

**Learning Accord Multi Academy Trust
Maternity, Paternity & Adoption Policy
(including related legislation)**



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1. Introduction

- 1.1 This policy serves to assist the headteacher and governing body in dealing with staff leave relating to maternity, paternity or adoption purposes (including shared parental leave and parental bereavement leave) in accordance with legal and contractual obligations.
- 1.2 This policy is designed to ensure that such entitlements are dealt with appropriately, fairly and consistently at all times and in full accordance with regulations.

2. Purpose and scope

- 2.1 This policy is applicable to all staff working in the academy.
- 2.2 Teachers and support staff may have different contractual entitlements in accordance with (respectively) the Conditions of Service for School Teachers in England (generally referred to as the Burgundy Book) and the Local Government Services National Agreement on Pay and Conditions of Service (generally referred to as the (NJC) Green Book). For establishments which adhere to those conditions of service, the differences between these entitlements are, as and when applicable, outlined under appropriate headings in the sections which follow.

3. Rights of pregnant employees

- 3.1 Pregnant employees have four principal legal rights:
 - paid time off for antenatal care
 - maternity leave
 - maternity pay or maternity allowance
 - protection against unfair treatment or discrimination, including in relation to dismissal by reason of redundancy*

**This specific legal protection is explained in more detail within the school's Redundancy and Redeployment Policy, where it is likely to prove of more practical relevance. However, it should be noted that this protection is not limited to those who are currently pregnant, or on maternity leave, or have given birth within the last 18 months, but also extends, in certain circumstances, to employees on adoption leave or shared parental leave as well as those who have recently miscarried.*

4. Ante-natal entitlement

- 4.1 Employers must give pregnant employees time off for antenatal care – this is **paid** (although an employee is not entitled to take time off for antenatal appointments until they have told the employer about the pregnancy).
- 4.2 Ante-natal care is not limited to medical appointments but can extend to antenatal or parenting classes when these have been recommended by a doctor or midwife.
- 4.3 The father or pregnant woman's partner also has the right to **unpaid** time off work to accompany them in attendance at two antenatal appointments (this is addressed in more detail within the Leave of Absence Policy).

5. Maternity leave: eligibility and entitlement

- 5.1 The statutory arrangements provide that pregnant employees will be entitled, regardless of length of service, to a total of 52 weeks maternity leave. This is made up of 26 weeks Ordinary Maternity Leave (OML) followed by 26 weeks Additional Maternity Leave (AML).

6. Maternity leave: notification

- 6.1 There is a requirement for a woman to provide notification of pregnancy to the employer by the end of the 15th week before her expected week of childbirth (this may also be referred to as expected week of confinement or, as hereinafter in this policy, EWC).
- 6.2 Under the statutory arrangements it will also be possible for an employee to change the date her leave commences provided she gives 28 days' notice (unless this is not reasonably practicable).
- 6.3 Employees must, at least 28 days before their maternity leave absence begins, notify the employer of the following:
- that they are pregnant (in which event employers may wish to consider the advisability of undertaking appropriate risk assessment)
 - the expected week of childbirth (EWC)
 - the date from which they wish their maternity leave to commence (to be notified in writing if requested by the employer) – this cannot be earlier than the 11th week before the EWC.
- 6.4 Employers are entitled to request the following:
- written notification of the date an employee wishes to start their maternity leave
 - that an employee produces a MAT B1 certificate from a registered medical practitioner or midwife stating the EWC.
- 6.5 The assumption will be that maternity leave will last for the maximum period of twelve months **unless** the employee specifically states otherwise (by intimating that they will return to work at an earlier date).

7. Maternity leave: acknowledging requests

- 7.1 Employers must write to the employee within 28 days of receiving the notice from the employee to acknowledge their request and must inform the employee of their expected date of return should they take their full entitlement.

8. Maternity leave: commencement date

- 8.1 The earliest date a woman can start her maternity leave is 11 weeks before her EWC (unless the baby is born before this time). A woman may choose to commence her maternity leave on any day of the week.
- 8.2 A woman's maternity leave will start automatically if she is absent from work for a pregnancy related illness during the four weeks before the start of her EWC, regardless of when she has said she actually wants her maternity leave to start.

8.3 Employees **must** take at least 2 weeks' maternity leave after the birth.

9. Maternity leave: notification of return to work

- 9.1 Under the provisions of both the Burgundy Book and the Green Book (both of which override statutory provision which specifies 8 weeks' notice) any employee who wishes to return to work early from maternity leave must notify the school (in writing if requested) at least 21 days before the day on which they propose to return. (This means that notice must be given no fewer than 21 days in advance of an earlier return date, or, if return is to be delayed, no fewer than 21 days in advance of the original date given.)
- 9.2 Where this notice is not given, the employer may postpone their return to ensure 21 days' notice has elapsed (but may not postpone beyond the end of the maternity leave period).
- 9.3 An employee is normally entitled to return to work in the position they held before starting maternity leave, and on the same terms of employment. However, if AML has been taken and it is no longer reasonably practicable for the employee to return to the same position, they may be given another suitable and appropriate job on terms and conditions that are no less favourable.

10. Maternity pay

- 10.1 An employee must have 26 weeks' continuous service with the employer at the 15th week before the EWC and must be in employment during the qualifying week. In addition, earnings must be above the lower limit for the payment of National Insurance contributions. (Additional entitlements are available for employees who have a minimum of one year's continuous service – see below.)
- 10.2 Those members of staff who meet the criteria will be entitled to receive Statutory Maternity pay (SMP) for 39 weeks as follows:
- 6 weeks at 90% of the employee's average weekly earnings
 - 33 weeks at standard rate SMP (or 90% of the employee's average weekly earnings if this is lower)
 - whilst the remaining 13 weeks of maternity leave are unpaid.
- 10.3 If an employee is not entitled to SMP in accordance with the above they must be given a Form SMP1 so that they can claim Maternity Allowance (MA) from the Benefits Agency.
- 10.4 Teachers – those teachers who, at the 11th week before the EWC, have **one year's continuous service** will be entitled to receive 18 weeks' Occupational Maternity Pay (OMP) as follows:
- 4 weeks at full pay
 - 2 weeks at 90% of a week's pay
 - 12 weeks at half pay plus SMP (reduced by the extent to which the combined half pay and SMP may exceed full pay)
 - 21 weeks Statutory Maternity Pay (SMP)
- whilst the remaining 13 weeks of maternity leave are unpaid.

10.5 Support staff – those members of staff employed on NJC terms and conditions who, at the 11th week before the EWC, have **one year's continuous service** will be entitled to receive 18 weeks' Occupational Maternity Pay (OMP) as follows:

- 6 weeks at 90% of a week's pay
- 12 weeks at half pay plus SMP (reduced by the extent to which the combined half pay and SMP may exceed full pay)
- 21 weeks Statutory Maternity Pay (SMP)

whilst the remaining 13 weeks of maternity leave are unpaid.

10.6 Where an employee (whether a teacher or a member of support staff) has declared (in writing) her intention to return to work she will receive half pay without deduction except to the extent that the half pay plus SMP (or Maternity Allowance and any dependent's allowances if the employee is not eligible for SMP) exceeds full pay.

10.7 OMP is paid on the understanding that the employee will return to the school's employment (on the same terms as previously) for at least 13 weeks. Where the employee returns on reduced hours the duration of her return to employment may be extended pro rata: in other words, she will be required to work for a period which equates (in accumulated hours of work) to 13 weeks' service in relation to her previous contract of employment.

10.8 In the event of the employee not returning to employment with the same employer for the prescribed length of time she may retain the first 6 weeks' OMP but will be required to refund the subsequent 12 weeks' half pay.

10.9 Accordingly, if the employee is uncertain about her future intentions, she may wish to delay a decision on receiving payment of OMP until a later date.

11. Keeping in Touch (KIT) days

11.1 An employee can agree to work for the employer (or to attend training) for up to ten days during maternity leave without bringing their period of maternity leave to an end or impacting on their right to claim maternity pay for that week. Any work carried out on a day or part of a day shall, for these purposes, constitute a day's work (the latter being defined in accordance with the employee's existing contract of employment).

11.2 The employer is under no obligation to offer the employee any work (or training) during the employee's maternity leave and work undertaken is a matter for agreement between the employer and the employee.

11.3 An employee taking a KIT day will receive their normal full pay for any day worked. If a KIT day occurs during a week when the employee is receiving maternity pay, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any KIT days worked do not extend the period of maternity leave.

11.4 An employee may, with the agreement of the employer, use KIT days to work part of a week during maternity leave. The employer may also agree that the employee can use KIT days either to effect a gradual return to work by the employee towards the end of maternity leave or, alternatively, to trial a possible flexible working pattern.

12. Paternity leave (birth and adoption)

- 12.1 There is currently no occupational entitlement to paternity leave set out in either the Conditions of Service for Teachers in England (the Burgundy Book) or (for support staff) the NJC Terms and Conditions of Service (the Green Book). There is no current intention to introduce any new clause into conditions of service for either teachers or support staff, but the minimum statutory provisions apply.
- 12.2 Statutory paternity leave is a period of either one or two weeks (and if two weeks these are no longer required to be consecutive) that fathers or partners can take off from work to care for their child.
- 12.3 Paternity leave is only available to employees who:
- have (or expect to have) responsibility for the child's upbringing;
 - are the biological father of the child or the mother's husband or partner (including same sex relationships) **or** the partner of the primary adopter; and
 - have worked continuously for their employer for 26 weeks ending with the 15th week before the baby is due or the end of the week in which the child's adopter is notified of being matched with the child.
- 12.4 In addition to satisfying the eligibility requirements specified in the preceding clause, the employee is required to give appropriate notice.
- 12.5 Notice of their intention to take paternity leave must be given by the employee at least 15 weeks before the week the baby is due (the notice period is different if the employee is adopting) and must specify both the baby's due date and the amount of paternity leave to be taken (which can be either one or two weeks).
- 12.6 The employee must also give the employer at least 28 days' notice of the specific date on which they wish a period of leave to commence (this date can be changed later but 28 days' notice is required for any alteration).
- 12.7 The employee can choose for their leave to begin on:
- the day the baby is born;
 - a certain number of days after the baby is born; or
 - a specific date which is not earlier than when the baby is due.
- 12.8 Paternity leave cannot start before the baby is born and the baby may not arrive on time: an employer should therefore be prepared (where this is reasonably practical) to be flexible with cover arrangements for employees planning to take paternity leave.
- 12.9 Employees may take their paternity leave at any point within the first year after the birth (or adoption) of their child.
- 12.10 Notwithstanding the above clauses, up to 3 days paid Special Leave (normally around the time of the birth) **may** be granted by the governors **at their discretion**. In such cases the employer may request appropriate proof of the relationship and the EWC, and a written declaration that the partner is:
- in an enduring relationship with the mother;
 - will be responsible for the upbringing of the child; and
 - will be taking time off to support the mother of the child or care for the child.

12.11 As Special Leave is a locally agreed term and condition, there is no qualifying period of service, as is required for the Statutory Paternity Leave described above.

13. Paternity pay (birth and adoption)

13.1 Teachers – those teachers who are eligible (as set out above) can choose to take either one or two weeks (not odd days) paid paternity leave at the current rate of Statutory Paternity Pay (SPP).

13.2 Support staff – those employees who are eligible (as set out above) can choose to take either one or two weeks (not odd days) paid paternity leave. Paternity pay for staff members employed on NJC terms and conditions is:

- one week's pay at normal rate
- one week's pay at SPP or 90% of average weekly earnings, whichever is lower.

13.3 Eligibility for paternity pay is dependent upon satisfying the conditions for eligibility for paternity leave (as outlined above), in addition to which the employee must have average weekly earnings at least equal to the lower earnings limit for National Insurance contributions.

13.4 Employees who do not qualify for SPP should be provided by their employer with form SPP1, setting out the reason for non-payment.

14. Adoption leave and pay

14.1 Employees who become parents by adoption are entitled to identical treatment to employees who become parents by birth (and this includes relative protection against dismissal by reason of redundancy for 18 months from the date of placement of the child).

14.2 When a couple adopt a child, one person is required to be nominated (by the couple rather than the employer) as the 'main adopter' with the other becoming the 'secondary adopter'.

14.3 The main adopter can take adoption leave and pay whilst the secondary adopter can take paternity leave. The couple cannot change the type of leave they have decided to take once they have informed their employer(s).

14.4 No defined length of service is required before an employee becomes eligible for adoption leave. Entitlement to adoption pay is determined by equivalent length of service (with regards to both teachers and support staff) to that applicable to maternity pay.

14.5 Eligible employees who adopt will be able to opt in to Shared Parental Leave on the same terms as birth parents.

14.6 Where a couple plan to adopt a child, the main adopter is able to take paid time off for up to 5 adoption appointments and the secondary adopter is able to take unpaid time off for up to 2 adoption appointments.

14.7 Employees must give their employer documentary proof to show that they have the right to adoption leave and (where applicable) pay. This usually consists of a matching certificate from the adoption agency, which must be one that is recognised in the UK.

15. Neonatal care leave (NCL) and pay

- 15.1 For parents of children born on or after 6 April 2025, this is a statutory entitlement in the event of the infant requiring prolonged care in a hospital neonatal unit.
- 15.2 This gives parents the right, from day one of their employment, to take neonatal care leave (NCL) when their infant is admitted, within the first 28 days after their birth, to a hospital neonatal unit and remains there (or in an equivalent setting) for a minimum continuous period of seven full days.
- 15.3 Eligible parents (including adopters) will be able, in accordance with notice periods as specified in the legislation, to take up to a maximum of 12 weeks of NCL, commensurate with the number of (continuous) weeks the infant spends in hospital, such leave to be **in addition to** any other entitlement to statutory maternity, paternity or adoption leave.
- 15.4 NCL cannot commence until statutory maternity, paternity or adoption leave has finished, and requires to be completed within the first 68 weeks after the infant's birth.
- 15.5 In conjunction with the leave entitlement, employees who are eligible will receive either Statutory Neonatal Care Pay (SNCP) or (if lower) 90 per cent of normal weekly earnings. Eligibility will, in most cases, be based on the same criteria as for Statutory Maternity and Paternity Pay.

16. Shared Parental Leave: eligibility and entitlement

*NB Please note **Shared Parental Leave** (legislation active from 2015) should not be confused with **parental leave** which is dealt with in the *Leave of Absence Policy*.*

- 16.1 Legislation which is of relevance to Shared Parental Leave (SPL) includes the following:
- The Employment Rights Act 1996;
 - The Equality Act 2010;
 - The Child and Families Act 2014;
 - The Shared Parental Leave Regulations 2014;
 - The Shared Parental Pay (General) Regulations 2014;
 - The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014;
 - The Flexible Working (Amendment) Regulations 2023.
- 16.2 Shared Parental Leave (SPL) enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. There may also be an entitlement to Shared Parental Pay (ShPP).
- 16.3 Eligibility for SLP is as follows: SPL can only be used by two people, both of whom must share the main responsibility for the care of the child at the time of birth/adoption – these persons must be:
- the mother/adopter **and**
 - one of the following:
 - i. the father of the child (in the case of birth) **or**
 - ii. the spouse, civil partner or partner of the child's mother/adopter.
- 16.4 Additionally, an employee seeking to take SPL must satisfy each of the following criteria:

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave (or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements);
- the employee must still be working for the employer at the start of each period of SPL;
- the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- the employee's partner must meet the 'employment and earnings test' requiring them, in the 66 weeks leading up to the child's expected due date/matching date, to have worked for at least 26 weeks and earned (over any 13 of these weeks, which need not be consecutive) a total figure which is no less than the minimum qualifying figure (which may alter on an annual basis) determined by the government; and
- the employee must correctly notify the employer of their entitlement and provide evidence as required.

16.5 Eligible employees are entitled to take up to 50 weeks SPL during the child's first year in their family, based on the mother's/adopter's entitlement to maternity/adoption leave of up to 52 weeks.

16.6 If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the maximum entitlement of 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

16.7 SPL can commence as follows:

- the mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- the adopter can take SPL after taking at least two weeks of adoption leave
- the father/partner/spouse can take SPL immediately following the birth (or placement) of the child but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

16.8 SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see below).

16.9 SPL must end no later than one year after the birth (or placement) of the child. Any SPL not taken by the first birthday (or first anniversary of placement for adoption) is lost.

17. Shared Parental Leave: evidence of eligibility

17.1 An eligible employee who intends taking SPL must give their line manager notification (in writing) of at least eight weeks before they can take any period of SPL. The written notification must include all of the following information:

- their full name;
- the name of the other parent;
- the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;

- the date on which the child is expected to be born or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- the amount of SPL the employee and their partner each intend to take; and
- a non-binding indication of when the employee expects to take the leave.

17.2 The employee must provide the employer with a signed declaration stating that:

- they confirm (if they are not the mother/adopter) that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
- they meet, or will meet, the eligibility conditions and are entitled to take SPL;
- the information they have given is accurate; and
- they will immediately inform the employer should they cease to be eligible.

17.3 The employee must provide the employer with a signed declaration from their partner confirming:

- their name, address and national insurance number (or a declaration that they do not have a national insurance number);
- that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
- that they satisfy the 'employment and earnings test' (see 'eligibility' above), and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
- that they consent to the amount of SPL that the employee intends to take;
- that they consent to the employer processing the information contained in the declaration form; and (in the case where the partner is the mother/adopter)
- that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

17.4 Should further evidence of eligibility be required the employer may, within 14 days of the SPL entitlement notification being given, request the following information (which the employee must provide within 14 days):

- the name and business address of the partner's employer (and if the employee's partner is no longer employed or is self-employed their contact details must be given instead); and **either**
 - a) (from biological parents) a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth); **or**
 - b) (from adoptive parents) documentary evidence of:
 - i. the name and address of the adoption agency;
 - ii. the date on which the parents were notified of having been matched with the child;
 - iii. the date on which the agency expects to place the child for adoption.

17.5 If any of the information provided is found to be fraudulent, the employee will be subject to the academy's disciplinary procedures.

17.6 In consideration of good practice, an employee considering taking SPL is encouraged to speak to their line manager/HR Advisor as early as possible to arrange an informal

discussion to talk about their plans. Any meeting should be held in private and be confidential. At the meeting the employee may, if they wish, be accompanied by a workplace colleague or trade union representative.

- 17.7 Where a request for discontinuous leave has been submitted, this discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the employer and what the outcome may be if no agreement is reached.

18. Shared Parental Leave: notification

- 18.1 In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.
- 18.2 The employee has the right to submit up to a maximum of three notifications specifying leave periods they are intending to take. Each notification may contain **either**:
- a) a single period of continuous leave (measurable in complete weeks); **or**
 - b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.
- 18.3 SPL can only be taken in complete weeks but may begin on any day of the week.
- 18.4 An employee has the right to take a continuous block of leave (a given number of weeks taken in a single unbroken period) notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (as specified in the notice of entitlement).
- 18.5 Alternatively, an employee has the right to request two or more periods of discontinuous leave. This means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement whereby an employee will take six weeks of SPL whilst working alternate weeks over a period of three months).
- 18.6 The employer must consider a discontinuous leave notification but has the right to refuse it.
- 18.7 If the requested leave pattern is refused, the employee can either withdraw the request within 15 days of its submission (thus retaining the right to submit a further application without losing one of their (three) notifications) or can take the total amount of leave requested in a single continuous block.

19. Shared Parental Leave: response to notification

- 19.1 Once the academy receives the leave booking notice, it will be dealt with as soon as possible, but a written response should be provided no later than 14 (calendar) days after the leave request was received.
- 19.2 Each request for discontinuous leave will be considered on a case by case basis, taking into full account employee welfare and any potentially adverse impact on the academy. Acceptance of any specific request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

- 19.3 The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than 14 days after the leave notification was made. The request may be granted in full or in part: for example, the employer may propose a modified version of the request.
- 19.4 If the requested discontinuous leave pattern is refused, the employee can either withdraw the request within 15 days of its submission (thus retaining the right to submit a further application) or can take the total amount of leave requested in a single continuous block.
- 19.5 If the employee chooses to take the leave in a single continuous block, the employee must choose, within 19 days of the notification being submitted, the date from which they want the period of leave to commence. The leave cannot start sooner than eight weeks from the date the original notification was submitted. Should the employee fail to specify a start date then the leave will begin on the first leave date requested in the original notification.

20. Shared Parental Leave: variations to agreed arrangement

- 20.1 The employee is permitted to vary or cancel an agreed and booked period of SPL provided they advise the employer in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 20.2 Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, any change to accommodate a child being born early, or in response to the employer requesting it be changed, and the employee being agreeable to this change, will not count as further notification. Any variation will be confirmed in writing by the employer.

21. Shared Parental Leave: returning to work

- 21.1 The employee is expected to return on the next working day following the end of their SPL period unless they notify the employer otherwise. If they are unable to attend work due to sickness or injury the employer's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 21.2 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give their employer at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the employer need not accept the notice to return early but may elect to do so if it is considered to be reasonably practicable.
- 21.3 On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to no more than 26 weeks.
- 21.4 If their maternity/paternity/adoption leave and SPL amounts in aggregate to more than 26 weeks, the employee is entitled to return to the same job they held before commencing the last period of leave if this is reasonably practicable. However, if this is **not** reasonably practical the employee is still entitled to return to another job which is both suitable and appropriate and on terms and conditions which are no less favourable.
- 21.5 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 as long as the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

- 21.6 If the employee also takes a period of unpaid parental leave of 5 (or more) weeks, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee is similarly entitled to return to the same job they held before commencing the last period of leave if this is reasonably practicable. However, if this is **not** reasonably practical the employee is still entitled to return to another job which is both suitable and appropriate and on terms and conditions which are no less favourable.

22. Statutory Shared Parental Pay (ShPP)

- 22.1 Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The number of weeks available will depend on the amount by which the mother (or adopter) reduces their maternity (or adoption) pay period or maternity allowance period. ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

- 22.2 In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- the employee must intend to care for the child during the week in which ShPP is payable;
- the employee's average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- the employee must remain in continuous employment until the first week of ShPP has begun; and
- the employee must give proper notification in accordance with the rules set out below.

- 22.3 Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their employer written notice advising of their entitlement to ShPP. To avoid duplication this should, if possible, be included as part of the notice of entitlement to take SPL.

- 22.4 In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:

- the start and end dates of any maternity/adoption pay or maternity allowance;
- the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP; and
- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the employer should they cease to be eligible.

- 22.5 It must be accompanied by a signed declaration from the employee's partner confirming:

- their eligibility to partake in ShPP (in terms of an enduring relationship, an ongoing responsibility (which may be shared) for childcare, and satisfying the earnings test);

- their agreement to the employee claiming ShPP and to the employer processing any ShPP payments to the employee; **and**
- (in the case where the partner is the mother/adopter) that they have reduced their maternity/adoption pay or maternity allowance; **and** that they will immediately inform their partner (the employee) should the eligibility criteria no longer be satisfied.

22.6 Any ShPP due will be paid at a rate set by the government for the relevant tax year.

22.7 SPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it does not remain untaken at the end of the employee's holiday year.

23. Shared Parental Leave in Touch (SPLIT) days

23.1 An employee can agree to work for the employer (or to attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

23.2 The employer is under no obligation to offer the employee any work during the employee's SPL and work undertaken is a matter for agreement between the employer and the employee.

23.3 An employee taking a SPLIT day will receive their normal pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay (reduced pro rata for part time workers) for the day in question. Any SPLIT days worked do not extend the period of SPL.

23.4 An employee, with the agreement of the employer, may use SPLIT days to work part of a week during SPL. The employer may agree that the employee can use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

24. Parental Bereavement Leave

24.1 All eligible individuals have the statutory right to parental bereavement leave (and may, dependent on circumstances, additionally have the statutory right to parental bereavement pay) for up to two weeks during the first 56 weeks following either a stillbirth (after 24 weeks of pregnancy) or the death of their child (as long as the latter is under the age of 18).

24.2 In this context, the definition of parent includes, in addition to biological and adoptive, the parent of a child born to a surrogate, and additionally extends to the partner of the child's or baby's parent, as long as the individual had day to day responsibility for the child or baby's care at the relevant time.

24.3 An eligible employee or worker can, from the first day of their employment, take leave for either one or two weeks (if two weeks these may be either continuous or separate) for each child who has died or was stillborn. Appropriate notice must be given (see below). This leave can start on or after the date of the death or stillbirth, and must finish within 56 weeks of that date.

- 24.4 If the employee was on another type of statutory leave (such as maternity leave) when the death or stillbirth happened, parental bereavement leave cannot commence until after that other leave has ended. However, if an employee's parental bereavement leave is interrupted by the start of another type of statutory leave, they can still take their remaining entitlement after that other leave has ended, as long as it is taken within 56 weeks of the date of death or stillbirth.
- 24.5 An employee must give notice for parental bereavement leave. The notice requirement is dependent upon the period in which the leave is taken. In the initial 8 weeks following the death or stillbirth, notice must be given before the time the individual would normally start work on the first day of the period they want to take off work, whereas for the period from 9 to 56 weeks after the death or stillbirth notice must be given at least one week before the commencement of the leave.
- 24.6 An employee giving notice should tell the employer:
- the date of the child's death or stillbirth
 - when they want their parental bereavement leave to begin
 - how much leave they are taking (which must be either one or two weeks).
- 24.7 Such notice may be given informally, for example by phone, text message or email. The employer cannot ask for evidence of entitlement for leave, or details about the employee's relationship to the child or baby.
- 24.8 An employee may cancel their parental bereavement leave as long as they give no less than the required notice for taking leave.

25. Parental Bereavement Pay

- 25.1 To qualify for statutory parental bereavement pay, the employee or worker must have been continuously employed for at least 26 weeks up to the end of the 'relevant week', which is the week (ending with a Saturday) immediately before the week of the death or stillbirth, and must earn (on average) no less than £120 a week (gross). They must also give the employer the correct notice.
- 25.2 Parental bereavement pay for an eligible employee or worker is set at the current statutory weekly amount or (if lower) 90% of the individual's average weekly earnings (tax and national insurance to be deducted as normal).
- 25.3 If an employee is asking for statutory parental bereavement pay they must do so in writing (this may be either letter or email) within 28 days, starting with the first day of the week they want to claim pay for, specifying:
- their name
 - the dates of the period they want to claim statutory parental bereavement pay
 - the date of the child's death or stillbirth.
- 25.4 The employee will also need to give the employer a self-declaration to confirm they are eligible because of their relationship to the child or baby – they need only provide this once when they first ask for pay.

26. Other policies and procedures

26.1 This policy will be supported by the following policies and procedures:

- Leave of Absence Policy
- Redundancy and Redeployment Policy