



**Education
Partnership
Trust**

Creating outstanding schools
which transform learning, lives
and communities

MATERNITY AND PATERNITY POLICY

DOCUMENT CONTROL

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1.0 INTRODUCTION

1.1 The Work and Families Act 2006 has replaced a number of provisions in the Employment Act 2002 and sets out the basic rights to maternity leave and pay. The Act amends the Employment Rights Act 1996 and the Social Security Contributions and Benefits Act 1992. The detail of the rights is mainly set out in the Maternity and Parental Leave (Amendment) Regulations 2002 and The Social Security, Statutory Maternity Pay and Statutory Sick Pay (Miscellaneous Amendments) Regulations 2002. This policy has been drafted to ensure these requirements are met, whilst adhering to the national terms and conditions as outlined in the Burgundy Book and the School Teachers' Pay and Conditions Document, and the NJC Green Book national agreement on pay and conditions of service. This scheme will assist the Trust to:

- further meet the diverse needs of its workforce, ensuring equal and fair treatment is given to all employees; attract and retain skilled employees, by becoming an employer of choice; improve working lives
- manage and reduce sickness absence; meet legislative requirements

2.0 SCOPE

2.1 This policy applies to all employees where the Education Partnership Trust is the employer.

3.0 ROLES & RESPONSIBILITIES

- 3.1 **Employee** – You should notify the school in line with section 8 that you wish to take maternity leave.
- 3.2 **Headteacher (or nominated person)** – You must consider any health and safety implications and arrange for a workplace risk assessment to be carried out.
- 3.3 You should forward any relevant correspondence/forms regarding maternity pay and leave to HR.

Definitions

- 3.4 **Childbirth** – In this policy childbirth means the live birth of a child, or a still-birth after a pregnancy lasting at least 24 weeks.
- 3.5 **Continuous Service for OMP** – You must have completed at least 1 year's continuous service as an employee with one or more LAs.
- 3.6 **Continuous Service for SMP** – You must have at least 26 weeks' continuous the service with your current employer at the 15 weeks before the EWC to qualify for SMP.
- 3.7 **EWC** – The week, starting on a Sunday, during which the employee is expected to give birth.
- 3.8 **Keep in Touch Days** – Up to ten days' paid work during either ordinary or additional maternity leave.
- 3.9 **EPT/Trust** – Education Partnership Trust.

- 3.10 **Manager** – This could be a Headteacher, Deputy Headteacher, Chair of Governors, or another nominated person.
- 3.11 **MA** – Maternity Allowance.
- 3.12 **OML** – Ordinary Maternity Leave.
- 3.13 **AML** – Additional Maternity Leave. **OMP** – Occupational Maternity Pay.
- 3.14 **OMP & A Week's Pay** – For the purposes of occupational pay, a week's pay shall be treated as the amount payable to you under your current contract of employment. If there are significant variations in your salary, the average salary over the 12 weeks preceding the date of absence shall be treated as a week's salary.
- 3.15 **Reasonable Contact** – This can be in the form of telephone, by e-mail, by letter, visits through mutual agreement and will vary according to circumstances. Such agreements should be arranged between the Headteacher/Manager and employee prior to the start of the maternity leave.
- 3.16 **SMP** – Statutory Maternity Pay
- 3.17 **SMP & A Week's Pay** – If there are variations in your salary, your earnings are assessed over an 8-week period, this period is determined by HMRC. For further guidance please contact your HR and payroll provider.

4.0 TIME OFF FOR ANTENATAL CARE

- 4.1 Regardless of your length of service, you are entitled to paid time off for antenatal care. However, you must be prepared to show evidence of appointments if requested. Time off will be granted on the basis of actual time required to attend the appointment. If practicable, you must attend work prior to your appointment and return afterwards.

5.0 EXPECTANT FATHERS

- 5.1 Regardless of your length of service, from 1 October 2014 if your wife, partner or Civil partner is expecting a child you will be entitled to unpaid time off to attend two ante-natal appointments with them during their pregnancy. As with mothers-to-be attending ante-natal appointments, you must be prepared to show evidence of appointments if requested. Time off will be granted on the basis of actual time required to attend the appointment. If practicable, you must attend work prior to their appointment and return afterwards.

6.0 MATERNITY LEAVE ENTITLEMENT

Ordinary Maternity Leave	Regardless of your length of service, you will be entitled to 26 weeks' ordinary maternity leave.
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Additional Maternity Leave	Regardless of your length of service, you will be entitled to 26 weeks' additional maternity leave.
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Your maternity leave may commence no earlier than 11 weeks before the EWC or from the time of childbirth if this is earlier.

7.0 NOTICE OF INTENTION TO TAKE MATERNITY LEAVE

7.1 You can tell your Headteacher or Manager that you are pregnant as soon as you want to. However please see section 3 above in respect of health and safety at work considerations. In all circumstances you should notify your manager in line with your contract of employment and by at least the end of the 15th weeks before the EWC, or as soon as this is reasonably practical. This can be before you have decided when to take your maternity leave. You will need to tell your Headteacher/Manager if you want to take paid time off for antenatal appointments.

7.2 You must notify your Headteacher/Manager in writing of the following:

- that you are pregnant;
- your expected week of childbirth;
- when you wish to start your leave, which cannot be earlier than the 11 week before your EWC;
- that you intend to return to work with a recognised employer - if this is your intention;
- you must also forward your MATB1 certificate as soon as it is practicable. Once your notification has been received by you should receive a response within 28 days, stating your expected date of return from maternity leave. Please contact your payroll provider for exact time scales. Employees will be entitled to 52 weeks' leave from the start of your maternity leave. If you wish to change the date on which you will start your maternity leave you must give notice in line with your contract of employment, or as much notice as is reasonably possible, of the new date.

8.0 EARLY BIRTHS AND PREGNANCY RELATED ABSENCES.

8.1 If your baby is born before the date you notified or before any notification has been provided, your maternity leave period starts automatically from the day after childbirth and you must provide your Headteacher/Manager with notification as soon as possible. If your maternity leave has not already started it will be triggered by the birth of your child, or by pregnancy-related absence the from the beginning of the 4 week before the EWC. In both these situations, you should notify your Headteacher/Manager, who will inform your payroll provider that you have given birth or that you are absent wholly or partly because of your pregnancy, giving the date your absence began or the date your baby was born.

9.0 OTHER ABSENCES

9.1 If in the early months of pregnancy you are advised by an approved medical practitioner to be absent because of the risk of rubella, provided that you do not unreasonably refuse to serve in another suitable position or location, where there is no such risk, you will be granted leave with full pay.

10.0 MATERNITY PAY

Conditions of Service for School teachers in England and Wales (Burgundy Book & School teachers' Pay and Conditions Document)

	Less than 26 weeks' service at the 15th week before the EWC with current employer	At least 26 weeks service at the 15 th week before the EWC with current employer
Less than 1 year's continuous service as a Teacher with one or more LAs	Table A	Table B
At least 1 year's continuous service as a Teacher with one or more LAs	Table C	Table D

A. Teachers with less than 26 weeks' continuous service with their current employer at the 15th week before the EWC:

Weeks 1-39	Unpaid, however you may be eligible for Maternity Allowance from the Benefits Agency
Weeks 40-52	Unpaid.

B. Teachers with at least 26 weeks' continuous service with their current employer at the 15 week before the EWC, but less than 1 year's continuous service at the 11 week before the EWC as a Teacher with one or more LAs:

Weeks 1-6	9/10 th of a week's pay (offset against SMP or MA if eligible)
Weeks 7 – 39	SMP or MA if eligible
Weeks 40 - 52	Unpaid

C. Teachers with less than 26 weeks' continuous service with their current employer at the 15th week before the EWC, but at least 1 year's continuous service at the 11th week before the EWC as a Teacher with one or more LAs:

Weeks 1 – 4	Full pay (offset against MA, if eligible).
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Weeks 5-6	9/10 th of a week's salary (offset against MA if eligible)
Weeks 7- 18	1/2 pay plus maternity allowance and any dependents' allowances, (except to the extent which this exceeds full pay).
Weeks 19-39	MA if eligible
Entitlement to further unpaid leave	Please refer to section 6 occupational leave

D. Teachers with at least 26 weeks' continuous service with their current employer at the 15th week before the EWC, and at least 1 year's continuous service at the 11th week before the EWC as a Teacher with one or more LAs:

Weeks 1 – 4	Full pay (offset against SMP or MA if eligible).
Weeks 5-6	9/10 th of a week's salary (offset against SMP or MA if eligible)
Weeks 7- 18	1/2 pay plus SMP or MA (except to the extent to which the combined pay and SMP or MA, exceeds full pay).
Weeks 19-39	SMP or MA if eligible
Weeks 40-52	Unpaid

If you are not intending to return to work with the Trust or School, you will not receive the occupational pay during weeks 7-18.

If you have received the 12 weeks' occupational pay and you are not available, or are unable, to return to work with the EPT for the required period of at least 13 consecutive calendar weeks (including periods of school closure), you will undertake to repay the 12 weeks' occupational pay received during weeks 7-18.

11b. NJC for Local Government Services (Green Book)

For employees with less than 26 weeks continuous local government service at the week before the EWC:

Weeks 1-52	Unpaid, however you may be eligible for Statutory Maternity Allowance for weeks 1-39 from the Benefits Agency.
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For employees with at least 26 weeks continuous local government service at the 15th week before the EWC but less than one year's service at the 11th week before EWC:

Weeks 1-6	9/10 th of a weeks pay (offset against SMP or SMA if eligible)
Weeks 7-39	SMP
Weeks 40-52	Unpaid.

For employees with at least 26 weeks continuous local government service at the 15th week before the EWC but more than one year's service at the 11th week before EWC:

Please note: You must have at least 26 weeks service with the Education Partnership Trust at the 15th week before the EWC to qualify for SMP.

Weeks 1-6	9/10 th of a weeks salary (offset against SMP or MA if eligible)
Weeks 7-18	½ pay plus SMP or MA (except to the extent to which the combined pay and SMP, or MA and any dependents' allowance exceeds full pay).
Weeks 19-39	SMP or MA if eligible.
Weeks 40-52	Unpaid.

11.0 CONTACT DURING MATERNITY LEAVE

- 11.1 The Trust or your school will maintain reasonable contact with you from time to time during your maternity leave and shortly before commencing your leave your Headteacher/Manager should discuss arrangements for keeping in touch with you. This may be to discuss your plans to return to work or to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.

12.0 'KEEPING-IN-TOUCH' DAYS

- 12.1 Except during the first two weeks after childbirth you can mutually agree with your Headteacher/Manager to work for up to 10 days during either your ordinary maternity leave or additional maternity leave without it affecting your maternity leave or maternity pay. Such work will be paid at your normal contractual rate with any maternity pay being offset against this.
- 12.2 The Trust or your school has no right to require you to carry out any work and similarly you have no right to undertake work during your maternity leave. Any work undertaken including the amount of hours to be paid is entirely a matter for agreement between you and the Trust or your school.

13.0 RIGHT TO RETURN TO WORK

- 13.1 If you resume work following either ordinary or additional maternity leave, then you are entitled to return to the same job on the same terms and conditions as if you had not been absent.
- 13.2 In exceptional circumstances, where it is not practicable by reason of redundancy for you to return to your post, you will be offered a suitable alternative vacancy where one exists, provided:
- the work to be carried out is suitable and appropriate to the circumstances; and
 - the capacity and place in which you are to be employed and your terms and conditions of employment are not substantially less favourable to you than if you had returned to the post in which you were originally employed. If you are offered a suitable alternative vacancy and you decide not to take that vacancy you may have to repay your occupational maternity pay.

14.0 RETURNING TO WORK AFTER MATERNITY LEAVE

- 14.1 We will assume that you will be returning to work at the end of your additional maternity leave period. If you wish to return earlier, you must notify the Trust or your school in writing providing notice in line with your contract of employment before the day on which you propose to return. Where the notice is less than your contract of employment your School may postpone the return to ensure contractual notice but not beyond the end of the maternity leave period.

NB: Contractual notice – e.g. Green Book (8 weeks'), Teachers (21 Calendar days') Your Headteacher will copy your letter to their payroll provider.

- 14.2 You should note however, that you are not permitted to return to work for a period of two weeks which commences with the day on which childbirth occurs.

- 14.3 If you are considering returning on a part time basis you should discuss this with the LA or your school as soon as you can. Where the Trust (or your school) agrees, you may if your previous hours were full time, return to work on a part time basis for a period which equates to 13 weeks of full-time service. Similarly, where agreement is reached you may, if your previous hours were part time return to work on a different part time basis for a period which equates to 13 weeks' part time service.
- 14.4 The 13 weeks' period (or part time equivalent) starts from the date you return to work or the date during the school holiday on which you are declared medically fit to be available to work.

Transfer of maternity leave

- 14.5 If an employee proposes to return to work from maternity leave by giving proper notification in accordance with the rules set above, his or her spouse, civil partner or partner may be eligible to take up to 26 weeks' additional paternity leave (and additional statutory paternity pay) on his or her return to work.
- 14.6 The earliest that additional paternity leave may commence is 20 weeks after the date on which the employee's child is born and it must end no later than 12 months after the date of birth. The minimum period of additional paternity leave is two consecutive weeks and the maximum period is 26 weeks. The employee must therefore have at least two weeks of her maternity leave that remains unexpired.
- 14.7 Further details should be obtained from the employee's spouse or partner's employer. The employee returning to work will be required to submit a written and signed declaration form to her/his spouse, civil partner or partner's employer, which may also make additional enquiries to verify its employee's entitlement to additional paternity leave and pay.

15.0 NOT RETURNING FROM MATERNITY LEAVE

- 15.1 If you are not returning to work after your maternity leave, you must give notice in line with your contract of employment.

16.0 DEATH OF A BABY AND STILL BIRTH

- 16.1 If the baby dies or is still born after 24 weeks' pregnancy, this policy will apply. Where this occurs before 24 weeks (miscarriage), sympathetic consideration will be given to the circumstances and where appropriate special leave or sick leave may be granted.

17.0 TERMS AND CONDITIONS OF EMPLOYMENT

- 17.1 The contract of employment continues throughout the whole period of your maternity leave unless either party expressly ends it, or it expires. However, during your maternity leave period, you will have no right to continue to receive remuneration (monetary salary or wages).
- 17.2 If you are a member of the Local Government Pension Scheme or the Teachers' Pension Scheme, you should seek advice from your pension provider with regard to effects on your pension whilst on maternity leave.

18.0 PATERNITY LEAVE

Ordinary paternity leave

- 18.1 Employees who meet certain qualifying conditions have a statutory right to take two weeks' paid paternity leave, known as Ordinary Paternity Leave (OPL), on the birth or adoption of a child for which they have or expect to have responsibility.

Qualifying conditions – following the birth of a child

- 18.2 In order to take OPL after the birth of a child, an employee must:
- have at least 26 weeks' continuous service by the end of the 15th week before the Expected Week of Childbirth (EWC);
 - be the child's biological father and have, or expect to have, responsibility for the child's upbringing; or
 - be the spouse or partner or civil partner of the mother and have, or expect to have, the main responsibility for the child's upbringing, apart from the responsibility of the mother (same-sex partners are eligible);
 - have formally notified the Headteacher of his or her intention to take OPL; and
 - be willing to provide documentary evidence of his or her right to take OPL if required to do so (e.g. Birth Certificate)

Qualifying conditions – following the adoption of a child

- 18.3 In order for an adoptive parent (who is not taking Statutory Adoption Leave (SAL) or the partner of an adoptive parent) to be entitled to take OPL to care for a child adopted in the UK, he or she must:
- have at least 26 weeks' continuous service by the end of the week in which he
 - or she is formally informed by an approved adoption agency that he or she (or his or her partner or civil partner) has been matched with a child for adoption;
 - be the joint adopter of the child or be married to, or the partner or civil partner of, the adopter and have, or expect to have, the main responsibility for the child's upbringing, apart from the responsibility of the adopter;
 - have formally informed the Headteacher of his or her intention to take OPL; and
 - be willing to provide documentary evidence supporting his or her right to take OPL if required to do so (e.g. evidence of parental responsibility, Matching Certificate (for UK adoption), official notification of placement (overseas adoption))
- 18.4 Slightly different rules apply if the child is being adopted from overseas. In this case, the adoptive parent must have at least 26 weeks' continuous service and this must:
- end with the week in which the adoptive parent receives notification from the relevant domestic authority; or
 - commence with the week in which the adoptive parent's employment began.
- 18.5 The latter criteria take into account the fact that notification of the placement may have been obtained some time before the child enters the UK and the employee may have changed employers during that time.

Period of leave

18.6 The following rules apply for the period of OPL:

- OPL is for a maximum of 2 weeks.
- Employees can choose to take either 1 week or 2 consecutive weeks.
- Leave cannot be taken in units of odd days.
- If an employee elects to take only 1 week's leave, he or she may not take a further week's leave at a later stage.
- The leave may begin on any day of the week, which may include the day on which an employee's child is born or adopted.
- The length of OPL is unaffected by multiple births or if more than one child is adopted as part of the same placement.
- OPL must be taken within 56 days of the birth of a child or, in the case of adoption, within 8 weeks of the child's placement.
- If the baby is born prematurely the employee may take OPL at any time from the actual date of birth up to the end of a period of 8 weeks after the week the birth was expected.
- OPL should be taken after the baby is born. So where the baby is born after the date the employee notified the Trust that he or she wanted the OPL to commence, the employee must delay the start of the leave until the baby is actually born.

18.7 An employee is still entitled to take OPL in instances where:

- a child is stillborn, provided that the mother had reached her 24th week of pregnancy; or
- a child has been placed for adoption and a disruption occurs to the placement (e.g. the child is returned to the adoption agency).

Notification requirements – following the birth of a child

18.8 In order to take OPL after the birth of a child, an employee must notify the Headteacher of his or her intention to take OPL by the end of the 15th week before the mother's EWC, or as soon as is practicable thereafter.

Notification requirements – following the adoption of a child

18.9 In order to take OPL after the adoption of a child in the UK, the employee must notify the Headteacher of his or her intention to take OPL no later than 7 days after the date on which notification was received from the adoption agency of the match with the child.

18.10 If the child is being placed from abroad, the employee must notify the Headteacher, in writing, of:

- the date the adoptive parent received official notification of the placement; and
- the date on which the child is expected to enter the UK.

18.11 This notification must be done within 28 days of the adoptive parent receiving the official notification of the placement, or within 28 days of the employee completing 26 weeks' continuous service (whichever is later). The employee must give at least 28 days' notice of the date on which OPL is to start. They must also inform the Headteacher, in writing, of the date that the child entered the UK,

within 28 days of the child's date of entry, and provide documentary evidence (e.g. a plane ticket) to confirm the child's arrival.

Commencement of OPL

- 18.12 As long as the employee takes his or her entitlement to one or two weeks of OPL within 56 days of the birth or adoption of the child, he or she can choose when to start the leave. In general, OPL starts on the date specified in the employee's notice.
- 18.13 In the case of birth, an exception to this is when the employee chooses to start his or her OPL on the day the baby is born and he or she is at work on that date. In such a case, the leave would start the next day. It is not possible for prospective fathers or partners to take OPL before the birth of a baby.

Variation of start date

- 18.14 If, having provided notification of his or her intention to take OPL on a specified date, the employee wishes to change the start date, he or she must give the Headteacher at least 28 days' notice as to the revised start date unless this is not reasonably practicable. Notice of the variation should be given as soon as possible and must be in writing.

Further notice

- 18.15 In all cases, once the baby has been born or the child has been placed for adoption, the employee must inform the Headteacher, in writing, of the date of birth or placement.

Ordinary Statutory Paternity Pay (OSPP)

- 18.16 To be eligible for Ordinary Statutory Paternity Pay (OSPP), the employee's average weekly earnings over a certain 8-week period must not be less than the lower earnings limit for National Insurance contributions. Employees who earn less than this limit may still take OPL, but they are not entitled to receive OSPP.
- 18.17 For those who qualify, OSPP is paid at a flat rate (the standard rate of Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP) or 90% of the employee's average weekly earnings, whichever is the lesser amount.

Rights during OPL

- 18.18 An employee's contract of employment continues in full throughout the period of OPL with the exception of normal remuneration.

Right to return after OPL

- 18.19 An employee returning to work after either 1 or 2 weeks' OPL has the right to return to the job they held immediately before their leave began, on the same terms and conditions of employment.
- 18.20 After a period of 1 or 2 weeks of OPL there is no requirement for the employee to give notice of his or her return date.

NOTE: Where an employee is also entitled to Maternity Support Leave (MSL) under national conditions of service, the employee would be entitled to MSL of 1 week at full pay and 1 week OPL paid at the OSPP rate stated above.

19.0 ADDITIONAL PATERNITY LEAVE

- 19.1 The new right to Additional Paternity Leave (APL) became law in April 2010. It is effective in relation to parents of babies born on or after 3 April 2011 or notified as being placed for adoption (or for overseas adoptions, where a child has entered the UK) on or after 3 April 2011.
- 19.2 The minimum period of APL is 2 weeks and the maximum period is 26 weeks.
- 19.3 The right to APL is in addition to the entitlement to 2 weeks' OPL.

Qualifying conditions

- 19.4 Employees will be entitled to 26 weeks' APL for the purpose of caring for a new-born child or a newly adopted child if all of the following criteria apply:
- the child was born or adopted on or before 5 April 2015;
 - the child's mother has ended her Statutory Maternity Leave and has stopped receiving SMP or Maternity Allowance (MA), or the adopter has ended his or her Statutory Adoption Leave and has stopped receiving SAP;
 - the employee has 26 weeks continuous service by the end of the 15th week before the EWC or by the end of the week in which the child's adopter is notified of having been matched with the child and is still employed by the School. For overseas adoptions, the qualifying week is the later of either the week official notification was received or the week the employee completed 26 weeks' continuous employment before the child entered the UK;
 - the employee has responsibility for the upbringing of the child; the employee is:
 - the biological father of the child; or married to, the partner of, or civil partner of the child's mother but not the child's biological father;
 - married to, the partner of, or the civil partner of the child's adopter; or part of a couple who has adopted a child jointly but who has not taken Statutory Adoption Leave (i.e. because his or her partner has);
 - the employee has produced evidence of his or her entitlement to APL, using the application form at Annex 2 of the Policy; and the employee has given notice in accordance with the notification requirements for taking APL.
- 19.5 For overseas adoptions, the employee must also have received official notification relating to the adoption.

Additional Statutory Paternity Pay

- 19.6 Additional Statutory Paternity Pay (ASPP) is calculated in the same way and paid at the same rate as OSPP (see 'Ordinary Statutory Paternity Pay (OSPP)' information above).
- 19.7 In addition to satisfying the points above in relation to being entitled to take APL, the following conditions must also be met in order for an employee to be entitled to ASPP:
- the employee must have been eligible for OSPP;
 - the child was born or adopted on or before 5 April 2015;
 - the child's mother or adopter must have been entitled to SMP, SAP or MA;
 - the child's mother or adopter must have at least 2 weeks' entitlement to SMP, SAP or MA remaining (from the 39 weeks' paid maternity or adoption leave period) prior to the start of the ASPP period. The number of weeks for which

- ASPP will be paid to the employee will depend on the number of weeks of SMP, SAP or MA remaining; and
- the employee's average weekly earnings over a certain period are not less than the lower earnings contribution limit for National Insurance purposes.

19.8 An employee will be entitled to 26 weeks' unpaid APL if he or she fails to satisfy the ASPP conditions.

Period of Leave

19.9 The following rules apply for the period of APL:

- The minimum period of APL will be 2 weeks.
- The maximum period of APL will be 26 weeks (see 'Note' below).
- The APL period for a newborn child must start after the child is 20 weeks old and end before the child's first birthday.
- For UK adoptions, the APL period must start after the 20th week of the child's adoption and end before the first anniversary of the child's adoption. Where a child is adopted from overseas, the APL period must start after the 20th week of the child entering the UK and end before the first anniversary of the child entering in the UK.
- There may be a gap between the end of the statutory maternity or adoption leave period and the beginning of the APL period.
- The length of APL is unaffected by multiple births or if more than one child is adopted as part of the same placement.

NOTE: The APL period will be extended beyond 26 weeks if the child's mother or adopter dies before the child's first birthday or during the first year of the child's adoption.

Notification requirements for taking APL

19.10 Employees are required to give a minimum of 8 weeks' notice of their intention to take APL.

19.11 The employee's entitlement to APL will be confirmed as soon as possible by HR, but in any event no later than 28 days after the employee's request has been received.

19.12 When giving notice of intention to take APL, employees must provide the following:

- a leave notice setting out the EWC and actual date of the child's birth (or the date they were notified of being matched for adoption or received official notification, and the actual date of placement or date the child entered the UK), and the start and end date of the employee's chosen period of APL;
- an employee declaration confirming that the purpose of the APL is to care for the child, that the employee is either the child's father or is married to or is the partner or the civil partner of the child's mother or adopter and that, beside the mother or adopter, they will have the main responsibility for bringing up the child or have been matched for adoption with the child. The employee declaration must be signed;
- a mother declaration — a written declaration by the child's mother or adopter which sets out their name and address and National Insurance number and the date on which they intend to return to work. It must also confirm that the employee proposing to take APL has the status set out in the employee declaration and is the only person exercising the right to APL in respect of the child. The child's mother or adopter must also confirm that the information provided may be processed by the Trust; and
- the name and address of the mother's or adopter's employer and a copy of the child's birth certificate (or in the case of an adopted child, notification from the adoption agency, including the name and

address of the agency, the date on which he or she was notified of having been matched with the child and the date on which the agency was expecting to place the child for adoption. In the case of an overseas adoption, official notification relating to the adoption from the relevant domestic authority must be provided and documentation proving that the child entered the UK.)

- 19.13 An employee is permitted to bring forwards his or her APL start date, provided that he or she advises the School in writing at least 6 weeks before the new start date or, if that is not possible, as soon as reasonably practicable. An employee may also postpone his or her APL start date, or cancel his or her APL altogether, provided that he or she advises the School in writing at least 6 weeks before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

Notification requirements for receiving ASPP

- 19.14 In order to receive ASPP, an employee must provide the Headteacher with the following additional documentary evidence not less than 8 weeks before the commencement of the ASPP:
- details of the EWC and actual date of the child's birth (or the date they were notified of being matched for adoption or received official notification, and the actual date of placement or date the child entered the UK), the date it is expected that ASPP will commence and the date it is expected to end;
 - confirmation that they have responsibility for the upbringing of the child or have been matched for adoption with the child, and that the period of leave is for the purpose of caring for the child;
 - signed declaration by the child's mother or adopter confirming their name and address, the date their SMP, SAP or MA commenced, that they intend to return to work and that they have given their employer notice that they are returning to work. The child's mother or adopter must declare that the employee proposing to take APL is the only person applying for ASPP and confirm that the School can process the information.

Rights during APL

- 19.15 An employee on APL has the right to the continuation of all contractual terms and conditions of employment, except normal remuneration. Although not entitled to be paid, the employee may qualify for ASPP (see above).

'Keeping in touch' days

- 19.16 An employee on APL may work for up to 10 'Keeping in Touch' (KIT) days without bringing the APL period to an end or losing the entitlement to ASPP.

Returning to work following APL

- 19.17 If the employee wishes to change the date of their intended return from APL to an earlier date, they should notify the Headteacher at least 6 weeks before the earlier return date. However, if they wish to change the date of their intended return to a later date, they should give at least 6 weeks' notice, ending with the original date of their intended return.
- 19.18 The Headteacher, or their nominated representative may make reasonable contact with an employee to plan their return to work.

Rights on return from APL

- 19.19 An employee returning from APL is entitled to return to the same job as before on the same terms and conditions of employment, unless a redundancy situation arises (in which case they are entitled to be offered a suitable and appropriate vacancy if one exists).
- 19.20 Where an employee takes APL followed immediately by more than 4 weeks' unpaid parental leave, an employee is entitled to return to the same job unless it is not reasonably practicable for the Headteacher to allow him or her to do so. In such circumstances, the employee is entitled to be offered a suitable and appropriate position. Again, if the employee's position is made redundant, he or she is entitled to be offered a suitable vacancy if one exists.

20.0 PATERNITY LEAVE AND SHARED PARENTAL LEAVE

- 20.1 Shared Parental Leave (SPL) is in addition to the statutory right to two weeks' paternity leave for fathers and partners. Shared Parental Leave replaces Additional Paternity Leave if the child is born or adopted after 5 April 2015. If an employee wishes to take paternity leave, they must do so before they take any SPL.

21.0 FURTHER ADVICE AND GUIDANCE

- 21.1 If managers require any general advice regarding the application of policy and guidance, please contact HR.

22.0 MONITORING AND REVIEW

- 22.1 Human Resources will work with Head teachers and governing bodies to monitor the application of this policy. They may review any aspect of the procedure considering changing circumstances at any time, in consultation with the trade unions.