth/placement of the child, up to the eve of the child's first birthday/anniversary of placement. SPL not taken by this point will be lost.

The online calculator is available at:

<https://www.gov.uk/government/news/calculate-your-leave-and-pay-when-you-have-a-child> allows prospective parents to calculate their entitlement to SPL, and more information is available in the **Shared Parental Leave Policy (see WES website)**.

FOR INFORMATION ONLY - Additional Paternity Leave (This is no longer available and has been replaced by Shared Parental Leave). You'll only be able to take Additional Paternity Leave if your child was due or placed for adoption before 5 April 2015.

4. Adoption Leave

Adoption Leave provides a similar entitlement to Maternity Leave and is available to the 'adopter' of a child under the age of 18. Where a couple jointly adopts a child, only one of the couple (the 'primary adopter') is entitled to Adoption leave, but the other may be entitled to Paternity Leave (Adoption)

As a couple you will, therefore, need to decide who will take Adoption Leave. If you are the primary adopter you will be entitled to a period of leave which can total 52 weeks. As the 'secondary adopter' you can take Paternity Leave (Adoption) which mirrors the entitlement to Maternity Leave.

The legislation applies only to couples adopting children within the UK and does not cover overseas adoptions.

How will I know if I am entitled to take Adoption Leave?

Adoption Leave is only where a child is newly matched for adoption by an approved adoption agency. It would not, therefore, cover the adoption of a stepchild.

You will be eligible to take adoption leave from the day you start working for your school.

The same qualifications exist in respect of Paternity Leave (Adoption).

What evidence do I have to provide?

You will need to supply a copy of the 'matching certificate' which should be given to you by the adoption agency. This should include the name and address of the agency, the date when you were notified you were matched with the child and the date the placement is expected to start on. We will also require written confirmation as to whether you will be the primary or secondary adopter.

Leave

How much leave am I entitled to?

There are two types of leave available.

- Adoption Leave provides 26 weeks Ordinary Adoption Leave followed by 26 weeks Additional Adoption Leave.
- Paternity leave (Adoption) allows two weeks leave, to be taken as two consecutive weeks or two separate weeks. The leave must be taken within 56 days of the child being placed with you.

Employees with 12 weeks service who are matched with the child for adoption on or after 5th April 2015 are entitled to paid time off work to attend up to 5 adoption appointments (of up to six and a half hours for each appointment). Where a couple are both adopters of the child, only one of them can take paid time off for these appointments. If only one of the couple is officially adopting the child, only the primary adopter is entitled to time off to attend adoption meetings.

When can my leave start?

Adoption Leave starts from the date of the child's placement (or if due to work that day, the day following the placement) or an agreed date up to 14 days before the date the child is due to be placed with you.

Paternity Leave (Adoption) must start either on the date of the child's placement or within the following 56 days

What notification do I need to give?

If you are taking either Adoption Leave or Paternity Leave (Adoption) you will need to let your manager know in writing:

- the date the child will be placed with you for adoption
- the date you intend your leave to start

You have to give this information within 7 days of being told that you have been matched with a child or if this is not possible as soon as you can. In any case, you need to give at least 28 days notice of the date you want your leave to start.

Having given notice of the date you intend to start your leave, you can change the date. However, if at all possible you need to let your manager know the revised date of your leave at least 28 days before it is due to begin.

Unless you say otherwise we will assume that you will be returning when your Adoption Leave finishes. We will write to you within 28 days letting you know the date that we expect you to come back to work.

What happens if the date of adoption changes?

If taking either Adoption Leave or Paternity Leave (Adoption) you can change the date upon which your leave starts but if at all possible you need to give 28 days' notice. If this is not possible then you will need to let us know as soon as you can.

What should I do if I decide I want to return to work early?

If you are on adoption leave and want to return to work before it finishes then you will need to give your manager 28 days' notice in writing of the date you want to come back on.

Pay

What pay will I get?

If you are taking Adoption Leave

You are entitled to Statutory Adoption Pay (SAP) for up to 39 weeks. However, where WCC is the employer it has enhanced this to 9/10ths of your normal weekly pay for the first six weeks of adoption leave, plus half pay for the following 12 weeks subject to you having one year's service by the notification week and provided you return to your job in the same school for a period of 3 months.

The remainder of the 26 week Ordinary Adoption Leave Period and first 13 weeks of Additional Adoption Leave will be paid at the Statutory Level (please refer to <https://www.gov.uk/adoption-pay-leave/pay> for the current rates) in either of the above circumstances.

The remaining 13 weeks of Additional Adoption Leave is unpaid.

If you have earnings below the Lower Earnings Limit for National Insurance Contributions you will not qualify for SAP but may be entitled to benefits which will help you, further information on these are available from your local Jobcentre plus office.

If you are taking Paternity Leave (Adoption)

You will be paid your full salary for the first week and Statutory Paternity Pay for the second week. Please refer to <https://www.gov.uk/paternity-pay-leave/pay> for the rates.

Contact during Adoption Leave

During the adoption leave period you may make reasonable contact with your manager and in the same way, your manager may make contact with you. The frequency and nature of the contact may be agreed between you and your manager before your adoption leave

commences. Your school should ensure that you are kept informed of vacancies, training opportunities and any major work developments as they occur anyway.

Working during the Adoption Leave period – “Keeping in Touch Days”

Whilst you are on adoption leave you may, by agreement with your manager, work up to ten days work without bringing your adoption leave to an end. Keeping in touch days are different to the reasonable contact described above as you will actually work and be paid accordingly.

The type of work you undertake on these days is a matter for agreement between you and your manager but could include training days, team away days, meetings or any other event that would be useful for you to attend. The days may, or may not, be taken as a block.

There is no requirement whatsoever for you to do the days if you do not want to, nor do you have the right to insist that the work is provided. The days you do work are to be agreed with your manager, and remember you do not have to do the whole ten days if you would prefer to do less.

Working for part of a day will count as one of your ten days and you will receive your normal contractual rate of pay for the hours worked. However, where you have already received any pay related to your adoption entitlement for a keeping in touch day the difference will be paid to a maximum of your normal contractual rate of pay.

Your Headteacher/Business manager will need to notify your payroll provider of the dates and hours worked of any keeping in touch days to ensure that the payment you receive is correct. You will not lose any SAP.

If you do undertake the ten keeping in touch days this does not mean that your adoption leave is extended, it remains 52 weeks.

Frequently asked questions

Does adoption leave count as continuous service?

Both Ordinary and Additional Adoption Leave count as continuous service for statutory purposes and for the calculation of annual leave and sick pay entitlements.

What happens about my holiday entitlement?

If you work a 52 weeks of the year contract (as opposed to Term time only or teacher contract) annual leave continues to accrue as usual during your adoption leave and you may be able to use it to reduce your amount of unpaid adoption leave (see maternity Q&A's on page 9, 10, 11).

If you decide not to come back to work your annual leave only accumulates up to your last day at work. If you have taken more days off than you are entitled to you will have to pay back the extra.

If you would be due to take additional adoption leave but would rather use up any holiday entitlement left you can but you will need to let your manager know in writing that you intend to do this and give the correct notice that you intend to end your adoption leave. If you don't take your annual leave during the current leave year you may lose it.

Am I entitled to any increment or pay rises whilst I'm on adoption leave? You will benefit from any pay increases or improvements to your terms and conditions which happen whilst you have been on adoption leave.

What happens to my pension?

Pension deductions will be made from your Statutory Adoption Pay. If you take all your Additional Adoption Leave then you can still make contributions when you return to work. To do this you will need to contact the Local Government Pension Scheme. Members of the Teachers' Pension Scheme will be unable to make up lost pension contributions for Additional Adoption Leave.

If you do not return to work your last day of pensionable service will be when your Ordinary Adoption Leave ends.

Whilst you are on Ordinary Adoption Leave any other deductions such as trade unions subscriptions and medical insurance will continue.

What happens if I adopt more than one child at the same time?

If you adopt more than one child at the same time your entitlement to leave and pay remain unchanged.

Do I have the right to return to my old job?

If returning from Paternity Leave (Adoption) you will be entitled to return to your same job.

At the end of your Ordinary Adoption Leave you have the right to go back to the same job on conditions no less favourable than would have applied if you had not been absent. At the end of Additional Adoption Leave you will normally return to the same job, but we are entitled, if that is not practical, to offer you an alternative job that is suitable and appropriate, i.e. on terms and conditions not less favourable to those you previously enjoyed.

It is unfair to dismiss an employee purely for reasons relating to their taking adoption leave.

Can I return to work part-time?

You have the right to apply for flexible working if you have 26 weeks continuous service. The section on Flexible Working in this booklet gives more details on how to apply for this.

What happens if I want to adopt a partner's child?

In these circumstances you would not be able to take adoption leave as the legislation only covers newly matched children. You may, however, be eligible to take unpaid Parental Leave.

Are our entitlements the same if we are an unmarried couple?

They would be as long as you can show that you meet the eligibility criteria. You would need to decide which one of you would take the Adoption Leave and which one would take the Paternity Leave (adoption).

What happens if the adoption fails to go ahead?

You will need to let your manager know as soon as possible so the leave can be cancelled.

What happens if the placement ends early?

If the placement ends early whilst you are on adoption leave or the child dies then you will be able to remain on leave for 8 weeks after the placement has ended.

Surrogacy and fostering for adoption

The parent of a child who is born through surrogacy arrangements and to whom a Parental Order applies, or parents who are fostering for adoption are eligible to take the same leave and pay as a parent eligible to claim adoption leave, pay and statutory paternity leave and pay.

5. OVERSEAS ADOPTION

The UK legislation applies only to couples adopting children within the UK and does not cover overseas adoptions.

However where you are adopting jointly, as a couple, you should choose who wishes to take adoption leave and pay.

Details of the standard adoption entitlements can be found on the previous pages; however there are some key differences and these are detailed below.

What evidence do I have to provide?

In order to be eligible, you must have 26 weeks' continuous service with your employer and you must notify your school of your intention to take adoption leave or paternity leave within 28 days of receiving official notification.

What is "official notification"?

This refers to a written notification, issued by or on behalf of the relevant domestic authority (usually the Department of Health), that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to that authority, confirming, in either case, that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent. You will need to provide your manager with a copy of this documentation.

Leave

When can my leave start?

Adoption leave cannot begin before the child enters Great Britain. The latest adoption leave can begin is 28 days after the date of entry.

The earliest paternity leave can begin is the date on which the child enters Great Britain. Paternity leave may only be taken during the period of 56 days beginning with the date on which the child enters Great Britain.

The leave can start on any day of the week.

Statutory adoption leave cannot be used to cover the period you spend travelling overseas to arrange the adoption or visiting the child.

Pay

What evidence do I need for Statutory Adoption Pay?

As well as the official notification, you should provide a declaration that you are not also claiming Statutory Paternity Pay and, within 28 days of the child entering Great Britain, you must give further evidence of the date of entry, such as a plane ticket or copy of entry clearance documents.

For further details on pay entitlements for the primary adopter see previous pages.

What evidence do I need for claiming Statutory Paternity Pay?

In order to claim SPP, you must make the following declarations to your employer:

- That you are either married to or the partner, including civil partner, of the child's adopter;
- That you are taking leave to care for the child or to support the adopter;
- That your partner or spouse has received official notification of their suitability for adoption;
- That you have or expect to have main responsibility (other than the adopter) for the upbringing of the child;
- That you have chosen to claim SPP and not SAP.

Frequently asked questions

What if I adopt a child from overseas who is already a relative?

If you adopt a child from overseas who is already a relative you may qualify for adoption leave if you have been assessed and approved as being a suitable adoptive parent.

What happens if the adoption ends early?

If the child ceases to live with you during the adoption leave period, you can continue adoption leave for up to 8 weeks after this point.

6. Dependants Leave

What is Dependants leave?

Dependants Leave is designed to help you cope with unplanned or unexpected emergencies. It allows you reasonable time off to deal with the immediate situation and to make longer term arrangements if necessary.

A good example would be if your child is unwell. dependant's Leave could be used to take them to the doctor and sort out the longer-term care arrangements. It would not however enable you take the time off to care for your child until they are better.

Who is a dependant?

A dependant is a husband, wife, civil partner, child or parent. It can also be someone who is living in the same house, such as an elderly relative who you look after, but not a tenant, lodger or employee e.g. nanny.

Dependants leave can also be used if you are the primary carer for someone or the only person who could help out in an emergency situation e.g. helping an elderly neighbour in an emergency.

When should I use Dependants leave?

You should use it to sort out an emergency situation, such as:

- Illness of a dependant
- If a dependant is injured or assaulted
- To arrange for longer term care
- To sort out problems when there is a disruption to or breakdown of care arrangements
- To deal with an unexpected incident with a child whilst they are at school. In cases of domestic violence to ensure your child's safety

It does not cover other domestic problems such as burst water pipes or car breakdowns.

Am I entitled to take Dependants leave?

There are no qualifying service requirements for Dependants leave, therefore you will be able to take Dependants leave from the day you start working for your school.

Leave

How long do I get off?

There is no specified time limit set out but you should take what is considered a reasonable time in the circumstances, probably no more than one or two days.

When should I let my manager know I need the time off?

Although you cannot plan to take Dependants leave you will need to contact your manager as soon as you can to let them know there is an emergency.

Pay

Will I get paid?

Generally not, as the statutory provision does not include the right to paid time-off. However, discretion may be exercised by to allow paid time-off or to allow the time lost to be made up at a later date without loss of pay. Consideration may also be given as to whether compassionate or special leave could reasonably be granted under the circumstances in line with the school's leave of absence policy.

Frequently asked questions

Can both my partner and I take time off together?

This is not usually necessary but in extreme circumstances it is possible.

7 Statutory Parental Bereavement Leave

What is Parental Bereavement Leave

Parents who suffer the loss of a child under the age of 18, or a stillbirth after 24 completed weeks of pregnancy, on or after 6 April 2020, will be entitled to two weeks statutory parental bereavement leave.

Who is defined as a parent?

Under the *Parental Bereavement Leave Regulations 2020* and *Statutory Parental Bereavement Pay (General) Regulations 2020* parents are defined as adults with parental responsibility:

- The child's parent or adoptive parent.
- A person who has become a parent under the various statutory provisions on surrogacy and fertility treatment.
- A natural parent of the child, where the child has been adopted but there is a court order for the child to have contact with the natural parent.
- A person with whom the child has been placed for adoption,
- In cases of overseas adoption, a person living with the child who intends to adopt them and has received "official notification" that they are eligible to adopt.
- An intended parent under a surrogacy arrangement where it was expected that the court would make a parental order.
- A "parent in fact", defined as someone in whose home the child is living and who has had day to day responsibility for the child's care for at least the four weeks prior to death. This would therefore include a guardian or a foster parent but also goes wider than this. However, this does not include a paid carer (other than a local authority foster carer), nor does it apply if the child's parent or anyone with legal parental responsibility is also living in the home with the child.
- The partner of any of the above. "Partner" means a person living with another person and the child in an enduring family relationship, and who is not that person's parent (including adoptive parents), grandparent, sibling (including a half-sibling), aunt or uncle (including half-aunts and uncles).

Am I entitled to take parental bereavement leave?

You will be able to take parental bereavement leave from the day you start working for WCC as an employee.

If a parent has more than 6 months continuous service with WCC then they may also be entitled to statutory parental bereavement pay.

Where more than one child has died or been stillborn, the parent is entitled to a separate period of leave (and a separate right to statutory parental bereavement pay) in respect of each child.

Parental Bereavement Leave

How long do I get off?

Leave can be either one week or two weeks (taken as either a single block of two weeks, or as two separate blocks of one week) during the 56 weeks after the sad loss of their child.

This means the leave can be taken at times it is needed most, for example, the first anniversary of the child's death.

Leave can be started on any day of the week. A week is a continuous period of 7 days.

In the case of stillbirth existing rights to maternity and paternity leave are preserved.

When should I let my manager know I need the time off?

If leave is to start within 56 days of the child's death, notice must be given to the employer before the day the leave is to start, or if this is not possible, as soon as is reasonably practicable.

If the leave is to start after the 56 days following the child's death at least one week's notice must be given.

Notice for leave can be given orally or in writing, and must specify:

- Date of child's death or stillbirth
- Date on which parent intends leave to start, and
- Whether absence is for one week or two

Leave can be cancelled or rearranged with the same notice periods as when requesting the leave. However, a period of leave cannot be cancelled once it has started.

Parental Bereavement Pay

Will I get paid?

Parents with at least 26 weeks' continuous service and weekly average earnings over the lower earnings limit will also be entitled to statutory rate of parental bereavement pay or 90% of average weekly earnings where this is lower. Details of rates paid [here](#)

Parents with less than 26 weeks' continuous service will be entitled to unpaid leave

Notice to receive parental bereavement pay must be given to the employer in writing within 28 days of the start of the leave (notice can be withdrawn before leave starts), or as soon as is reasonably practicable and must specify:

- Date of child's death or stillbirth
- Confirm that the parent meets one of the qualifying conditions in terms of relationship with child
- The week or weeks that parental bereavement pay is being claimed

Statutory parental bereavement pay is not payable unless there is a full and continuous seven-day period in which no work is done.

Employees may cancel a request for statutory parental bereavement pay with the same notice periods as cancelling the parental bereavement leave itself (see above section).

Statutory parental bereavement pay is not payable when an employee is entitled to statutory sick pay (even for part of a week).

Support

During this difficult time if your school has subscribed to our EAP provision parents can contact our EAP provider - Call 0800 1116 387

The helpline is also available to dependents. An eligible dependent is your:

- spouse or domestic partner
- unmarried dependants, under 21 years of age, who are dependant upon you for maintenance and support - this includes legally adopted children, stepchildren and children who are dependant upon you by reason of legal guardianship
- unmarried dependent child under 25 who is in full-time education (they may live away from home)
- unmarried dependent child who is incapable of self-sustaining employment because of physical or mental disability, who became disabled prior to age 21.

Contact WES HR Advisory Service (weshradvice@warwickshire.gov.uk) for advice on parental bereavement leave and pay. Contact Customer Service Team (hrandpayroll@warwickshire.gov.uk) for information on how to process parental bereavement leave and pay in YourHR

8 Flexible Working

Employers are encouraged to be supportive of flexible working where it can be accommodated within service needs. The Government has given this support statutory backing through the right for any employee who has been employed for 26 weeks to request flexible working. This means that if you put forward a case we will seriously consider whether your needs can be met.

As a Headteacher/manager, you may find it helpful to consult with the School's HR provider before responding to a request for flexible working.

Am I entitled to request flexible working?

Any employee who has 26 weeks continuous service has the right to request flexible working.

What does flexible working mean?

Flexible working can cover:

- A change in the hours you work
- A change to the times you work
- A change to your place of work
- A Change to your working pattern

This could be, for example, job sharing, term time working, or working from home.

How do I apply?

A Flexible Working Request Form is included at the end of this document that you should use to make your request to your manager. The form asks for the following information that under the regulations you need to provide in writing:

- the change to working conditions you want
- the date you want the change to start from
- what effect, if any, you think the change you are requesting will have on your employer, and how that might be dealt with
- the date of your request, the fact that it is a statutory request, and if and when you have made any previous request

How will my request be dealt with?

The law requires that all requests, including any appeals, must be considered and decided on within a period of three months from first receipt. It is possible for the manager and the employee to agree an extension to this timescale. All correspondence from both parties should be dated.

- Your Headteacher or manager will consider your written request and arrange to discuss with you as soon as possible and within 28 days, what changes you are looking for, how they might benefit you and the business, and any alternative options available if there is any problem meeting your request. You can bring a work colleague with you

to this meeting for support if you wish. If your request can be easily met it may not be necessary to meet.

- Following the meeting your manager will consider the request carefully looking at the benefits of the requested changes for both you and the business, and weighing these against any adverse business impact of implementing the changes. Once a decision has been made they will inform you in writing within 14 days whether or not it is possible to meet your request, giving the reasons for that decision. If the request is agreed they will also give you a start date for the new arrangements to begin on. They may also put forward alternative suggestions if it is not possible to meet with your exact request.
- If you are not happy with the decision you can appeal. You should do this within 14 days of receiving notice that the request has been rejected or not fully met, and give the reasons why you are appealing in writing.
- Your manager will consider your appeal as soon as possible and arrange a meeting to discuss it with you if necessary, or agree with you that it can be held, for example, by phone. You will get the results of your appeal within three months of the receipt of your original request for flexible working. The outcome of the appeal will be given in writing and outline the reasons why the request is refused or, if agreed, the start date will be given.

Can I withdraw my request?

You can withdraw your request at any point before the changes have been agreed and implemented.

What happens if my request is rejected and I want to make another one?

You cannot make another request for 12 months. The same process will need to be followed and you will need to state that you have made a request before.

Will these changes be permanent?

Yes, a request that is made and accepted under the statutory right will be a permanent change to your contractual terms and conditions. You have no right to revert to your previous working arrangement. However, agreement can be made for the flexible working arrangement to be for a specified period of time, or a trial period may be agreed. If a trial period is agreed a review date should be set to discuss how the new arrangements are working and confirm what permanent arrangements will apply at the end of the trial period.

Why might my request be rejected?

There are a variety of business reasons why a request can be rejected, these include:

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work amongst existing staff
- Inability to recruit additional staff
- A detrimental impact on quality or performance
- Not enough work during the periods requested to work
- A planned structural change to the business

If a meeting is arranged to discuss your request or appeal, and you do not attend both this and a rearranged meeting without a good reason, your request can be considered as withdrawn.

For more information, please refer to the separate Flexible Working Guide on the WES website.

Useful Numbers

For all general queries, in the first instance contact the School

HR Advisory Team 01926 418614.

Benefits and Pay

For administrative and payroll queries WES HR Customer Services team - Tel 01926 738444.

Social Security/Jobcentre plus

www.jobcentreplus.gov.uk

Contact your local office for advice on benefits available and also the following leaflets

NI17A A Guide to Maternity Benefits

BC2 Expecting a Baby

CH1 Child Benefit

BC1 Babies and Children

PL514 Paternity Leave and Pay

PL515 Adoption Parents – Rights to leave and pay

For details on any of the above click onto www.direct.gov.uk

Teacher Pensions

<https://www.teacherspensions.co.uk/faqs/what-if-faqs/current-situation/what-if-i-have-been-on-maternity-or-paternity-leave.aspx>

Maternity and Parenting Advice

Childcare Link Information on children's services

Tel 0800 096 0296 www.childcarelink.gov.uk

Daycare Trust Information on childcare

Tel: 020 7512 2866 www.daycaretrust.org.uk

Maternity Alliance Promotes wellbeing of pregnant women, new parents and families, also information on parental benefits

Tel: 020 7588 8582 www.maternityalliance.org.uk

National Council for One Parent Families Information for lone parents

Tel 0800 018 5026 www.oneparentfamilies.org.uk

The Miscarriage Association Information and support on miscarriage and ectopic pregnancy

Tel 01924 2000799 www.miscarriageassociation.org.uk

Tommy's Information aimed at understanding and preventing premature birth, miscarriage and stillbirth
Tel 08707 707070 www.tommys.org

SANDS UK charity providing support for bereaved parents and their families.

<https://www.uk-sands.org/>

Adoption UK Support before, during and after adoption. Tel
0870 7700 450 www.adoptionuk.com

BAAF Is an independant organisation and charity promoting the highest standards of child centred policies.
Tel 020 7593 2023 www.baaf.org.uk

Age Concern Is the largest charitable movement in the UK concerned with the needs of older people.
Tel 0800 009966 www.age.org.uk

Quick Checklists

Maternity	
Notify that you will be taking maternity leave 15 th week before the EWC At least 28 days' notice needed to receive SMP	
Employer will respond to this request within 28 days giving a date of return from maternity leave	
If you need to change the start date give 21 days' notice	
You cannot start your leave more than 11 weeks before the EWC	
Leave will automatically start if on sick leave for reason relating to pregnancy at the beginning of the 4 th week before EWC	
Entitlement to 52 weeks maternity leave regardless of length of service	
Compulsory maternity leave of 2 weeks following birth	
Notification of early return to work During OML 7 days During AML 21 days for Support Staff “ “ “ “ 28 days for Teachers	
No entitlement to SMP if less than 26 weeks continuous service	
Pay if more than 26 weeks continuous service but less than one year: 6 weeks at 9/10 th 's 33 weeks at SMP	
1 year plus service 6 weeks at 9/10ths of your salary (offset by any SMP or Maternity Allowance payable) 12 weeks at half pay (unless, when added to your SMP for those weeks, it exceeds the amount your full pay would be) and 21 weeks SMP For teachers the only difference is 4 weeks fully pay, 2 weeks at 9/10 th 's.	
Return to work on notified date assumed at the end of OML or AML unless you give notice to the contrary.	
Stillbirth after 24 completed weeks of pregnancy still entitled to maternity rights	

Paternity	
Notify that you will be taking paternity leave 15 th week before the week the baby is due	
Complete self-certification form to benefit from entitlements	
28 days' notice is required to change this date	
Entitled to one week or two weeks consecutive leave as you wish	
Leave must be taken within 56 days or 8 weeks of the baby being born	
If the child is stillborn after 24 weeks or dies during the possible period of paternity leave still entitled to Paternity Leave	
Same entitlement if the mother has more than one child	
Statutory paternity pay of full pay for the first week only then (please refer to https://www.gov.uk/paternity-pay-leave/pay for the rates), or 90% weekly salary if less for the second week	

Adoption	
Adoption Leave	
You are eligible if the child is newly matched for adoption by an approved agency within the UK for children under 18.	
Evidence required is a matching certificate plus details of the placement date and child's date of birth.	
Entitled to OAL of 26 weeks AAL of 26 weeks	
Leave can begin from start date of placement or up to 14 days prior to when they arrive to live permanently with the family	
Need to notify within 7 days of being told of the match and within 28 days prior to the start date of the placement	
To change this date you need to give 28 days' notice	
The School will respond to the request within 28 days	

Adoption Pay during OAL is SAP of (For Adoption pay please visit: https://www.gov.uk/employers-adoption-pay-leave/entitlement) Your employer will pay 9/10 th of your normal weekly pay for the first 6 weeks then 12 weeks at half pay if you have sufficient continuous service and return to Local Government for 3 months following Adoption Leave, followed by 21 weeks paid on SMP, up to a total of 39 weeks pay. Remaining AAL is unpaid	
Employee return assumed at the end of OAL or AAL unless they give notice to the contrary.	
To return early from either OAL or AAL 28 days notice is required	

Paternity Leave (Adoption)	
Notify that you will be taking paternity leave 15 th week before the week the child is placed	
28 days' notice is required to change this date	
Entitled to two weeks consecutive leave if you have 26 weeks continuous service at the start of the 15 th week before the child is placed	
Leave must be taken within 56 days or 8 weeks of the child being placed	

- **Flexible Working Request Form**

Flexible Working Application Form
Name
Job Title
School
Date

Reason for application

Describe your current working pattern (days/hours/times worked)

Describe the working pattern you would like to work in the future (days/hours/times worked)

Impact of the new working pattern

Describe how the new pattern will affect the service, the section and colleagues

Accommodating the new working Pattern

Describe how the issues you have highlighted above can be dealt with by your Head teacher or manager

Date you would like new working pattern to start

I confirm that:

- **I have worked continuously as an employee with Warwickshire County Council/School/Academy for 26 weeks.**
- I have not made any other application to work flexibly in the previous 12 months.

Signed _____

Dated _____

Employer’s confirmation of receipt of request (to be returned to the employee)

To

I confirm that I have received your request to change your work pattern on **Date** and that I will now consider your proposals

Signed

Dated

Model letter accepting an application for flexible working

Dear

Following receipt of your application to *[enter details of the request]* and our meeting on *[date of meeting]*

EITHER:

I am pleased to confirm that I am able to accommodate your application.

OR:

I am unable to accommodate your original application. However, I am able to offer the alternative pattern which we discussed and which you agreed would be suitable to you.

Your new working pattern will be *[enter details of times, days etc]*.

Your new working arrangements will start from *[enter date]*

EITHER:

Please note that the change in your working pattern will be a permanent change to your terms and conditions of employment and you have no right in law to revert back to your previous working pattern

OR:

As discussed, this is a temporary change to your terms and conditions of employment due to *[enter reason why this is temporary]* which will be reviewed on *[enter date]*.

Yours sincerely

Head teacher

Model letter refusing an application for flexible working

Dear

Following receipt of your application to [*enter details of the application*] and our meeting on [*date of meeting*], having carefully considered your request I am sorry that I am unable to accommodate it for the following business reasons [*enter comprehensive details of why the application cannot be granted and also why other working patterns that you may have discussed might also not be suitable*].

If you are unhappy with this decision, you may appeal against it by writing to the Chair of Governors setting out the grounds for your appeal within 14 days of receiving my decision.

Yours sincerely

Head teacher

- **Model Maternity Leave Letter**

PRIVATE & CONFIDENTIAL

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Dear

MATERNITY LEAVE

Notification requirements

Thank you for informing me of your pregnancy. I am aware that you have informed your Headteacher/Manager and **she/he** will be asked by the Health and Safety Officer to carry out a risk assessment to ensure that your workplace is safe for you to carry out your duties.

If the dates you have given me do not change, then the earliest you may start your maternity leave is the **date**, which is 11 weeks before your EWC and (**either**) the date you have informed me you want to start your maternity leave **or** however the date you have given me for your maternity leave to commence is **date**.

You may continue to work right up to the birth of your child if you are able and wish to do so, without any loss of maternity pay.

You must confirm to your Headteacher/manager in writing at the latest during the 15th week before the Estimated Week of Childbirth (EWC) of the date you intend to start your maternity leave. (The EWC is the week in which it is expected that the baby will be born.)

Maternity Leave

There are two types of maternity leave which give a total period of 52 weeks from the date your maternity leave starts:

- Ordinary Maternity Leave (OML)
- Additional Maternity Leave (AML)
- You will be entitled to take up to 26 weeks **OML**, based on the date shown above this would cease on **date**. Your **AML** would cease on **date**. Unless you say otherwise, it will be assumed that you will return at the end of your **AML**. However, you must give 21 days notice in writing if you want to return before that date or if you wish to change the return date you have already given.

Maternity Pay

Your pay entitlement will vary depending on how long you have worked for us.

You are entitled to Statutory Maternity Pay (SMP) as follows:

- 6 weeks at 9/10ths of your salary followed by (offset by any SMP), or for teachers 4 weeks fully pay, 2 weeks at 9/10th's.
- If you have more than one year's continuous service at the 11th week before the EWC you are entitled to 12 weeks at half pay plus SMP without deductions (unless this exceeds the amount your full pay would be) is payable. To be eligible you will also need to earn above the Lower Earnings Limit threshold.

This payment is conditional on a return to work for a local authority for at least 3 months after your maternity leave has ended. If you did not come back then you would have to repay the 12 weeks half pay. If you would like this payment suspended until your return to work please ensure you advise myself or the school office, otherwise it will be assumed that payment should automatically be made.

- 19-39 weeks - you will be paid SMP, (please refer to <https://www.gov.uk/maternity-pay-leave/pay> for the rates). Maternity pay is subject to normal deductions such as NI and tax.

Other issues relating to your maternity

If you are absent for any reason either wholly or partly related to your pregnancy after the beginning of the fourth week before the EWC then your maternity leave will automatically start. If this happens you will need to notify your manager as soon as possible in writing.

You are able to attend work for up to 10 'keeping in touch' days during your maternity leave without losing SMP or bringing your maternity leave to an end.

Your entitlement to annual leave will continue to accrue during your maternity leave. If you wish to extend your paid leave period by taking annual leave you have accrued, please discuss this with your line manager before starting your maternity leave.

I would like to take this opportunity to wish you health and happiness over the coming months and if you have any further queries on your maternity entitlements please contact me on **telephone number**.

Yours sincerely

Headteacher/Business Manager or school office