



HR Service

Diocese of Nottingham Catholic Multi-Academy Trusts

Maternity, Adoption,
Maternity/Adoption
Support, Parental,
Parental Bereavement
and Shared Parental Leave
Policy and Procedure



St Ralph
Sherwin
Catholic Multi Academy Trust



St Thérèse
of Lisieux

Catholic Multi Academy Trust



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CATHOLIC MULTI-ACADEMY TRUST

Diocese of Nottingham Catholic Multi Academy Trusts

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This Maternity, Adoption, Maternity/Adoption Support, Parental, Parental Bereavement and Shared Parental Leave Policy and Procedure has been subject to consultation with the Recognised Trade Unions. It was approved and adopted by the CMAT as detailed below:

Policy Approved by:	Date of Approval
Board of Directors – Our Lady of Lourdes Catholic Multi Academy Trust	10.2.22
Board of Directors – St Therese of Lisieux Catholic Multi Academy Trust	14.12.21
Board of Directors – St Ralph Sherwin Catholic Multi Academy Trust	13.1.22
Board of Directors – St Thomas Aquinas Catholic Multi Academy Trust	13.12.21

It will be reviewed after 24 months in consultation with the Recognised Trade Unions.

Signed by Director of the CMAT:

Signed by CEO:

I. DEFINITIONS

In this Maternity, Adoption, Maternity/Adoption Support, Parental, Parental Bereavement and Shared Parental Leave Policy and Procedure, unless the context otherwise requires, the following expressions, where they appear, shall have the following meanings:

- i. 'CMAT' means the Catholic Multi Academy Trust, that is the company responsible for the management of the Central Team and the Academies and, for all purposes, means the employer of staff within the Central Team and the Academies.
- ii. 'Board' means the board of Directors of the CMAT who are responsible for carrying out the employment functions of the CMAT.
- iii. 'Central Team' means all staff employed in the Central Office functions of the CMAT.
- iv. 'Chair' means the Chair of the Board of the CMAT as appointed from time to time.
- v. 'Companion' means a willing work colleague not involved in the subject matter under which the policy is being invoked, a trade union official, an accredited representative of a trade union or other professional association of which the employee is a member.
- vi. 'Diocesan Education Service' means the education service provided by the diocese in which the CMAT is situated, which may also be known, or referred to, as the Diocesan School Commission.
- vii. 'Directors' means directors appointed to the Board of the CMAT from time to time.
- viii. 'Headteacher' means the most senior teacher in the School who is responsible for its management and administration. Such teacher may also be referred to as the Head of School or Executive Headteacher.
- ix. 'School' means the Academy named at the beginning of this Policy and Procedure and includes all sites upon which the Academy undertaking is, from time to time, being carried out.
- x. 'Support staff' means all staff working in schools and the Central Team who are not subject to Teachers' terms and conditions.
- xi. 'Vice-Chair' means the Vice-Chair of the Board of the CMAT as appointed from time to time.

- xii. 'Working Day' means any day on which an employee would ordinarily work if they were a full-time employee. In other words, 'Working Day' will apply differently to teaching and non-teaching staff. However, part-time and full-time staff will not be treated differently for the purposes of implementing this Policy and Procedure.
- xiii. 'Expected Week of Childbirth' (EWC) means the week, starting on a Sunday, in which an employee's doctor or midwife expects the employee to give birth.
- xiv. 'Qualifying Week' means the 15th week before the Expected Week of Childbirth.
- xv. 'Average weekly earnings' for the purposes of Statutory Adoption Pay means the average earnings usually during an 8 week period before the Matching Week, that is the week (Sunday to Saturday) when the adoption agency told the employee that they had been matched with a child.
- xvi. 'Normal weekly earnings' for the purposes of calculating Statutory Maternity Pay (SMP) means the average earnings during the 8 week period prior to the Qualifying Week.

2. SCOPE AND PURPOSE

- 2.1 This Maternity, Adoption, Maternity/Adoption Support, Parental, Parental Bereavement and Shared Parental Leave Policy and Procedure applies to all employees within the CMAT. It does not apply to agency workers or self-employed contractors. TUPE will be applied to an employee and the relevant parts of the Policy where the employee has protected contractual entitlements with preferential terms which have been transferred as a result of a formal TUPE process
- 2.2 This Policy and Procedure outlines the entitlements, both statutory and non-statutory, and as detailed in the relevant adopted provisions in the Burgundy Book (for teaching staff) or the Green Book (for support staff) covering Maternity and Adoption provisions, Maternity/Adoption Support (“Paternity”) Leave and Pay, Parental Leave, Parental Bereavement Leave and Pay and Shared Parental Leave and Pay.
- 2.3 This Policy and Procedure outlines an employee’s entitlement to both leave and pay in respect of provisions listed in 2.2 in accordance with the employee’s length of service within the CMAT and whether or not they wish to return to work once their leave comes to an end.
- 2.4 As a CMAT we recognise the value of our employees and aim to support employees in the workforce who have caring, as well as work, responsibilities. Employees will not be treated less favourably because they are pregnant, absent on Maternity, Adoption, Maternity/Adoption Support (“Paternity”), Parental Leave, Parental Bereavement Leave or Shared Parental Leave for any other reason connected with pregnancy or maternity.
- 2.5 The CMAT will not tolerate discrimination, victimization, harassment or less favourable treatment as a result of a person’s caring responsibilities and we aim to give working parents and carers the same recruitment and career opportunities. All employees must be treated fairly and consistently.
- 2.6 This Policy is part of the CMAT’s commitment to family friendly working. The CMAT seeks to support the welfare of individual employees, retain valued employees and enhance the reputation of the CMAT as an employer of choice. Employees who have any questions or concerns relating to their parental rights are encouraged to discuss these openly with their Headteacher/Line Manager, without fear of detriment, to ensure that questions and problems can be resolved as quickly as possible. Advice can also be sought from the CMAT HR team. Employees can also contact their Trade Union representative.

3. NOTIFICATION OF PREGNANCY AND WORKPLACE RISK ASSESSMENT

- 3.1 The CMAT will take all appropriate steps to ensure the health and safety of all its employees. An employee should therefore notify the Headteacher (or CEO for staff in the Central Team), as soon as they feel able, if they are pregnant to enable a workplace risk assessment, as required under the Management of Health and Safety at Work Regulations 1999, to be carried out as the earliest opportunity to identify if any hazards exist within the workplace that could affect them or their baby. Written notification by the employee must be made no later than 15 weeks before the Expected Week of Confinement (EWC) but the workplace risk assessment will be carried out as soon as the employee makes the school/CMAT aware of the pregnancy.
- 3.2 The risk assessment, which will detail any risks identified and any preventative and protective measures that have been or will be taken, covers areas such as:
- (a) physical agents - movements and posture, manual handling, noise, radiation etc.
 - (b) chemical agents – e.g. toxic chemicals, mercury, lead
 - (c) biological agents – e.g. infectious diseases
 - (d) working conditions – workload, facilities, mental and physical fatigue, lone working, working at height etc.
- 3.3 If the duties of the job, as detailed in the risk assessment, are likely to cause the employee or their baby harm, steps will be taken to remove or reduce the risk in discussion with the employee. Specifically, consideration will be given to:
- (a) removing the employee from any duties that might pose a risk to their health and safety or that of their baby;
 - (b) temporarily adjusting their working hours (if reasonable to do so) to avoid exposure to a risk or to reduce the effects of a risk;
 - (c) transferring the employee to an alternative job on comparable terms and conditions.
- 3.4 As a last resort, and following advice having been sought from the CMAT HR Team, medical suspension will be considered until the maternity leave commences if no suitable alternative work, or steps to remove or reduce the risk, are available. This would be on full pay unless the employee has unreasonably refused suitable measures such as those outlined in section 3.3 above.
- 3.5 The risk assessment should be reviewed if the Line Manager or employee feels there has been a significant change in circumstances and should be amended accordingly.
- 3.6 If the employee is still breastfeeding when they return to work, they will need to notify the Headteacher/Line Manager who will arrange for a new risk assessment to be carried out and will ensure that appropriate arrangements are discussed with the employee.

4. TIME OFF FOR ANTENATAL CARE, IVF APPOINTMENTS AND PRE-ADOPTION APPOINTMENTS LEAVE

4.1 Antenatal Care

- (a) All pregnant employees are entitled to reasonable paid time off for appointments for antenatal care made on the advice of a GP/hospital doctor, registered midwife or registered health visitor. Antenatal care includes:
 - (i) appointments with the GP, registered midwife or registered health visitor;
 - (ii) hospital appointments for antenatal scans, tests or other antenatal care;
 - (iii) relaxation/parentcraft classes made on the recommendation of the GP, registered midwife or registered health visitor.

- (b) Employees must:
 - (i) provide as much notice as possible of the date and time of appointments;
 - (ii) arrange appointments outside their working hours, where possible;
 - (iii) if requested, provide documentary evidence of the appointment such as an appointment card.

- (c) The expectant partner/father will also be entitled to take unpaid time off work to attend up to 2 antenatal appointments with their partner.

4.2 IVF Appointments

- (a) Entitlements regarding medical appointments for IVF are covered separately in the Leave of Absence Policy.

- (b) An employee who, following IVF treatment, subsequently becomes pregnant, will be entitled to the same time off for antenatal care as outlined above.

4.3 Pre-Adoption Appointments Leave

- (a) Employees who are entitled to receive Adoption Leave will also be entitled to paid time off work to attend up to 5 adoption appointments after they have been matched with a child.

- (b) Employees must:
 - (i) provide as much notice as possible of the date and time of appointments;

- (ii) arrange appointments outside their working hours, where possible;
 - (iii) if requested, provide documentary evidence of the appointment such as an appointment card.
- (c) The partner of an employee taking Adoption Leave will also be entitled to take unpaid time off work to attend up to 2 adoption appointments with their partner after they have been matched with a child.

5. PREGNANCY-RELATED SICKNESS ABSENCE

- 5.1 Any periods of pregnancy-related sickness absence shall be paid in the same manner as any other sickness absence (except during Maternity Leave as specified in paragraph 5.2 below). However periods of pregnancy-related sickness absence will be clearly identified as such in sickness records and will be disregarded in any future employment-related decisions.
- 5.2 If the employee is off work with a pregnancy-related illness (wholly or partly) during the 4 weeks immediately prior to the Expected Week of Childbirth (EWC), Maternity Leave and Pay (where applicable) will automatically commence **from the day after** the baby's birth/**the day following** the employee's first day of absence (as applicable).

6. MATERNITY LEAVE

- 6.1 The table below outlines the amount of leave an employee can take in respect of Maternity. There are different provisions for pay based on the length of service. With the exception of pay, all other terms and conditions of employment remain unchanged during the Maternity Leave period.

Maternity Leave Eligibility

All employees who are new mothers (including if they are a new mother in a surrogacy arrangement) are entitled to take up to 52 weeks' Maternity Leave (provided they comply with the required notification periods). The link below provide details of the latest dates by which you must notify the CMAT to qualify for Statutory Maternity Leave and Pay as applicable.

<https://www.gov.uk/maternity-pay-leave/how-to-claim>

Currently, at least 15 weeks before the due date, the employee must inform the CMAT of the due date and when they wish the maternity leave to start.

It is made up of:

Ordinary Maternity Leave (OML) – first 26 weeks
Additional Maternity Leave (AML) – last 26 weeks

Employees do not have to take the full 52 weeks but must take 2 weeks' leave immediately after the baby is born.

Multiple births do not affect these entitlements.

Leave can start:

No earlier than the 11th week before the Expected Week of Childbirth (EWC) unless:

- the baby is born early;
or
- the employee is off work for a pregnancy-related illness (wholly or partly) during the 4 weeks immediately prior to the EWC.

If either of the above apply, maternity leave and pay (where applicable) will automatically commence **from the day after the baby's birth/the day following the employee's first day of absence**

The latest date an employee can start maternity leave is the day after the birth.

An employee will qualify for Statutory Maternity Leave if they:

- are an employee of the CMAT and

- give the CMAT the correct notice (see Notification section below).

Maternity Pay Eligibility

To qualify for Statutory Maternity Pay (SMP) an employee must:

- have at least 26 weeks' continuous service with the CMAT by the end of the 15th week before the EWC (known as the 'Qualifying Week');
- remain in employment before the beginning of the 'Qualifying Week';
- have 'normal weekly earnings' that are not less than the lower earnings limit set by the Government;
- have complied with the necessary notification provisions and not be subject to any restrictions imposed by the Government. This currently means that you must give at least 28 days' notice in writing and provide proof of the pregnancy (the MAT BI certificate) -see the link below

<https://www.gov.uk/maternity-pay-leave/how-to-claim>

To qualify for Occupational Maternity Pay (OMP) an employee must:

- meet the above conditions for SMP and have at least one year's continuous service with the CMAT or another body contained within the Redundancy Modification Order at the beginning of the 11th week before the EWC.

Employees who do not return to work after their maternity leave and complete a minimum of period of service as detailed below will be required to repay any OMP received:

Support staff – 3 months
Teaching staff – 13 weeks

These periods, which may include periods of school closure, assume that the employee returns on the same hours per week. If an employee returns to work after maternity leave on a reduced part-time basis, the periods shown above will be extended to equate to 3 months of service (support staff) or 13 weeks of service (teaching staff) based on the number of hours worked prior to the reduction in hours.

Maternity Pay

SMP can be paid for up to 39 weeks as follows:

Teachers

- first 4 weeks – full pay
- next 2 weeks - 90% of employee's average weekly earnings
- remaining 33 weeks – the rate set by Government or 90% of employee's average weekly earnings (whichever is lower)

Support staff

- first 6 weeks - 90% of employee's average weekly earnings
- remaining 33 weeks – the rate set by Government or 90% of employee's average weekly earnings (whichever is lower)

For the first 6 weeks, any SMP payments or Maternity Allowance (which may be payable for employees not eligible for SMP – see section below) for teachers and support staff will be offset against the full/90% pay as detailed above to ensure that overall pay does not exceed a normal week's pay.

Where an employee returns to work before the end of the SMP pay period (that is before 39 weeks), they will forfeit any outstanding SMP.

For eligible employees OMP (for both teacher and support staff) is:

- 12 weeks' half pay paid over a 12 week period starting after the initial 6 week period **plus**
- any SMP (or Maternity allowance for employees not eligible for SMP) providing the combined total does not exceed the employee's normal 'full pay'.

If an employee become eligible for a pay rise before the end of their Maternity Leave, their Maternity Pay will be recalculated and increased to take account of the effective date from which the pay rise was awarded or would have been awarded had they not been on Maternity Leave.

Maternity Leave and Pay and Notification

To qualify for Maternity Leave an employee must, no later than 15 weeks before the EWC, confirm in writing to the Headteacher (or CEO for members of the Central Team):

- that they are pregnant;
- their EWC;
- the date they want their maternity leave to start (this can be no earlier than the 11th week before the EWC and can be on any day of the week).

Employees must complete and submit:

- the CMAT MAT 1 form
- MAT BI Certificate (this is proof of pregnancy available from the employee's doctor/registered midwife no more than 20 weeks before the due date).

The CMAT MAT 1 form and the MAT BI Certificate is needed to allow SMP to be paid where applicable and must be submitted at least 21 days (teaching staff) or 28 days (support staff) before the Maternity Leave and Maternity Pay is due to start.

The CMAT HR team will write to the employee to confirm their Maternity Leave start and end dates and whether they are entitled to SMP/OMP within 10 working days of the CMAT MAT 1 and MAT BI Certificate being received by the HR Team.

Employees who do not qualify for SMP or OMP

Employees who do not qualify for SMP or OMP may be entitled to Maternity Allowance, paid by the Jobcentre Plus. The CMAT Payroll team will provide form SMP 1 explaining why SMP cannot be paid where this is applicable. Further information on Maternity Allowance can be found on the Gov.uk website:

<https://www.gov.uk/maternity-allowance>

Employees who are unsure whether they are entitled to SMP should, in the first instance contact the CMAT Payroll Team.

- 6.2 Further information on statutory maternity leave and pay can also be found on the gov.uk website using the link below:

www.gov.uk/maternity-pay-leave

7. ADOPTION LEAVE

- 7.1 The table below outlines the amount of leave an employee can take in respect of adopting a child or having a child through a surrogacy arrangement. There are different provisions for pay based on the length of service. With the exception of pay, all other terms and conditions of employment remain unchanged during the Adoption Leave period.

Adoption Leave Eligibility

Employees, who are the primary adopter of a child from the UK, or a recognised overseas adoption agency, are entitled to take up to 52 weeks' adoption leave (provided they comply with the required notification periods and that the provisions for ending the leave early do not apply (see section 11 of this Policy and Procedure), If both members of a couple are employed by the CMAT only 1 person in the couple can take Adoption Leave and Pay. The other partner may be eligible for Maternity/Adoption Support ("Paternity") Leave and Pay instead.

Multiple placements do not affect these entitlements.

Leave can start:

- From the date of the child's placement or
- From a fixed date which can be up to 14 days before the child starts living with the employee (UK adoption)
- When the child arrives in the UK or within 28 days of this date (overseas adoption)
- The day the child is born or the day after (if the employee has used a surrogate to have a child)

Leave can start on any day of the week.

Adoption Pay Eligibility

To qualify for Statutory Adoption Pay (SAP) an employee must

- have at least 26 weeks' continuous service with the CMAT
 - (a) by the week in which they were matched with a child; **or**
 - (b) when they should start getting adoption pay, for overseas adoptions; **or**
 - (c) by the 15th week before the baby is due, if in a surrogacy arrangement.

and

- remain in employment by this time;
- have normal weekly earnings equal to, or greater than, the rate set by the Government;
- have complied with the necessary notification provisions;
- provide proof of the adoption or surrogacy;
- if adopting from overseas with a partner, complete and sign the Gov.UK form SC6 and return this to the CMAT Payroll Team. The form is available via the link below:
<https://www.gov.uk/government/publications/statutory-adoption-pay-and-leave-adopting-a->

child-from-abroad-sc6

- if in a surrogacy arrangement, intend to apply for a parental order and expect the order to be granted.

To qualify for Occupational Adoption Pay (OAP) an employee must:

- meet the above conditions for SAP and have at least one year's continuous service with the CMAT or other body contained within the Redundancy Modification Order at the date of matching.

Employees who do not return to work after their adoption leave and complete a minimum of period of service as detailed below will be required to repay any OAP received:

Support staff – 3 months
Teaching staff – 13 weeks

These periods, which may include periods of school closure, assume that the employee returns on the same hours per week. If an employee returns to work after adoption leave on a reduced part-time basis the periods shown above will be extended to equate to 3 months of service (support staff) or 13 weeks of service (teaching staff) based on the number of hours worked prior to the reduction in hours.

Adoption Pay

SAP can be paid for up to 39 weeks as follows:

Teachers

- first 4 weeks – full pay
- next 2 weeks - 90% of employee's average weekly earnings
- remaining 33 weeks – the rate set by Government or 90% of employee's average weekly earnings (whichever is lower)

Support staff

- first 6 weeks - 90% of employee's average weekly earnings
- remaining 33 weeks – the rate set by Government or 90% of employee's average weekly earnings (whichever is lower)

For the first 6 weeks, any SAP payments for teachers and support staff will be offset against the full/90% pay as detailed above to ensure that overall pay does not exceed a normal week's pay.

Where an employee returns to work before the end of the SAP pay period (that is before 39 weeks, they will forfeit any outstanding SAP.

For eligible employees OAP (for both teachers and support staff) is:

- 12 weeks' half pay paid over a 12 week period starting after the initial 6 week period **plus**
- any SAP providing the combined total does not exceed the employee's normal 'full pay'.

Adoption Leave and Notification

For UK Adoptions:

- The employee must inform the Headteacher (or CEO for members of the Central Team) in writing within 7 days of being notified by the Adoption Agency of a match with a child:
 - (i) that they wish to take Adoption Leave;
 - (ii) the date the child is to be placed with the employee;
 - (iii) the leave start date (providing at least 28 days' notice of the date they want their Adoption Leave and Pay to start) and how much leave they want to take.
- Employees must complete and submit:
 - (i) CMAT ADOPT 1 form;
 - (ii) Matching Certificate from the Adoption Agency.

For Overseas Adoptions:

- The employee must inform the Headteacher (or CEO for members of the Central Team) in writing as soon as possible of:
 - (i) the date they received 'official notification' of a match with a child;
 - (ii) the estimated date on which the child is expected to enter the UK.
- Within 28 days of receiving official notification, the employee must inform the Headteacher (or CEO for members of the Central Team) in writing of:
 - (i) the date they want leave to start (this cannot be before the child enters the UK);
 - (ii) how much leave they wish to take.
- Within 28 days of the child entering the UK, the employee must complete and submit CMAT ADOPT 2 form stating the actual date the child arrived in the UK together with the following evidence:
 - (i) Official notification issued on behalf of the relevant UK Authority (to confirm the employee has been approved by them as being a suitable adoptive parent to adopt a child from overseas) **or** a matching certificate;
 - (ii) proof of the date the child arrived in the UK (for example a plane ticket);
 - (ii) completed form SC6 if adopting a child with their partner (see link to form in Adoption Pay Eligibility section above);
 - (iii) a declaration as to whether the employee is claiming SAP.
- If the child does not enter the UK on the expected date, the employee must inform the Headteacher (or CEO for members of the Central Team) as soon as possible as they will not be entitled to Adoption Leave/Pay.

For surrogacy arrangements:

The employee must inform the Headteacher (or CEO for members of the Central Team) in writing at least 15 weeks before the EWC of the due date and when they want to start their leave.

Employees must also provide written confirmation that they have applied or will apply for a parental order in the 6 months after the child's birth.

For Adoptions and surrogacy arrangements:

The CMAT HR team will confirm in writing to the employee their adoption leave start and end dates and how much adoption pay the employee will receive within 10 working days of the HR Team receiving all the required documentation.

Employee who do not qualify for Adoption Pay

Employees will not qualify for Statutory Adoption Leave or Pay if they:

- arrange a private adoption, for example without permission from a UK authority or adoption agency;
- become a special guardian or kinship carer;
- adopt a stepchild;
- adopt a family member.

Employees who do not qualify for Statutory Adoption Pay will be given form SAP 1 by the CMAT Payroll team explaining why this cannot be paid.

Employees who do not qualify for Statutory Adoption Leave or Pay may, if they wish:

- apply for Parental leave and/or Leave of Absence using the CMAT's normal procedure;
- request annual leave (where applicable);
- make a Flexible Working Request under the CMAT's Flexible Working Policy.

7.2 Further information on statutory adoption leave and pay can also be found on the gov.uk website using the link below:

www.gov.uk/adoption-pay-leave

8. CHANGE OF START DATE OF MATERNITY/ADOPTION LEAVE

- 8.1 If an employee wishes to change the notified Maternity/Adoption Leave start date they must give the Headteacher (or CEO for members of the Central Team) at least 28 days' notice of the revised date. If an employee fails to comply with the relevant notification requirements the CMAT may delay the start date although this will not affect the employee's ability to take Maternity/Adoption Leave. However, sympathetic consideration will be given to requests made without full notice where it has not been practicable for the employee to provide this.
- 8.2 The revised date can be earlier or later than the original date

9. KEEPING IN TOUCH (KIT) DAYS

- 9.1 KIT days are intended to help the employee keep in touch with the workplace during their Maternity/Adoption Leave and to facilitate a smooth return to work on a return from maternity leave by allowing the employee for example, to:
- (a) attend training;
 - (b) attend team development sessions;
 - (c) keep up to date with developments within the workplace.
- 9.2 KIT days should not be used for performance management purposes.
- 9.3 An employee may undertake up to a maximum of 10 KIT days during their Maternity/Adoption Leave period without bringing the Maternity/Adoption Leave to an end or affecting their Maternity/Adoption Leave Pay. KIT days may not be taken in the first 2 weeks after childbirth.
- 9.4 An employee is not required to undertake KIT days if they do not wish to do so and there is no automatic entitlement to be offered KIT days by the School/CMAT. Where KIT days have been agreed, the amount and type of work that is to be done should be mutually agreed between the employee and the Headteacher or Line Manager.
- 9.5 The employee will be paid at their normal rate of pay for the hours/days worked on a KIT day less any Maternity/Adoption Pay for that day. The hours worked should not exceed a standard working day or the employee's normal weekly contracted hours.
- 9.6 KIT days can be worked separately or in a block and can be full or part days, by agreement between the employee and their Line Manager.

- 9.7 Working for any part of a day will count as one day towards the 10 KIT days. However employees will only be paid for the hours worked.
- 9.8 Payment for KIT days should be claimed in accordance with the usual method for claiming for example additional hours' payments in the employee's place of work.
- 9.9 Where Maternity or Adoption Leave is curtailed to undertake Shared Parental Leave, any remaining allowance for KIT days would be forfeited and Shared Parental Leave in Touch (SPLIT) days would be applicable.
- 9.10 If an employee works more than 10 KIT days, they are deemed to have returned to work and therefore lose their right to Maternity/Adoption Pay for any week in which they have worked under their contract.

10. REASONABLE CONTACT DURING MATERNITY/ADOPTION LEAVE

- 10.1 The Headteacher/Line Manager is entitled to make reasonable contact with the employee during their Maternity/Adoption Leave, to enable them to be kept informed of developments, training opportunities, vacancies or changes within the School/CMAT and to discuss plans for returning to work. The level of contact will be minimal and would not be considered as work and would not count towards the 'Keeping in Touch' days. Prior to the commencement of Maternity/Adoption Leave, the employee should discuss and agree with the Headteacher/Line Manager the type and frequency of the contact they would prefer while on leave.

11. RETURNING TO WORK

- 11.1 Employees returning to work at the end of their 'Ordinary' Maternity/Adoption Leave (which covers up to the first 26 weeks of leave) are entitled to return to the same job on the same terms and conditions.
- 11.2 Employees returning to work at the end of their 'Additional' Maternity/Adoption Leave (which covers the remaining weeks of leave up to the 52 weeks' limit) are entitled to return to the same job, but if that is not reasonably practicable, to another suitable job on comparable terms and conditions.

- 11.3 Employees taking the full Maternity/Adoption Leave entitlement are not required to provide further notification of returning to work, provided they intend to return to work on the date stated by the CMAT in the letter confirming the start and end dates of the leave. However, it is helpful if employees can re-confirm their return date to ensure that the Headteacher/Line Manager is completely clear on when the employee wishes to return to work.
- 11.4 Where an employee wishes to return to work before the end of the Maternity/Adoption Leave Period, they must notify the Headteacher (or CEO for members of the Central Team) not less than 21 days before the date on which they propose to return. Where less than 21 days' notice is given, the return date will be delayed until after 21 days' notice has been received or until the end of the full Maternity/Adoption Leave period if this is earlier than 21 days.
- 11.5 Since arrangements may have been made to cover the employee's absence on Maternity/Adoption leave, the employee is encouraged to give as much notice as possible, where the return to work is concerned. However, prior to going on Maternity Leave, an employee is not required to advise if, or when, they are planning to return to work.

12. CHANGE OF RETURN TO WORK DATE

- 12.1 Employees must provide at least 21 days' notice in writing to the Headteacher (or CEO for members of the Central Team) if they have already provided a return to work date following Maternity/Adoption Leave and subsequently wish to change that date.
- 12.2 An employee can only extend their leave beyond the 52 week entitlement for maternity/adoption if they either:
- (a) request unpaid Parental Leave as detailed in Section 23 and have this approved; or
 - (b) request paid annual leave (where applicable) and this is approved; or
 - (c) request leave of absence which has been approved in accordance with the CMAT's Leave of Absence Policy.
- 12.3 If an employee is unable to return to work at the end of their period of Maternity/Adoption Leave due to sickness or injury, the Maternity/Adoption Leave will cease and this will be treated as sickness absence. The CMAT's normal sickness absence reporting arrangements and the provisions of the CMAT's Sickness Absence Policy and Procedure will apply.
- 12.4 In any other cases, late return will be treated as unauthorised absence.

13. ENDING ADOPTION LEAVE EARLY DUE TO END OF PLACEMENT

- 13.1 If the child's placement ends during the Adoption Leave period for any reason, including where child dies or is returned to the adoption agency, the employee will not be entitled to the full Adoption Leave. In these circumstances Adoption Leave will end eight weeks after the end of the week in which the placement ended unless the Adoption Leave is ended earlier by the employee with the required notice.
- 13.2 If an employee begins a period of Adoption Leave before the placement of the child but is told that the placement will not be made the Adoption Leave will normally end eight weeks after the end of the week in which the disruption took place.
- 13.3 If a further placement is subsequently arranged the employee will need to apply for another period of adoption leave.

14. SICKNESS DURING MATERNITY/ADOPTION LEAVE

- 14.1 If an employee is sick during Maternity/Adoption Leave, they are not entitled to sick pay but will continue to remain on Maternity/Adoption Leave and will receive Maternity/Adoption Pay, where applicable. If the employee is sick once they have ended their Maternity/Adoption Leave and they have returned to work, the CMAT's normal Sickness Absence Policy and Procedure will apply.

15. REQUESTING TO RETURN TO WORK ON A PART-TIME BASIS

- 15.1 Any requests from employees to change their working patterns (such as moving to part-time working) after Maternity/Adoption Leave will be dealt with on a case-by-case basis. The CMAT will try to accommodate an employee's wishes unless there is a justifiable reason for refusal bearing in mind the needs of the School/CMAT. It is helpful if any request is made as early as possible. The procedure for dealing with any such request will be set out in the CMAT Flexible Working Policy – currently under development as at September 2021. There is a right of appeal, through the CMAT Appeals Procedure, if the initial request is refused.
- 15.2 Employees do not have an absolute right to insist on working part-time but do have a statutory right to request flexible working, that is to request a change to their hours of work, days of work or place of work provided that they meet the requirements for making such as request as detailed in the link below:

<https://www.gov.uk/flexible-working>

16. EMPLOYEES NOT INTENDING TO RETURN/NOT RETURNING TO WORK WITH THE CMAT AFTER MATERNITY/ADOPTION LEAVE

- 16.1 An employee not intending to return to work, or who is unsure as to whether they will return, after Maternity/Adoption Leave can opt not to have the OMP/OAP paid to them during their period of leave in which case they will be paid SMP/SAP only. If the employee subsequently returns to work and completes the required period of post leave service, the OMP/OAP will be paid to them in a lump sum in the first possible payroll following the completion of that service. Employees wishing to exercise this option may wish to contact their pension scheme, where applicable, for further information about any possible impact on their pension - see section 27 below for the contact details.
- 16.2 An employee who has been paid OMP/OAP but who subsequently does not return to work will be required to pay back the OMP/OAP in full.
- 16.3 An employee who has been paid OMP/OAP and who returns to work but does not complete the full necessary period of post leave service will be required to pay back the OMP/OAP in full. It is possible for an employee to return to work during a period of School/CMAT closure.
- 16.4 An employee who decides not to return to work with the CMAT must notify the Headteacher (or CEO for members of the Central Team) in writing of their decision, confirming their resignation and the effective date in accordance with their normal contractual notice provisions as their contract of employment continues throughout the Maternity/Adoption Leave period. For teaching staff the effective date of resignation will therefore usually be the end of a term.
- 16.5 If an employee is made compulsory redundant and is therefore not able to return to work, or to complete the full period of post leave service, they will not be required to repay any OMP/OAP unless the employee unreasonably refuses an offer of suitable alternative employment.

17. EMPLOYEES WHO RETURN TO WORK AND THEN RESIGN

- 17.1 Employee who return to work and subsequently resign will be subject to their normal contractual notice provisions.
- 17.2 If an employee returns to work but fails to complete required period of post leave service they will be required to repay the OMP/OAP in full.

18. MISCARRIAGE. STILLBIRTH OR NEONATAL DEATH

- 18.1 In the event that the employee has a miscarriage, before the 24th week of pregnancy, they will not be entitled to Maternity Leave or Maternity Pay. Any subsequent authorised absence must be covered either by compassionate leave (where requested) or sickness absence (where applicable). In the case of sickness absence, the normal sick pay provisions would apply.
- 18.2 If the employee has a stillbirth, after the beginning of the 24th week of pregnancy, they will be entitled to receive Maternity Leave and Pay, which will commence on the day after the stillbirth occurred. Eligible employees will also be entitled to the same Maternity Support (“Paternity”) Leave and Pay as if the pregnancy had reached full term.
- 18.3 If the baby is born alive and the birth is registered but the baby but dies later (even where the birth occurs prior to the 24th week of pregnancy), the employee is entitled to full Maternity Leave and Pay. Eligible employees will also be entitled to Maternity Support (“Paternity”) Leave and Pay in accordance with the provisions outlined in this Policy and Procedure.
- 18.4 Parents who have a stillbirth after 24 weeks of pregnancy, or a child who dies before they turn 18, may be entitled to Statutory Parental Bereavement Leave and/or Pay (See section 24 below).
- 18.5 Further details about compassionate leave available to employees after a bereavement can also be found in the CMAT Leave of Absence Policy.
- 18.6 The Employee Assistance Programme (EAP) offers employees access to free 24/7 confidential telephone counselling support on any personal, work or family issue on the freephone telephone number – 0808 168 2143. Every CMAT employee can phone the service for ad-hoc in the moment support 24 hours a day, 7 days a week. If it is clinically appropriate, an employee will be referred by the service for contracted counselling. Each employee is entitled to receive an agreed number of contracted telephone counselling or face-to-face counselling sessions.

19. WITHHOLDING MATERNITY OR ADOPTION PAY

19.1 Maternity/Adoption Pay may be withheld if any of the following apply. The employee:

- (a) continues working after childbirth or after the adoption;
- (b) works for another employer or agency after childbirth or within the Maternity/Adoption Pay period;
- (c) does not provide the form MAT BI/Matching Certificate or other formal documentation required;
- (d) gives late or no notification of their intention to take Maternity/Adoption Leave (unless there are mitigating circumstances, such as hospitalization);
- (e) is taken into police custody.

20. MATERNITY PROTECTION RELATING TO REDUNDANCY OR DISMISSAL

20.1 Any dismissal or selection for redundancy relating to a pregnancy is automatically unfair.

20.2 It is unlawful for an employee to suffer detrimental treatment at work throughout pregnancy, that is from notification to the end of the Maternity Leave. The CMAT will ensure the employee is not discriminated against in the areas of training, selection, promotion, job security or in any other terms and conditions of employment.

20.3 If an employee's job is made redundant while the employee is on Maternity Leave, they will be given priority over other employees if a suitable alternative vacancy exists without having to go through a competitive process such as a competitive interview. Otherwise, the normal CMAT Redundancy Policy and Procedure will apply.

20.4 Any employee dismissed during pregnancy, or when on Maternity Leave, will be entitled to receive written reasons for dismissal.

21. FIXED TERM CONTRACT ENDING DURING MATERNITY/ADOPTION LEAVE

21.1 Where a fixed term contract expires during a period of Maternity/Adoption Leave, the CMAT will follow its normal fixed term contract termination process. The reason for a non-renewal of the fixed-term contract must not be related to the fact that Maternity/Adoption Leave has been taken.

22. MATERNITY/ADOPTION SUPPORT LEAVE (“PATERNITY LEAVE”) AND PAY

22.1 The table below outlines the amount of leave an employee can take in respect of Maternity/Adoption Support (“Paternity”). There are different provision for pay based on the length of service. With the exception of pay, all other terms and conditions of employment remain unchanged during the Maternity/Adoption Support Leave period.

Maternity/Adoption Support (“Paternity”) Leave and Pay Eligibility

Employees are eligible for Maternity/Adoption Support (“Paternity”) Leave and Pay if they and their partner are:

- having a baby; or
- adopting a child.

The employee must have at least 26 weeks’ continuous service with the CMAT by:

- (a) any day during the 15th week before the EWC; **or**
- (b) the end of the week in which the employee is matched with the child (UK adoptions);
or
- (c) the date the child enters the UK or by the date they want their Maternity/Adoption Support Pay to start (Overseas adoptions).
and
- (d) be either:
 - (i) the child’s father;
 - (ii) the mother’s spouse/partner/civil partner;
 - (iii) one of a couple jointly adopting a child;
 - (iv) the intended parent (if they are having a baby through a surrogacy arrangement)
- (e) have the main responsibility (apart from the mother/primary adopted) for the upbringing of the child. If an employee has a child through a surrogacy arrangement they must be eligible for, and intend to apply for, a parental order;
- (f) be taking time off work to help care for the child or to support the child’s mother/primary adopter;
- (g) provide the relevant notice and evidence to the Headteacher (or CEO for members of the Central Team) of their intention to take Statutory Paternity Leave - see Notification section below.
and, to qualify for ‘Paternity’ Pay, an employee must:
- (h) be employed by the CMAT up to the date of the birth/up to the date the child is placed with them;
- (i) meet the lower earnings threshold set by the Government,

Employees with less than 26 weeks’ continuous service will not qualify for Maternity/Adoption Support (“Paternity”) Leave but may apply for unpaid leave of absence under the CMAT’s Leave of Absence Policy.

Maternity/Adoption Support (“Paternity”) Leave Entitlement

For eligible employees, the following provisions apply:

- An entitlement of up to 2 consecutive calendar weeks of Maternity/Adoption Support Leave (regardless of whether a multiple birth/adoption is expected). In this context a ‘week’ means the same number of days that you normally work in a week.
- Leave must be taken within 56 days, inclusive of school closure dates, of:
 - (i) the birth (note – leave cannot start until the baby is born); **or**
 - (ii) the date of the child being placed with the employee for adoption; **or**
 - (iii) the date the child entered the UK (for overseas adoptions).
- Leave must be taken in one go
- Only one period of Leave is available irrespective of whether more than one child is born/adopted.

An employee cannot take Maternity/Adoption Support Leave after they have taken Shared Parental Leave.

Maternity/Adoption Support (“Paternity”) Pay Entitlement

- Qualifying employees are paid at their normal rate of pay (which will be offset against Statutory Paternity Pay) for the **first** week of Maternity/Adoption Support (“Paternity”) Leave
- An optional **second** week of leave may be taken which will be payable at the Statutory Paternity Pay rate only.
- Statutory Paternity Pay (SPP) is a rate set by the Government for the relevant tax year or 90% of the employee’s average weekly earnings, (whichever is lower).

Employees with less than 26 weeks’ service:

- Will not qualify for Maternity/Adoption Support (“Paternity”) Pay.

An employee is not entitled to take Maternity/Adoption Support Leave and Pay if they have taken paid time off to attend an adoption appointment in respect of the same child.

Maternity/Adoption Support (“Paternity”) Leave and Notification

Maternity Support Leave and Adoption Support (UK Adoptions)

At least 15 weeks prior to the EWC, or no later than 7 days after the date on which they were notified by the adoption agency of a match with a child, the employee must:

- complete the CMAT Maternity/Adoption Support (“Paternity”) Leave form;
- advise the date on which they wish the Leave to begin.
- indicate how much leave they want to take (1 or 2 weeks).

In addition for Maternity Support, the employee should provide:

- details of the EWC.

For Adoption Support, the employee should also provide:

- details of the date on which the adopter was notified of having been matched with the child;
- the date the child is expected to be placed with the employee (or the date of placement if this has already happened).

Adoption Support (Overseas Adoption)

No later than 28 days after the date on which the child entered the UK, the employee must:

- complete the CMAT Maternity/Adoption Support (“Paternity”) Leave form;
- advise the date on which they wish the Leave to begin, giving at least 28 days’ advance notice.
- indicate how much leave they want to take (1 or 2 weeks);
- provide the date on which the employee received the “official notification” of the placement;
- provide the date on which the child entered the UK.

22.2 Change of Start date of Maternity/Adoption Support (“Paternity”) Leave.

- (a) If an employee wishes to change the start date of Maternity/Adoption Support (“Paternity”) Leave they must provide the Headteacher (or CEO for members of the Central Team) with at least 28 days’ written notice of any change or, if this is not possible, written notice must be provided as soon as is reasonably practicable.
- (b) If the baby is born prematurely, the leave must be taken between the birth and 56 days after the birth.
- (c) If an employee fails to comply with the relevant notification requirements they may not be entitled to Maternity/Adoption Support (“Paternity”) Leave/Pay.

23. UNPAID PARENTAL LEAVE

23.1 Parental Leave offers employees, who qualify, the right to take unpaid time off work to look after their child's welfare, for example to:

- (a) spend more time with their children;
- (b) look at new schools;
- (c) settle children into new childcare arrangements;
- (d) remain with their child during a period of hospitalisation;
- (e) spend more time with family, such as visiting grandparents.

23.2 Leave must be taken as whole weeks, up to a maximum of 4 weeks per year per child. Parents of a child with a disability and for whom a disability living allowance has been awarded can take leave as whole weeks or single days.

23.3 The total entitlement for each qualifying child for an eligible full-time employee is shown below:

Child	Entitlement
For each child/adopted child	18 weeks (or 666 hours) up to their 18 th birthday

The entitlement for part-time employees is proportionate.

23.4 Parental leave is applicable to each child, therefore if an employee has twins the leave entitlement would be doubled. As the leave applies in relation to the child, it also means that if, for example, an employee has already used 10 weeks in respect of a child with a previous employer before joining the CMAT, they would only be entitled to use up to 8 weeks with the CMAT if they are eligible in respect of the same child.

23.5 To qualify, employees must:

- (a) have one year's continuous service with the CMAT (at the point at which the leave commences);
- (b) should have or expect to have parental responsibility for the child; and
- (c) be named on the child's birth or adoption certificate.

23.6 Requests for Parental Leave

- (a) An employee should provide at least 21 days' notice of their intention to take unpaid Parental Leave. However sympathetic consideration will be given to requests made without full notice where it has not been practicable for the employee to provide this.
- (b) The request must be in writing to the Headteacher (or CEO for members of the Central Team) stating the dates on which the leave is to start and end.
- (c) Employees may be asked to produce evidence to confirm that they are the parent or person legally responsible for the child and such evidence may include:

- (i) the child's birth certificate;
- (ii) documents confirming the child's adoption or date of commencement for the adoption placement;
- (iii) the child's entitlement to Disability Living Allowance.

23.7 Request for leave can be postponed by the School/CMAT for up to six months, where the request would cause serious disruption to the School/CMAT if the leave were to be taken at the time requested. However, leave cannot be postponed if it means an employee would no longer qualify for Parental Leave e.g. postponing it until after the child's 18th birthday. If the leave is to be postponed, the School/CMAT will:

- (a) write explaining why, within 5 working days of the original request;
- (b) suggest a new start date (this must be within 6 months of the requested start date).

23.8 If an employee wishes to take a period of Parental Leave immediately following their Maternity/Adoption Leave, they must also provide the Headteacher (or CEO for members of the Central Team) with at least 21 days' written notice.

24. PARENTAL BEREAVEMENT LEAVE AND PAY

24.1 If the child of an employee dies before the child turns 18, or if an employee has a stillbirth after 24 weeks of pregnancy, they may be eligible for Parental Bereavement Leave and Parental Bereavement Pay.

24.2 To be eligible for Parental Bereavement Leave the employee must, at the time of the child's birth or stillbirth, be:

- (a) the child or baby's parent (either biological, adoptive or parent of a child born to a surrogate); **or**
 - (b) the partner of the child of baby's parent
- and**
- (c) other than in cases of stillbirth, the child or baby must have been living with the employee at their home for 4 continuous weeks ending with the date of death and the employee or their partner must have had day to day parental responsibility for the child or baby's care during that time and
 - (d) be classed as an employee and
 - (e) give the required period of notice.

24.3 Eligible employees can take 2 weeks of Parental Bereavement Leave either in one block or as 2 separate blocks of one week. Leave must be taken within 56 weeks starting from the date of the child's death. If the employee is taking another type of leave (for example Maternity Leave or Maternity/Adoption Support Leave) when the child dies or the stillbirth happens, the Parental Bereavement Leave cannot start until the other leave has ended but does not have to be taken immediately afterwards, as long as the Parental Bereavement

Leave is taken within 56 weeks of the date of the death or stillbirth.

24.4 Notice periods for taking Parental Bereavement Leave

- (a) **0-8 weeks after the child's death or still birth** – the employee must as a minimum give notice before they normally start work on the first day of the week or weeks they want to take off work;
- (b) **9-56 weeks after the child's death or still birth** – an employee must give at least one week's notice before the start of the week or weeks they want to take off work.

24.5 An employee must notify the Headteacher (or CEO for members of the Central Team) of:

- (a) the date of the child's death or stillbirth;
- (b) when they want their Parental Bereavement Leave to begin;
- (c) how much leave they are taking – either 1 or 2 weeks.

24.6 Where 24.1 applies in the case of more than one child, the employee is entitled to a separate period of Parental Bereavement Leave in respect of each child.

24.7. **Parental Bereavement Pay**

The CMAT fully recognises the need to provide bereaved parents with support and will pay the employee their normal rate of pay during Parental Bereavement Leave.

24.8 The Employee Assistance Programme (EAP) offers employees access to free 24/7 confidential telephone counselling support on any personal, work or family issue on the freephone telephone number – 0808 168 2143. Every CMAT employee can phone the service for ad-hoc in the moment support 24 hours a day, 7 days a week. If it is clinically appropriate, an employee will be referred by the service for contracted counselling. Each employee is entitled to receive an agreed number of contracted telephone counselling or face-to-face counselling sessions.

24.9 If an employee or their partner were an adoptive parent or had a baby with the help of a surrogate parent, they may still be eligible for Parental Bereavement Leave and Pay. Further advice should be sought from the CMAT HR Team.

24.10 An employee can change their mind and cancel Parental Bereavement Leave/Pay as detailed below by emailing the CMAT HR team.

(a) **Leave/Pay due to start within 8 weeks of the death or stillbirth**

Leave must be cancelled no later than the time the employee would normally start work on the first day of the planned leave.

Pay must be cancelled on the first day of the week the employee want to cancel.

(b) **Leave /Pay due to start 9 weeks or later after the death or stillbirth**

Leave must be cancelled no later than one week before the start of the planned leave.

Pay must be cancelled no later than one week before the pay was due to start.

25. SHARED PARENTAL LEAVE (SPL) AND SHARED PARENTAL PAY (ShPP)

- 25.1 An employee and their partner may be able to get Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) if they are having a baby or adopting a child. SPL allows eligible parents to choose how to share the care of their child during the first year after birth or adoption.
- 25.2 If eligible, an employee and their partner can share up to 50 weeks of leave and up to 37 weeks of pay (Statutory Shared Parental Pay, ShPP) between them. They may be able to choose to be off work at the same time or stagger the leave and pay. They may also be able to take it in more than one block.
- 25.3 SPL must be taken in the first 52 weeks of the child's birth or adoption (that is from the date of the child being placed with the family). Any SPL not taken by the child's first birthday, or first anniversary of the placement of the child for adoption, is lost.
- 25.4 If an employee choose to take SPL, any period of Maternity or Adoption Leave being taken in respect of the child will end.
- 25.5 The table below gives further information about eligibility and notice periods:

Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) Eligibility

I. Entitlement to SPL when a child is born

An employee is entitled to SPL in relation to the **birth of a child** if:

- both parents (of which they are one) share the main responsibility for the care of the child at birth. An employee is not eligible if they started sharing responsibility for the child after it was born.

The following conditions must also be fulfilled:

(a) where both parents want to share SPL and ShPP, both the CMAT employee and their partner must:

- have at least 26 weeks continuous employment as 'employees' with the CMAT (for the CMAT employee)/the same employer (their partner) by the end of the 15th week before the due date and still be employed by the CMAT (for the CMAT employee)/the same employer (their partner) while they take SPL;
- give the necessary notices and declarations as summarised as summarised in the Opting in and Notification sections below;
- **both** have average weekly earnings of the amount specified by the Government for eligibility – if either the CMAT employee or their partner do not qualify because of this can share SPL but not ShPP.

Under (a) if either the member of staff at the CMAT employee or their partner is a 'worker' they can ShPP but not SPL.

(b) where a CMAT employee is the mother and only they want to take SPL and ShPP, they must:

- have at least 26 weeks continuous employment with the CMAT by the end of the 15th week before the due date and still be employed by the CMAT while they take SPL;
- give the necessary notices and declarations as summarised in the Opting in and Notification sections below;
- have average weekly earnings of the amount specified by the Government for eligibility - employees who do not qualify because they do not meet this earnings limit can get SPL but not ShPP.

The mother's partner must:

- have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least the amount specified by the Government for eligibility.

(c) where a CMAT employee is the mother's partner and only the CMAT employee wants to take SPL and ShPP, they must:

- have at least 26 weeks continuous employment with the CMAT by the end of the 15th week before the due date and still be employed by the CMAT while they take SPL;
- give the necessary notices and declarations as summarised as summarised in the Opting in and Notification sections below;
- have average weekly earnings of the amount specified by the Government for eligibility – employees who do not qualify because they do not meet this earnings limit can get SPL but not ShPP.

The employee partner (that is the mother) must:

- have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least the amount specified by the Government for eligibility.

Under (c) 'workers' at the CMAT can get ShPP but not SPL.

The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on Maternity Leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to Maternity Leave).

If the employee is the mother, they cannot start SPL until after the compulsory Maternity Leave period, which lasts until two weeks after the date the baby is born.

2. Entitlement to SPL when a child is adopted

An employee may be entitled to SPL if an adoption agency has placed a child with them and/or their partner for adoption and the employee will share the main responsibility for the care of the child with their partner.

The following conditions must also be fulfilled:

(a) where both parents want to share SPL and ShPP, both the CMAT employee and their partner must:

- have at least 26 weeks continuous employment as ‘employees’ with the CMAT (for the CMAT employee)/the same employer (their partner) by the end of the week they were matched with the child and still be employed by the CMAT (for the CMAT employee)/the same employer (their partner) while they take SPL;
- give the necessary statutory notices and declarations as summarised as summarised in the Opting in and Notification sections below;
- **both** have average weekly earnings of the amount specified by the Government for eligibility – if either the CMAT employee or their partner do not qualify because of this can share SPL but not ShPP.

Under (a) if either the member of staff at the CMAT employee or their partner is a ‘worker’ they can ShPP but not SPL.

(b) where a CMAT employee is the only parent who wants to take the SPL and ShPP, they must:

- have at least 26 weeks continuous employment with the CMAT by the end of the week they were matched with the child and still be employed by the CMAT while they take SPL;
- give the any necessary notices and declarations as summarised as summarised in the Opting in and Notification sections below;
- have average weekly earnings of the amount specified by the Government for eligibility-employees who do not qualify because they do not meet this earnings limit can get SPL but not ShPP.

The other parent must:

- have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the child was placed with them and had average weekly earnings of at least the amount specified by the Government for eligibility.

(c) where only the CMAT employee’s partner wants to take SPL and ShPP

- the CMAT employee must have been working in at least 26 of the 66 weeks before the child was placed with them and had average weekly earnings of at least the amount specified by the Government for eligibility.

The other parent must:

- have at least 26 weeks continuous employment with their employer as an ‘employee’ by the end of the week they were matched with the child and still be employed their employer while they take SPL;
- have average weekly earnings of the amount specified by the Government for eligibility

Under (c) if the CMAT employee's partner is a 'worker' they can ShPP but not SPL. Either the employee or their partner must qualify for Statutory Adoption Leave and/or SAP and the primary adopter cannot take SPL until after having taken at least two weeks of Adoption Leave.

The total amount of SPL available is 52 weeks, less the weeks of Adoption Leave taken by either the employee or their partner (or the weeks in which their partner has been in receipt of SAP if they were not entitled to Adoption Leave).

Shared Parental Leave and Pay Entitlement

Where eligible, an employee or their partner can, if they wish, end Maternity/Adoption Leave and Pay (or Maternity Allowance) early and then opt to take:

- the remainder of the 52 weeks of Maternity/Adoption Leave as Shared Parental Leave
- the remainder of the 39 weeks of Maternity/Adoption Pay (or Maternity Allowance) as Statutory Shared Parental Pay (ShPP)

Employee should note that ShPP is only paid at the rate set by Government or 90% of employee's average weekly earnings (whichever is lower). Where an employee on Maternity or Adoption Leave choose to end this early and opt into SPL/ShPP, they will forfeit any outstanding SMP/OMP or SAP/OAP (where applicable).

Opting in to Shared Parental Leave and Pay

Evidence of Entitlement

As evidence of entitlement to Shared Parental Leave, an employee must provide on request:

- A copy of the child's birth certificate (or if they have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); **or**
- one or more documents from the adoption agency showing the agency's name and address, the date they were matched with a child and the expected placement date;
- **and** the name and address of their partner's employer (or a declaration that they have no employer)

An employee can be asked for this information within 14 days of them applying for SPL or ShPP and the employee must give this information within 14 days of being asked for it.

Not less than eight weeks before the date an employee intend their SPL to start, they must provide the CMAT HR Team with a written opt-in notice giving the information shown below as appropriate.

When a child is born:

- their name and the name of the other parent;
- If the employee is the child's mother, the start and end dates of their maternity leave;
- if the employee is the child's father or the mother's partner, the start and end dates of the mother's Maternity Leave, or if she is not entitled to Maternity Leave, the start and end dates of any SMP or MA period;
- the total SPL available, which is 52 weeks minus the number of weeks' Maternity Leave, SMP or MA period taken or to be taken and how much of that will be allocated to the employee and how much to the other parent. The allocation can be changed by giving the CMAT HR Team a further written notice. The full allocation does not have to be used;
- if the employee is claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP or MA period taken or to be taken and how much of that will be allocated to the employee and how much to the other parent. The allocation can be changed by giving the CMAT HR Team a further written notice. The full allocation does not have to be used;
- an indication of the pattern of leave the employee is thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but employees are requested to provide as much information as they can about their future intentions; and
- declarations by the employee and the other parent that they meet the statutory conditions for entitlement to SPL and ShPP.

When a child is adopted:

- the employee's name and their partner's name;
- if the employee is taking Adoption Leave, the start and end dates of that Leave;
- if the employee is not taking Adoption Leave, their partner's Adoption Leave start and end dates, or if their partner is not entitled to Adoption Leave, the start and end dates of their SAP;
- the total SPL available, which is 52 weeks minus the number of weeks' Adoption Leave or SAP taken or to be taken by the employee or their partner and how many weeks of the available SPL will be allocated to the employee and how many to their partner. The full allocation does not have to be used.
- if the employee is claiming Statutory Shared Parental Pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of SAP taken or to be taken and how many weeks of the available ShPP will be allocated to the CMAT employee and how many to their partner. The allocation can be changed by giving the CMAT HR Team a further written notice. The full allocation does not have to be used.
- an indication of the pattern of leave the employee is thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but the employee is requested to provide as much information as they can about their future intentions; and
- declarations by the employee and their partner that they both meet the statutory conditions to enable them to take SPL and ShPP.

Ending an employee's own Maternity or Adoption Leave to start SPL and/or ShPP

- An employee can only start SPL or ShPP once the child has been born or placed for adoption and in both cases they cannot return to work before the end of the first two weeks of the Maternity Leave or Adoption Leave.
- To start SPL and/or ShPP, an employee who is on Maternity or Adoption Leave must either:
 - (a) return to work **or**
 - (b) give the CMAT 'binding notice' in writing of the date their plan to end the Maternity/Adoption Leave. An employee cannot normally change the date they give in a binding notice **or**
 - (c) if the employee does not get Maternity or Adoption Leave, they must end any Maternity Pay, Adoption Pay or Maternity Allowance to start SPL.
- If the employee is still on Maternity Leave or Adoption Leave, they must give the Headteacher (or CEO for members of the Central Team) at least eight weeks' written notice to end their Maternity or Adoption Leave (binding notice) before they can take SPL. The notice must state the date their Maternity or Adoption Leave will end. Notice can be given before or after the employee gives birth or their child is placed, but an employee cannot end their Maternity or Adoption Leave until at least two weeks after the birth or placement.
- An employee must also, at the same time as the binding notice, provide a written notice that they wish to opt into the SPL scheme
- If an employee receives Maternity Allowance, notice must be given by the employee to Job Centre Plus for ShPP to start
- The binding notice is usually binding and cannot be revoked. An employee may only be able to cancel the decision to end their Maternity or Adoption Leave if the following apply:
 - (a) the planned end date has not passed **and**
 - (b) they have not already returned to work **and** one of the following must also apply:
 - (c) the employee finds out during the 8-week notice period that neither they nor their partner is eligible for SPL or ShPP
 - or**
 - (d) their partner has died
 - or**
 - (e) the employee tells the CMAT less than 6 weeks after the birth (and they gave notice before the birth)

Ending the mother's maternity leave or their partner's adoption leave

If an employee is the partner of the mother (or the person getting Adoption Leave/Pay) they will only be able to take SPL once the mother or their partner has either:

- returned to work;
- given their employer a binding notice to end their maternity leave/adoption leave where applicable;
and
- given their employer a binding notice to end their SMP (if they are entitled to SMP but not maternity leave); or

- given a binding notice to the Jobcentre Plus to end their MA (if they are not entitled to maternity leave or SMP); or
- given their employer a binding notice to end SAP (if they are entitled to SAP but not Adoption Leave).

An employee can start ShPP while their partner is still on Maternity Pay, Adoption Pay or Maternity Allowance as long as the partner has given binding notice to end it.

Notification of SPL dates

Having opted into the SPL system an employee will need to give a period of leave notice telling the School/CMAT the start and end dates of their Shared Parental Leave. This can be given at the same time as their opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of their leave.

An employee has the right to submit three SPL notifications specifying the leave periods they are intending to take. This may enable an employee to take up to three separate blocks of Shared Parental Leave. A SPL notification should be made in writing to the Headteacher (or CEO for members of the Central Team).

Each notification may contain either:

- (a) a single period of weeks of leave (a Continuous SPL Notification) **or**
- (b) a request to split a period of SPL over two or more weeks where the employee intends to return to work between periods of leave (a Discontinuous SPL Notification)

An employee must also state in their period of leave notice the dates on which they intend to claim Shared Parental Pay, if applicable.

Continuous SPL Notification

A Continuous SPL notification means that a number of weeks will be taken in a single unbroken period of time. If an employee's period of leave notice gives dates for a single continuous block of SPL, they will be entitled to take the leave set out in their notice.

Procedure for requesting split periods of SPL – Discontinuous SPL Notification

The CMAT may be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between – a 'Discontinuous SPL Notification'. An employee is advised to discuss this with the Headteacher (or CEO for members of the Central Team) in advance of submitting any formal period of leave notice. This will give the School/CMAT more time to consider the request and hopefully agree a pattern of leave with the employee from the start.

An employee must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date.

If the School/CMAT are unable to agree to an employee's request straight away, there will be a two-week discussion period. At the end of that period, any agreed arrangements will be confirmed in writing. If agreement has not been reached, the employee will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in their notice (for example, if they requested three separate periods of four weeks each, they will be entitled to one 12-week period of leave). Alternatively, the employee may:

- choose a new start date (which must be at least eight weeks after their original period of leave notice was given), and tell the School/CMAT within five days of the end of the two-week discussion period; or
- withdraw their period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and the employee may submit a new one if they choose).

All requests for Discontinuous Leave will be carefully considered on a case by case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL. Equally the principles of acting in a fair, consistent and non-discriminatory way in responding to requests will be applied.

CMAT response to SPL Notifications

The employee will be informed in writing by the Headteacher (or CEO for members of the Central Team) of the decision as soon as is reasonably practicable, but no later than the 14th calendar day after the leave notification was made. The request may be granted in full or in part, for example, the School/CMAT may propose a modified version of the request.

Changing the dates or cancelling SPL

An employee can:

- **cancel a period of leave** by notifying the Headteacher (or CEO for members of the Central Team) in writing at least eight weeks before the start date in the period of leave notice.
- **change the dates for a period of leave** by giving at least eight weeks' notice before the original start date and the new start date.
- **change the end date for a period of leave** by notifying the Headteacher (or CEO for members of the Central Team) in writing at least eight weeks before the original end date and the new end date.
- **change split periods of leave into a single continuous period of leave** by notifying the Headteacher (or CEO for members of the Central Team) in writing at least eight weeks before the start date.
- **request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between.** Any such request will be considered as set out above.

An employee does not need to give eight weeks' notice if they are changing the dates of their SPL because their child has been born earlier than the EWC, where they wanted to start their SPL a certain length of time (but not more than eight weeks) after birth. In such cases the employee should notify the Headteacher (or CEO for members of the Central Team) in writing of the change as soon as possible.

A notice to cancel or change a period of leave, including notice to return to work early, will count as one of an employee's three period of leave notifications unless:

- the variation is a result of an employee's child being born or placed earlier or later than the EWC or expected placement date
- or**
- the variation is at the request of the School/CMAT and the employee agrees to the change

25.6 Keeping in touch (SPLIT) days during Shared Parental Leave

- (a) The School/CMAT may make reasonable contact with an employee from time to time during their SPL although contact will be kept to a minimum. This may include contacting the employee to discuss arrangements for their return to work.
- (b) An employee may agree to work for the CMAT (including attending training) on up to 20 "keeping-in-touch" days (SPLIT days) during their SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. This is in addition to any KIT days that they may have taken during Maternity Leave.
- (c) SPLIT days are not compulsory or an entitlement and must be discussed and agreed with an employee's Headteacher or Line Manager.
- (d) An employee will be paid at their normal basic rate of pay for time spent working on a SPLIT day and this will be inclusive of any Shared Parental Pay entitlement. The hours worked must not exceed a standard working day or the employee's normal weekly contracted hours
- (e) An employee is not required to undertake SPLIT days if they do not wish to do so and there is no automatic entitlement to be offered SPLIT days. Where SPLIT days have been agreed, the amount and type of work that is to be done should be mutually agreed between the employee and the Headteacher or Line Manager.
- (f) SPLIT days can be worked separately or in a block and can be full or part days, by agreement between the employee and their Line Manager.
- (g) Working for any part of a day will count as one day towards the 20 SPLIT days. However employees will only be paid for the hours worked.
- (h) Payment for SPLIT days should be claimed in accordance with the usual method for claiming for example additional hours' payments in the employee's place of work

25.7 **Returning to work after Shared Parental leave**

- (a) If an employee wishes to end a period of SPL early, they must give eight weeks' prior notice of their return to work date. This notice should be given in writing to the Headteacher (or CEO for members of the Central Team).
- (b) Employee are entitled to return to the same job at the end of the Shared Parental Leave. However, if this is not practicable for employees where the amount of Shared Parental Leave is more than 26 weeks, they are entitled to return to another suitable and appropriate alternative job.
- (c) If an employee wishes to change their working hours, for example by moving to part-time working, or other working arrangements on their return from SPL, they should make a request under the CMAT Flexible Working Policy. It is helpful if such requests are made as early as possible.

25.8 **Extending a period of Shared Parental leave**

- (a) If an employee wishes to extend their SPL, they must submit a new period of leave notice at least eight weeks before the date they were due to return to work, assuming that they still have SPL entitlement remaining and have not already submitted three period of leave notices.
- (b) An employee will normally be entitled to return to work in the position they held before starting SPL, and on the same terms of employment. However, where this is not reasonably practicable, the CMAT may give the employee another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:
 - (i) if the SPL and any Maternity, Adoption or Maternity/Adoption Support Leave the employee has taken adds up to more than 26 weeks in total (whether or not taken consecutively).

25.9 **Not returning to work after Shared Parental Leave**

If an employee decides that they do not want to return to work after having taken Shared Parental Leave they must give notice of resignation in accordance with their contractual notice provisions.

26. ANNUAL LEAVE

26.1 The impact on Annual Leave for staff taking the following categories of leave is detailed below:

- (i) Maternity Leave
- (ii) Adoption Leave
- (iii) Maternity/Adoption Support (“Paternity”) Leave
- (iv) Parental Leave
- (v) Parental Bereavement Leave
- (vi) Shared Parental Leave

26.2 Support Staff employed on an all year round basis

- (a) An employee who has an annual leave entitlement and who is absent on the categories of leave listed in 24.1 above will continue to accrue full contractual holiday entitlement (including Bank Holidays which will be added to the annual leave entitlement when the employee returns to work).
- (b) Annual leave cannot be taken during any period of leave in 24.1 as this would end the leave and related pay (where applicable).
- (c) Subject the agreement of the Headteacher/Line Manager accrued paid holiday may be added to the beginning or end of a period of leave. Staff should discuss with their Headteacher (or Line Manager for members of the Central Team) how and when they will take their annual leave entitlement.

26.3 Support staff – term time only/term time plus

- (a) Support staff who are employed on a term time only or term time plus basis are paid the proportional amount of annual leave with their salary each month and this forms part of their pay calculation. Staff are deemed to take their annual leave during school closure periods. The annual leave year runs from 1 September to 31 August unless specified otherwise in the employee’s contract of employment.
- (b) An employee employed on a term time only or term time plus basis will still accrue full contractual entitlement (including Bank Holidays) while they are absent on the categories of leave listed in 24.1. This is not an entitlement to annual leave on top of the CMAT school closure arrangements. Annual leave will be offset by any period of school closure during the leave year in question that is both before and after the leave period.
- (c) Where a member of support staff employed on a term time only or term time plus basis returns from the categories of leave listed in 24.1 so close to the end of the leave year that there is not enough time to take all their annual leave, it can be carried forward to the following leave year and be taken during the remaining periods of

school closure, after the 28 days annual leave for that year has been accommodated. It is therefore not anticipated that any such member of support staff will need to take this leave during term time.

- (d) Any accrued leave must be used within 18 months of the end of the leave year in which it is accrued or it will be lost. Payment in lieu of any annual leave not taken can only be made where the employment terminates.

26.4 Teaching staff

- (a) For teaching staff, where there is no 'contractual' provision to annual leave, the calculation of accrued holiday will be based on the statutory entitlement under the Working Time Regulations with the annual leave year being deemed to run from 1 September to 31 August. For a full-time employee, this entitlement is currently 28 days (5.6 weeks) and is inclusive of Bank Holidays). The entitlement for part-time employees is proportionate.
- (b) This is not an entitlement to annual leave on top of the CMAT school closure arrangements. Annual leave will be offset by any period of school closure during the leave year in question that is both before and after the leave period.
- (c) Where a teacher returns from the leaves listed under 24.1 so close to the end of the leave year that there is not enough time to take all their annual leave, it can be carried forward to the following leave year and be taken during the remaining periods of school closure, after the 28 days annual leave for that year has been accommodated. It is therefore not anticipated that any teacher will need to take this leave during term time.
- (d) Any accrued leave must be used within 18 months of the end of the leave year in which it is accrued or it will be lost. Payment in lieu of any annual leave not taken can only be made where the employment terminates.

27. PENSIONS DURING MATERNITY/ADOPTION LEAVE

27.1 Pension contributions are paid by the employee on the actual maternity/adoption pay received during the first 39 weeks and the CMAT continues to make employer contributions.

27.2 If a **Support Staff employee** wishes to make contributions to cover a period of unpaid maternity/adoption leave they should contact the CMAT Payroll Team.

Further information is also available on the Local Government Pension Scheme website via the link below:

<https://www.nottspf.org.uk/members/existing-member/absences-buying-lost-pension>

- 27.3 If a **Teaching Staff employee** wishes to make contributions to cover a period of unpaid maternity/adoption leave they should contact the Teachers' Pension Scheme on 0845 6066 166. Further information is also available on the Teachers' Pension Scheme website via the link below:

<https://www.teacherspensions.co.uk/employers/managing-members/contributions/flexibilitates.aspx>

28. CONTINUITY OF EMPLOYMENT

- 28.1 Continuity of employment is preserved during all the leave referred to in this Policy and Procedure, and except for pay, employees are entitled to the benefit of their normal terms and conditions during the leave in question.

29. MONITORING

The implementation and impact of this Policy will be monitored to ensure consistency of application and adherence to Equalities legislation.