



Family Friendly Policy (Maternity, Paternity, Adoption and Shared Parental Leave)

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FAMILY FRIENDLY POLICY (MATERNITY, PATERNITY, ADOPTION AND SHARED PARENTAL LEAVE)

1. INTRODUCTION

1.1. WHO DOES THIS POLICY APPLY TO?

- For maternity purposes this policy applies to all pregnant women employed by LSEAT whose baby is due/born after 1st January 2016.
- For paternity purposes this policy applies to all staff employed by LSEAT whose wife or partner is expecting a child and they will have responsibility for that child's upbringing where the child is due/born after 1st January 2016.
- For adoption leave purposes this policy applies to members of staff who are in the process of adoption and the matching date is after 1st January 2016.
- For shared parental leave purposes this policy applies to staff whose child is due/born/matched after 1st January 2016.

2. MATERNITY SCHEME

2.1. WORKING WHILE PREGNANT

2.1.1. Notifying the Trust that you are pregnant

The sooner you notify us of your pregnancy the better, so that arrangements can be made for your departure, leave cover and also a health and safety risk assessment - this is particularly important when working in a school environment directly with sometimes volatile and challenging pupils. No risk assessment can be completed by the organization where they are not formally informed of a pregnancy.

You are required to notify us of your pregnancy no later than the 15th week before your expected week of childbirth.

You should inform your Line Manager in writing that you are pregnant, copied to the HR department, including notification of when your baby is due and the date that you want to start your maternity leave (if you know these dates).

Upon notification, the HR department will write to you to confirm receipt of your notification and to issue you with the relevant forms.

2.1.2. Time off for antenatal appointments

All pregnant employees have the right to reasonable time off for their ante-natal care which will be paid. Ante-natal care may include relaxation classes and parent-craft classes. Employees may be asked to provide an appointment card or other evidence of their appointments. Where possible, all efforts must be made to book these outside of the working day or at the start or end of a day to minimize disruption to the school or business.

2.1.3. Health and safety

Once you have provided notification of your pregnancy, a Maternity-related risk assessment will be undertaken; to identify any potential risks and bring them to the

attention of your line manager. This assessment should be kept under review throughout your pregnancy and also on return to work after the birth of your baby.

If the HR department is made aware of any illnesses present within the school that may be considered a risk to pregnant women you will be contacted directly regarding this and an all staff email will also be sent containing relevant details.

2.1.4. Sickness absence during pregnancy

Sickness absence that is pregnancy related must be reported in the usual way but will not be counted for the purpose of monitoring sickness absence under the Trust's Sickness Absence Policy.

If employees become ill while they are pregnant they will be entitled to sick pay in the normal way. However, if they are absent from work after the beginning of the fourth week before the week in which the baby is due, and the reason is related to their pregnancy, maternity leave will normally be considered to have started at that point.

2.2. MATERNITY LEAVE

2.2.1. How much maternity leave am I entitled to?

Employees are entitled to 52 consecutive weeks statutory maternity leave after the birth of their baby, regardless of their length of service.

Maternity leave is comprised of:

Ordinary Maternity Leave - first 26 weeks

Additional Maternity Leave - last 26 weeks

You may take up to 52 weeks maternity leave but it is a statutory requirement that you must have at least two weeks maternity leave following the birth of your baby.

2.2.2. Start date for maternity leave

The earliest an employee can choose to start their maternity leave is 11 weeks before the expected week of childbirth.

If they are medically fit to do so, employees can decide to carry on working up until the date the baby is due (the date given by the GP or midwife on the MAT B1 certificate).

Leave will also start:

- The day after the birth of the baby if the baby is early
- Automatically if the employee is off work for a pregnancy related illness in the four weeks before the week the baby is due

You must give a minimum of 28 days' notice of the start of your maternity leave by submitting the relevant forms to the HR department with your accompanying MATB1 certificate (issued by a doctor or midwife during pregnancy).

If you change your mind about the start date of your maternity leave, you should give notice of the revised date as follows:

- 28 days before the date originally notified

Or

- 28 days before the new due date

Whichever is the sooner.

2.3. MATERNITY PAY

Pay for up to 39 weeks of maternity leave may be available to employees depending on certain eligibility criteria. Pay while on maternity leave can include:

- a) Statutory Maternity Pay (SMP) or Maternity Allowance (MA)
- b) Occupational Maternity Pay

2.3.1. Statutory Maternity Pay (SMP) - All staff

To qualify for SMP, employees must:

- Have 26 weeks continuous service with LSEAT at the 15th week before the expected week of childbirth.
- Have average weekly earnings (see appendix 3 for how this is calculated) at or above the lower earnings limit for the payment of National Insurance Contributions
- Give the required notice of their pregnancy and intention to take maternity leave
- Provide a MATB1 certificate

SMP is paid for up to 39 weeks. It is paid as follows:

- First 6 weeks: 90% of average weekly earnings (see appendix 3 for how this is calculated).
- Following 33 weeks: Flat rate SMP or 90% of average weekly earnings (whichever is lower).
- The remaining leave after week 39 is unpaid.

If an employee does not qualify for SMP, they can claim Maternity Allowance (MA). MA is paid at a flat rate (or 90% of average weekly earnings if this is less) for 39 weeks. The HR department will write to the employee letting them know if they are not entitled to SMP and will provide an SMP1 form for the employee to claim Maternity Allowance from Job Centre Plus.

If you give notice to resign, and your last employment date is before the 15th week before your baby is due you will lose any entitlement to SMP. If your last date of employment is after the 15th week before your baby is due you will retain the right to SMP.

2.3.2. Occupational Maternity Pay (CMP)

In addition to statutory maternity entitlement, employees may qualify for contractual maternity pay. To qualify for CMP, you must have one year's continuous service at the 11th week before the

expected week of childbirth and still be employed during that week.

If you qualify for CMP, your pay will be comprised as follows:

- First 4 weeks: 100% pay.
- Following 2 weeks: 90% of full pay.
- Following 12 weeks: 50% of full pay.
- Following 21 weeks: Flat rate SMP (or MA) or 90% of average weekly earnings (whichever is lower).
- The remaining leave after week 39 is unpaid.

This is subject to the combined SMP and CMP not exceeding the normal full pay.

Should you not return to work for a period of at least 13 weeks following your Maternity Leave, you will be required to repay any CMP (the 12 weeks half pay for week 7 through to week 18 of the maternity pay period). If you are uncertain about whether you will return to work at the College following your Maternity Leave and decide not to receive CMP, you will still be entitled to receive this, if you return to work.

The Trust reserves the right to waive the 13 week CMP where an employee does not return to work and where the individual has experienced significant 'hardship'. The HR department will

meet with the employee to discuss their inability to repay the CMP and the final decision will be made by the Executive Head Teacher with advice from the Group Head of HR.

2.4. EARLY BIRTHS, STILL-BIRTHS AND MISCARRIAGE

If your baby is born early and you have not started your maternity leave, then your maternity leave period starts automatically on the day after the date of birth. In order to preserve your right to maternity leave and pay, you must notify your Line Manager, and/or the HR department as soon as is reasonably practicable after the birth.

In the unfortunate event that a miscarriage occurs before or during the 24th week of pregnancy, you will not be able to claim SMP/CMP or maternity leave. Normal sick pay entitlements will apply for any absence subject to the usual conditions and compassionate leave may be granted in accordance with the Trust's policy. If the baby is born alive before or during the 24th week of pregnancy but subsequently dies or where a still birth occurs after the 24th week of pregnancy, normal maternity provisions will apply.

2.5. KEEPING IN TOUCH

Your Line Manager can make contact with you and vice versa whilst you are on maternity leave, as long as the amount and type of contact is not unreasonable. This contact is necessary to ensure discussions take place regarding return to work plans and to ensure you are kept up to date on important developments within the Trust including job opportunities or promotions that arise.

Employees can work up to 10 days during maternity leave (but not within the first two weeks after the birth). These are called 'Keeping in touch' days (KIT days). KIT days are optional, there is no obligation for the Trust to offer them, and no obligation for you to accept them.

Employees will be paid for KIT days at their normal working rate for the hours worked. However this payment will be offset against SMP/CMP if you are in a paid period of maternity leave. Payment will not exceed full pay where the work takes place during paid maternity leave. A part day worked is counted as one whole KIT day, but you are only paid for the hours worked.

The KIT days should be recorded on the KIT Day Application Form available from the HR SharePoint site, which must be returned to HR department as soon as possible after the day has been worked.

Once the KIT days have been used up, the employee will lose a week's SMP for any week in which she agrees to work for the Trust.

2.6. ANNUAL LEAVE AND BANK HOLIDAYS

2.6.1. Substantive Staff (i.e. non-variable/supply staff)

Contractual annual leave is accrued during maternity leave. Annual leave can be taken all or in part before maternity leave starts, or before returning to work. Annual leave and maternity leave cannot be taken at the same time.

Where possible, annual leave should be taken within the relevant annual leave year. When this is not possible (for example when your baby is born unexpectedly), annual leave can be carried over to the new leave year.

In some cases, annual leave can be paid as a lump sum rather than be taken as a period of time off work, this will need to be agreed with your Head of School.

Bank holidays are also accrued during maternity leave. The number of bank holidays that fall during your maternity leave should be added to your annual leave allowance. Bank holiday entitlement is pro rata for part time staff.

2.6.2. Supply/Variable Staff

Sessional employees will continue to accrue annual leave and this will be calculated in proportion to the hours worked in the twelve weeks immediately prior to the beginning of the Maternity Leave. The annual leave entitlement appropriate to either the single spine point (for business support

staff) or the category of staff (i.e. teachers and managers) on which the variable employee is contracted will be used to calculate pro-rated leave entitlements. This calculation will be performed for a full year Maternity Leave period and will be adjusted should the employee choose not to take her full Maternity Leave entitlement.

Any holiday accrued during Maternity Leave will be reimbursed at the holiday component element of their most recent variable rate of pay. All other above rules concerning the Annual Leave remain the same for the variable/supply staff.

The leave payable is calculated once a return to work date has been confirmed. The payment will be made in the next available payroll once maternity leave ceases.

2.7. PENSION

Pension contributions will continue to be made provided the employee is receiving SMP (currently a maximum period of 39 weeks) but not during any period of unpaid AML.

Employee contributions will be based on actual pay, whereas employer contributions will be based on the salary that the employee would have received, had she not gone on maternity leave.

2.8. RETURNING TO WORK

2.8.1. Date of return

Employees will be expected back at work on the date given on the maternity leave notification form. If a date was not given, it will be assumed that the maximum leave entitlement is being taken. You will not be given any reminders of this date and unless you decide to return early or resign, you will be expected to report to work on that date. A late return without prior authorisation will be treated as unauthorised absence

While the employee is under no obligation to do so, it would assist the Trust if she confirms as soon as convenient during her Maternity Leave that she will be returning to work as expected.

Employees must give their line manager, copied to the HR department, at least 8 weeks' notice if you want to change your return to work date. If this notice period is not given, your return may

need to be delayed by up to 8 weeks.

If the employee decides not to return to work after Maternity Leave, she must give notice of resignation as soon as possible and in accordance with the terms of her contract of employment. If the notice period would expire after Maternity Leave has ended, the Trust may require the employee to return to work to complete the remainder of her contractual notice period.

If an employee returns to work before exhausting their full entitlement to statutory maternity pay or leave, they and their partner may be eligible for Shared Parental Leave/Pay (see the Shared Parental Leave Scheme available in this policy).

On returning from work an employee will be entitled to request to work flexibly and the Trust will consider all requests from eligible employees, as per the Trust's Flexible Working Policy.

2.8.2. Rights on & after return to work

If returning to work after Ordinary Maternity Leave (first 26 weeks) you have the right to return to the same job you occupied before commencing Maternity Leave on the same terms and conditions of employment as if you had not been absent and benefit of any general improvement to her terms and conditions, any pay rise or promotion.

If returning to work after Additional Maternity Leave (the latter 26 weeks) you will have the right to return to the same job, or, if not reasonably practicable, an appropriate alternative job.

Refusal to accept any post considered by the Trust to be 'suitable alternative employment' could be deemed by the Trust as the employee having resigned. An employee who refuses to accept

a suitable alternative role must do so in writing stating the reason(s) for their refusal. A meeting with the employee, a HR Representative and the line manager will take place to consider the reasons for the refusal.

2.8.3. Changing your working hours

An employee who worked full-time prior to her Maternity Leave has no automatic right to return to work on a part-time basis or to make other changes to her working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the Trust's business.

If an employee would like this option to be considered, she should write to her line manager setting out her proposals as soon as possible in advance of her return date, so that there is adequate time for full consideration of the request. The procedure for dealing with such requests is set out in the Trust's Policy on Flexible Working.

2.8.4. Sickness absence following maternity leave

An employee who falls sick at the end of the Maternity Leave will be entitled to be treated in the same way as any other employee who is off work sick. Therefore she will have an entitlement to sick pay and the Trust's Management of Sickness Absence Policy and Procedure will apply.

2.9. RESIGNING

If you decide not to return to work from maternity leave, you must provide a written letter of resignation to your Head of School / Executive Head Teacher giving your contractual notice as detailed in your Statement of Particulars.

You will be liable to pay back any CMP received should you decide to resign. SMP is not repayable. It is recommended that if you are unsure about your return to work that you suspend your CMP payments by indicating this on your maternity notification form.

APPENDIX 1 - MATERNITY SCHEME

What do I need to do?

- Inform your line manager and the HR department in writing that you are pregnant, including notification of when your baby is due and the date that you want to start maternity leave (if you know these dates).
- Complete the maternity notification form which will be issued to you following notification of your pregnancy.
- Submit this to the HR department with a MATB1 certificate as soon as possible.
- You must give a minimum of 28 days' notice of the start of your maternity leave.
- If you change your mind about the start date, you should give notice as follows:
 - 28 days before the date originally notified
 - OR
 - 28 days before the new due datewhichever is the sooner.
- If your baby is born earlier than the start date of your maternity leave, notify your line manager and HR department as soon as is reasonably practical.
- You must return to work after your maximum leave entitlement or one of the following;
 - Support staff must give 8 weeks' notice of an earlier return date
 - Resign with appropriate contractual notice

APPENDIX 2 - MATERNITY SCHEME

Relevant dates

Date/Event	Detail
Confirmation of Pregnancy	Notify the Head of School and the HR department including notification of when your baby is due and the date that you want to start maternity leave (if you know these dates).
15 th week before the expected week of childbirth	The latest date you can inform us that you are pregnant.
11 th week before the expected week of childbirth	The earliest date that you can begin your maternity leave.
4 weeks before the expected week of childbirth	If you have a pregnancy related sickness absence in this period, your maternity leave will begin automatically.
Expected due date	The latest date that you can intend to start maternity leave.
Baby is born	If this is prior to the start of your maternity leave, notify your line manager and HR department as soon as is reasonably practical.
The day after the baby is born	The day your maternity leave will start if the baby is born early.
2 weeks after the birth	The earliest date that you can return to work.
8 weeks before you intend to return to work	The latest date Support Staff can inform us of their intention to return to work.
The end of the 52 nd week of maternity leave	The latest date that you can return to work.

APPENDIX 3 - MATERNITY SCHEME

How are average weekly earnings calculated?

Average weekly earnings are calculated by averaging your weekly pay over a 'relevant period' before the 'qualifying week'.

The "Qualifying Week" (QW)

The Qualifying Week is the 15th week (Sunday to Saturday) before the week the baby is due.

The "relevant period"

This is usually the 8 week period before the QW.

The end of the relevant period is the last normal payday on, or before the Saturday of the QW.

The start of the relevant period is the day after the last normal payday falling at least 8 weeks before the end of the relevant period.

More information about this statutory calculation can be found on the gov.uk website.

APPENDIX 4 - MATERNITY SCHEME

Application for Maternity Leave and Pay

Please read the Trust Family Friendly Policy and Procedure before completing this form. If you have any queries, please contact the HR Department.

This form should reach the HR Department at least 15 weeks before the expected week of childbirth (EWC).

Upon receipt of this form, the HR Department will notify the Health & Safety Manager in order to arrange for a Risk Assessment to be carried out. If you should have any concerns about your health and safety at work, please discuss them with your Line Manager and/or contact the HR Manager or Health & Safety Manager.

1 PERSONAL INFORMATION	
SURNAME:	FORENAME:
JOB TITLE:	E-MAIL ADDRESS:
DEPARTMENT:	TELEPHONE:
NI NUMBER:	MOBILE:
Days and hours normally worked:	
2 EXPECTED WEEK OF CHILDBIRTH (EWC)	
The expected week of childbirth of the baby is the week commencing:	
MATB1 (<i>please tick appropriate</i>):	
I enclose Form MatB1 (from the Midwife)	
I will forward Form MatB1 as soon as I have received it	
3 MATERNITY LEAVE	
I would like my Maternity Leave to start on:	
I also wish to apply for (<i>please tick as appropriate</i>):	
Statutory Maternity Pay (SMP)	
Contractual Maternity Pay (CMP) on the basis indicated below:	

4. CONTRACTUAL MATERNITY PAY (CMP) <i>(please tick appropriate):</i>	
In addition to my SMP, I wish to apply for CMP. I intend to return to work after my maternity leave and I therefore wish to receive my CMP during my maternity leave, together with my SMP. I understand that if I do not return to work for the required period, 13 weeks, I will have to repay any CMP I have received.	
In addition to my SMP, I wish to apply for CMP. I am not sure whether I will return to work after my maternity leave and I would like my CMP held back and paid if, and when, I return.	
5 DECLARATION	
I declare that the information I have provided on this form is correct.	
I understand that providing false or misleading information is a disciplinary matter and could lead to the disciplinary policy and procedure being invoked.	
SIGNED:	
NAME:	
DATE:	

APPENDIX 5 - MATERNITY SCHEME

Expectant Mother Risk Assessment

SURNAME:		FORENAME:	
JOB TITLE:		DEPARTMENT:	
Hours of work/working pattern:			
Probable start date of maternity leave:			
How many weeks pregnant is employee on the date of risk assessment?			
Review Date:			
<p>Once a member of staff has given notification of her pregnancy, the manager should meet with her and explain the manager's responsibility to regularly 'risk assess' and to consider any impact her work may be having on her pregnancy.</p> <p>The member of staff has an equal responsibility to keep the manager informed of any concerns or difficulties she may have. Please see the Trust's maternity and paternity policy for details about notification of pregnancy. This form may be used to record and serve as a checklist for these discussions.</p> <p>Regular meetings should be held to review the work situation. All actions should be recorded and previous documentation should be used as the basis for each discussion.</p>			
TO BE COMPLETED BY THE MANAGER/ASSESSOR AT THE MEETING WITH THE EXPECTANT MOTHER			
<p>Use the headings below as a basis for the discussion. There may be specific hazards/risks that relate to an individual's workplace. These may be added under the 'other' section below.</p>			
Consider the workplace	<p>Note any points of discussion and agree an action plan to reduce risk to the lowest level practicable.</p>		
REST - are you aware of the staff rest rooms on your campus?			

BREAKS - rest and refreshment breaks (little and often can be helpful). Does the job allow you to take sufficient breaks?	
TOILET - do you have easy access to a toilet?	
FATIGUE - do you suffer from fatigue which is related to your employment?	

TO BE COMPLETED BY THE MANAGER/ASSESSOR AT THE MEETING WITH THE EXPECTANT MOTHER

Use the headings below as a basis for the discussion. There may be specific hazards/risks that relate to an individual's workplace. These may be added under the 'other' section below.

Is there exposure to any of the following:	Note any points of discussion and agree an action plan to reduce risk to the lowest level practicable.
MANUAL HANDLING - do you have to carry out any manual handling during the course of your duties: e.g. lifting, carrying equipment, pulling, pushing.	
TEMPERATURE - Is your working environment a comfortable temperature?	
CHEMICAL AGENTS - do you currently handle or have close contact with any chemicals?	
MICRO ORGANISMS - do you have contact with micro-organisms?	
IONISING RADIATION - to the best of your knowledge, are you exposed to this?	
INFECTIONS - are there any known risks?	
NOISE - are you subjected to any periods of noise which may cause you discomfort or stress?	
SHOCKS/VIBRATIONS & MOVEMENT - are you subjected to any of these situations?	
LONE WORKING - does your job require any lone working?	

THREAT OF VIOLENCE AT WORK - are there any known risks?	
DISPLAY SCREEN EQUIPMENT - do you use a visual display unit in the course of your duties?	
EMERGENCY/FIRE - Is there a need for a Personal Evacuation Plan?	

TO BE COMPLETED BY THE MANAGER/ASSESSOR AT THE MEETING WITH THE EXPECTANT MOTHER

Use the headings below as a basis for the discussion. There may be specific hazards/risks that relate to an individual's workplace. These may be added under the 'other' section below.

Is there exposure to any of the following:	Note any points of discussion and agree an action plan to reduce risk to the lowest level practicable.
Consider anything mentioned by the GP or Midwife which may be relevant at work.	
Are there any specific duties you are required to carry out that you feel may cause harm?	
Any problems in previous pregnancies.	
Does the employee wish/need to be referred to the OH department?	

Additional notes/conclusions or actions to be taken:

--

SIGNED (Employee):	
DATE:	
SIGNED (Line Manager):	
NAME (Please Print):	
DATE:	

Both the employee and the line manager should retain a copy of this assessment for future reference. One copy should be also forwarded to HR Department for inclusion in the employee's personal record.

APPENDIX 6 - MATERNITY SCHEME

Keeping in Touch (KIT) Day Claim Form

This form should be completed, signed and given to the HR Department in order to have a claim paid.

Except during the 2 weeks immediately after childbirth (i.e. the compulsory leave period) a "keep in touch" day may be used to enable the employee to attend work without losing their right to SMP or CMP. Up to 10 KIT days may be taken during both the ordinary and additional maternity leave period without bringing the woman's maternity leave to an end.

If a KIT day is agreed, the purpose should be agreed in advance so that both parties are clear what the employee will actually do. This can include training, attending a meeting or other activities to help the employee to keep in touch.

NAME:		PERSONAL E-MAIL ADDRESS:	
ADDRESS:			
TELEPHONE:		MOBILE:	
JOB TITLE:		DEPARTMENT:	
KIT day date worked:			
Reason for KIT day:			
How many KIT days used to date:			
How many KIT days remaining:			
SIGNED (Employee):			
NAME:			
DATE:			
SIGNED (Line Manager):			
NAME:			
DATE:			

Appendix 7 - Maternity Scheme
Maternity Leave Return to Work Form

SURNAME:		FORENAME:	
JOB TITLE:		DEPARTMENT:	
Please provide details of discussion regarding any changes to YOUR job role, including working pattern or timetable:			
Please provide details of discussion regarding any training that may be required, including statutory training and updates (Health & Safety, Safeguarding) and any other development requirements. Any additional training requirements should be provided to the HR Department:			
Please provide notes on any discussion regarding other support required to support the employees return to work and action taken:			
<i>Please tick appropriate:</i>		YES	NO
Was a risk assessment carried out following return to work?			
Is all mandatory safeguarding training up to date?			
Is all mandatory equality and diversity training up to date?			
Is all the mandatory health and safety training up to date?			
Is the employee aware of their entitlement to parental leave or right to request flexible working?			
Is the employee aware of the childcare vouchers scheme? (advice and information can be obtained from the HR department)			

Are there any issues that the employee wishes to raise?		
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Additional notes/conclusions or actions to be taken:

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SIGNED (Employee):	
DATE:	
SIGNED (Line Manager):	

3. PATERNITY SCHEME

3.1. ORDINARY PATERNITY LEAVE

3.1.1. How much ordinary paternity leave am I entitled to?

You are entitled to one or two weeks' ordinary paternity leave if you meet the following eligibility criteria:

You must be taking time off to look after the child and be one of the following:

- the father
- the husband or partner of the mother (or adopter)
- the child's adopter
- the intended parent (if you're having a baby through a surrogacy arrangement)

For the purposes of deciding if an employee is eligible for OPL, a partner is someone who lives with the mother of the baby in an enduring family relationship but is not an immediate relative, e.g. nominated carer, female partner in a same sex couple.

You must have 26 weeks continuous service by the end of the 15th week before the expected week of childbirth.

3.1.2. Time off for antenatal appointments

Fathers, partners and civil partners of a pregnant woman are entitled to unpaid time off during working hours to accompany her to 2 ante-natal appointments.

Please follow the agreed local procedures to apply for time off to attend medical appointments. Appointments will only be agreed where they are at the beginning / end of the working day or do not impact on the business needs of the organization.

3.1.3. When can I take ordinary paternity leave?

You must give 15 weeks' notice of your intention to take ordinary paternity leave. Please inform your Line Manager and/or the HR department that you wish to take paternity leave. The HR department will write to you detailing your entitlement including a Paternity Leave and Paternity Pay Application Form and an SC3 form.

- Leave cannot start before the date of birth.
- It must end within 56 days of the birth.
- If taking two weeks leave, these weeks must be consecutive.
- You don't have to give a precise date when you want to take leave. Instead you can give the general time, eg the day of the birth or 1 week after the birth.
- You must give 28 days' notice to change the start date of your paternity leave

If it is not possible to give 28 days' notice of a change to the start date, for example if the baby is born unexpectedly, you should notify your Line Manager and/or the HR department, as soon as is reasonably practical.

3.1.4. When can I take paternity leave for adoption?

The notice periods for paternity leave for adoption is the same as those for statutory adoption leave. Please see the Adoption Leave Scheme section for these details.

An employee taking paternity leave because they're adopting can start their leave:

- on the date of placement
- an agreed number of days after the date of placement
- on the date the child arrives in the UK or an agreed number of days after this (overseas adoptions)

For overseas adoptions leave must be taken within 56 days of the date of placement or the child's arrival in the UK.

3.2. ORDINARY PATERNITY PAY

3.2.1. Statutory Paternity Pay (SPP) – All staff

To qualify for SPP, employees must:

- Have 26 weeks continuous service with LSEAT at the 15th week before the expected week of childbirth.
- Have average weekly earnings (see appendix 3 of the maternity scheme for how this is calculated) at or above the lower earnings limit for the payment of National Insurance Contributions
- Be employed by LSEAT up to the date of birth
- Give the required notice of their intention to take paternity leave.

In cases of paternity leave for adoption, the eligibility requirements for SPP are the same as those for Statutory Adoption Pay. Please see the Adoption Leave Scheme section for these requirements. You are required to provide proof of adoption to qualify for paternity pay for adoption.

If you qualify for Ordinary Paternity Leave, your pay will be comprised as follows:

- One week: 100% pay.
- One week: SPP

To claim Statutory Paternity Leave and Pay (SPP), the employee must complete the Paternity Leave and Paternity Pay Application Form (see Appendix 5) and return it to the HR department at least 28 days before they want the SPP to begin. The employee is not required to provide the original or copy of the birth certificate, but must provide confirmation of the baby's date of birth to the HR Department, as soon as is reasonably practicable after the birth.

An employee can change the date on which he wants the OPL to start but not the length of the leave they are taking, by giving at least 28 days notice. The employee will also be required to fill in the Paternity Leave and Paternity Pay Application Form.

If you do not qualify for ordinary paternity leave and SPP, we will write to you and confirm this within 28 days of receiving your paternity notification form and include form SPP1.

APPENDIX 1 – PATERNITY SCHEME

What do I need to do?

- Inform your line manager in writing that you wish to take paternity leave, copied to the HR department, including notification of when the baby is due and the date that you want to start paternity leave (if you know these dates).
- You must give a minimum of 15 weeks' notice of your intention to take ordinary paternity leave.
- Complete the paternity notification form which will be issued to you following notification of your intention to take paternity leave.
- Submit this to the HR department with a copy of the MATB1 certificate (if applying for OAP) as soon as possible.
- If you change your mind about the start date, you should give 28 days' notice.
- If your baby is born earlier than the start date of your paternity leave, notify your line manager and HR department as soon as is reasonably practical.
- You must return to work after a maximum of two weeks.

APPENDIX 2 – PATERNITY SCHEME

Relevant dates

Date/Event	Detail
Confirmation of Paternity Leave	Notify your Head of School and/or the HR department including notification of when the baby is due and the date that you want to start paternity leave (if you know these dates).
15 weeks before intending to take paternity leave	The latest date you can inform us of your intention to take paternity leave
Baby is born	Earliest date you can take paternity leave
Birthday + 56 days	Paternity leave must be taken within this period of time

APPENDIX 3 – PATERNITY SCHEME

Application for Paternity Leave and Pay

Please read the Trust Maternity & Paternity Policy and Procedure before completing this form. If you have any queries, please contact the HR Department.

This form should be forwarded to the HR Department by the end of the 15th week before the week the baby is due, or if this is not possible, as soon as is reasonably practicable.

1 PERSONAL INFORMATION	
SURNAME:	FORENAME:
JOB TITLE:	E-MAIL ADDRESS:
DEPARTMENT:	TELEPHONE:
NI NUMBER:	MOBILE:
Days and hours normally worked:	
2 EXPECTED WEEK OF CHILDBIRTH (EWC) <i>(Please fill in appropriate)</i>	
The expected week of childbirth of the baby is the week commencing:	
If the baby has been born, please confirm the date of birth:	
3 ELIGIBILITY	
I have* / do not have* (*delete as appropriate) at least 26 weeks continuous service as at the end of the 15th week before the expected week of childbirth.	
4 ORDINARY PATERNITY LEAVE <i>(please tick as appropriate)</i>	
I wish to be away from work for:	
One week	
Two different one week leave periods	
One period of two weeks	
OR I would like to take Additional Paternity Leave (APL)	
5 COMMENCEMENT OF ADDITIONAL PATERNITY LEAVE <i>(Maximum of 26 weeks during the first year of the child's birth)</i>	
I would like my Paternity Leave period to commence on:	
I would like my Paternity Leave period to finish on:	

NB: Your Paternity Leave can commence on either:

- The date of birth of the baby
- Within 56 days after the birth of the baby

- If the baby is born before the Expected Week of Childbirth, you may take your Paternity Leave during the period from the date of birth to 56 days after what was the first day of the Expected Week of Childbirth.

6 DECLARATION

I declare that I am (please tick appropriate):

The baby's biological father; or	
Married to the mother; or	
Living with the mother but I am not an immediate relative AND I will have the responsibility for the child's upbringing	
I will be taking this time off work to support the mother or care for the child	
The mother has returned to work	

I declare that the information I have provided on this form is correct and I am entitled to Paternity Leave and Pay. I understand that providing false or misleading information is a disciplinary matter and could lead to the disciplinary procedure being invoked.

SIGNED: _____

NAME: _____

DATE: _____

6 LINE MANAGER APPROVAL

SIGNED: _____

NAME: _____

DATE: _____

NAME (Please Print): _____

DATE: _____

4. ADOPTION LEAVE SCHEME

4.1. NOTIFYING THE TRUST OF YOUR INTENTION TO ADOPT

The sooner you notify us of your intention to adopt the better, so that arrangements can be made for your departure and leave cover.

We would request that you notify your Line Manager in writing, and/or the HR department, of your intention to adopt. The HR department will then write to you to confirm your entitlement and to issue you with an adoption notification form.

Your statutory obligations to notify us are as follows:

- Within 7 days of being matched with a child you must inform us of how much leave you want, your leave start date and the 'date of placement' – the date the child is placed with you.
- You must give 28 days' notice of when you want to stop work and when you want your pay to start.

If you are applying for leave related to a surrogacy arrangement, employees must notify us at least

15 weeks before the due date, including the date the baby is due and when they want to take their adoption leave.

4.2. TIME OFF FOR APPOINTMENTS

You are entitled to have paid time off to attend 5 adoption appointments after you've been matched with a child.

4.3. ADOPTION LEAVE

4.3.1. How much adoption leave am I entitled to?

Where a couple is adopting a child jointly they are required to choose which parent will take adoption leave and pay and the other parent will have access to paternity or shared parental leave instead.

Employees are entitled to 52 consecutive weeks statutory adoption leave, regardless of their length of service.

Adoption leave is comprised of:

Ordinary Adoption Leave – first 26 weeks
Additional Adoption Leave – last 26 weeks
Start date for adoption leave

Adoption leave can start:

- up to 14 days before the date the child starts living with you (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (if you've used a surrogate to have a child)

Employees must give us 28 days' notice if the start date of their placement changes (where reasonably practical).

4.4. ADOPTION PAY

4.4.1. Statutory Adoption Pay (SAP)

To qualify for SAP, employees must:

- Have 26 weeks continuous service with LSEAT by the week you were matched with the child
- Have average weekly earnings (see appendix 3 for how this is calculated) at or above the lower earnings limit for the payment of National Insurance Contributions
- Give the required notice of their matching and intention to take adoption leave
- Give proof of the adoption or surrogacy

SAP is paid for up to 39 weeks. It is paid as follows:

- First 6 weeks: 90% of average weekly earnings (see appendix 3 for how this is calculated).
- Following 33 weeks: Flat rate SMP or 90% of average weekly earnings (whichever is *lower*).
- The remaining leave after week 39 is unpaid.

4.4.2. Proof of Adoption

The proof must show the:

- name and address of the agency and employee
- date the child was matched, eg the matching certificate
- the expected or actual date of placement, eg a letter from the agency
- the relevant UK authority's 'official notification' confirming the parent is allowed to adopt (overseas adoptions only)
- the date the child arrived in the UK, eg plane ticket (overseas adoptions only)

4.4.3. Overseas adoptions

The conditions are the same except for both leave and pay employees must:

- have worked continuously for LSEAT for at least 26 weeks by the time you get your 'official notification'
- sign form SC6 (available from HMRC) if they are adopting a child with their partner

The official notification is permission from a UK authority that you can adopt from abroad. Form SC6 confirms you are not taking paternity leave or pay.

4.4.4. You're fostering for adoption

You're entitled to adoption pay and leave from when the child comes to live with you.

4.4.5. Surrogacy arrangements

You have the same entitlements as statutory adoption leave and pay.

If you're genetically related to the child (ie the egg or sperm donor), you can choose to get paternity leave and pay instead. You can't get both.

4.4.6. Exceptions

You don't qualify for Statutory Adoption Leave or Pay if you:

- arrange a private adoption
- become a special guardian or kinship carer
- adopt a stepchild
- adopt a family member or stepchild

If an employee does not qualify for SAP, the College's payroll service will write to the employee letting them know and will provide a SAP1 form.

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4.5. KEEPING IN TOUCH

The same provisions apply for adoption leave and keeping in touch as maternity leave. Please see the relevant section of the maternity scheme for details.

4.6. ANNUAL LEAVE AND BANK HOLIDAYS

The same provisions apply for adoption leave and keeping in touch as maternity leave. Please see the relevant section of the maternity scheme for details.

4.7. PENSION

The same provisions apply for adoption leave and pension as maternity leave. Please see the relevant section of the maternity scheme for details.

4.8. RETURNING TO WORK

4.8.1. Date of return

Employees will be expected back at work on the date given on the adoption leave notification form. If a date was not given, it will be assumed that the maximum leave entitlement is being taken. You will not be given any reminders of this date and unless you decide to return early or resign, you will be expected to report to work on that date.

Staff must give their Head of School and/or the HR department, at least 8 weeks' notice if you want to change your return to work date. If this notice period is not given, your return may need to be delayed by up to 8 weeks.

If an employee returns to work before exhausting their full entitlement to statutory adoption pay or leave, they and their partner may be eligible for Shared Parental Leave/Pay (see the Shared Parental Leave Scheme available in this policy).

4.8.2. Changing your working hours

The same provisions apply for adoption leave and changing your working hours as maternity leave. Please see the relevant section of the maternity scheme for details.

4.9. RESIGNING

If you decide not to return to work from adoption leave, you must provide a written letter of resignation to your Line manager and/or the HR department giving your contractual notice as detailed in your Statement of Particulars.

APPENDIX 1 – ADOPTION SCHEME

What do I need to do?

- Inform your line manager and/or the HR department in writing that you intend to adopt.
- Complete the adoption notification form (and provide proof of the adoption) which will be issued to you following notification of your intention to adopt.
- Your statutory obligations to notify us are as follows:
 - Within 7 days of being matched with a child you must inform us of how much leave you want, your leave start date and the 'date of placement' – the date the child is placed with you.
 - You must give 28 days' notice of when you want to stop work and when you want your pay to start.
- You must give us 28 days notice if the start date of the placement changes.
- You must return to work after your maximum leave entitlement or one of the following;
 - You must give 8 weeks' notice of an earlier return date
 - Resign with appropriate contractual notice

APPENDIX 2 – ADOPTION SCHEME

Relevant dates

Date/Event	Detail
Intention to Adopt	Notify your Head of School and the HR department (not statutory)
Matching Date	You must notify us within 7 days how much leave you wish to take, your leave start date and the date of placement.
15 weeks before due date (surrogacy ONLY)	The latest date you can notify us of your intention to take adoption leave and the intended start date of your leave.
28 days before child arrives in UK (overseas adoptions ONLY)	The earliest adoption leave can start
14 days before placement date (UK adoptions ONLY)	The earliest adoption leave can start
Date of birth or day after (surrogacy ONLY)	The earliest adoption leave can start
8 weeks before you intend to return to work	The latest date you can inform us of your intention to return to work.
The end of the 52 nd week of adoption leave	The latest date that you can return to work.

APPENDIX 3 – ADOPTION SCHEME

How are average weekly earnings calculated?

Average weekly earnings are calculated by averaging your weekly pay over a 'relevant period' before the 'matching week'.

The "Matching Week" (MW)

The Matching Week is the week (Sunday to Saturday) when the adoption agency told you that you have been matched with a child.

The "relevant period"

This is usually the 8 week period before the MW.

The end of the relevant period is the last normal payday on, or before the Saturday of the MW.

The start of the relevant period is the day after the last normal payday falling at least 8 weeks before the end of the relevant period.

More information about this statutory calculation can be found on the gov.uk website.

APPENDIX 4 – ADOPTION SCHEME

Application for Adoption Leave and Pay

Please read the Trust Maternity, Paternity & Adoption Policy and Procedure before completing this form. If you have any queries, please contact the HR Department.

This form should be completed within 7 days of being told by the adoption agency that you have been matched with a child and returned to HR department as soon as possible.

1 PERSONAL INFORMATION	
SURNAME:	FORENAME:
JOB TITLE:	E-MAIL ADDRESS:
DEPARTMENT:	TELEPHONE:
NI NUMBER:	MOBILE:
Days and hours normally worked:	
2 EXPECTED DATE OF PLACEMENT	
3 COMMENCEMENT OF ADOPTION LEAVE	
NB: Your Adoption Leave can commence on either:	
<ul style="list-style-type: none">• The day the child starts living with you or• Up to 14 days before this• Your Adoption Leave can start on any day of the week• Your Adoption leave will end 52 weeks after it starts, the date will be confirmed by HR	
4 ELIGIBILITY TO ADOPTION LEAVE	
I enclose the matching certificate	
I will provide the matching certificate as soon as I have received it	
5 DECLARATION	
SIGNED:	
NAME:	
DATE:	

5. SHARED PARENTAL LEAVE SCHEME

5.1. WHAT IS SHARED PARENTAL LEAVE?

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay. This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).

Who is eligible for Shared Parental Leave? SPL can only be used by two people:

- The mother/adopter and
- One of the following:
 - the father of the child (in the case of birth) or
 - the spouse, civil partner or partner of the child's mother/ adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Additionally an employee seeking to take SPL must satisfy each of the following criteria:

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- the employee must still be working for the College at the start of each period of SPL;
- the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks;
- the employee must correctly notify the Trust of their entitlement and provide evidence as required.

5.2. THE SHARED PARENTAL LEAVE ENTITLEMENT

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

A mother/adopter must give at least 8 weeks notice of curtailment of maternity/adoption leave and the date must be least two weeks after the birth/placement of the child (appendix 1)

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

SPL can commence as follows:

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

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).

If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).

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

5.3. NOTIFYING THE TRUST OF AN ENTITLEMENT TO SHARED PARENTAL LEAVE

An employee entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL (Appendix 2).

Part of the eligibility criteria requires the employee to provide the Trust with correct notification. Notification must be in writing and requires each of the following:

- the name of the employee;
- the name of the other parent;
- the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
- the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- the amount of SPL the employee and their partner each intend to take
- a non-binding indication of when the employee expects to take th leave.

The employee must provide the Trust with a signed declaration stating:

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

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

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

5.4. REQUESTING FURTHER EVIDENCE OF ELIGIBILITY

The Trust may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request.

5.5. FRAUDULENT CLAIMS

The Trust can, where there is a suspicion that fraudulent information may have been provided or where the Trust has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual Trust investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

5.6. DISCUSSIONS REGARDING SHARED PARENTAL LEAVE

An employee considering/taking SPL is encouraged to contact the HR department to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the company to support the individual.

The HR department may upon receiving a notification of entitlement to take SPL seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement.

Upon receiving a leave booking notice the HR department will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the employee's notice booking leave, a meeting may not be necessary.

Where a meeting is arranged it should take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged then the meeting may be held over the telephone.

At the meeting the employee may, if they wish, be accompanied by a workplace colleague or certified trade union representative

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Trust, and what the outcome may be if no agreement is reached.

5.7. BOOKING SHARED PARENTAL LEAVE

In addition to notifying the Trust of entitlement to SPL/ShPP, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

5.7.1. Continuous leave notifications

A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available

to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

An employee may submit up to three separate notifications for continuous period of leave.

5.7.2. Discontinuous leave notifications

A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, the Trust or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the Trust (see "Discussions regarding Shared Parental Leave" above).

The Trust will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

5.8. RESPONDING TO A SHARED PARENTAL LEAVE NOTIFICATION

Once the HR Department receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the Trust against any adverse impact to the Trust and its students.

Each request for discontinuous leave will be 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.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the Trust may propose a modified version of the request.

If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

5.9. VARIATIONS TO ARRANGED SHARED PARENTAL LEAVE

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Trust in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the Trust requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the Trust.

5.10. STATUTORY SHARED PARENTAL PAY (SHPP)

Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave. In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP

must further satisfy each of the following criteria:

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

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

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

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

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

- their agreement to the employee claiming ShPP and for the organisation to process any ShPP payments to the employee;
- (in the case where the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case where the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

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

5.11. PENSION

During SPL we shall continue to make any employer pension contributions that we usually make, based on the pay you are receiving whilst absent. You will continue to accrue pensionable service as if at your normal rate of pay.

5.12. ANNUAL LEAVE

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

5.13. KEEPING IN TOUCH

Your Head of School or Line Manager can make contact with you and vice versa whilst you are on SPL leave, as long as the amount and type of contact is not unreasonable. This contact is necessary to ensure discussions take place regarding return to work plans and to ensure you are kept up to date on important developments within the Trust including job opportunities or promotions that arise.

5.13.1. Shared Parental Leave in Touch days

Employees can work up to 20 days during SPL (These are called SPLIT days). SPLIT days are optional, there is no obligation for the Trust to offer them, and no obligation for you to accept them.

Employees will be paid for SPLIT days at their normal working rate for the hours worked. However this payment will be offset against ShPP. Payment will not exceed full pay. A part day worked is counted as one whole SPLIT day, but you are only paid for the hours worked.

5.14. RETURNING TO WORK AFTER SHARED PARENTAL LEAVE

The employee will have been formally advised in writing by the Trust of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the Trust otherwise. If they are unable to attend work due to sickness or injury, the Trust's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the Trust at least eight weeks notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the Trust does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

If their maternity/paternity/adoption leave and SPL amounts to more than 26 weeks in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favorable.

APPENDIX 1 – SHARED PARENTAL SCHEME

Employee notice of Curtailment of maternity/adoption leave

Complete this form to curtail your maternity/adoption leave in order to make shared parental leave/pay available to your partner. Only complete this form if:

- you are a LSEAT employee, and
- you are eligible for maternity or adoption leave/pay, and
- you do not intend to take shared parental leave yourself, and
- your partner wants to take shared parental leave and/or pay.

Curtailment of maternity/adoption leave and pay is legally binding and cannot normally be reversed. You can only reinstate your maternity/adoption leave and pay if all the following conditions are met:

- the curtailment notice was given in advance of the birth/placement; and
- the curtailment is revoked within 6 weeks of the birth/placement; and
- the curtailment is revoked before the date of curtailment itself;

or in the exceptional circumstances outlined in the policy.

You must give **at least eight weeks'** notice of your curtailment date. The curtailment date must be at least two weeks after the birth/placement of your child.

Please read the Trust Family Friendly Policy and Procedure before completing this form. If you have any queries, please contact the HR Department.

This form should reach the HR Department at least 15 weeks before the expected week of childbirth (EWC).

1 PERSONAL INFORMATION	
SURNAME:	
FORENAME:	
JOB TITLE:	
DEPARTMENT:	
NI NUMBER:	
Child's expected date of birth/date of placement for adoption (if known):	
Child's actual date of birth/date of placement for adoption (if known):	
Start date of mother/main adopter's maternity/adoption leave	

5 DECLARATION	
I wish my maternity/adoption leave to be curtailed (i.e. to end) on _____ (date) and I understand this is legally binding.	
SIGNED:	
NAME:	
DATE:	

APPENDIX 2 – SHARED PARENTAL SCHEME

Notice of Entitlement and intention to take shared parental leave

Please complete and return this form to your faculty/divisional Human Resources team. Employees with a child due to be born or placed for adoption on or after 5th April 2015 who wish to take shared parental leave (SPL) to share the main caring responsibilities with the other parent/partner must submit this form to Human Resources at least eight weeks before the start date of the first period of SPL.

To be entitled to SPL you must:

- be the mother, father, or primary adopter of the child, or the partner or the mother or primary adopter, or a Parental Order parent in a surrogacy arrangement (all will be referred to in this form as the parent)
- have (or share with the other parent) the main responsibility for the care of the child
- have at least 26 weeks' continuous service at the 15th week before the expected week of birth or at the week in which the primary adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- still be in continuous employment until the week before any SPL is taken.

The other parent must have at least 26 weeks' employment in the UK (employed or self-employed) out of the 66 weeks prior to the relevant week and have average weekly earnings of at least £30 during at least 13 of those weeks.

Please refer to the College's shared parental leave policy for further information before completing this form.

1 Employee Information	
Surname:	
Forename:	
Job Title:	
Department:	
NI Number:	

2 Partner Details <i>(If your partner is self-employed, state "Self-employed" and give contact details).</i>	
Name:	
NI Number:	
Relationship to Child:	
Employer Name:	

Address:	
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3 Maternity / Adoption Leave Details			
If you are the Birth Mother, Father or Mother's Partner please complete Part A. If you are the Primary or Secondary Adopter, complete Part B.			
Part A: Maternity Leave			
Start date:	<input type="text"/>	End date:	<input type="text"/>
No of weeks maternity leave taken or to be taken			<input type="text"/>
Part B: Adoption Leave			
Start date:	<input type="text"/>	End date:	<input type="text"/>
No of weeks adoption leave taken or to be taken:			<input type="text"/>

4 Shared Parental Leave Details			
To calculate the number of shared parental leave weeks available, deduct the no of weeks' Maternity /Adoption leave, Statutory Maternity/Adoption Pay or Maternity Allowance taken, or to be taken from 52.			
No of Shared Parental Leave weeks you will take:			<input type="text"/>
Start date:	<input type="text"/>	End date:	<input type="text"/>
No of Shared Parental Leave weeks your partner will take (if any):			<input type="text"/>
Start date:	<input type="text"/>	End date:	<input type="text"/>

You can change the allocation by giving us a further written notice, and you do not have to use your full allocation.

If you wish to take unpaid parental leave, please read the Shared Parental Leave Policy and discuss it your line manager

5 Shared Parental Pay Details			
To calculate the number of shared parental pay weeks available, deduct the no of weeks' Statutory Maternity/Adoption Pay or Maternity Allowance taken, or to be taken, from 39			
No of Shared Parental Pay weeks you wish to claim:			<input type="text"/>
Start date:	<input type="text"/>	End date:	<input type="text"/>

No of Shared Parental Pay weeks your partner wishes to claim (if any)		
Start date:		End date:

You can change the allocation by giving us a further written notice, and you do not have to use your full allocation.

5 Agreement		
I undertake to comply with the requirements of the College's shared parental leave policy.		
I declare that my partner and I both meet the statutory conditions for entitlement to Shared Parental Leave and Shared Parental Pay, and I understand that MMU will contact my partner's employer and/or HMRC to verify and share information.		
Print name:	Employee Signature	Date
Print name:	Partner Signature	Date
Print name:	Manager Signature	Date

APPENDIX 3 – SHARED PARENTAL SCHEME

Shared Parental Leave Application Form

Use this form to give notice to take a period of shared parental leave (and pay if applicable) giving at least eight weeks' notice of the start date of the leave. You may submit up to three 'period of leave' notices, including variations.

You must have previously submitted the notice of entitlement and intention to take leave form, and had your eligibility for shared parental leave confirmed.

If a continuous period of leave is requested in a period of leave notice, you will be entitled to take that period of leave and this will be confirmed in writing. If you request a discontinuous period of leave in this notice and it is not practicable to accommodate your requested pattern of leave your manager will discuss alternative options with you.

Please refer to the shared parental leave policy for further details regarding the notification and variation of periods of shared parental leave.

1 PERSONAL INFORMATION	
SURNAME:	
FORENAME:	
JOB TITLE:	
DEPARTMENT:	
NI NUMBER:	

Shared Parental Leave Dates:		
Start Date:	End Date:	Number of Weeks:

Shared Parental Pay Dates (If applicable):		
Start Date:	End Date:	Number of Weeks:

SIGNED (Employee):	
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DATE:

Family Friendly Policy

FOR COMPLETION BY THE FACULTY/PROFESSIONAL SERVICES HR TEAM:		
Employee's Number:		
Maternity curtailment date:		
Date notice of curtailment received by HR:		
Date notice of entitlement received by HR:		
Number of leave weeks taken by other parent:		
Number of pay weeks taken by other parent:		
OShPP option:		
Details of shared parental leave to be taken (only include leave periods where formal notice has been given):		
Date from	Date to	Entitlement
Comments:		
HR contact name:		
Date:		

