



# Family Leave Arrangements

For Teachers and Support Staff  
(This Policy refers to Maternity, Paternity and Parental Leave)



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## 1 Introduction

This policy explains the responsibilities and entitlements of Employees and provides details of the arrangements for leave and pay.

Please make sure you read this policy carefully as failure to comply with certain requirements and procedures may result in the loss of certain rights.

You will receive written confirmation from the HR & Payroll Departments with details about your individual entitlement to maternity leave and pay.

### Abbreviations

There are a number of abbreviations used throughout this policy and we have outlined these below:

**Expected Week of Childbirth:** **EWC** – the week beginning at midnight between Saturday and Sunday in which it is expected that your baby will be born.

**Maternity Pay Period:** **MPP** – 39 week period during which SMP / CMP are payable

**Statutory Maternity Pay:** **SMP** - statutory payments to be made whilst on maternity leave

**Contractual Maternity Pay:** **CMP** - additional maternity payment made by the school which is determined by your contract of employment

**Maternity Allowance:** **MA** – Women who do not qualify for SMP but have recently been employed by the Trust, or are self-employed, may be entitled to this.

**MAT B1:** Certificate issued by your doctor or midwife around the 20<sup>th</sup> week of pregnancy as proof of pregnancy

### Statutory Maternity Pay Rates from 7<sup>th</sup> April 2019 (*reviewed annually each April*)

<b>Higher Rate SMP (payable for the first 6 weeks)</b>	90% of average weekly contractual pay
<b>Standard Rate SMP (payable for the next 33 weeks)</b>	£148.68 per week or 90% of average weekly contractual pay (whichever is the lower)
<b>Lower Earnings Limit for SMP</b>	£118 per week

## 2 Maternity Rights

You have statutory rights, provided by relevant employment legislation. These include the right to maternity leave, maternity pay and to return to work after your leave. In addition to the statutory provisions the Trust operates a contractual maternity scheme for eligible employees.

Maternity rights apply equally to full and part-time employees no matter how many hours worked, provided qualifying conditions are satisfied.

## 3 Summary of Maternity Entitlements

All Employees who take maternity leave, regardless of their length of service, are entitled to:

- **Statutory Maternity Leave:** up to 26 weeks ordinary leave immediately followed by 26 weeks additional leave – 52 weeks in total.

Depending on your length of service and other qualifying criteria you may also be entitled to:

- **Statutory Maternity Pay (SMP):** You may be entitled to receive SMP for up to 39 weeks in total.

This is comprised of:

- 6 weeks at 90% of your average weekly contractual earnings payable during the first 6 weeks of your maternity leave followed by;
- 33 weeks at standard rate SMP or 90% of your average weekly earnings, whichever is less

In addition to the above statutory maternity provisions, you may be entitled to contractual maternity pay provisions. These differ slightly depending on whether you are Support Staff or Teaching Staff as these are governed by different terms and conditions. Contractual maternity payments run alongside any statutory maternity payments.

If you meet the qualifying criteria, you may be entitled to receive the following maternity pay:

#### **Teaching Staff Contractual Maternity Pay**

- 4 weeks at full contractual pay (inclusive of SMP where eligible) followed by;
- 2 weeks at 90% of your contractual pay ( inclusive of SMP where eligible) followed by;
- 12 weeks at half contractual pay (payable only if you intend to return to work) to run alongside 33 weeks of SMP or 90% of your average weekly earnings, whichever is less

#### **Support Staff Employed on Kent Scheme Conditions of Service Contractual Maternity Pay**

- 6 weeks at 90% of contractual pay (inclusive of SMP where eligible) followed by;
- 12 weeks at half contractual pay (payable only if you intend to return to work) to run alongside 33 weeks at standard rate SMP or 90% of your average weekly earnings, whichever is less

The combined total payment you receive in contractual half pay and standard rate SMP must not exceed full pay.

Support staff employed under the Kent Scheme Conditions of Service should refer to the Kent Scheme Family Leave Information pack available: [RIGHT CLICK HERE](#) or go to:

<https://www.kelsi.org.uk/hr-information-and-guidance-for-kent-maintained-schools/terms-and-conditions-for-kent-maintained-school-staff/kent-scheme-terms-and-conditions-of-employment-the-blue-book>

## **4 During your Pregnancy**

### **4.1 Notifying your Principal**

You should notify your Principal (academy staff) or CEO (trust staff) of your pregnancy as soon as possible. Early notification will assist your line manager to comply with relevant Health and Safety

requirements and to enable them time to make arrangements to cover your absence during maternity leave.

You must provide the Principal or CEO with notification of your intention to take maternity leave by the end of the 15<sup>th</sup> week before your Expected Week of Childbirth (EWC). This will be around the 25<sup>th</sup> week of your pregnancy.

This must be confirmed in writing using the form issued to you by the HR department and must include:

- Confirmation that you are pregnant
- The week your baby is expected to be born
- Date you wish to start maternity leave
- Confirmation of whether you intend to return to work

You can change the start date of your leave but you must give your Principal / CEO 28 days' notice of the revised dates.

Once you have provided your Principal / CEO with this notification the Trust's HR department will write to you setting out your leave and pay entitlement.

#### **4.2 Evidence of Pregnancy**

A MAT B1 certificate will be issued to you by your doctor / midwife. This certificate will need to be provided to your Principal / CEO when applying for Maternity Leave, and is required to confirm when your baby is due and to authorise maternity leave and pay.

The MAT B1 is usually issued around the 20<sup>th</sup> week of your pregnancy. If a MAT B1 is issued before this date it will be invalid for pay purposes and will be returned to you for your doctor / midwife to re-certify.

If you do not provide the required notification and evidence, your maternity pay cannot be paid and will be withheld until proper notification is received. Normal pay will cease from the start of your maternity leave to avoid any overpayment.

#### **4.3 Health and Safety**

Once you have provided notification of your pregnancy, the Principal / Line manager will contact you to arrange a workplace risk assessment. This is to ensure that any necessary and reasonable adjustments are made.

If you have concerns regarding your Health and Safety you should raise them with your line manager in the first instance.

#### **4.4 Antenatal Care**

Regardless of your length of service you are entitled to a reasonable amount of paid time off for antenatal care in addition to medical examinations. This may include relaxation and parent craft classes where these are advised by a registered medical practitioner, midwife or health visitor.

With the exception of the first appointment, you may be asked to produce an appointment card, or similar document, showing appointments. You may also be asked to provide a certificate from a registered medical practitioner, midwife or health visitor confirming your pregnancy.

You should endeavour to give your line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day.

In addition, the father or partner of a pregnant woman may take time off work to attend up to 2 antenatal appointments with the expectant mother. The maximum time off allowed for each appointment is 6 hours and 30 minutes. All such time off work will be unpaid. The school may require the father / partner to complete a declaration to confirm that leave is requested under these provisions.

## **5 Maternity Leave**

### **5.1 Maternity Leave Entitlements**

You are entitled to take up to 52 weeks maternity leave regardless of your length of service. Maternity Leave is made up of:

- 26 weeks ordinary maternity leave
- 26 weeks additional maternity leave

Additional maternity leave immediately follows ordinary maternity leave with no gap in between.

You do not have to take the full 52 weeks but you must take a minimum of 2 weeks maternity leave after the birth of your baby. This is compulsory maternity leave.

### **5.2 Starting Maternity Leave**

Maternity leave can start on any day of the week.

The earliest date you can start your maternity leave is 11 weeks before your Expected Week of Childbirth (EWC). You may wish to continue working beyond this, however the latest date you can choose to start your maternity leave is the day the baby is due.

You must put the date you wish to start maternity leave in writing. If your Principal / CEO has concerns about your health, you may be asked to provide written approval from your doctor or midwife to clarify whether there is a risk to your health and determine if it is in your best interests to be at work.

Maternity leave will also start:

- The day after the baby's birth if your baby is born early
- Automatically if you have been off work from a pregnancy-related illness in the 4 weeks before the due date

### **5.3 Premature Births**

If your baby is born early (before the date you intended to start your leave), maternity leave and pay will start automatically the day after your baby's birth.

In order to preserve your rights to maternity leave and pay you must give written notice of your baby's birth date as soon as it is reasonably practical to do so.

### **5.4 Miscarriages and Stillbirth**

In the event of miscarriage or stillbirth before or during the 24<sup>th</sup> week of pregnancy you will not be able to claim statutory or contractual maternity leave and pay. Sick pay entitlements will apply for any

resulting sickness absence in accordance with normal procedures. Compassionate Leave may also be granted at the discretion of the Principal / CEO.

Where miscarriage or still birth occurs from the beginning of the 25<sup>th</sup> week of pregnancy, maternity provisions will apply in accordance with your statutory and / or contractual entitlements.

If your baby is born alive but later dies, maternity provisions will still apply in accordance with your statutory and / or contractual entitlements.

## **5.5 Sick Leave**

If you are absent from work due to non-pregnancy related sickness (e.g. a broken arm) normal sick pay applies up to the date your baby is born or the agreed date for finishing work, whichever is sooner.

If however your absence is pregnancy related, sick pay will be paid up to the beginning of the 4<sup>th</sup> week before your EWC. Maternity Leave will need to start for any pregnancy related illness in the 4 week period before the due date. Maternity leave and pay will automatically start on the day after the first complete day of absence from work.

You are not entitled to sick pay during maternity leave.

## **5.6 Leaving Employment Prior to Maternity Leave**

If you leave employment with the school after the start of the 15<sup>th</sup> week (qualifying period) before EWC you will still be entitled to Statutory Maternity Pay (SMP). However:

If you leave your employment after the start of the qualifying period but before the start of the 11<sup>th</sup> week before your EWC, your SMP will start from the 11<sup>th</sup> week before your EWC.

- If you leave your employment after the start date of the 11<sup>th</sup> week before your EWC but before the date your maternity leave was due to start, your SMP will start from the day after you leave employment.

Should you leave employment before your maternity leave starts, you will not be entitled to Contractual Maternity Pay (CMP), as your contractual relationship with the Trust will have ended. Similarly, if you leave employment during maternity leave, CMP will end on your final date of employment and will not continue.

# **6 Maternity Pay**

The eligibility criteria for Statutory and Contractual Maternity Pay are different. This means that whilst you may qualify for one, you may not automatically qualify for the other.

## **6.1 Statutory Maternity Pay (SMP)**

If eligible, maternity pay will start the first day of your maternity leave. SMP is payable to all eligible employees for a maximum period of 39 weeks. To be eligible for SMP you must:

- Have 26 weeks continuous service with the Trust by the end of the 15<sup>th</sup> week before your EWC.
- Notify your Principal / CEO of your pregnancy, EWC and the date you wish to start your maternity leave by the 15<sup>th</sup> week before your baby is due. This will be around the 25<sup>th</sup> week of pregnancy.
- Still be employed by the 15<sup>th</sup> week before your EWC.

- Have average weekly earnings over a set period above the lower earnings limit for National Insurance purposes (see section 1 above for the current lower earnings limit)
- Provide a MATB1 certificate

SMP is paid for a period of 39 weeks and is made up as follows:

- 6 weeks at 90% of your average weekly contractual earnings payable during the first 6 weeks of your maternity leave followed by;
- 33 weeks at standard rate SMP or 90% of your average weekly earnings, whichever is less

Average weekly earnings will be based on the 8 week period immediately preceding the 15<sup>th</sup> week before your EWC and will be offset against contractual maternity pay for the first 6 weeks.

If you are currently taking advantage of any salary sacrifice scheme, including childcare vouchers, average weekly earnings is calculated after deductions have been made.

If you are eligible for CMP, this will run alongside your SMP provisions.

## 6.2 Teachers' Contractual Maternity Pay

To be eligible for CMP you must:

- Have at least 1 year's continuous service as a teacher\* with your current school / academy or 1 year's continuous service as a teacher with one or more local authorities, by the beginning of the 11<sup>th</sup> week prior to your EWC
- Continue to be employed immediately before your maternity leave starts
- Notify your Principal of your pregnancy, EWC and the date you wish to start your maternity leave by the 15<sup>th</sup> week before your baby is due. This will be around the 25<sup>th</sup> week of pregnancy
- Provide a MATB1 certificate

\* *Service in a non-teaching role does not qualify.*

For Teaching Staff, CMP is comprised of:

- 4 weeks at full contractual pay (inclusive of SMP where eligible) followed by;
- 2 weeks at 90% of contractual pay (inclusive of SMP where eligible), followed by;
- 12 weeks at half contractual pay (payable only if you intend to return to work) to run alongside (where eligible);
- 33 weeks at standard rate SMP or 90% of your average contractual weekly earnings, whichever is less

The combined total payment you receive in contractual half pay and standard rate SMP must not exceed full pay.

If you are a teacher you must return to work for at least 13 weeks, or the equivalent, following your maternity leave to retain your contractual half pay. Should your employer agree to you returning to your teaching role on a part time basis, the period must equate to 13 weeks full time service. Similarly, where

the employer agrees, a part-time teacher may return to work on different part-time basis for a period which equates to 13 weeks part-time service under the previous contract.

The qualifying period of return includes academy closure periods.

### 6.3 Support Staff (Kent Scheme) Contractual Maternity Pay

Support staff employed under the Kent Scheme Conditions of Service should refer to the Kent Scheme Family Leave Information pack available: [RIGHT CLICK HERE](#) or go to:

<https://www.kelsi.org.uk/hr-information-and-guidance-for-kent-maintained-schools/terms-and-conditions-for-kent-maintained-school-staff/kent-scheme-terms-and-conditions-of-employment-the-blue-book>

To be eligible for CMP you must:

- Have a least 1 year's continuous local government service at the beginning of the 11<sup>th</sup> week prior to your EWC
- Continue to be employed immediately before your maternity leave starts
- Notify your Principal / CEO of your pregnancy, EWC and the date you wish to start your maternity leave by the 15<sup>th</sup> week before your baby is due
- Provide a MATB1 certificate

For Support Staff CMP is comprised of:

- 6 weeks at 90% of your contractual pay (inclusive of SMP where eligible) followed by;
- 12 weeks at half contractual pay (payable only if you intend to return to work) to run alongside (where eligible) ;
- 33 weeks at standard rate SMP or 90% of your average contractual weekly earnings, whatever is less

The combined total payment you receive in contractual half pay and standard rate SMP must not exceed full pay.

#### **Additional information**

If you have a break in service or change your employer during the 12 months preceding your qualifying week for statutory or contractual maternity pay this may impact on your entitlement to contractual and statutory maternity pay.

The qualifying service requirements for Teacher and Support Staff contractual adoption pay differ. In certain circumstances movement between schools and academy employers may be regarded as continuous.

Please seek early guidance from your Principal about your potential entitlements.

## 6.4 Conditions for Receipt of Contractual Half Pay for Support Staff

You will not be entitled to contractual half pay where at the outset you indicate that you 'do not intend to return' to work following maternity leave.

If you indicate that you 'may' return to work contractual half pay will be payable once you have returned to work for 13 weeks following your maternity leave.

Where you indicate that you 'will' return to work contractual half pay will be paid during your maternity leave.

If you are a member of support staff you must return to work for at least 13 weeks following your maternity leave in order to retain your contractual half pay.

You must return to the same academy you were employed at prior to your period of maternity leave.

Please be aware that if you do not return to work for the required time period your employer is entitled to reclaim the contractual half pay you have received.

## 6.5 Maternity Allowance

If you are not entitled to SMP you may be entitled to Maternity Allowance. Your payroll provider will give you form SMP1, stating the reason why you do not qualify for SMP. This form must be submitted when you make an application for Maternity Allowance.

If you think you are entitled to Maternity Allowance further details and an application form are available at:

<https://www.gov.uk/maternity-allowance/how-to-claim>;

## 6.6 Deductions from Maternity Pay

Both SMP and CMP are subject to PAYE tax, National Insurance and Pensions contributions. If you have a period of unpaid leave it is possible that you will be eligible for a tax refund at the end of the tax year, or you may pay lower PAYE for the initial period after return to work. Any other voluntary deductions will be taken from your pay as usual.

## 7 During Maternity Leave

Your contract of employment will continue during your maternity leave. You will continue to qualify for your statutory employment rights. Your period of leave will also count towards any qualifying service for your statutory entitlements.

### 7.1 Notification of Birth

You should inform your Principal / CEO of the actual date of birth of your baby as soon as possible. They will in turn notify the HR and payroll Dept.

### 7.2 Annual Leave

#### Support Staff

Support staff, annual leave accrues during maternity leave, and can be taken all or in part before returning to work. Contractual holiday pay will occur when maternity pay has ceased. When maternity leave spans two annual leave periods, the whole of the accrued leave should be transferred to the new leave year.

The annual leave period for all year round support staff runs from 1<sup>st</sup> April to 31<sup>st</sup> March.

Support staff employed under the Kent Scheme Conditions of Service should refer to the Kent Scheme Family Leave Information pack available: [RIGHT CLICK HERE](#) or go to:

<https://www.kelsi.org.uk/hr-information-and-guidance-for-kent-maintained-schools/terms-and-conditions-for-kent-maintained-school-staff/kent-scheme-terms-and-conditions-of-employment-the-blue-book>

### Teachers

If you are a Teacher you are entitled to 28 days (pro rata) annual leave entitlement, inclusive of Bank Holidays, under the Working Time Regulations. This is taken within the school closure periods.

A teacher who takes maternity leave must be able to take the 28 days' statutory annual leave at a time outside of her maternity leave period. No part of the maternity leave can be treated as annual leave.

Your annual leave entitlement is offset by any period of school closure that has taken place in the leave year in question, i.e. both before and after the maternity leave period.

Where your return from maternity leave is close to the end of the annual leave year any leave entitlement should be carried over to the following leave year. This leave should be taken during the remaining periods of school closure after the 28 days annual leave for that leave year has been accommodated.

The annual leave period for a teacher is deemed to run from 1<sup>st</sup> September to 31<sup>st</sup> August.

### 7.3 Pension

When you start your Maternity Leave and whilst you are receiving Maternity Pay, you will be required to pay pension contributions and these will be deducted from your salary in the normal way. You will be required to pay pension contributions for the period of paid maternity leave based on the actual amount you are paid, so this will be less than what you normally pay.

### Support Staff

As a member of the Local Government Pension Scheme, when you return to work you will have the option to pay pension contributions for the period of unpaid absence, where applicable. If you wish to pay these additional pension contributions please inform the Trust's finance department. Finance will liaise with the LGPS and will write to you providing you with the details of the amount of arrears so that you can make a decision whether or not to pay. Contributions will be based on the value of your statutory maternity pay so will be less than you normally pay but your membership of the scheme will be credited at normal length. If you decide not to pay for your period of unpaid maternity leave this will not count in any way for pension purposes.

### Teachers

As a member of the Teachers' Pension Scheme, if you do not qualify for SMP and CMP or where maternity pay ends, you will cease to be a member of the scheme for the unpaid period and you will not be able to pay arrears for this period. Contributions will begin upon your return to work.

### 7.4 Contact during Maternity Leave

Your Principal / line manager can make contact with you (and visa 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 workplace including any job opportunities or promotions that arise.

## 7.5 Keeping in Touch Days

Before starting maternity leave your Principal / line manager will agree how best to keep in contact with you.

During maternity leave you may work up to 10 'Keeping in Touch Days' (KIT Days) which are intended to help you keep up to date with the work environment and to help prepare for your return from leave. KIT days may be paid without affecting your statutory maternity pay or leave.

However, where a KIT day is worked during the paid part of your maternity leave, the KIT hours/days will be offset against any pay you are currently receiving. This means that unless the pay for the hours you work in that week exceeds the pay you are currently receiving, there will be no payment made for the hours worked.

If you work a KIT day in the unpaid part of your leave you will receive pay for hours worked.

Working for any part of a day will count as one KIT day.

## 7.6 Redundancy and Reorganisation

Should the Trust commence a redundancy or reorganisation process either prior to or during your maternity leave, your Principal / line manager will discuss with you any impact this might have on your job role or entitlement to maternity leave or pay.

## 7.7 Fixed Term and Temporary Contracts

If you are employed on a fixed term or temporary contract which is due to end either prior to or during your maternity leave for a reason unrelated to your pregnancy or maternity, your Principal / line manager will discuss with you any impact this may have on your entitlement to maternity leave or pay.

# 8 Returning to Work

You must notify your Principal / Line manager of the date you intend to return to work. Unless your manager is otherwise notified, your return to work date will be the first working day after the end of the 52 weeks maternity leave. The Trust's HR department will inform you in writing before you start your leave of the date you are expected to return. You will not receive any further notification and it is expected that you will return to work on this date.

If you do not return by your latest date of return, you risk losing the right to return.

## 8.1 Right to Return

After the period of ordinary leave, you will have the right to return to the same job. After additional leave you will have the right to return to the same job or, if not reasonably practical, an appropriate alternative job. Exceptions may occur where there is for instance, a redundancy or the end of a fixed term or temporary contract. In these circumstances you will be offered suitable alternative work, where available.

## 8.2 Returning to Work Early

If you decide that you want to return to work before the end of your maternity leave period then you will need to give your Principal / line manager 8 weeks' notice of your new intended return date.

If you do not give the required notice period and the earlier return cannot be accommodated within the school your Principal / line manager may request that you remain on maternity leave until the 8 week notice period has elapsed.

The 8 weeks' notice period may include school holidays and closure periods.

### **8.3 Delays in Returning to Work**

Delays may occur where there has been an interruption of work (whether due to industrial action or some other reason). You should return when work resumes, or as soon as is practical. If this situation occurs, please consult with your Principal / line manager.

### **8.4 Sickness**

If you are unable to return to work due to illness, maternity leave is not extended but normal sickness procedures apply.

### **8.5 Requesting to Change your Working Hours**

You may wish to request to change your work pattern / hours on your return from maternity leave. You should discuss this with your Principal / line manager in the first instance and make a formal request in writing under the Trust's Flexible Working Policy.

There is a statutory three month timescale for flexible working requests to be considered so employees are advised to submit their requests at the earliest opportunity so that these can be fully considered during academy opening times. This three month period can be extended with joint agreement.

Your Principal / line manager will need to consider your request carefully and will provide you with specific business reasons if this cannot be accommodated.

Please refer to the Flexible Working Policy on our website: [RIGHT CLICK HERE](#) or go to <https://www.brooklearningtrust.org.uk/trustpolicies>

### **8.6 Facilities for New Mothers**

New mothers who wish to breastfeed or express / store milk at school on their return to work should discuss this with the Principal / line manager at the earliest opportunity so that appropriate arrangements can be considered.

### **8.7 Leaving the School**

If you decide not to return to work from maternity leave, you must formally resign giving written contractual notice to your Principal / CEO. Your contract will terminate at the end of your contractual notice, or, at the end of your Statutory Maternity Pay period, whichever is later. If you return to work and then decide to resign, you must give contractual notice.

If you leave employment before completing the required period of service upon return from maternity leave and have received payment of the 12 weeks half pay, this must be immediately repaid (please refer to section 6.5 for further details).

## **9 Other Family Leave Entitlements**

### **9.1 Paternity Leave**

Fathers or partners may be entitled to take 1 or 2 weeks leave to look after their new born baby.

#### **Paternity Leave rights**

You have statutory rights, provided by relevant employment legislation. These include the right to Paternity Leave, Statutory Paternity pay, where eligible, and to return to work after your leave.

These rights apply equally to male and female employees and also full and part-time employees no matter how many hours worked, provided qualifying conditions are satisfied.

### Summary of Paternity Leave Entitlements

Paternity Leave is a provision available to both male and female employees to enable them to take time off work where:

- their partner has given birth to a baby or
- they are adopting a child with their partner.

The leave should be taken specifically for the purpose of taking care of the baby / adoptive child or to support the mother or adoptive parent to do so.

You may be entitled to:

- Paternity Leave: for up to two consecutive weeks
- Paternity Pay: statutory weekly rate or 90% of your average weekly earnings, whichever is less

### Paternity Leave Pay rates from 7<sup>th</sup> April 2019 (reviewed annually each April)

<b>Statutory Paternity Pay</b>	£148.68 or 90% of your weekly earnings (whichever is the lower)
<b>Lower Earnings Limit for Statutory Paternity Pay</b>	£118 per week

### Eligibility for Paternity Leave and Pay

To be eligible for Paternity Leave and Pay you must meet the following criteria:

#### Length of Service

You must:

- have 26 weeks continuous service with the Trust prior to the 15<sup>th</sup> week before the baby is due and remain employed up until the baby is born, or,
- have 26 weeks continuous service with the Trust by the end of the week in which you and your partner are notified that you have been matched with a child for the purposes of adoption and remain employed until the child is placed (**if adopting a child within the UK**), or
- have 26 weeks continuous service with the Trust by the end of the week in which you and your partner receive official notification for the purposes of adoption, or by the time you want your Paternity Leave to start, whichever is the later and remain employed until the child is placed (**if adopting a child from overseas**)

#### Personal declaration:

In addition to having the required service you must be able to declare you are:

- the biological father, or
- the husband or civil partner of the mother (this may include same sex partners)
- the partner of the primary adopter
- the intended parent (where you are having a baby through a surrogacy arrangement)
- living with the mother / adoptive parent in an enduring family relationship, but not an immediate relative

You must also be able to declare:

- you will be responsible for the child's upbringing, and
- you will take time off work to support the mother / adoptive parent or care for the child

You may be asked to complete a form or declaration by your school confirming that you meet the eligibility criteria to take paternity leave.

In the case of couples who are adopting a child or having a child through a surrogacy arrangement, adoption leave and pay are available to one partner. The other person can take paternity leave.

Paternity Leave is not available in circumstances where a child is not newly matched for adoption, e.g. adopting the children of a partner.

Dual approved prospective adopters who have a child placed with them under section 22c of the Children Act under the foster to adopt provisions are also entitled to adoption leave and pay. There is no entitlement to paternity leave and pay in other fostering circumstances.

### **Notifying your Principal**

All requests for Paternity Leave should be made to your Principal / CEO.

You should discuss how much time you want off and the leave dates with the school by the 15<sup>th</sup> week before the baby is due or within 7 days of the date the adoption agency confirms that the child has been matched.

Notification must be in writing using the BLT request for paternity leave forms and must include:

- Confirmation and expected date of birth or placement
- Date you wish to start Paternity Leave
- Confirmation of whether you wish to take 1 or 2 consecutive weeks leave

If you wish to change the date you intend to start Maternity Support Leave, you must give the Principal / CEO 28 days' notice of the new date.

Where it is not reasonably practical for you to give the correct notification of the date you wish to start your paternity leave or any revised date, you should discuss this with your Principal / CEO as soon as possible.

### **Paternity Leave Entitlement**

Paternity Leave can be taken for 1 or 2 consecutive weeks.

You can choose to take either 1 or 2 weeks Paternity Leave

You must take your leave in a single block, you cannot take individual days. Where 2 weeks leave is taken these must be consecutive calendar weeks

A week is the same amount of days that you normally work under your contract of employment.

Only one period of paternity leave can be taken per pregnancy even where this results in multiple births.

### **Starting Paternity Leave**

Paternity Leave can start on any day of the week.

Paternity Leave cannot start before the birth of the baby or before the date of placement in the case of adoption.

Paternity Leave must be taken within 8 weeks (56 calendar days) after the birth of the baby or placement for adoption.

### **Premature Births**

If your baby is born early you can choose to take leave at any time between the actual date of birth and the end of an 8 week period running from the Sunday of the week your baby was originally due.

### **Miscarriages and Stillbirths**

In the unfortunate event of miscarriage or stillbirth before or during the 24<sup>th</sup> week of pregnancy you will not be able to take Paternity Leave or receive any associated payment.

If your baby is born alive before or during the 24<sup>th</sup> week of pregnancy but subsequently dies, or where stillbirth occurs from the beginning of the 25<sup>th</sup> week of pregnancy, Paternity Leave provisions will still apply.

### **Statutory Paternity Pay**

Statutory Paternity Pay is paid for up to 2 weeks.

To receive statutory paternity pay you must meet the eligibility criteria set out above. In addition you will need to have average weekly earnings over a set period which are above the lower earnings limit for national insurance purposes.

Where you do not meet the earnings threshold for statutory paternity pay you will still be entitled to paternity leave providing you meet the other eligibility criteria.

### **Contractual Paternity Pay for Support Staff**

Support staff employed under the Kent Scheme Conditions of Service should refer to the Kent Scheme Family Leave Information pack available: [RIGHT CLICK HERE](#) or go to:

<https://www.kelsi.org.uk/hr-information-and-guidance-for-kent-maintained-schools/terms-and-conditions-for-kent-maintained-school-staff/kent-scheme-terms-and-conditions-of-employment-the-blue-book>

Where you are eligible for Contractual Paternity Leave Pay, this will run alongside your entitlement to Statutory Paternity Pay.

Contractual Paternity Leave Pay is paid inclusive of your Statutory Paternity Pay.

### **During Paternity Leave**

Your contract of employment will continue during your period of Paternity Leave. You will continue to qualify for your statutory employment rights. Your period of leave will also count towards any qualifying service for your contractual entitlements.

### **Contact during Paternity Leave**

Your Principal / Line manager can make contact with you (and visa versa) whilst you are on Paternity 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 workplace including any job opportunities or promotions that arise.

## **Pensions**

When you start Paternity Leave and whilst you are receiving Paternity Leave pay, you will be required to pay pension contributions and these will be deducted from your salary in the normal way. You will be required to pay pension contributions for the period of paid Paternity Leave based on the actual amount you are paid, so this may be less than you normally pay.

## **Returning to work**

### **Right to Return**

You will have the right to return to the same job after Paternity Leave. Exceptions may occur where there is for instance, a redundancy or the end of a fixed term or temporary contract. In these circumstances you will be offered suitable alternative work, where available.

### **Delays in returning to work**

Delays may occur where there has been an interruption of work (whether due to industrial action or some other reason). You should return when work resumes, or as soon as is practical.

### **Sickness**

If you are unable to return to work due to illness, Paternity Leave is not extended but normal sickness procedures apply.

### **Requesting to Change your Working Hours**

You may wish to request to change your work pattern / hours (flexible working) on your return from Paternity Leave. You should discuss this with your Principal / CEO in the first instance and make a formal request in writing.

Your Principal / CEO will need to consider your request carefully and should provide you with specific business reasons if this cannot be accommodated.

Guidance on your right to request flexible working can be found in the Trust's flexible working policy.

## **Leaving the Trust**

If you decide not to return to work from Paternity Leave, you must formally resign giving written contractual notice to your Principal. Your contract will terminate at the end of your contractual notice, or, at the end of your Paternity Leave and pay period, whichever is later. If you return to work and then decide to resign, you must give contractual notice.

## **9.2 Shared Parental Leave**

Shared Parental Leave enables both parents to request periods of leave to care for their baby during their first year. Please refer to the Shared Parental Leave Policy on the Brook Learning Trust Website for further details: [RIGHT CLICK HERE](#)

### 9.3 Parental Leave

Employees with parental responsibilities may wish to request periods of parental leave specifically to take care of the welfare of their child. Up to 13 weeks unpaid leave may be requested up until the child reaches the aged of 18.

Further details can be found at:

<https://www.gov.uk/parental-leave>

### 9.4 Emergency Dependent Care Leave

The Trust has a statutory obligation to grant Employees a reasonable period of unpaid time off work to deal with unforeseen or emergency situations involving a dependent who relies upon the Employee for assistance.

Circumstances in which time off may be permitted include but are not limited to:

- Providing assistance if a dependent falls ill, is injured or assaulted or is unexpectedly taken into hospital
- Making arrangements for the care of a dependent who is ill or injured
- If a child is involved in a serious incident at School or during School hours
- Dealing with an unexpected breakdown / disruption in the usual arrangements for the care of a dependent
- Taking action that is necessary following the death of a dependent.

Each request will be considered on a case by case basis. As a guide the time off should be sufficient to enable the Employee to deal with the immediate situation and make any necessary longer term arrangements. In most cases a day or two will be sufficient to deal with the immediate circumstances.

Please refer to the Procedure for the Management of Absence & Special Leave for Employees for further details.

#### **POLICY REVIEW AND RATIFICATION**

This is a new policy introduced in February 2020 and ratified by the Board.  
It will be reviewed annually by the Trust and ratified by the Board in October.

Summary of amendments to this iteration:

New policy layout and content to reflect the Schools Personnel Policy used in the past by each academy.

Next review by HR

October 2020

# Appendix 1:

## Child Care Choices

There are a number of childcare options which you may wish to consider on returning to work, these include:

- Pre School and Play Groups
- Day Nurseries
- Childminders
- Nannies and Au Pairs
- Breakfast and After School Clubs

Kent County Council's Childcare Advice Line can provide information and guidance on finding a childcare provider and meeting childcare costs.

They can be contacted on:

Telephone: 03000 41 23 23

Email: [kentcfis@kent.gov.uk](mailto:kentcfis@kent.gov.uk);

Website: <http://www.kent.gov.uk/education-and-children/childcare-and-pre-school/advice-about-childcare>;

Whatever form of childcare you decide, you will need to organise a contingency plan in the event of unexpected illness (child and carer) and holidays.

## Childcare Costs

The Government offers a range of initiatives to support eligible parents with the cost of childcare.

This includes

- including tax free childcare between the ages of 0 and 11
- 15 or more hours of free childcare for parents of children aged 2 years or over.

To find out more please visit:

<https://www.childcarechoices.gov.uk/>

## Childcare Vouchers

The childcare voucher scheme closed to new applicants in October 2018 and was replaced by the government's tax free childcare scheme. If parents are already registered they can continue to use the voucher scheme provided by Computershare.

This is the link to the information on the new government scheme: <https://www.gov.uk/tax-free-childcare>

## Appendix 2: Additional Information

### Statutory Maternity Guidance:

<https://www.gov.uk/maternity-pay-leave;>

<https://www.gov.uk/working-when-pregnant-your-rights;>

<https://www.gov.uk/employee-rights-when-on-leave;>

### Statutory Paternity Leave Guidance:

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

**Risk Assessments for New and Expectant mothers:** ask your HR Department for this form

### Additional Entitlements

Once you become pregnant you become entitled to certain NHS services free of charge. You may also be entitled to receive additional state benefits whilst you are pregnant and after the birth.

Further information is available from:

Department of Work & Pensions

<https://www.gov.uk/browse/benefits/families;>

NHS England

<https://www.nhs.uk/NHSEngland/Healthcosts/Pages/Prescriptioncosts.aspx;>