

# Haringey Schools Policies

## Family Friendly Policies

This suite of policies includes:

Section 1: Maternity policy

Section 2: Adoption policy

Section 3: Paternity policy

Section 4: Shared parental leave policy

Section 5: Parental leave policy

<b>Date of issue:</b>	<b>XXX</b>
Status: These Model Family Friendly Policies are effective from XXX. A process of consultation with the relevant trade unions has been undertaken. This policy is the recommended policy for adoption by the Governing Bodies of Community and Voluntary Controlled schools. Voluntary aided or foundation schools may also choose to adopt it Advice and support on this policy is available from the Schools HR service.	

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# Section 1: Maternity policy

## 1. Introduction

- 1.1 The purpose of maternity leave is to allow employees to give birth and to recover from giving birth to their baby, as well as to bond with and care for their new child.
- 1.2 The policy applies to all employees but not to agency workers, consultants or self employed staff save that the health and safety aspects of this policy apply to certain qualifying agency workers (see section 21).

## 2. Maternity leave

- 2.1 Maternity leave is a single continuous period, made up of 26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave. Additional maternity leave follows ordinary maternity leave and there must be no gap between the two.
- 2.2 While it is up to each employee to decide how much maternity leave they wish to take, up to the 52 week maximum, the law requires that a minimum of two weeks' leave must be taken. This is known as compulsory maternity leave.

## 3. Eligibility for maternity leave

- 3.1 Pregnant employees are entitled to and qualify for 52 weeks Statutory Maternity Leave if they give the correct notice to their employers. The correct notice period that must be given is by the end of the 15<sup>th</sup> week before the baby is due. All pregnant employees are entitled to 52 weeks' maternity leave, or as much of that period as they wish to take, regardless of their length of service.
- 3.2 Maternity leave is available to all pregnant employees regardless of the hours worked. The amount of maternity pay awarded is dependent upon the employee's length of service.

## 4. Statutory Maternity Pay

- 4.1 To qualify for Statutory Maternity Pay (SMP) an employee must have been employed without a break for at least 26 weeks by the end of the 15<sup>th</sup> week before the expected week of childbirth and have average weekly earnings at least equal to the weekly lower earnings limit for National Insurance contributions. SMP is paid for a period of 39 weeks.

- 4.2 The following link provides DirectGov guidance on [Statutory Maternity Pay](#)<sup>1</sup> .

## 5. Maternity Allowance

5.1 Maternity Allowance (MA) may be available to help an employee take time off to have their baby if they are not eligible to receive SMP (see paragraph 4) from an employer. MA can be paid for up to 39 weeks and is administered by Jobcentre Plus.

- 5.2 The following link provides DirectGov guidance on [maternity allowance](#)<sup>2</sup>.

## 6. Occupational Maternity Pay

### 6.1 Occupational Maternity Pay – Teachers

*Qualification for occupational maternity pay entitlements: If a teacher leaves their school/Haringey employment after the start of the 15<sup>th</sup> week before the week the baby is due, and does not return to work after maternity leave for the relevant qualifying period (i.e. 13 weeks) then they will not be entitled to Occupational Maternity Pay and will qualify for SMP only.*

6.1.1 For teachers who joined Haringey Council or a Haringey School before 1 April 1993, local conditions of service apply:

- Either, 28 weeks full pay plus 11 weeks at the standard rate of SMP; or
- 16 weeks full pay plus 24 weeks at half pay (plus the standard rate of SMP will be paid for 23 weeks of the 24 week half pay period).

6.1.2 For teachers who joined Haringey Council or a Haringey school on or after 1st April 1993 and who have been employed continuously by Haringey or an Haringey school for one year at the beginning of the 11<sup>th</sup> week before the week in which the baby is due, local conditions of service apply:

- Either 14 weeks full pay plus 25 weeks paid at the standard rate of SMP; or
- 8 weeks full pay, plus 12 weeks half pay plus the standard rate of SMP, followed by 19 weeks at the standard rate of SMP

6.1.3 For teachers who do not have one year's continuous service with Haringey or an Haringey school but do have one year's continuous service in Local Government at the beginning of the 11<sup>th</sup> week before the week in which the baby is due, national conditions of service apply:

- 4 weeks full pay followed by 2 weeks at 90% of the weekly salary

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<sup>1</sup> [www.gov.uk/maternity-pay-leave/pay](http://www.gov.uk/maternity-pay-leave/pay)

<sup>2</sup> [www.gov.uk/maternity-allowance/overview](http://www.gov.uk/maternity-allowance/overview)

followed by 12 weeks at half pay and the standard rate of SMP then 21 weeks at the standard rate of SMP

## **6.2 Occupational Maternity Pay - Support Staff**

*Qualification for occupational maternity pay entitlements: Employees must return to work after their maternity leave for the relevant qualifying period (i.e. 3 months).*

*SMP is payable for 39 weeks. It is paid as part of any full pay, and in addition to any half or no pay maternity entitlement.*

6.2.1 For employees who joined the Council before 1 April 1993, local conditions apply:

- Either 28 weeks full pay followed by 11 weeks SMP; or
- 16 weeks full pay and 24 weeks at half pay.

6.2.2 For employees who joined the Council on or after 1 April 1993 and who have been employed continuously by Haringey for one year at the beginning of the 11th week before the week in which the baby is due:

- Either 14 weeks full pay, and 25 weeks SMP; or
- 8 weeks full pay, 12 weeks half pay and 19 weeks SMP.

6.2.3 For employees who do not have one year's continuous service with Haringey but do have one year's continuous service in Local Government at the beginning of the 11th week before the week in which the baby is due, national conditions apply:

- 6 weeks at 9/10ths of a week's pay, plus 12 weeks at half pay, and 18 weeks SMP

## **7. Other contractual payments and deductions**

7.1 Apart from normal salary/wages payments, employees continue to be paid all contractual payments and allowances for the paid (occupational and statutory) part of their maternity leave and all standard deductions will continue to apply.

7.2 If you are in receipt of lump sum car allowance this will be paid in accordance with National terms and conditions of employment for the paid period of your maternity leave up to 52 weeks.

7.3 If an employee has automatic deductions taken out of their salary then they will need to contact the relevant body to arrange for alternative pay methods during any period of unpaid leave i.e. Additional Voluntary Contributions (AVCs) for pension purposes or payments of County Court Judgments.

- 7.4 Contributions to the Teachers' Pension/Local Government Pension fund will cease during unpaid periods of maternity leave. If an employee wishes to continue to pay into the fund during a period of unpaid leave they may elect to pay contributions so that the period of absence will count for pension purposes. For further details, employees should contact their pension provider directly.

## **8. Notification of pregnancy**

- 8.1 Although by law employees are only required to notify their school that they are pregnant and will take maternity leave by the end of the 15<sup>th</sup> week before the expected week of birth, the employee, the line manager, and the school will benefit if the employee shares the news as early as possible before then.
- 8.2 The school has a duty of care to all employees, and appropriate early notice will mean that the line manager will know that the employee is entitled to paid time off for antenatal care and that particular health and safety rules apply, including a risk assessment being undertaken.
- 8.3 The employee must formally arrange to notify the school of her intention to take maternity leave by the end of the 15<sup>th</sup> week before her expected week of childbirth, unless this is not reasonably practicable. She must arrange to confirm in writing:
- That she is pregnant;
  - The expected week of childbirth;
  - The date that she wants to start maternity leave (this date cannot be any earlier than 11 weeks before the expected week of childbirth unless the baby is born early).
- 8.4 The employee must also provide a certificate (usually a MATB1) from a registered medical practitioner or a certified midwife, confirming the expected week of childbirth.
- 8.5 Once this written notification has been received, the school must write to the employee, within 28 days of the notice, confirming the expected date of return if she takes her full entitlement to maternity leave.

## **9. Changing the start date of maternity leave**

- 9.1 Once an employee has notified their school of the date that they wish to start their maternity leave, this date may be changed as long as the school is notified of the new start date either at least 28 days before the date the employee originally intended to start maternity leave or at least 28 days before the new date the employee wants to start maternity leave, whichever is the earlier. It would be helpful if employees could give as much notice as possible.

- 9.2 However, if it is not reasonably practicable (for example if the baby is born early and the employee has to start maternity leave immediately) then the employee is not required to give 28 days notice. In these circumstances the employee should notify the school as soon as possible.

## **10. Antenatal care**

- 10.1 Any pregnant employee has the right to paid time off to attend antenatal care arranged on the advice of a registered medical practitioner, midwife or health visitor. This is subject to the production of an appointment card or other such documentation confirming that an appointment has been made (save for the first appointment, in respect of which this is not required). Time off must take account of any necessary travelling arrangements.
- 10.2 There is no requirement to give paid leave to an employee who wishes to accompany their partner attending antenatal care, though sympathetic consideration should be given to allow employees to use annual leave or flexi leave for example. Expectant fathers, partners of pregnant women, and surrogacy parents have a statutory right take unpaid time off to attend up to two ante-natal appointments with the expectant mother. A request to attend the appointment should be put in writing, confirming that the purpose of the time off is to attend the ante-natal appointment and that they qualify on the basis of their relationship with the mother or child.

## **11. Time off for IVF investigation or treatment**

- 11.1 Although there is no statutory right for employees to take time off work for IVF treatment, employers should treat medical appointments related to IVF the same as any other medical appointment under the terms and conditions of the contract of employment. Employers may agree to flexible working arrangements or a combination of paid, unpaid, or annual leave during the treatment.

## **12. Risk Assessment**

- 12.1 During the employee's pregnancy, the school is required to take into account health and safety risks to the new and expectant mother. The school must carry out an initial risk assessment of the employee's job and working environment, examining any risks that might affect the new and expectant mother or that of her baby. Risks may include:

- Heavy lifting or carrying
- Standing or sitting for long periods without adequate breaks
- Exposure to toxic substances
- Long working hours

- 12.2 The employee should be given a copy of the risk assessment and where a



potential risk is identified, reasonable temporary adjustments will be considered as appropriate. Further assessments should be undertaken if the employees job or working environment changes, or as required as the pregnancy progresses.

## **13. Commencement of maternity leave**

- 13.1 Employees may not commence maternity leave earlier than 11 weeks before the expected week of childbirth. If the baby is born prematurely maternity leave begins automatically the day after the birth.
- 13.2 Maternity leave will normally commence on the date confirmed by the employee in her notification. However, if she has not already started her leave, this will be triggered by the birth of her child or a pregnancy related absence from the beginning of the 4<sup>th</sup> week before the expected week of childbirth. Maternity leave and maternity pay will start on the following day.

## **14. Premature births and miscarriages**

- 14.1 Where a baby is born prematurely, special paid leave arrangements will be granted to cover the period up to the 11<sup>th</sup> week before the expected date of childbirth. The school's normal maternity conditions will apply thereafter.
- 14.2 If the baby dies or is stillborn after 24 weeks' pregnancy the maternity scheme applies, as noted above. Where miscarriage occurs before 24 weeks' pregnancy, sympathetic consideration should be given to the award of special leave.
- 14.3 If the mother dies before the end of her maternity leave or pay period, then her partner will still be able to access shared parental leave in the same way that they would have been able to had the mother curtailed her maternity leave and pay/allowance before her death. The full amount is available (up to 50 weeks shared parental leave and up to 39 weeks shared parental pay) less the number of weeks of maternity leave (or statutory maternity pay or maternity allowance) taken by the mother prior to her death.

## **15. Contact during maternity leave**

### **15.1 Reasonable contact**

- 15.1.1 An employer and employee are encouraged to maintain reasonable contact during maternity leave to discuss issues such as the return to work. The employee should also be informed of other issues such as job vacancies, significant workplace developments and training opportunities. This degree of contact would not constitute 'work'.

## **15.2 Keeping in touch days**

- 15.2.1 A woman can take up to ten days' work during her maternity leave without bringing her maternity leave to an end; these are referred to as "keeping in touch" or "KIT" days. Working for part of the day will count as one day towards this entitlement.
- 15.2.2 Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace. An employer cannot insist that a woman carries out any work and she is protected from suffering a detriment for refusing to do so. Equally, a woman cannot insist on being given any work to do.
- 15.2.3 Maternity Pay regulations state that maternity leave and entitlement to Statutory Maternity Pay must end if a woman works any more than the ten days allowed.

## **15.3 Establishing keeping in touch days**

- 15.3.1 An employee cannot carry out any work during the first two weeks following the birth of the child. However, at any other point during a period of maternity leave the employee and line manager may wish to reach an agreement that keeping in touch days will be worked. The ten-day entitlement can be broken up and taken as individual days, or split into a period of days depending on the activity to be completed and local arrangements. It should be noted that a woman's maternity leave would not be extended due to the fact that she has carried out some work during this period.
- 15.3.2 Keeping-in-touch days help to maintain contact during maternity leave and facilitate an effective re-induction to the workplace.

## **15.4 Pay for work undertaken during maternity leave**

- 15.4.1 An employee will be paid normal pay for the hours worked during keeping in touch days and this will offset against any remaining entitlement to maternity pay for that period.
- 15.4.2 Any work done on a particular day is counted as using one KIT day. For example, if an employee agrees to attend a training course and the course lasts two hours, this is counted as having used one KIT day.

## **16. Re-organisation or redundancy during maternity leave**

- 16.1 If, whilst an employee is on maternity leave, the school is involved in any re-organisation, the employee will be informed and given the opportunity to become involved in the process.

- 16.2 In cases of redundancy, where an employee on maternity leave cannot return to her former job, she is entitled to be offered (before that contract ends) a suitable alternative vacancy, where one is available.
- 16.3 A woman on maternity leave has a special right to be offered a suitable alternative post. Where a group of employees are facing redundancy, a woman taking maternity leave will be offered any suitable vacancy in priority to other employees.
- 16.4 If an employee is offered a suitable alternative vacancy, a trial period will apply, in which she may decide whether the employment is suitable. This period may be extended by written agreement. For further details see the school's policy on restructures and redundancies. The headteacher should seek advice from the school's HR service in such situations.

## **17. Annual leave and maternity leave**

- 17.1 Entitlement to contractual (in the case of support staff) and statutory annual leave (in the case of support staff and teachers) accrues over the whole of the employee's maternity leave period, i.e. during both the paid and the unpaid leave. Statutory annual leave is the employee's entitlement to annual leave under the Working Time Regulations 1998. If the employee is intending to return to work, she may be allowed to take immediately following the end of her maternity leave a proportion of her contractual/ statutory annual leave entitlement for that leave year, subject to the needs of the service.

### **17.2 Annual Leave Entitlement – All year round support staff**

- 17.2.1 In addition to continuing to accrue contractual and statutory annual leave throughout the entirety of their maternity leave, these employees are also entitled to a substitute day's leave for each public holiday that falls during their maternity leave (pro-rata for part time employees). The number of substitute days' leave will be calculated by the school, and the employees are to be allowed to take such leave, either before or after their maternity leave.
- 17.2.2 Where there is not enough time on the employee's return to work before the end of her annual leave year for her to take her remaining annual leave and the leave due to her under clause 16.2.1, she must be allowed to carry over that leave to the next leave year. An employee may be required to take this carried over leave during the remaining periods of school closure after the employee's annual leave entitlement for that leave year has been accommodated. The employee should receive pay for the annual leave carried over.
- 17.2.3 However, outstanding leave should be taken in the leave year of the employee's return to work if there is sufficient time to take it in school closure periods or in term time. Under the Working Time Regulations leave should

be taken in the leave year in which it accrues if possible.

17.2.4 Where employment is continuing, the employee cannot be paid in lieu of untaken statutory annual leave. In general, it is not possible to pay in lieu of statutory annual leave, except on termination of employment.

### **17.3 Annual Leave Entitlement – Term time only support staff**

17.3.1 In addition to continuing to accrue contractual and statutory annual leave throughout the entirety of their maternity leave, these employees are also entitled to a substitute day's leave for each public holiday that falls during their maternity leave (for part time, term time only staff this will be pro-rata). The number of substitute days' leave will be calculated by the school, and the employees are to be allowed to take such leave, either before or after their maternity leave

17.3.2 Annual leave entitlement can be offset by any period of school closure that occurs in the leave year in question i.e. both before and after the maternity leave period.

17.3.2 A term-time only employee should be reminded of her annual leave entitlement and of the policy regarding how this is taken before her maternity leave commences.

17.3.3 If, on a term-time only employee's return from maternity leave, there are insufficient school closure periods to accommodate the employee's outstanding annual leave entitlement (including any leave due to her under clause 16.3.1), the employee must be allowed to take any remaining leave during term time.

17.3.4 Where there is not enough time on the employee's return before the end of her annual leave year for her to take her remaining annual leave and the leave due to her under clause 16.2.1, she must be allowed to carry over her leave to the next leave year. An employee can be required to take this carried over leave during the remaining periods of school closure after the employee's annual leave entitlement for that leave year has been accommodated. The employee should receive pay for the annual leave carried over.

17.3.5 However, outstanding leave should be taken in the leave year if there is sufficient time to take it in school closure periods or in term time. Under the Working Time Regulations leave should be taken in the leave year in which it accrues if possible.

17.3.6 Where employment is continuing, the employee cannot be paid in lieu of untaken statutory annual leave. In general, it is not possible to pay in lieu of statutory annual leave, except on termination of employment.

### **17.4 Annual Leave Entitlement – Teachers**

- 17.4.1 In accordance with the School Teachers Pay and Conditions Documents, annual leave for teachers coincides with those days when the teacher is not required to be available for work (generally periods of school closure) Teachers do not have a contractual entitlement to paid annual leave. Their annual leave year for the purpose of the Working Time Regulations (WTR) runs from 1<sup>st</sup> September to 31<sup>st</sup> August.
- 17.4.2 Teachers are entitled to statutory annual leave under the Working Time Regulations (WTR), currently 28 days, to be taken either before or after the maternity leave period, during school closure periods.
- 17.4.3 Annual leave entitlement can be offset by any period of school closure that occurs in the leave year in question i.e. both before and after the maternity leave period.
- 17.4.4 A teacher should be advised prior to commencing her maternity leave, that she has a statutory entitlement to 28 days' annual leave and that this should be taken either before or after the maternity leave during school closure periods. On her return from maternity leave, a teacher must be allowed to take any outstanding statutory leave during term time during that leave year if there are insufficient school closures to accommodate her leave in that leave year.
- 17.4.5 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 her outstanding statutory annual leave entitlement, a teacher must be allowed to carry over any balance of her leave to the following leave year. A teacher can be required to take this during the remaining periods of school closure after the statutory 28 days' annual leave for that leave year has been accommodated.
- 17.4.6 Where employment is continuing, the teacher cannot be paid in lieu of untaken statutory annual leave. In general, it is not possible to pay in lieu of statutory annual leave, except on termination of employment.

## **18. Returning to work**

### **18.1 The Right to Return**

- 18.1.1 When returning to work after ordinary maternity leave (the first 26 weeks of Statutory Maternity Leave), the employee has the right to the same job and the same terms and conditions as if she had not been absent.
- 18.1.2 When returning to work after additional maternity leave, if it is not reasonably practical for the employee to return to the same job (for example, because the job no longer exists) employees do not have the same right. In that case, the employee should be offered suitable and appropriate alternative work with no less favourable terms and conditions as if she had not been absent.

## **18.2 Returning to work before the end of maternity leave**

- 18.2.1 If the employee wishes to return to work before the end of the full maternity leave period (this will normally be the end date the school confirmed to the employee before maternity leave commenced), the employee must give the school eight weeks' notice of the new return to work date. This notice requirement applies during both ordinary and additional maternity leave.
- 18.2.2 If the employee attempts to return to work earlier than the end of maternity leave without giving the school eight weeks' notice, the school may postpone the return to work until the full eight weeks' notice has been given. However, the school may not postpone the return to work to a date later than the end of the maternity leave period.

## **18.3 Returning to work later than expected**

- 18.3.1 An employee who has notified the school that she wishes to return to work before the end of her maternity leave, as set out in the paragraphs above, is entitled to change her mind. However, in these circumstances she should give the school notice of this new, later, date of return at least eight weeks before the earlier date.
- 18.3.2 If an employee is not well enough to return to work on the expected date then sickness absence must be reported to the headteacher or manager and any necessary certificates provided in the usual way. Appropriate action will be taken in accordance with the School's sickness absence procedure in order to support you back to work as soon as possible.

## **18.4 Not returning to work after maternity leave**

- 18.4.1 An employee who does not wish to return to work after her maternity leave must give the school the notice of termination required by her contract of employment. It will help the school and the manager if the employee gives as much notice as possible.
- 18.4.2 Absence on annual leave, public and privilege holidays, and sickness at full or half pay count towards the notice period.
- 18.4.3 (Duplication of 18.3.2)

## **18.5 Repayment of maternity pay**

- 18.5.1 If an employee does not return to work or does not work the qualifying time period after her return to work as outlined in paragraphs 6.1, and she has received occupational maternity pay in excess of her statutory entitlement, then she will be required to repay the school the occupational maternity pay element of her maternity pay to the school.
- 18.5.2 The employee will not be required to repay statutory maternity pay.

18.5.3 Repayment may be waived in exceptional circumstances at the discretion of the headteacher or other appropriate person.

18.5.4 An employee will not have to repay her maternity pay if she resigns from her school and takes up continuous employment with another Haringey school during the course of, or at the end of her maternity leave.

## **18.6 Breastfeeding Mothers**

18.6.1 Where possible the school will make a room available for breastfeeding mothers to express milk. These arrangements must be made with the headteacher or other nominated person.

## **19. Appraisal**

19.1 All employees participate in the school's performance appraisal scheme and the achievement of stated objectives by an individual over an agreed period might lead to reward, e.g. the award of an increment. It is essential that pregnant employees and those returning from maternity leave must not be disadvantaged. In applying the scheme therefore:

- The period over which targets and objectives are assessed may be reviewed; with an assessment period of less than a year.
- Where practical the manager and employee may complete an assessment immediately prior to commencement of leave where it is known that the absence will span the normal end of year assessment period.

## **20. Shared parental leave**

20.1 If she chooses to do so, an eligible employee can end her maternity leave early and, with her partner or the child's father, opt for Shared Parental Leave instead of Maternity Leave. If they both meet the qualifying requirements, they will need to decide how they want to divide their Shared Parental Leave and Pay entitlement. Further details are contained within the Shared Parental Leave Policy.

## **21. Agency workers and maternity**

21.1 Agency workers who have completed the 12 week qualifying period must not be unreasonably refused time off during working hours to attend appointments for antenatal care, which have been made on the advice of a medical practitioner, a registered midwife or a registered health visitor. Apart from the first appointment, if requested by her employer, the worker must produce a certificate confirming her pregnancy and a document from one of the above, proving that antenatal appointments have been made. Antenatal care

includes classes such as, attending for medical advice, relaxation classes or pre and post birth parenting classes recommended on medical advice.

21.2 Section 11 of this policy “Risk Assessment” shall also apply to pregnant agency workers.

21.3 The duties towards a pregnant agency worker by the school (end user) and the agency are triggered once the worker has notified them that she is expecting or that she has given birth within the last 6 months or she is breast feeding. The agency worker who has completed the 12 week qualifying period will also be entitled to be paid by the agency at the appropriate hourly rate for attending her antenatal appointments.

21.4 Agency workers who have completed the 12 week qualifying period will also have the same rights to accompany a pregnant employee or worker to antenatal appointments described under Section 10.2 of this policy.



# Section 2: Adoption Leave and Adoption Pay

## 1. Introduction

1.1 Children may be adopted by couples who are married, civil partners or unmarried as well as by individuals. Where a couple are jointly adopting they can choose which of them will take adoption leave and pay and the other may take paternity leave and pay. If an individual is adopting they may take adoption leave and pay and their partner may be eligible for paternity leave and pay. This policy also applies to intended parents in surrogacy arrangements, provided they meet the criteria set out below.

## 2. Adoption leave

2.1 Adoption leave can commence from :

- The date the child starts living with the employee or up to 14 days before the expected placement date (UK adoptions)
- When an employee has been matched with a child to be placed with them by a UK adoption agency
- When the child arrives in the UK or within 28 days of this date (overseas adoptions)
- The day the child's born or the day after (intended parents in surrogacy arrangements)

2.2 Employees are entitled to 52 weeks' adoption leave consisting of 26 weeks' ordinary adoption leave and a further 26 weeks additional adoption leave.

2.3 Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

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

## 3. Eligibility for adoption leave

3.1 Employees will be entitled to adoption leave from day one of their employment. No qualifying period of employment is required beforehand.

3.2 To qualify for adoption leave and pay an employee must be 'newly matched' with a child for adoption (including "Foster to Adopt")

arrangements) by an approved adoption agency. Employees should inform the school within seven days of being informed that they have been matched with a child. The employee must provide the school with documentary proof to show that they have a right to paid Statutory Adoption Leave. This is to be satisfied by a matching certificate from the relevant adoption agency. The adoption agency providing the certificate must be recognised in the United Kingdom. Adoption leave and pay is not available in circumstances where the employee:

- Arranges a private adoption
- Becomes a special guardian, foster carer (except in “Foster to Adopt” arrangements or kinship carer
- Adopts a stepchild
- Adopts a family member or stepchild.

3.2 Intended parents in a surrogacy arrangement who are entitled to and intend to apply for a Parental Order under the Human Embryology and Fertilisation Act 2008 may be eligible for adoption leave and pay if each parent meets the normal qualifying conditions.

## **4. Statutory Adoption Pay**

4.1 To qualify for Statutory Adoption Pay (SAP) an employee must have been employed without a break for at least 26 weeks by the week that they are matched with the child and have average weekly earnings at least equal to the weekly lower earnings limit for National Insurance contributions. For intended parents in surrogacy arrangements, the conditions are the same, except to qualify for Statutory Adoption Pay the employee must have been employed without a break for at least 26 weeks by the 15th week before the week the baby is due.

4.2 For the first six weeks the employee will be entitled to 90% of their normal earnings. The following 33 weeks will be paid at the statutory adoption rate. The following link provides DirectGov guidance on [Statutory Adoption Pay](#)<sup>3</sup>.

## **5. Occupational adoption pay**

5.1 For employees who joined the Council before 1st April 1993, and all teachers regardless of start date:

- 24 weeks leave at half pay and 15 weeks at flat rate SMP totaling 39 weeks paid leave from the date of adoption/fostering provided the employee intends to return to work.

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<sup>3</sup> [www.gov.uk/employers-adoption-pay-leave/eligibility](http://www.gov.uk/employers-adoption-pay-leave/eligibility)

5.2 For employees who joined the Council after 1st April 1993 and who have 1 years continuous service with Haringey:

- 12 weeks leave at half pay and 27 weeks paid at the same rate as SMP totaling 39 weeks paid leave from the date of adoption/fostering providing the employee intends to return to work.

5.3 The same requirements as for maternity leave will apply in relation to exercising a return to work and repayments of pay.

## **6. Notification of intention to take adoption leave**

6.1 Adopters must inform the school of their intention to take adoption leave within seven days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. They will need to:

- Tell the school when they want their adoption leave to start
- Provide documentary evidence of their entitlement to adoption leave and pay<sup>4</sup>. This must include:
  - The employee's name and address and that of the agency
  - The match date – e.g. the matching certificate
  - The date of placement – e.g. a letter from the agency.

6.2 For employees who are the intended parent(s) in surrogacy arrangements, at least 15 weeks before the due date, employees must confirm in writing to the school when the baby is due and when they want to start their leave.

6.3 The school must respond to the employee within 28 days confirming the expected date of return if the full entitlement to adoption leave is taken.

6.4 Adopters will be able to change their mind about the date on which they want their leave and (if applicable) adoption pay to start, providing they tell their manager and inform the school at least 28 days in advance, unless this is not reasonably practicable.

## **7. Adoption appointments**

7.1 An employee who has been notified by an adoption agency that a child is to be placed for adoption with them is entitled to take paid time off during their working hours to attend appointments, such as having contact with the child or meeting with the child's social worker or current carer, up to the date of the placement of the child.

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<sup>4</sup> Supplementary information applies to overseas adoptions including; the relevant UK authority's 'official notification' confirming the employee is allowed to adopt; and the date the child arrived in the UK.

- 7.2 Where a couple are adopting jointly, only one of them is entitled to take paid time off.
- 7.3 The person taking paid time off should be asked to sign a declaration that they have elected to exercise the right to paid time off.
- 7.4 The employee is entitled to take time off on up to five occasions for a maximum of 6.5 hours per appointment. This limit applies irrespective of the number of children being adopted as part of the same arrangement.
- 7.5 Appointments must have been made by or at the request of the adoption agency. The school can ask the employee to provide a document showing that this is the case, and giving details of the date and time of the appointment.
- 7.6 Where a couple are adopting jointly, the employee who has not elected to take paid time off to attend appointments can request to take unpaid leave. This is limited to up to two occasions.
- 7.7 Intended parents in a surrogacy case who meet the conditions set out under the Human Embryology and Fertilisation Act 2008 will also have the right to unpaid leave to attend up to two ante natal appointments.

## **8. Contact during Adoption Leave**

- 8.1 Regulations provide that reasonable contact between the school and employee is permitted and will not bring the adoption leave to an end.
- 8.2 The provisions for “keeping in touch” days mirror those set out for maternity leave (up to a maximum of 10 keeping in touch days).

## **9. Return to work after adoption leave**

- 9.1 Adopters who intend to return to work at the end of their full adoption leave entitlement will not have to give any further notification to the school.
- 9.2 Adopters who want to return to work before the end of their adoption leave period must give the school eight weeks notice of the date they intend to return.

# Section 3: Paternity Policy

## 1. Introduction

- 1.1 Paternity leave is available to employees who are either a father to be or will share the responsibility with a partner for bringing up a child. This includes those who are adopting a child (including “Foster to Adopt” arrangements and Parental Order parents in surrogacy arrangements, where the other parent has chosen to take adoption leave).

## 2. Paternity leave

- 2.1 Eligible employees are entitled to take either one week or two consecutive weeks' paternity leave. This leave cannot be taken as odd / individual days and must be taken as a one week or two week block.
- 2.2 Employees must take their paternity leave within 56 days from the date of birth of the child, the first day of the expected week of it's birth, or the date of placement where adopting. Paternity leave cannot start before the birth of the baby.
- 2.3 Only one entitlement to leave is available to employees irrespective of whether more than one child is born as a result of the same pregnancy.

## 3. Eligibility for paternity leave

- 3.1 Employees must satisfy the following conditions to qualify for paternity leave. They must:
- have or expect to have responsibility for the child's upbringing
  - be the biological father of the child or the mother's husband or the mother's partner

## 4. Statutory Paternity Pay

- 4.1 To qualify for Statutory Paternity Pay (SPP) an employee must have been employed without a break for at least 26 weeks by the 15<sup>th</sup> week before the expected week of childbirth and have average weekly earnings at least equal to the weekly lower earnings limit for National Insurance contributions. SPP is paid for a period of two weeks.

4.2 The following link provides DirectGov guidance on [Statutory Paternity Pay](#)<sup>5</sup> .

## **5. Occupational paternity pay**

5.1 For employees who joined the Council before 1st April 1993:

- 10 working days full pay.

5.2 For employees who joined the Council after 1<sup>st</sup> April 1993:

- 5 working days full pay followed by 5 working days SPP.

## **6. Notification of intention to take paternity leave**

6.1 The employee must provide the following information to the school by the end of the 15<sup>th</sup> week before the expected week of childbirth:

- Confirmation of the expected week of childbirth, (supported by a copy of the MAT B1 maternity certificate) or if the birth has already occurred the date of birth (supported by the birth certificate as soon as it is available) or alternatively a completed SC3 form.
- The length of the leave requested.
- The date that they expect their paternity leave to start.
- Confirmation that they will be responsible for the child's upbringing and will be taking time off to support the child's mother or care for the child.

6.2 An employee will be able to change their mind about when they want to start the leave providing that they inform the school and tell their manager at least 28 days in advance (unless this is not reasonably practical).

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<sup>5</sup>[www.gov.uk/paternity-pay-leave/pay](http://www.gov.uk/paternity-pay-leave/pay)

# Section 4: Shared Parental Leave Policy

## 1. Introduction

- 1.1 Shared Parental Leave and Shared Parental Pay allows eligible mothers and adopters to volunteer to end their maternity (or adoption) leave and/or pay early and then share the untaken balance of leave and pay with the child's father or their partner as shared parental leave and pay. This enables eligible mothers, fathers, partners and adopters to choose how to share time off from work during the first year after their child is born or placed.

## 2. Shared parental leave

- 2.1 The mother is obliged to take two weeks compulsory maternity leave immediately following the birth, or placement where adopting
- 2.2 Parents can share the remaining 50 weeks maternity or adoption leave and 37 weeks statutory maternity or adoption pay.
- 2.3 Parents can take shared parental leave at the same time or separately.
- 2.4 Shared parental leave and pay cannot begin any earlier than two weeks after the birth (or placement where adopting) and must be taken within 1 year of the birth or the date that the child was placed with the family (i.e. the day before the child's first birthday or the first anniversary of the placement of an adopted child).
- 2.5 Employees can request leave in a single continuous block (which the school must grant), or to split the leave up into discontinuous blocks (which the school does not have to grant). The employee must provide at least 8 weeks' notice before a block of leave commences. This is known as a "period of leave notice". An employee may submit up to three period of leave notices, so this may enable them to take up to three separate blocks of shared parental leave.
- 2.6 If an employee submits a request for discontinuous leave, the school does not have to agree to the request and will have a two week period to consider the request, during which it may propose alternative dates or refuse the request without proposing alternative dates. If a request for discontinuous leave is declined, then the employee may chose to take the total amount of leave requested in the notice as a continuous block (and may also choose to change the start date, provided at least 8 weeks' notice of the new start date has been given) or withdraw their request and submit an amended one. If an employee withdraws their notice in these circumstances that notice will not count towards their total of three notices.

2.7 This school encourages employees to share their plans for Shared Parental Leave with their manager at as early a stage as possible. This will enable discussions of any difficulties a request for discontinuous leave might give rise to and, where possible, consider alternative solutions that would meet the employee's requirements from the start.

### **3. Eligibility for shared parental leave**

3.1 The eligibility conditions for shared parental leave are that:

- The employee has at least 26 weeks' continuous employment by the end of the Qualifying Week (15 weeks before the expected week of childbirth<sup>6</sup>) and is still in employment by the week before the period of leave is to be taken
- The other parent must have worked in the UK (which includes self-employment) in at least 26 of the 66 weeks before the expected week of childbirth (or matched for adoption) and had average earnings of at least £390 in total in 13 of the 66 weeks (not necessarily continuously).

### **4. Shared Parental Pay**

4.1 Dependent upon length of continuous service a mother (or adopter) is entitled to maternity or adoption pay for up to 39 weeks. If this person gives notice to reduce their entitlement before they have received it, then any remaining weeks could become available to their partner as shared parental pay.

4.2 The rate for Shared Parental Pay is determined annually by the government. It is set at the same amount as Statutory Maternity Pay. The following link provides DirectGov guidance on [Shared Parental Pay \(ShPP\)](#)<sup>7</sup>. ShPP is paid at the current rate or 90% of average weekly earnings, if this is lower.

### **5. Notification of intention to take shared parental leave**

5.1 The employee or their partner can only start shared parental leave once the child has been born or adopted and the statutory minimum maternity leave or

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<sup>6</sup> An employee who is adopting (including "Foster to Adopt arrangements), or who is the partner of an adopter, meets the continuity of employment test if he or she has been continuously employed by you for 26 weeks in the week in which the adopter is notified of having been matched with a child for adoption, and is still employed by you in the week before any shared parental leave is due to start. For a parental order parent in a surrogacy arrangement, the continuity of employment test is the same as that which applies to birth parents.

<sup>7</sup> [www.gov.uk/shared-parental-leave-and-pay/what-youll-get](http://www.gov.uk/shared-parental-leave-and-pay/what-youll-get)



statutory minimum adoption leave has ceased. The mother or adopter must have returned to work, or given notice to curtail their maternity or adoption leave.

- 5.2 The employee (whether it is the mother/adopter or their partner) must provide notification that they are eligible for shared parental leave and/or statutory shared parental pay and that they intend to take this entitlement. They should also provide a copy of the child's birth certificate, where adopting either the matching certificate or placement letter from the agency and in surrogacy arrangements, the Parental Order.
- 5.3 This notice of entitlement must be given at least 8 weeks before any shared parental leave or pay can be taken and include details of:
  - Start and end dates (or expected start and end dates) of the mother's maternity leave
  - The child's expected week of birth (or placement date)
  - The number of weeks that the mother or adopter has taken as maternity or adoption leave (or will have taken, where notice has been given to curtail the leave and pay on a specific future date)
  - How much shared parental leave and pay each of the parents intends to take (this can be changed at a later date and the full allocation does not need to be used).
  - How much Statutory Shared Parental Pay (ShPP) is being claimed (which will be 39 weeks less the amount of statutory maternity pay claimed).
  - How much ShPP will be claimed by each parent (this can be changed at a later date and the full allocation does not need to be used).
  - What will be the start and end dates for each period of the shared parental leave that the employee intends taking.
  - This notice must include a declaration from the employee's partner stating that they meet the statutory conditions for entitlement to shared parental leave and pay.
  - They should provide details of their name, address and National Insurance number, and also state that he or she gives their consent to our employee taking shared parental leave and/or pay and agreement that to process information provided by them.
- 5.4 Having given this notice of entitlement, the employee will need to give a period of leave notice finally confirming the requested start and end date of their leave at least eight weeks in advance of the requested start date. The period of leave notice can be given at the same time as the entitlement notice, or it can be given later, so long as the required notice is given.
- 5.5 The school must advise the employee in writing of the end date of any period of SPL. The employee is expected to return on the next working day after this date. If they are unable to attend work due to sickness or injury, the school's normal arrangements for sickness absence will apply.

## **6. Changing shared parental leave plans**

- 6.1 Leave arrangements that have been notified can be changed where agreed by both parents through a notice to vary the agreed leave. 8 weeks' notice must be given. An employee can give notice to end a period of leave earlier or later than previously notified, or to aggregate a number of discontinuous weeks into a single block or request that a single period of continuous becomes discontinuous periods using a variation notice.
- 6.2 A notice to vary agreed leave counts towards the statutory cap of 3 period of leave notices.
- 6.3 There is no requirement to give 8 weeks' notice if the employee is changing the dates of their shared parental leave because the child has been born earlier or later than expected and the employee wanted (and still wants) to start their shared parental leave a certain length of time (up to 8 weeks) after the birth. The variation will not count as one of the employee's three period of leave notices where it is as a result of the child being born earlier or later than expected.

## **7. Shared parental leave in touch days**

- 7.1 The employee can agree to work or 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. These are known as "Shared Parental Leave In Touch" (SPLIT) days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes and the employee will receive full pay for any day worked. The shared parental leave period is not extended due to SPLIT days being taken during this period. Where the employee is the mother, this is in addition to any KIT days that may have been taken during maternity leave.

## **8. Terms and conditions during shared parental leave**

- 8.1 The contract of employment does not change and employees are entitled to receive all their contractual benefits, except for salary. Any staff benefits continue and contractual annual leave and sickness payment entitlement continues to accrue.
- 8.2 Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid shared parental leave. Employee contributions will be based on actual pay, while the organisation's contributions will be based on the salary that the employee would have received had they not been taking shared parental leave.

## **9. Returning to work**

- 9.1 The same rights to return to work will apply as per maternity leave: each parent will have the right to return to the same job if they have taken not more than 26 weeks shared parental leave; if they have taken more than 26 weeks shared parental leave, they will have the right to return to the same job as far as reasonably practicable or to a suitable alternative.

# Section 5: Parental Leave Policy

## 1. Introduction

- 1.1 The aim of parental leave is to allow employees the opportunity to take time off to care for a child. Reasons why an employee may wish to take unpaid parental leave may include wanting to:
- Spend more time with his or her young child and achieve a better balance between their work and family commitments;
  - Be with the child during the initial stages of new childcare arrangements;
  - Help integrate their child into a new school.

## 2. Eligibility for parental leave

- 2.1 Parental leave can also be granted to others with parental responsibilities including foster parents, adoptive parents prior to placement, grandparents with a significant parenting role, special guardianship and step-parents.
- 2.2 To qualify for parental leave, the employee must:
- have been employed by the school for more than a year
  - have been named on the child's birth or adoption certificate or expect to be named
  - not be self-employed or a 'worker', e.g. an agency worker or contractor
  - not be a foster parent (unless they've secured parental responsibility through the courts)
  - want to take the leave in respect of a child who is under 18

## 3. Notification of parental leave request

- 3.1 The employee must make every attempt to give the school as much notice as possible with a minimum of 21 days' notice in writing before the day on which they propose to take the leave.
- 3.2 Parental leave may be granted to employees who have not given the required notice in special circumstances at the discretion of the headteacher.
- 3.3 Every attempt will be made by the school to avoid postponement. In any event leave shall not be postponed for more than three months, apart from exceptional circumstances, and cannot be where employees in the particular circumstances outlined below have requested parental leave:

## **4. Amount of parental leave**

- 4.1 The statutory right of employees to parental leave is a maximum of 18 weeks' unpaid leave. The entitlement for parental leave applies for each child and can be taken up to their 18<sup>th</sup> birthday. The maximum amount of parental leave that may be taken in any one year in respect of a child is four weeks' parental leave in blocks of not less than one week, except where the child is disabled, in which case it may be taken one day at a time.

## **5. Postponing parental leave**

- 5.1 The taking of parental leave may be postponed in circumstances where there is a good business reason for doing so, for example the school/service would be unduly disrupted if the employee took leave during the period identified in his/her notice.
- 5.2 In this case, the school must permit the employee to take a period of leave of the same duration and beginning on a date determined in consultation with the employee no later than three months after original start date notified. Managers should discuss the request for leave with the employee with a view to coming to agreement over an alternative. This could be:
- A different pattern of leave – e.g. part time rather than full time.
  - A shorter or longer period of leave.
  - Alternative dates within the three-month period.
- 5.3 Following consultation and not more than seven days after the employee's notice was given to the school, the manager must give the employee notice in writing of the postponement, which states the reason for it and specifies the date on which the agreed period of leave will begin or end.
- 5.4 Parental leave will not be postponed by the school if it is being taken by the father or partner immediately after the birth or adoption of a child or if it would mean that an employee would no longer qualify for parental leave (e.g. postponing until after the child's 18<sup>th</sup> birthday).
- 5.4 The school shall be sympathetic to flexible parental leave-taking arrangements requested by employees subject to the needs of the services provided to students and the smooth running of the school. Parental leave may be taken:
- As a single block of 18 weeks
  - As a number of shorter periods of a minimum of half day
  - In patterns which provide a part time or reduced hours working arrangement for a period of time equivalent to taking 18 weeks as a single block.