

Governing body meeting
Autumn term 2015

Report by the Assistant Director for
Human Resources

FAMILY FRIENDLY POLICIES

1. INTRODUCTION

- 1.1 This paper provides the following revised model policies:
- Adoption policy (**enclosed for heads, chairs and vice chairs only**)
 - Maternity policy (**enclosed for heads, chairs and vice chairs only**)
 - Paternity and Maternity Support Leave policy (**enclosed for heads, chairs and vice chairs only**)
 - Parental Leave policy (**enclosed for heads, chairs and vice chairs only**)

Plus the introduction of a new model Shared Parental Leave policy (**enclosed**).

Schools can utilise these to comply with the revised statutory obligations.

2. BACKGROUND

- 2.1 The Children and Families Act 2014 contained changes to help parents to balance work and family life.
- 2.2 In addition to the Children and Families Act 2014, statutory rates for maternity, adoption and paternity pay increased from £138.18 to £139.58 per week. The policies listed at paragraph 1.1 above have also had these rates updated.

3. INFORMATION

- 3.1 The changes which affect the policies listed above are as follows:

Adoption:

- Adoption leave and pay will mirror the rights of birth mothers.
- Adoption leave and pay is now accessible to those adopting via surrogacy and via 'foster to adopt'. In 'regular' adoption situations an adoption agency would provide a matching certificate. Via these new routes, the following would occur – Surrogate parent(s) would apply to a court for a parental order. Foster to adopt scenarios would see foster carers (named on a local authority care plan) subsequently adopt a child/children in their care.

Parental leave:

- Existing parental leave is a provision of 18 weeks' unpaid leave (up to four weeks in any one leave year) currently available to employees with children up to the age of 5 (18 for disabled children).
- This is to be extended to the age of 18 for all children.

Shared Parental Leave:

- This is a new concept and replaces the existing provision of additional paternity leave, which has been repealed.
- SPL is accessible where a mother/adopter curtails their pay and/or leave and their partner can then take the remainder, either at a different time or at the same time as the mother/adopter.
- SPL can be continuous (one period) or discontinuous. For example, a mother/adopter could end their leave, have a period back at work and then take a further period of leave via SPL.
- Continuous SPL is a right and cannot be declined. Discontinuous periods may be if the school cannot accommodate them but compromise should be sought where possible. If agreement cannot be reached it will default to one continuous period.
- Employees can make three requests for SPL.
- There is quite a complex process for notification of entitlement and then requests, a form has been provided for this purpose.
- As per the Acas guidance early meetings between employees and schools have been encouraged in the policy.
- As with maternity and adoption leave employees can work some days during their period of SPL. Rather than being called KIT days they are called SPLIT days and the limit is 20 not 10 in this case.

4. ISSUES FOR CONSIDERATION

- 4.1 The governing body is asked to consider the adoption of the revised model family friendly policies and the introduction of a new model Shared Parental Leave policy. Voluntary aided schools and academies which are part of the HR service level agreement, are asked to receive these policies for information and consideration.
- 4.2 Should the governing body decide not to adopt the model policies it should produce appropriate alternatives in consultation with the recognised teacher associations and trade unions. Community schools will be required to provide an alternative to the council, which the council as employer is satisfied, meets the necessary standard.
- 4.3 All governing bodies who adopt alternative documents or modify the models provided are requested to submit final documents to schoolsHRpolicy@northlincs.gov.uk
- 4.4 The governing body is reminded of the need to communicate policy changes to all staff at the earliest opportunity.

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 Rebecca Stanford – HR (9 June 2015)

NORTH LINCOLNSHIRE COUNCIL

ADOPTION POLICY **(WHOLE SCHOOL/ACADEMY)**

ADOPTION POLICY FOR _____ SCHOOL/ACADEMY

INTRODUCTION

1. This policy describes the steps to be taken where individuals wish to take adoption leave in order to adopt a child.
2. This policy describes the type and extent of the adoption leave provisions open to employees who are informed by an adoption agency that a child will be placed with them. This also applies to surrogacy and foster to adopt arrangements.

This policy applies to all employees of the school

LEGAL POSITION

3. A wide array of legislation regulates adoption leave and pay. Most of the relevant legislation can be found consolidated into the Employment Rights Act 1996 or the Employment Relations Act 1999. Some of the details of the rights and principles contained in the main Acts are to be found in the various implementing regulations, principally:
 - Work and Families Act 2006
 - The Maternity Leave and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2006 (SI 2006/2014)
 - Children and Families Act 2014
 -
4. The relevant post-natal provisions of the National Joint Council (NJC) for Local Government Services' maternity pay and maternity leave scheme and the Conditions of Service for School Teachers in England and Wales ("the Burgundy Book") maternity scheme, guide this adoption policy.
5. The adoption policy complies with the minimum requirements of the statutory provisions, but in some areas offers terms that are more favourable.

ELIGIBILITY

6. Employees are entitled to benefit from this policy once they are notified and accepted as an adoptive parent by a recognised adoption agency and then accept a newly matched child or children for adoption (either within the UK or overseas). Where there is mention of being matched with a child within this policy, this also covers arrangements where foster carers subsequently adopt a child or children in their care and where a court has made a "parental order" in a surrogacy situation.

7. Only one partner will be eligible for adoption leave. The other partner may also be eligible for paternity leave. Both partners may also choose Shared Parental Leave which allows them to share the time off taken to care for their child; further information is available in the Shared Parental Leave Policy.
8. Employees who are eligible to take adoption leave will be entitled to reasonable time off with pay for interviews, appointments with social workers, adoption agencies etc. Employees must provide their Head Teacher/Principal or nominated officer with letters/appointment cards to confirm these visits. Partners of those adopting a child or children will be permitted unpaid time off to attend these appointments.

ENTITLEMENTS (Non-teaching)

9. All employees will be entitled to 26 weeks' ordinary adoption leave and 26 weeks' additional leave providing they have complied with the notification procedure.
10. Adoption pay is paid according to continuous local government service and the satisfying of certain statutory conditions. The current arrangements associated with adoption pay are as follows:

Employees with less than one years' continuous service at the start of the adoption placement will be entitled to the following:

11. Statutory Adoption Pay (SAP), which will be six weeks at 90% of pay followed by 33 weeks at £139.58 (SAP rate for 2015/2016) per week (or 90% of pay if this is less than £139.58 per week).
12. For an employee to receive the above payment they must have 26 weeks' service at the start of the adoption placement and their average earnings in the eight weeks before being notified of the placement must be equal to the Lower Earnings Limit (LEL), which is £112.00 per week for 2015/2016).

Note 1: The rates of SAP and the LEL are usually revised in April each year. To confirm the current rates employees should seek advice from the HR advisory service or the Payroll section.

Employees with at least one year's continuous service at the start of the adoption placement will be entitled to the following:

13. (Non-teaching)

Weeks 1-6	90% week's pay <i>(offset against payments made by way of SAP)</i>
Weeks 7-18*	Half pay plus SAP (Known as Contractual Adoption Pay). <i>(The payment of half pay and SAP is not to exceed full pay and will be</i>

	<i>adjusted accordingly)</i>
Weeks 19-39	SAP

14. (Teaching)

Weeks 1-4	Full pay (offset against payments made by way of SAP)
Weeks 5-6	90% week's pay (<i>offset against payments made by way of SAP</i>)
Weeks 7-18*	Half pay plus SAP (Known as Contractual Adoption Pay). (<i>The payment of half pay and SAP is not to exceed full pay and will be adjusted accordingly</i>)
Weeks 19-39	SAP

- 15.** *The above half pay payments will only be made where employees have stated in writing that they intend to return to work and remain employed for at least three months following their return.
- 16.** If the employees do not state that they intend to return to work they will only receive SAP for the period weeks 7 to 39.
- 17.** If the employee subsequently decides not to return to work they must give notice of termination of employment in line with their contract of employment. Employees who do not return to local government service for a period of three months will have to repay the half pay element received during the period of adoption leave.
- 18.** Employees who have received contractual half pay whilst on adoption leave must return to local government service for a three month period prior to taking a career break, otherwise they will be required to pay back the amount received. If an employee seeks a career break before the three month period is worked they will be notified of any monies that will be repayable.
- 19.** Employees can start their leave on any day of the week, from the date of the child's placement (this may be earlier than expected), or from an agreed date. The agreed date can be up to 14 days before the expected date of placement but no later than the expected date of placement. Entitlement to leave is not per child.
- 20.** If the child's placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to eight weeks after the end of the placement.

NOTIFICATION

21. Employees should tell their Head Teacher/Principal or nominated officer within seven days of being 'matched' with a child, that they intend to take adoption leave.
22. They should notify their Head Teacher/Principal or nominated officer when the child is going to be placed with them and when they want their adoption leave to start using form Appendix 2. The Head Teacher/Principal or nominated officer will inform the HR advisory service.
23. Employees must produce a 'matching certificate' from their adoption agency (as evidence of entitlement to SAP), which will include basic information on matching and expected placement dates. A form at Appendix 1 can be utilised for this purpose.
24. If employees need to change the leave date (where possible) they should give 28 days notice. The Head Teacher/Principal or nominated officer will inform the HR advisory service.
25. The HR advisory service. will write to the employee within 28 days of the receipt of notification and confirm the expected date of return from adoption leave.

MAINTAINING CONTACT

26. Preserving dialogue and communication between the Head Teacher/Principal or nominated officer and employees undertaking a period of adoption leave is to the advantage of all concerned. As a minimum employees should always be advised of any matters relating to pay and benefits, office relocation, potential redundancy issues, promotional opportunities or any other significant matter, such as a restructure, which might affect his/her job on return.
27. Maintaining more comprehensive contact however, could also potentially give Head Teachers/Principal or nominated officers an early indication of the employee's plans regarding returning to work, It should also ensure that an employee feels welcomed back when his/her adoption leave is over, confident that he/she has been thought of as part of the team even whilst they have been away.
28. On this basis it is important to establish in advance what contact the employee wishes to have with the school/academy during his/her adoption leave period. Where an employee has stated an intention to return to work a pre-adoption discussion must take place, between the Head Teacher/Principal or nominated officer and employee. Ideally this should take place approximately one month prior to the start of the adoption leave period. The discussion must be supportive in nature, be confidential and be conducted with the purpose of:
 - Establishing an agreed level of contact;
 - Agreeing the preferred method of contact;
 - Ascertaining whether the employee may wish to attend work during his/her adoption leave period and if so, at what stage;

- Allowing the employee to voice any concerns they may have;
 - Making the employee aware of the availability of the LA's Confidential Staff Welfare and Counselling Service.
- 29.** Establishing this up-front will help Head Teachers/Principals or nominated officers feel confident about making contact. In turn this will help employees avoid feeling isolated. It should also remind managers of their responsibility to plan for the individual's return.
- 30.** If agreed the Head Teacher/Principals or nominated officer should maintain regular contact with the employee during the adoption leave period and ensure they are kept up to date of any additional developments, as though he/she was attending work normally. For example:
- Messages on key developments in the school/academy;
 - revised policies, procedures and associated documentation;
 - minutes of relevant meetings and pertinent newsletters;
 - invitations to team social events.
- 31.** At the meeting the employee should also be given the opportunity to discuss training received to date and identify future training needs. Head Teachers/Principals or nominated officers should ensure that career aspirations have been addressed or at least understood and a method of communicating any suitable vacancies should be agreed. Opportunities for training during the period of adoption leave should also be discussed.
- 32.** A form at Appendix 3 is available to assist in the above process.

WORK DURING THE ADOPTION LEAVE PERIOD

- 33.** It remains in the interests of every employer to welcome staff back into the workplace when they are ready to return.
- 34.** To facilitate this all employees may, by agreement with their Head Teacher/Principal or nominated officer do up to 10 days' work known as 'Keeping in Touch (KIT)' days during their adoption leave period.
- 35.** KIT days may enable an employee to be re-inducted to the workplace. Dependant on the nature of the work and the changes that have taken place in the job, this may involve retraining during the month prior to the employees' return from adoption leave. Employees should also have the opportunity to attend relevant training courses, team and section meetings.
- 36.** There is no obligation on an employee to take up any offer of KIT days and similarly there is no obligation on the Head Teacher/Principal or nominated officer to offer the work. However, the use of KIT days is encouraged by the school/academy to ease an employee's return to work.

37. Attendance at work for KIT days will be paid at the hourly rate applicable to the employees' spinal column point, subject to the pay plus any contractual adoption pay and or SAP not exceeding his/her normal earnings for that day.
38. Working for part of a day will constitute a full day against the entitlement of 10 KIT days.
39. The use of KIT days, subject to the maximum allowance of 10 days not being exceeded, will have no detrimental effect on an employees entitlement to contractual or statutory adoption pay. Equally the application of KIT days will in no way extend the adoption leave period.

RETURN TO WORK AFTER ADOPTION LEAVE

40. Employees who intend to return to work at the end of their full adoption leave entitlement, as confirmed by the HR advisory service. , will not have to give any further notification to their Head Teacher/Principal or nominated officer. Employees who want to return to work before the end of their adoption leave period, must give 21 days' notice of the date they intend to return.
41. Following adoption leave the employee must return to school/academy employment for a period of three months. Failure to do so may result in them being required to repay the contractual half pay received or such proportion as the school may decide.

SHARED PARENTAL LEAVE

42. The school/academy operates a Shared Parental Leave policy. The policy provides a type of leave that is available to parents with children born on or after 5 April 2015.
43. Shared parental leave enables employees to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date.

FLEXIBLE WORKING ARRANGEMENTS

44. In returning to work the employee may consider a return under flexible working arrangements. Employees are required to discuss any revisions to working arrangements with their Head Teacher/Principal or nominated officer prior to the return to work date. Every consideration will be given to meeting the employees' needs but the flexible working arrangements will also take account of operational requirements and it will be for the Head Teacher/Principal or nominated officer to decide whether any proposal can be accommodated in accordance with the school's Flexible Working policy.

CONDITIONS OF EMPLOYMENT

45. The contract of employment continues throughout adoption leave and an employee has a statutory right to continue to benefit from the terms and conditions of employment which would have applied had he/she not been on leave, (except for payment of wages or salary).
46. Adoption leave shall be regarded as continuous service for the purposes of entitlement to contractual sick pay and annual leave provisions.
47. Annual leave will continue to accrue during both the ordinary and additional adoption leave period. Any Bank Holiday's that occur during both ordinary and additional adoption leave will also accrue and employees will be entitled to a substitute day's leave for each Bank Holiday falling in this period.
48. Employees are strongly encouraged to take the annual leave and bank holiday entitlement they will accrue during adoption leave in the corresponding leave year. However any remaining entitlement can be carried forward into the next leave year in exceptional circumstances. For example, where an employee's adoption leave overlaps with the annual leave year to a significant extent
49. Employees who have completed not less than one year's service at the date of return following adoption leave can apply to take parental leave in line with the school/academy's Parental Leave policy.
50. **PENSIONS SCHEME** If an employee is an existing local government pension scheme (LGPS) member and has a period of relevant child related leave the amount of pension they build up won't be affected.
51. Relevant child related leave covers all periods of Ordinary Maternity Leave, Ordinary Adoption Leave and Ordinary Paternity Leave and any paid Additional Maternity Leave, Additional Adoption Leave and Shared Parental Leave.
52. That means that if employees have a period of reduced contractual pay or no pay during relevant child related leave their pension is still worked out using an average of their usual pensionable pay (before the reduction in pay took place).
53. Employees will only pay contributions on any pay that they receive.
54. If employees decide to take a period of unpaid additional Maternity, Adoption (usually from week 39 to week 52) or Shared Parental Leave they will not build up pension benefits. Employees can elect to cover the period of pension 'lost' by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract.
55. Where a SCAPC contract is taken out to cover the pension 'lost' during a period of unpaid additional Maternity, Adoption or Shared Parental leave, the cost is shared one third to the employee and two thirds to the employer, provided that employees make an election to buy the 'lost' pension within 30 days of returning to work .

- 56. Further information for LGPS members is available at www.lgps2014.org
- 57. Employees who are members of the teachers' pensions scheme can find more detailed information at www.teacherspensions.co.uk

ADDITIONAL GUIDANCE

- 58. The HR advisory service produce an adoption information pack, which provides additional assistance for adoptive parents and Head Teachers/Principal or nominated officers alike. This includes useful contacts, full advice on pensions and details of potential savings on childcare costs. Copies can be obtained from the HR advisory service.
- 59. The Head Teacher/Principal or nominated officer will offer support and guidance to the employee upon their return from adoption leave. Information to assist this process and specific advice regarding nursing mothers is outlined in Appendix 4.

Adoption Policy Matching Certificate

Appendix 1

This certificate when completed by the appropriate adoption agency/local authority may be used as evidence for the purposes of Statutory Adoption Leave and Pay. It confirms that the named person(s) has been matched with a child for adoption. In cases of surrogacy a copy of the parental order is requested.

Name and address of adoptive parent(s):

I confirm that the person(s) named above has been matched by this agency with a child for adoption and,

They were notified of this on:

It is expected that the child will be placed with them on:

The child has already been placed with them on:

Agency/local authority name and address:

Agency/local authority stamp:

This is an adoption agency within the meaning of the Children and Adoption Act 2002 or the Adoption (Scotland) Act 1978.

Name

Title

Signature

Date

Adoption Policy Matching Certificate

Appendix 1

Notes for adoptive parents

If you are matched with a child (whether from the UK or overseas) by an adoption agency, or through a foster to adopt or surrogacy arrangement you will be entitled to:

- Adoption Leave - time off work of up to 52 weeks (26 weeks' ordinary adoption leave plus 26 weeks' additional adoption leave).
- Statutory Adoption Pay (SAP) - at least part of your wages will be paid for 39 weeks. You will get £139.58 a week or 90% of your average weekly earnings if this is less than £139.58.
- If you have 26 weeks' continuous service and intend to return to work for a period of three months following your adoption leave you will also receive 12 weeks' half pay.
- If you are adopting the child jointly with your partner and you have chosen to take adoption leave and pay. Your partner, or the partner of an individual adopting, may be eligible for Statutory Paternity Leave and Pay. Both of you may choose Shared Parental Leave which allows you to share the time off taken to care for your child; further information is available in the Shared Parental Leave policy.

You must:

- Be matched with a child for the purposes of adoption by an adoption agency.
- Have a foster to adopt arrangement in place with a local authority.
- Have a parental order from a court following a surrogacy arrangement.

You must give your employer:

- 28 days' notice of when you expect your adoption leave to start, or if that is not possible, as soon as is reasonably practicable.
- Notice of the actual start date of adoption leave within 7 days of the adoption agency/local authority telling you that you have been matched with your child or a parental order in the case of surrogacy arrangements.

Application for adoption leave and pay (AL2)

Appendix 2

- Please read the information contained in the Adoption leave information pack and/or the Adoption Policy so that you understand your entitlement.
- Complete this form; submit it to your Head Teacher/Principal or nominated officer and ensure it is returned to the HR advisory service at least 28 days before your adoption leave begins.
- Please also attach the original copy of your matching certificate/parental order.

Name:								
Home address:								
Post code:								
School/academy:								
Payroll number:				/				

Date you began with council/school/academy:	Continuous service date:																
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Expected date of placement:	Date you wish to start adoption leave:																
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Contracted weekly hours:	Do you intend to return to work?	
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I understand that if I am eligible to receive 12 weeks' half contractual adoption pay I will be required to repay this sum if I do not return to work for a minimum period of three months.

Signature: _____	Date: _____
Manager: _____	Date: _____

For HR use only:

	Date	Initials		Date	Initials
Dates confirmed			Weekly hours confirmed		
Copy of form to Payroll			Matching cert. to Payroll		
			Input on PP		

Pre-adoption Discussion Form Appendix 3

Date of discussion: _____ **Expected date of placement:** _____ **Adoption leave start date:** _____

<u>CHECKLIST</u>	✓
Agree a level of contact with the employee and a preferred method of communication.	
Explain to the employee that he/she will automatically be advised of matters relating to pay and benefits, office relocation, potential redundancy issues, vacancies or any other significant matter, such as a restructure.	
Establish whether the employee may wish to attend work during his/her adoption leave period through the use of 'Keeping in Touch' days and if so, at what stage and for what purpose.	
Ensure that current and future training needs have been discussed and career aspirations are understood.	
Remind the employee of the availability of the Confidential Staff Welfare and Counselling Service.	
Allow the employee to voice any concerns they may have.	

Home address: _____

Email address: _____ **Contact phone number:** _____

Additional comments/Agreed actions

Signed: _____ **Employee:**
(print) _____

Signed: _____ **Manager:**
(print) _____

Adoption Policy – Return to Work Guidance

Appendix 4

INTRODUCTION

1. Upon the employees' return from adoption leave, support and guidance will be given by the Head Teacher/Principal or nominated officer. Every effort will be made to allay the potential fears and anxiety of a returning employee.
2. A discussion, preferably through the use of a 'Keeping in Touch (KIT)' day, but at the latest on the first day of return to work, should occur. This should ensure that the employees' re-induction into the work place is assisted and that any training needs are identified.
3. The discussion should, wherever possible, be on a face-to-face basis. Failing this, a telephone conversation is an acceptable alternative. A form at Appendix 5 is available to assist in the above process.

RETURN TO WORK – RE-INDUCTION TO WORK

4. The Head Teacher/Principal or nominated officer should ensure that any adjustments to work are in place and are suitable and satisfactory. The opportunity should also be taken to sympathetically reintroduce the employee to their team and in particular to any new colleagues.
5. Any changes to domestic arrangements and/or health and safety issues should be clearly explained and highlighted to the employee.
6. Where school/academy specific policies, procedures and or working practices have changed and have not already been communicated to the returning employee this should occur at the earliest opportunity. Appropriate training should also be organised to supplement and reinforce the employee's understanding.
7. In addition, where this has not occurred during the adoption leave period returning employees should be provided with copies of relevant new or revised school/academy policies and associated documentation
8. Where the nature of the job allows, a realistic work plan should be devised in conjunction with the employee. The plan should identify any areas of outstanding work, timescales for completion of tasks and should also gently introduce the broad range of the job description. The Head Teacher/Principal or nominated officer should schedule regular one to one meetings to establish the employee's progress and to assess whether any further support is required.

RETURN TO WORK – NURSING MOTHERS

9. The school welcomes and supports nursing mothers in the workplace.
10. Those nursing mothers who return to work after adoption leave and wish to continue to breastfeed their baby/ies will require a clean and private facility to

Adoption Policy – Return to Work Guidance Appendix 4

express milk during the working day. It will be the responsibility of the employee, should they require these facilities, to inform their Head Teacher/Principal or nominated officer in advance of their return to work.

11. It will be the responsibility of the Head Teacher/Principal or nominated officer in consultation with the HR advisory service to ensure that clean and private facilities are provided for nursing mothers.
12. When nursing mothers who are on adoption leave attend a team meeting it is the responsibility of the Head Teacher/Principal or nominated officer, should the employee request it, to ensure that they provide the necessary facilities. In the case of attending for training/development, whilst on adoption leave, should the employee request it, the manager will try to ensure arrangements are made where practicable by contacting the training provider.

Adoption Leave Re-induction Form Appendix 5

Return to work date: _____ **Date of discussion:** _____

<u>CHECKLIST</u>	✓
Welcome the employee back to work and allow the employee to voice any concerns they may have. Try to allay any potential fears and anxiety of the returning employee.	
Ensure that any changes to domestic arrangements and/or health and safety issues are clearly explained and highlighted to the employee.	
Where appropriate ensure that a clean private facility has been identified and made known to the employee in order for them to express milk during the working day.	
Explain to the employee any changes in working practice, systems or reporting mechanisms that are relevant to his/her role.	
Where the nature of the job allows, devise a realistic work plan that identifies any, training needs, areas of outstanding work, timescales for completion of tasks and gently introduces the broad range of the job description.	
Schedule regular one to one meetings to establish the employee's progress and to assess whether any further support is required.	
Where not already communicated during the period of adoption leave, inform the employee of changes to any councilwide or service specific policies and procedures.	
Introduce employee to any new colleagues.	
Remind the employee of the availability of the Confidential Staff Welfare and Counselling Service.	

Signed: _____	Employee: (print) _____
Signed: _____	Manager: (print) _____

Adoption Scheme - KIT days form

Appendix 6

This form should be used to record any days worked during periods of adoption leave. Should you require any assistance in completing the form please contact your Head Teacher/Principal or nominated officer or the HR advisory service.

Please note: Working for part of a day will constitute a full day against the entitlement of 10 KIT days.

SURNAME: _____ **FORENAMES:** _____

SCHOOL/ACADEMY: _____

Inclusive dates worked:		Number of hours:
From	To	

Details of work/ training undertaken:

Continue on another piece of paper if necessary

Signed: _____ Date: _____

Manager's comments:

Signed: _____ Date: _____

Please complete the form and return to the HR advisory service in order for payroll to be informed and your pay adjusted.

Notification of return from adoption leave

Appendix 7

This form must be returned to the HR advisory service at least 21 days before your proposed date of return. Failure to do so may forfeit your right to return.

Please read the information contained in the Adoption leave information pack and/or the Adoption Policy for additional guidance on your options for return to work.

Name:

--

Home address:

--

Post code:

--

School/Academy:

--

Payroll number:

			/						
--	--	--	---	--	--	--	--	--	--

Date you wish to return to work:

D	D	M	M	Y	Y	Y	Y

Signature: _____ **Date:** _____

Manager: _____ **Date:** _____

NORTH LINCOLNSHIRE COUNCIL

MATERNITY POLICY **(WHOLE SCHOOL/ACADEMY)**

MATERNITY POLICY FOR _____ **SCHOOL/ACADEMY**

INTRODUCTION

1. This policy describes the type and extent of the maternity leave provisions open to employees.
2. This policy applies to all employees of the school.

LEGAL POSITION

3. A wide array of legislation regulates maternity leave and pay. Most of the relevant legislation can be found consolidated into the Employment Rights Act 1996 or the Employment Relations Act 1999.. Some of the details of the rights and principles contained in the main Acts are to be found in the various implementing regulations, principally:
 - Work and Families Act 2006
 - The Maternity Leave and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2006 (SI 2006/2014)
 - Children and Families Act 2014
4. This maternity policy combines the provisions of the National Joint Council (NJC) for Local Government Services' maternity pay and maternity leave scheme and the Conditions of Service for School Teachers in England and Wales ("the Burgundy Book") maternity scheme.
5. The maternity policy complies with the minimum requirements of the statutory provisions, but in some areas offers terms that are more favourable.

NOTIFICATION

6. Employees should notify their Head Teacher/Principal or nominated officer that they are pregnant as soon as possible to enable health and

safety considerations to be made, to access support and guidance and to provide an opportunity to discuss any concerns about the effect on their employment.

7. Thereafter, employees must notify their Head Teacher/Principal or nominated officer in writing at least 28 days before their Expected Week of Childbirth (EWC) or as soon as reasonably practicable, using form M2 (Appendix 1) available from the HR advisory service. The form will require employees to confirm:
 - When the baby is due, and
 - When they want to start their maternity leave (the start date can be changed later, providing at least 28 days' notice of the new date is given).

Note 1: Expected week of childbirth (EWC) – is the week commencing on a Sunday in which the birth is expected to take place.

8. Employees must also provide a certificate (MAT B1) from a registered medical practitioner or a registered midwife to confirm that they are pregnant and confirm the date of the EWC. The Head Teacher/Principal or nominated officer will inform the HR advisory service and submit all original documentation.
9. The HR advisory service will write to the employee within 28 days of the receipt of notification and confirm the expected date of return from maternity leave. It will be assumed that all employees will return to work at the end of the additional maternity leave period.

HEALTH AND WELLBEING

10. Pregnant employees have the right to paid time off to attend antenatal care and after their first consultation must produce evidence of further appointments if requested to do so by their Head Teacher/Principal or nominated officer.
11. Employees should also inform their Head Teacher/Principal or nominated officer that they are pregnant so that a workplace risk assessment can be undertaken. Consideration must be given to any health and safety implications for pregnant or breastfeeding employees. All requests for reasonable adjustments will be treated sympathetically.
12. The risk assessment will be monitored and reviewed to take account of any changes in circumstances, in particular to assess any risks that may occur at different stages of pregnancy. The risk assessment will also be reconsidered should an employee return to work following maternity leave, specifically if within 6 months of the birth or if

employees are breastfeeding. For further information refer to the pregnant workers guidelines in the LA's Health and Safety Manual.

MATERNITY LEAVE ENTITLEMENT

13. All employees will be entitled to 26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave providing they have complied with the notification procedure.

Maternity leave shall start no earlier than 11 weeks before the EWC or from the time of childbirth if that is earlier.

14. If the birth of the baby occurs before the commencement of the maternity leave period then the maternity leave period will commence the day following the birth.
15. If employees are absent from work due to a pregnancy-related illness at the beginning of the 4th week before the EWC, the maternity leave period will be deemed to have commenced.
16. An employee must take a minimum of 2 weeks' compulsory maternity leave following childbirth.

Note 2: *Childbirth – Childbirth means the live birth of a child, or stillbirth after pregnancy lasting at least 24 weeks.*

MATERNITY PAY

17. Maternity pay is paid according to continuous service and the satisfying of certain statutory conditions. The current arrangements associated with maternity pay are as follows:

Employees with less than 1 year's continuous service at the 11th week before the EWC will be entitled to the following payment:

18. Statutory Maternity Pay (SMP), which will be 6 weeks at 9/10^{ths} of pay followed by 33 weeks at £139.58 (SMP rate for 2015/2016) per week (or 9/10ths of pay if this is less than £139.58 per week).
19. For an employee to receive the above payment they must have 26 weeks service by the end of the 15th week before the EWC and their average earnings in the 8 weeks ending with the 15th week before the EWC must be equal to the lower earnings limit. (Lower earnings limit is £112.00 per week for 2015/2016).
20. Employees who do not meet the above criteria will be given a form so that they can make a claim for Maternity Allowance (MA) from their local Jobcentre Plus office.

Note 3: Maternity Allowance (MA) – is paid by the Department for Work and Pensions to women who cannot get SMP and who have recently been employed or self-employed.

Note 4: The rates of SMP and the Lower Earnings Limit are usually revised in April each year. To confirm the current rates employees should seek advice from their HR advisory service or the Payroll Section.

Employees with at least 1 year’s continuous service at the 11th week before the EWC will be entitled to the following payment:

Non-teaching

Weeks 1-6	9/10 ^{ths} week’s pay <i>(offset against payments made by way of SMP or MA)</i>
Weeks 7-18*	Half pay plus SMP or MA <i>(the payment of half pay and SMP is not to exceed full pay and will be adjusted accordingly)</i>
Weeks 19-39	SMP or MA

Teaching

Weeks 1-4	Full pay <i>(offset against payments made by way of SMP or MA)</i>
Weeks 5-6	9/10 ^{ths} week’s pay <i>(offset against payments made by way of SMP or MA)</i>
Weeks 7-18*	Half pay plus SMP or MA <i>(the payment of half pay and SMP is not to exceed full pay and will be adjusted accordingly)</i>
Weeks 19-39	SMP or MA

21. *The above half pay payments will only be made where an employee has stated in writing that they intend to return to work and remain employed for at least 3 months following their return.
22. If the employee does not state that they intend to return to work they will only receive SMP for the period weeks 7 to 39.
23. If the employee subsequently decides not to return to work they must give notice of termination of employment in line with their contract of employment. Employees who do not return to work for a period of 3 months will have to repay the half pay element received during the period of maternity leave.
24. Employees who have received contractual half pay whilst on maternity leave must return to work for a 3 month period prior to taking a career break, otherwise they will be required to pay back the amount received. If the employee seeks a career break before the 3 month period is worked she will be notified of any monies that will be repayable.

MAINTAINING CONTACT

- 25.** Preserving dialogue and communication between managers and mothers during maternity leave is to the advantage of all concerned. As a minimum employees should always be advised of any matters relating to pay and benefits, office relocation, potential redundancy issues, promotional opportunities or any other significant matter, such as a restructure, which might affect her job on her return.
- 26.** Maintaining more comprehensive contact however, could also potentially give managers an early indication of the employee's plans regarding returning to work. It should also ensure that an employee feels welcomed back when her maternity leave is over, confident that she has been thought of as part of the team even whilst she has been away.
- 27.** On this basis it is important to establish in advance what contact the employee wishes to have with the school/academy during her maternity leave period. Where an employee has stated an intention to return to work a pre-maternity discussion must take place, between the Head Teacher/Principal or nominated officer and employee. Ideally this should take place approximately 1 month prior to the start of the maternity leave period. The discussion must be supportive in nature, be confidential and be conducted with the purpose of:
- Establishing an agreed level of contact;
 - Agreeing the preferred method of contact;
 - Ascertaining whether the employee may wish to attend work during her maternity leave period and if so, at what stage;
 - Allowing the employee to voice any concerns they may have;
 - Making the employee aware of the availability of the LA's Confidential Staff Welfare and Counselling Service.
- 28.** Establishing this up-front will help Head Teachers/Principal or nominated officers feel confident about making contact. In turn this will help employees avoid feeling isolated. It should also remind Head Teachers/Principals or nominated officers of their responsibility to plan for the individual's return.
- 29.** If agreed the Head Teacher/Principal or nominated officer should maintain regular contact with the employee during the maternity leave period and ensure they are kept up to date of any additional developments, as though she was attending work normally. For example:
- Messages on key developments in the school/academy;
 - revised policies, procedures and associated documentation;
 - minutes of relevant meetings and pertinent newsletters;
 - invitations to team social events.

30. At the meeting the employee should also be given the opportunity to discuss training received to date and identify future training needs. Head Teachers/Principals or nominated officers should ensure that career aspirations have been addressed or at least understood and a method of communicating any suitable vacancies should be agreed. Opportunities for training during the period of maternity leave should also be discussed.
31. A form at Appendix 2 is available to assist in the above process.

WORK DURING THE MATERNITY LEAVE PERIOD

32. It remains in the interests of every employer to welcome staff back into the workplace when they are ready to return.
33. To facilitate this all employees may, by agreement with their Head Teacher/Principal or nominated officer do up to 10 days' work known as 'Keeping in Touch (KIT)' days during their maternity leave period.
34. KIT days may enable an employee to be re-inducted to the workplace. Dependant on the nature of the work and the changes that have taken place in the job, this may involve retraining during the month prior to the employees' return from maternity leave. Employees should also have the opportunity to attend relevant training courses, team and section meetings.
35. There is no obligation on an employee to take up any offer of KIT days and similarly there is no obligation on a Head Teacher/Principal or nominated officer to offer the work. However, the use of KIT days is encouraged to ease an employee's return to work.
36. Attendance at work for KIT days will be paid at the hourly rate applicable to the employees' spinal column point for the hours worked, subject to the pay plus any contractual maternity pay and or SMP/MA not exceeding her normal earnings for that day.
37. Working for part of a day will constitute a full day against the entitlement of 10 KIT days.
38. The use of KIT days, subject to the maximum allowance of 10 days not being exceeded, will have no detrimental effect on an employees entitlement to contractual or statutory maternity pay. Equally the application of KIT days will in no way extend the maternity leave period.
39. Employees cannot attend work through the use of KIT days during the first 2 weeks following childbirth

Note 5: *Employees who access KIT days should complete Appendix 5 for payroll purposes.*

RIGHT TO RETURN TO WORK

40. Subject to paragraph 42 below, the employee has the right to return to the job in which she was employed under the original contract of employment and on terms and conditions not less favourable than those, which would have been applicable to her if she had not been absent. "Job", for this purpose, means the nature of the work that she is employed to do and the capacity and place in which she is so employed.
41. Where it is not practical by reason of redundancy for the employee to return to work in the job as defined in paragraph 41, employees are entitled to a suitable alternative post where one exists. Advice should be sought from the HR advisory service.
42. Suitable alternative employment may also be offered in circumstances where there is a general reorganisation or service review, which would have occurred if the employee had not been absent, thus necessitating a change in the job in which they were employed prior to their absence.
43. In both paragraphs 42 and 43 the alternative employment should be suitable to the employee and appropriate to the circumstances, capacity and place in which she is to be employed. Her terms and conditions of employment should not be less favourable to her than if she had been able to return to the job in which she was originally employed.

EXERCISE OF THE RIGHT TO RETURN TO WORK

44. It will be assumed that employees will return to work at the end of the additional maternity leave period.
45. If employees wish to return to work at an earlier date they must give 21 days notice in writing of their intended date of return. The HR advisory service will provide form M3 (Appendix 6) to employees for this purpose.
46. Where an employee is unable to return on her return to work date due to sickness, the absence will be payable in accordance with the relevant sick pay scheme. The absence should be reported in line with the school's Sickness Absence procedure at all times.
47. Where an employee because of an interruption of work, whether due to industrial action or some other reason, is unable to return on her

return to work date, they may instead return when work resumes, or as soon as is reasonably practicable thereafter.

48. A form at Appendix 4 is available to assist Head Teachers/Principals or nominated officers with the re-induction of employees to the workplace.

SHARED PARENTAL LEAVE

49. The school/academy operates a Shared Parental Leave Policy. The policy provides a type of leave that is available to parents with children born on or after 5 April 2015.
50. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

RETURN TO WORK – FLEXIBLE WORKING ARRANGEMENTS

51. On returning to work employees may consider a return under flexible working arrangements. Employees are required to discuss any revisions to working arrangements with their Head Teacher/Principal or nominated officer prior to the return to work date. Every consideration will be given to meeting the employees' needs but the flexible working arrangements will also take account of operational requirements and it will be for the Head Teacher/Principal or nominated officer to decide whether any proposal can be accommodated in accordance with the school's Flexible Working policy.

RELATIONSHIP WITH SICKNESS ABSENCE, ANNUAL LEAVE AND PARENTAL LEAVE

52. Maternity leave shall be regarded as continuous service for the purposes of the relevant sick pay and annual leave provisions.
53. Annual leave will continue to accrue during both the ordinary and additional maternity leave period. Any Bank Holiday's that occur during both ordinary and additional maternity leave will also accrue and employees will be entitled to a substitute day's leave for each Bank Holiday falling in this period. These will be added to annual leave entitlement and subject to a maximum of 5 days not being exceeded can be carried over to the following year.
54. Employees are strongly encouraged to take the annual leave and bank holiday entitlement they will accrue during maternity leave in the

corresponding leave year. However, any remaining entitlement can be carried forward into the next leave year in exceptional circumstances. For example, where an employee is unable to take her annual leave before she starts her maternity leave due to the early birth of her child or pregnancy-related sickness absence, or where an employee's maternity leave overlaps with the annual leave year to a significant extent.

55. Employees who have completed not less than 1 year's service at the date of return following maternity leave can apply to take parental leave in line with the school's/academy's Parental Leave policy.

PENSION SCHEME

56. If an employee is an existing member of the Local Government Pension Scheme (LGPS) and has a period of relevant child related leave the amount of pension they build up won't be affected
57. Relevant child related leave covers all periods of Ordinary Maternity Leave, Ordinary Adoption Leave and Ordinary Paternity Leave and any paid Additional Maternity Leave, Additional Adoption Leave and Shared Parental Leave.
58. That means that if employees have a period of reduced contractual pay or no pay during relevant child related leave their pension is still worked out using an average of their usual pensionable pay (before the reduction in pay took place). Employees will only pay contributions on any pay that they receive.
59. If employees opt to take a period of unpaid additional maternity, adoption (usually from week 39 to week 52) or shared parental leave they will not build-up pensionable benefits. Employees can elect to cover the period of pension "lost" by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract.
60. Where a SCAPC contract is taken out to cover the pension "lost" during a period of **unpaid** additional maternity, adoption or shared parental leave, the cost is shared one third to the employee and two thirds to the employer, provided that employees make an election to buy the "lost" pension within 30 days of returning to work.
61. Further information for LGPS members is available at www.lgps2014.org.
62. Employees who are members of the teachers' pensions scheme (TPS) can find more detailed information at www.teacherspensions.co.uk

ADDITIONAL GUIDANCE

- 63.** The LA produces a maternity information pack, which provides additional assistance for expectant employees and Head Teachers/Principals or nominated officers alike. This includes useful contacts, and advice.. Copies can be obtained from the HR advisory service.

- 64.** The Head Teacher/Principal or nominated officer will offer support and guidance to the employee upon their return from maternity leave. Information to assist this process and specific advice regarding nursing mothers is outlined in Appendix 3.

Application for maternity pay and leave (M2)

Appendix 1

- Please read the information contained in the Maternity Information Pack and/or the Maternity Policy so that you understand your entitlement.
- Complete this form; submit it to your Head Teacher/Principal or nominated officer and ensure it is returned to the HR advisory service at least 28 days before your maternity leave begins.
- Please also attach the original copy of your maternity certificate, form MATB1 (a copy will not be acceptable).

Name:

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Home address:

--

Post code:

--

School/academy:

--

Payroll number:

			/						
--	--	--	---	--	--	--	--	--	--

Date you began with the council/school or academy:

D	D	M	M	Y	Y	Y	Y
<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>

Continuous service date:

D	D	M	M	Y	Y	Y	Y
<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>

Expected date of childbirth:

D	D	M	M	Y	Y	Y	Y
<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>

Date you wish to start maternity leave:

D	D	M	M	Y	Y	Y	Y
<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>	<input style="width: 20px; height: 20px;" type="text"/>

Contracted weekly hours:

--

Do you intend to return to work?

Yes No

I understand that if I am eligible to receive 12 weeks' half contractual maternity pay I will be required to repay this sum if I do not return to work for a minimum period of three months.

Signature:

Date:

Manager:

Date:

For HR use only:

	Date	Initials		Date	Initials
Dates confirmed	<input style="width: 40px; height: 20px;" type="text"/>	<input style="width: 40px; height: 20px;" type="text"/>	Weekly hours confirmed	<input style="width: 40px; height: 20px;" type="text"/>	<input style="width: 40px; height: 20px;" type="text"/>
Copy of form to Payroll	<input style="width: 40px; height: 20px;" type="text"/>	<input style="width: 40px; height: 20px;" type="text"/>	MATB1 to Payroll	<input style="width: 40px; height: 20px;" type="text"/>	<input style="width: 40px; height: 20px;" type="text"/>
	<input style="width: 40px; height: 20px;" type="text"/>	<input style="width: 40px; height: 20px;" type="text"/>	Input on PP	<input style="width: 40px; height: 20px;" type="text"/>	<input style="width: 40px; height: 20px;" type="text"/>

Pre-maternity Discussion Form Appendix 2

Date of discussion: _____ **EWC:** _____ **Maternity leave start date:** _____

<u>CHECKLIST</u>	✓
Agree a level of contact with the employee and a preferred method of communication.	
Explain to the employee that she will automatically be advised of matters relating to pay and benefits, office relocation, potential redundancy issues, vacancies or any other significant matter, such as a restructure.	
Establish whether the employee may wish to attend work during her maternity leave period through the use of 'Keeping in Touch' days and if so, at what stage and for what purpose.	
Ensure that current and future training needs have been discussed and career aspirations are understood.	
Remind the employee of the availability of the Confidential Staff Welfare and Counselling Service.	
Allow the employee to voice any concerns they may have.	

Home address: _____

Email address: _____ **Contact phone number:** _____

Additional comments/Agreed actions

Signed: _____ **Employee: (print)** _____

Signed: _____ **Manager: (print)** _____

Maternity Policy – Return to Work Guidance

Appendix 3

INTRODUCTION

1. Upon the employees' return from maternity leave, support and guidance will be given by the Head Teacher/Principal or nominated officer. Every effort will be made to allay the potential fears and anxiety of a returning employee.
2. A discussion, preferably through the use of a 'Keeping in Touch (KIT)' day, but at the latest on the first day of return to work, should occur. This should ensure that the employees' re-induction into the work place is assisted and that any training needs are identified.
3. The discussion should, wherever possible, be on a face-to-face basis. Failing this, a telephone conversation is an acceptable alternative. A form at Appendix 4 is available to assist in the above process.

RETURN TO WORK – RE-INDUCTION TO WORK

4. The Head Teacher/Principal or nominated officer should ensure that any adjustments to work are in place and are suitable and satisfactory. The opportunity should also be taken to sympathetically reintroduce the employee to their team and in particular to any new colleagues.
5. Any changes to domestic arrangements and/or health and safety issues should be clearly explained and highlighted to the employee.
6. Where school/academy specific policies, procedures and or working practices have changed and have not already been communicated to the returning employee this should occur at the earliest opportunity. Appropriate training should also be organised to supplement and reinforce the employee's understanding.
7. In addition, where this has not occurred during the maternity leave period returning employees should be provided with copies of relevant new or revised school/academy policies and associated documentation.
8. Where the nature of the job allows, a realistic work plan should be devised in conjunction with the employee. The plan should identify any areas of outstanding work, timescales for completion of tasks and should also gently introduce the broad range of the job description. The Head Teacher/Principal or nominated officer should schedule regular one to one meetings to establish the employee's progress and to assess whether any further support is required.

Maternity Policy – Return to Work Guidance

Appendix 3

RETURN TO WORK – NURSING MOTHERS

9. The school/academy welcomes and supports nursing mothers in the workplace.
10. Those nursing mothers who return to work after maternity leave and wish to continue to breastfeed their baby/ies will require a clean and private facility to express milk during the working day. It will be the responsibility of the employee, should they require these facilities, to inform their Head Teacher/Principal or nominated officer in advance of their return to work. Further advice can be provided by the HR advisory service.
11. It will be the responsibility of the Head Teacher/Principal or nominated officer in consultation with the HR advisory service to ensure that clean and private facilities are provided for nursing mothers on their return to work.
12. When nursing mothers who are on maternity leave attend a team meeting it is the responsibility of the manager, should the employee request it, to ensure that they provide the necessary facilities. In the case of attending for training/development, whilst on maternity leave, should the employee request it, the manager will try to ensure arrangements are made where practicable by contacting the training provider.

Maternity Leave Re-induction Form Appendix 4

Return to work date: _____ **Date of discussion:** _____

CHECKLIST	<input checked="" type="checkbox"/>
Welcome the employee back to work and allow the employee to voice any concerns they may have. Try to allay any potential fears and anxiety of the returning employee.	
Ensure that the workplace risk assessment has been re-visited, specifically if the employee is breastfeeding or has returned to work within 6 months of childbirth.	
Ensure that any changes to domestic arrangements and/or health and safety issues are clearly explained and highlighted to the employee.	
Where appropriate ensure that a clean private facility has been identified and made known to the employee in order for them to express milk during the working day.	
Explain to the employee any changes in working practice, systems or reporting mechanisms that are relevant to her role.	
Where the nature of the job allows, devise a realistic work plan that identifies any, training needs, areas of outstanding work, timescales for completion of tasks and gently introduces the broad range of the job description.	
Schedule regular one to one meetings to establish the employee's progress and to assess whether any further support is required.	
Where not already communicated during the period of maternity leave, inform the employee of changes to any councilwide or service specific policies and procedures.	
Introduce employee to any new colleagues.	
Remind the employee of the availability of the Confidential Staff Welfare and Counselling Service.	

Signed: _____	Employee: (print) _____
Signed: _____	Manager: (print) _____

Maternity Scheme - KIT days form

Appendix 5

This form should be used to record any days worked during periods of maternity leave. Should you require any assistance in completing the form please contact your Head Teacher/Principal or nominated officer or the Human Resources (HR) advisory service.

Please note: Working for part of a day will constitute a full day against the entitlement of 10 KIT days.

SURNAME: _____ **FORENAMES:** _____

SCHOOL/ACADEMY: _____

Inclusive dates worked:		Number of hours:
From	To	

Details of work/ training undertaken:

Continue on another piece of paper if necessary

Signed: _____ Date: _____

Head Teacher/Principal or relevant line manager's comments:

Signed: _____ Date: _____

Please complete the form and return to the HR advisory service in order for payroll to be informed and your pay adjusted.

Notification of return from maternity leave (M3)

Appendix 6

This form must be returned to the HR advisory service at least 21 days before your proposed date of return. Failure to do so may forfeit your right to return.

Please read the information contained in the Maternity information pack and/or the Maternity Policy for additional guidance on your options for return to work.

Name:

--

Home address:

--

Post code:

--

School/Academy:

--

Payroll number:

			/						
--	--	--	---	--	--	--	--	--	--

Date you wish to return to work:

D	D	M	M	Y	Y	Y	Y

Signature: _____

Date: _____

Manager: _____

Date: _____

(Head Teacher/Principal or nominated officer)

NORTH LINCOLNSHIRE COUNCIL

PATERNITY & MATERNITY SUPPORT LEAVE (WHOLE SCHOOL/ACADEMY)

PATERNITY & MATERNITY SUPPORT LEAVE FOR [REDACTED] SCHOOL/ACADEMY

INTRODUCTION

1. [REDACTED] school/academy recognises that enabling its employees to achieve an effective work life balance benefits employees, the school/academy and the community it serves.
2. This policy describes the steps to be taken when individuals wish to take leave in order to care for a child or children or to give support to their respective partner. This gives parents more opportunity to balance work and family life.

Note 1: Separate guidance on maternity leave, adoption leave, parental leave and shared parental leave can be accessed via the Human Resources (HR) advisory service.

3. Where amounts of leave are specified these are based on a standard 37 hour (5 day) week (or 32.5 hours over 5 days for teachers). Part time employees and those working irregular working patterns shall have applied to them the same provisions pro-rata to comparable full time employees in the school/academy.
4. This policy applies to all employees of the school/academy.

PATERNITY (NEWBORN)

Introduction

5. This policy describes the steps to be taken where individuals wish to take paternity leave in order to care for the baby or to give support to the mother of the baby.

Eligibility

6. Employees eligible for paternity leave must be either:
 - the baby's father;
 - married to the mother; or
 - living with the mother in a family relationship.
7. Support staff with 26 weeks' continuous service prior to the 15th week before the baby is due are eligible to take one or two whole weeks' consecutive paid paternity leave, the start of which should be taken within 56 days of the expected week of childbirth (EWC).
8. Teaching employees with 26 weeks' continuous service prior to the 15th week before the baby is due are eligible to take one or two whole weeks' consecutive paid paternity leave, the start of which should be taken within 56 days of the expected

week of childbirth. Please note that the second week of paternity leave will be paid at Statutory Paternity Pay (SPP).

Notification

9. Employees cannot take paternity leave until the baby is born. Within the 15th week they should inform their **head teacher/principal** or nominated officer (who will inform the HR advisory service of the EWC), whether they wish to take one or two consecutive weeks' leave, and the date they wish to start their leave. A form is available at Appendix 1 to this policy.
10. Employees can choose to begin this period of leave on the date on which the baby is born or any date within 56 days after the birth. If the baby is born prematurely the employee still has 56 days from the original expected week of childbirth.

Note: *Where reasonably practical the employee should give 28 days' notice to a change in the dates for the leave.*

Exceptional circumstances

11. In the event of a miscarriage before the 25th week of pregnancy the employee will not qualify for paternity leave or pay. However, if the individual's child is stillborn from the 25th week of pregnancy onwards they will still be eligible for paternity leave and pay. If the employee's child is alive at birth at any point during the pregnancy, even if the child later dies, the individual will be entitled to paternity leave and pay.

PATERNITY (ADOPTION)

Introduction

12. This policy describes the steps to be taken where individuals wish to take Paternity Leave in order to care for a newly matched adopted child/children, or support the adopter of the child. Where there is mention of being matched with a child within this policy, this also covers arrangements where foster carers adopt a child or children in their care and where those in a surrogacy situation intend to apply for a parental order.

Eligibility

13. Employees eligible for paternity leave must be married or living with the adopter and/or responsible for the child/children.
14. Employees with 26 weeks' continuous service prior to the week in which the agency notify the employee of a placement are eligible to take one or two weeks' consecutive paid paternity leave, which must be taken within 56 days of the placement.

Notification

15. Employees cannot take paternity leave until the placement of the child/children begins. The employee should inform their manager within seven days of being notified by the adoption agency of a newly matched placement, stating whether they

wish to take one or two consecutive weeks' leave, and when they wish to start their leave. A form is available at Appendix 1 to this policy. A copy of the matching certificate must also be submitted.

Note: *Where reasonably practical the employee should give 28 days' notice to a change in the dates for the leave.*

MATERNITY SUPPORT LEAVE

Introduction

16. This section describes the procedure to be followed where individuals wish to take maternity support leave in order to care for an expectant mother at or around the time of birth. This leave can only be taken once in any annual leave year (1st April – 31st March).

Eligibility

17. Maternity support leave of up to five consecutive days with pay shall be granted to the nominated carer of an expectant mother at or around the time of birth.
18. A nominated carer is one person nominated by the mother to assist in the care of the child and provide support to the mother at or around the time of birth. Employees who are eligible for paternity leave are excluded from this provision.

Notification

19. Employees requesting maternity support leave need to inform their **head teacher/principal** or nominated officer (who will inform the HR advisory service) as soon as possible about their absence, the reason for it and how long they expect to be away from work. Where possible 28 days' notice should be given. A form is available at Appendix 2 to this policy. This form should be completed by the employee and returned to their **head teacher/principal** or nominated officer.
20. It is recognised that in an emergency an employee may need to be absent from work before it is possible to contact their manager. In this circumstance they should inform their **head teacher/principal** or nominated officer as soon as is reasonably practicable of the reason for absence.

SHARED PARENTAL LEAVE

21. The school/academy operates a Shared Parental Leave policy. The policy provides a type of leave that is available to parents with children born or placed with them on or after 5 April 2015
22. Shared parental leave enables mothers/adopters to commit to ending their maternity/adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity/adoption leave and opt in to shared parental leave and pay at a later date.

RETURN TO WORK – FLEXIBLE WORKING ARRANGEMENTS

23. An employee returning from paternity leave may consider a return under flexible working arrangements in accordance with the school/academy's Flexible Working policy. The employee is required to discuss any revisions to working arrangements with their Head Teacher/Principal or nominated officer prior to the return to work date.

CONTINUOUS SERVICE

24. Paternity and maternity support leave shall be regarded as continuous service for the purposes of the sickness scheme and annual leave provisions.

PENSION SCHEME

25. Existing Local Government Pension Scheme (LGPS) members will remain members of the scheme and deductions will be made throughout the paid paternity/maternity support leave period.
26. Employees who are members of the Teachers' Pension Scheme (TPS) can find detailed information at www.teacherspensions.co.uk

REVIEW

27. This policy will be reviewed in three years time or sooner if changes in legislation or feedback necessitates.

Paternity Leave (Request form) Appendix 1

Name:

Payroll number:

Employees can choose to take one or two consecutive weeks' leave within 56 days of the expected week of childbirth or placement.

In respect of adoption please read due date as date the adopter was matched with the child and actual date of birth as date when the child was placed with the adopter.

Due date:

D	D	M	M	Y	Y	Y	Y

Actual date of birth:

D	D	M	M	Y	Y	Y	Y

I would like my leave to start on:

D	D	M	M	Y	Y	Y	Y

I would like my leave to end on:

D	D	M	M	Y	Y	Y	Y

National Insurance number

--	--	--	--	--	--	--	--	--	--

Your declaration

You need to be able to tick all the boxes to be eligible for paternity leave.

I declare that:

- I am
 - the baby's biological father, or
 - married to or in a civil partnership with the mother, or
 - living with the mother in an enduring family relationship, but am not an immediate relative, **and**
- I will have responsibility for the child's upbringing, **and**
- I will take time off work to support the mother or care for the child

Signature:

Date:

Guidance

To take ordinary paternity leave (OPL) you must have been continuously employed by the council/school or academy for at least 26 weeks by the 15th week before the baby is due, or in the case of adoption, by the week the adopter is matched with the child for adoption) and still be employed by the council/school or academy until the week before your OPL starts.

You must discuss your leave plans with your manager and tell them what time off you would like by the 15th week before the week the baby is due. The HR advisory service can tell you when this is if you're not sure. You can change your mind but you must give your manager 28 days' notice of the dates, where possible. Please submit this form to your manager.

Maternity Support Leave (Request form) Appendix 2

Name:

Payroll number:

In respect of adoption please read due date as date the adopter was matched with the child and actual date of birth as date when the child was placed with the adopter.

Due date:

D	D	M	M	Y	Y	Y	Y

Actual date of birth:

D	D	M	M	Y	Y	Y	Y

I would like my leave to start on:

D	D	M	M	Y	Y	Y	Y

I would like my leave to end on:

D	D	M	M	Y	Y	Y	Y

National Insurance number

--	--	--	--	--	--	--	--	--	--

Your declaration

You need to be able to tick both boxes to be eligible for maternity support leave.

I declare that:

- I am
 - the baby's biological father, or
 - the mother's partner, or
 - the person nominated to assist in the care of the child and to provide support to the mother at or around the time of the birth, **and**
- I am not eligible for paternity leave

Signature:

Date:

Guidance

Maternity support leave of five days with pay shall be granted to the child's father, the mother's partner or nominated carer of an expectant mother at or around the time of birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth.

You should inform your manager (who will inform the HR advisory service) as soon as possible about your absence and how long you expect to be away from work. Where possible 28 days' notice should be given.

Maternity Support Leave (Request form)

Appendix 2

Mother's name:

Mother or adopter's home address:

Postcode:

Declaration of the mother (or adopter) of the child

I declare that the applicant:

- Has been nominated by me to assist me in the care of my child and to provide support to the me at or around the time of birth, and
- is taking time off work to support me or to care for my child.

Signature:

Date:

Guidance

Make sure you and the child's mother (or adopter) have signed the declarations and submit this form to your manager, where possible, 28 days before you want your time off work to start.

NORTH LINCOLNSHIRE COUNCIL

PARENTAL LEAVE POLICY **(WHOLE SCHOOL/ACADEMY)**

PARENTAL LEAVE POLICY FOR _____ SCHOOL/ACADEMY

INTRODUCTION

1. This policy describes the steps to be taken by which all employees of the school/academy may wish to take Parental Leave in order to care for a child or children.
2. Parental leave allows eligible employees to take unpaid parental leave per child within a designated period of time.

Note 1: Separate guidance on maternity leave, adoption leave, paternity and maternity support leave, shared parental leave and leave of absence can be accessed via the Human Resources (HR) advisory service.

ELIGIBILITY

3. Employees who are natural or adoptive parents (named on the birth certificate, court order or adoptive order) are eligible for parental leave if they:
 - Have at least one year's continuous service and;
 - are a named parent on the birth certificate of a child under 18, or have parental responsibility under the law (a step parent);
 - have adopted a child/children including where foster carers adopt a child or children in their care and where those in a surrogacy situation have obtained a parental order.
4. These rights last until the child reaches the age of 18..

AMOUNT OF PARENTAL LEAVE

5. Up to a maximum of four weeks' unpaid parental leave can be taken in any one year; leave must be taken in blocks of a minimum of 1 week. Leave may be taken in days for disabled children. This can be taken up to the child's 18th birthday subject to the maximum of 18 weeks not being exceeded.

NOTIFICATION

6. Employees must give written notice of their intention to take parental leave and provide sufficient information to establish eligibility at least 21 days before the start

date of the leave requested (where reasonably practical). Appendix 1, Parental Leave request form should be used for this purpose.

POSTPONEMENT OF LEAVE

The **school/academy** may postpone a request for parental leave for up to six months after the request to begin leave where the provision of education would be unduly disrupted if the employee took leave at the time requested. This does not apply to partners immediately after the birth or adoption of a child.

Any postponement by the **school/academy** must be notified to the employee and revised arrangements confirmed in writing within seven days of the request.

PENSION IMPLICATIONS

7. .

8. If an employee is an existing member of the Local Government Pension Scheme (LGPS) they will not build up pension benefits during a period of unpaid parental leave. Employees can elect to cover the period of pension 'lost' by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract.

make an election to buy the 'lost' pension within 30 days of returning to work.

Further information can be obtained from the East Riding Pension Fund (ERPF) on 01482 394150.

If an employee is an existing Teachers' Pension Scheme member the period of their unpaid parental leave will not be classed as pensionable service and no deductions will be made. More information can be found at www.teacherspensions.co.uk

REVIEW

9. This policy will be reviewed in three years time or sooner if changes in legislation or feedback necessitates.

Parental Leave (Request form)

Appendix 1

When completing this form please refer to the Parental Leave Policy. Should you require any further assistance in completing this form please consult your Head Teacher/Principal or nominated officer or the HR advisory service or your trade union representative.

Section A (To be completed by the employee)

Name:

Payroll number:

Job title:

School/Academy

Start date of proposed parental leave:

End date of proposed parental leave:

Pension scheme membership: *(Please tick all relevant boxes):*

- I am not currently a member of the Local Government Pension Scheme or the Teachers' Pension Scheme.
- I am a member of the LGPS and I understand that I have the option to buy back pension 'lost' during my unpaid parental leave.
- I am a member of the TPS and I understand that the duration of my unpaid parental leave will not count as pensionable service.

I have read and understood the council's Parental Leave Policy and wish to apply for unpaid parental leave as outlined above.

Signature:

Date passed to manager:

Section B (To be completed by manager)

I confirm that the above employee: *(All boxes must be ticked):*

- Has at least one year's continuous service.

Parental Leave (Request form) Appendix 1

- Has given 21 days' notice (unless there are exceptional circumstances).

- Is aware of any pension implications.

Decision to accept or postpone* the request:

**This does not apply to partners immediately after the birth or adoption of a child.*

Where the request can not be accommodated and a postponement has been agreed, the alternative dates should be indicated below:

Revised start date
of parental leave:

Revised end date of
parental leave:

Date decision confirmed:

Print name:

Signature:

- Copy of form provided to the employee.

All original documentation should be passed to the HR advisory service to be placed on the employee's personal file.

Section C (To be completed by the HR advisory service)

Date received:

PP updated by:

Date:

Payroll notified
by:

Date:

NORTH LINCOLNSHIRE COUNCIL

SHARED PARENTAL LEAVE POLICY (WHOLE SCHOOL/ACADEMY)

SHARED PARENTAL LEAVE POLICY FOR [REDACTED] SCHOOL/ACADEMY

INTRODUCTION

1. This policy describes the steps to be taken where eligible parents wish to take Shared Parental Leave (SPL), in order to care for a baby or newly placed adopted child/children. They can choose how to share the care of their child during the first year of birth or adoption. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay (ShPP).

Note 1: Entitlement to SPL and/or ShPP is only available for eligible parents of babies due, or children placed for adoption on or after 5 April 2015.

2. This policy applies to all employees of the school/academy. Employees engaged on terms and conditions other than National Joint Council (NJC) for Local Government Services should check with the HR advisory service that particular policies apply to them.

LEGAL POSITION

3. A wide array of legislation regulates family friendly leave and pay. Most of the relevant legislation can be found consolidated into the Employment Rights Act 1996 or the Employment Relations Act 1999. Some of the details of the rights and principles contained in the main Acts are to be found in the various implementing regulations, principally:
 - Work and Families Act 2006
 - The Maternity Leave and Parental Leave etc and the Paternity and Adoption Leave (Amendment) Regulations 2006 (SI 2006/2014)
 - Children and Families Act 2014.
4. The shared parental leave policy complies with the minimum requirements of the statutory provisions, but in some areas offers terms that are more favourable.

ELIGIBILITY

5. SPL must be taken by two people, as follows:
 - 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 and living with the mother in a family relationship.
 - Both parents must also have or expect to have, the main responsibility for the upbringing of the child.
6. 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 school/academy 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 figure is correct as of April 2015) a week in any 13 of those weeks;
 - the employee must correctly notify the school/academy of their entitlement and provide evidence as required.

ENTITLEMENT

7. 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.
8. 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. 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.
9. 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.

NOTIFICATION

10. Employees are encouraged to have early, informal discussions with their Head Teacher/Principal or nominated officer and/or HR regarding their entitlement to SPL. This is so there is an understanding of the type and pattern of leave an employee may be interested in taking and that time and consideration can be given to how best to accommodate it. Employees should be allowed to be accompanied to such meetings by a trade union representative or fellow worker of the council/school or academy.
11. An employee entitled to and intending to take SPL must give their Head Teacher/Principal or nominated officer notification of their entitlement.
12. Notification should be set out in writing and include the following:
 - Employee's name;
 - The name of the other parent;
 - The dates of any maternity/adoption leave or pay (or maternity allowance) taken.
 - The balance of any leave which then is available to take as SPL;
 - The expected date of child's birth or date notified of being matched with a child for adoption;
 - The actual date of the child's birth or the date of placement in cases of adoption
 - The amount of SPL each parent intends to take;
 - The expected date the employee intends to take the SPL.
13. In order to notify the school/academy of a specific request for SPL employees should complete Appendix 1. A request to book SPL must be submitted at least eight weeks before any period of SPL would begin. Eligible employees are able to submit three requests to book SPL.

Continuous SPL

14. Eligible employees can give notification to take one period of continuous SPL. This can be up to the full amount of SPL available to them. This is a right and cannot be refused. This should be confirmed to the employee in writing, within 14 days of receiving their original request.

Discontinuous SPL

15. Eligible employees can request to take discontinuous SPL. Where the request can be accommodated this should be agreed and should be confirmed to the employee in writing, within 14 days of receiving their original request.
16. Where discontinuous SPL cannot be accommodated the Head Teacher/Principal or nominated officer must discuss this with the employee, supported by HR if necessary. Employees should be allowed to be accompanied to such meetings by a trade union representative or fellow worker of the council/school or academy.
17. Where a modified arrangement for discontinuous SPL can be agreed this should be confirmed to the employee in writing, within 14 days of receiving the original request. Such a modification would not count as a further request of the three available.
18. Where discontinuous SPL cannot be agreed, the employee will be notified of the in writing within 14 days of receiving the original request and this will include the following:
 - Confirmation of the refusal;
 - proposed alternative dates for the employee to consider;
 - clear information on the options available to the employee, i.e. that the employee can withdraw their request, agree a modified arrangement or move to the default provisions. (Whereby employees can withdraw their request on or before the 15th day after the request was submitted, which then will no longer count as one of the three requests available or to take a period of continuous SPL.)
19. 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 request was submitted to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original request was submitted. If the employee does not choose a start date then the leave will begin on the date the requested discontinuous leave would have first started.

VARIATIONS

20. The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the school/academy 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.
21. Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new request 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 school/academy requesting it be changed, and the employee being agreeable to the change, will not count as a further request. Any variation will be confirmed in writing by the school/academy.

PAY

- 22.** Eligible employees may be entitled to take up to 37 weeks Shared Parental Pay (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.
- 23.** 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.
- 24.** Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their Head Teacher/Principal or nominated officer 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 (paragraph 12).
- 25.** 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 school/academy should they cease to be eligible.
- 26.** It must be accompanied by a signed declaration from the employee's partner confirming:

- Their agreement to the employee claiming ShPP and for the council 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.
- 27.** Any ShPP due will be paid at a rate set by the Government for the relevant tax year.
- 28.** Statutory ShPP is paid at £139.58 or 90% of your average weekly earnings (whichever is lower).
- 29.** A mother, subject to certain criteria, will be entitled to statutory maternity pay/adoption pay/Maternity Allowance for up to 39 weeks. If the mother or adopter curtails their entitlement to maternity/adoption pay or maternity allowance before they have used their full entitlement then ShPP can be claimed for any remaining weeks.
- 30.** To qualify for ShPP an employee needs to have met the 'continuity of employment test' and their partner must meet the 'employment and earnings test', just like SPL. In addition, the employee must also have earned above the 'Lower Earnings Limit' in the eight weeks leading up to and including the 15th week before the child's due date/matching date and still be employed with the same employer at the start of the first period of ShPP.
- 31.** If both parents qualify for ShPP they must decide who will receive it, or how it will be divided, and they must each inform their employer of their entitlement.
- 32.** If an employee's employment comes to an end while they are still entitled to some ShPP then any remaining weeks will usually remain payable unless they start working for someone else.

MAINTAINING CONTACT

- 33.** Preserving dialogue and communication between managers and employees during SPL is to the advantage of all concerned. As a minimum, employees should always be advised of any matters relating to pay and benefits, office relocation, potential redundancy issues, promotional opportunities or any other significant matter, such as a restructure, which might affect their job on their return.
- 34.** Maintaining more comprehensive contact however, could also potentially give managers an early indication of the employee's plans regarding returning to work. It should also ensure that an employee feels welcomed back when their SPL is over, confident that they have been thought of as part of the team even whilst they have been away.

35. On this basis it is important to establish in advance what contact the employee wishes to have with the school/academy during their SPL period. It is advisable to have a pre SPL discussion, between the Head Teacher/Principal or nominated officer and employee. Ideally this should take place approximately one month prior to the start of the SPL period. The discussion must be supportive in nature, be confidential and be conducted with the purpose of:
- Establishing an agreed level of contact;
 - agreeing the preferred method of contact;
 - ascertaining whether the employee may wish to attend work during the SPL period and if so, at what stage;
 - allowing the employee to voice any concerns they may have, and
 - making the employee aware of the availability of the council's Confidential Staff Welfare and Counselling Service.
36. Establishing this up-front will help managers feel confident about making contact. In turn this will help employees avoid feeling isolated. It should also remind Head Teachers/Principals or nominated officers of their responsibility to plan for the individual's return.
37. If agreed the Head Teacher/Principal or nominated officer should maintain regular contact with the employee during the SPL period and ensure they are kept up to date of any additional developments, as though they were attending work normally. For example:
- Messages/updates on key developments in the school/academy.
 - Revised policies, procedures and associated documentation.
 - Minutes of relevant meetings and pertinent newsletters.
 - Invitations to team social events.
38. At the meeting the employee should also be given the opportunity to discuss training received to date and identify future training needs. Head Teachers/Principal or nominated officers should ensure that career aspirations have been addressed or at least understood and a method of communicating any suitable vacancies should be agreed. Opportunities for training during the period of maternity leave should also be discussed.
39. A form at Appendix 2 is available to assist in the above process.

WORK DURING THE SPL PERIOD

40. It remains in the interests of every employer to welcome employees back into the workplace when they are ready to return.
41. To facilitate this all employees may, by agreement with their Head Teacher/Principal or nominated officer do up to 20 days' work known as 'Shared Parental Leave In Touch' (SPLIT) days during their SPL period.

42. SPLIT days may enable an employee to be re-inducted to the workplace. Dependent on the nature of the work and the changes that have taken place in the job, this may involve retraining during the month prior to the employees return from SPL. Employees should also have the opportunity to attend relevant training courses, team and section meetings.
43. There is no obligation on an employee to take up any offer of SPLIT days and similarly there is no obligation on a Head Teacher/Principal or nominated officer to offer the work. However, the use of SPLIT days is encouraged by the school/academy to ease an employee's return to work.
44. Attendance at work for SPLIT days will be paid at the hourly rate applicable to the employee's spinal column point for the hours worked, subject to the pay plus any ShPP not exceeding the employee's normal earnings for that day.
45. Working for part of a day will constitute a full day against the entitlement of 20 SPLIT days.
46. The use of SPLIT days, subject to the maximum allowance of 20 days not being exceeded, will have no detrimental effect on an employee's entitlement to ShPP. Equally the application of SPLIT days will in no way extend the SPL period.

Note 2. Employees who access SPLIT days should complete Appendix 5 for payroll purposes.

RETURN TO WORK AND FLEXIBLE WORKING ARRANGEMENTS

47. On returning to work an employee may consider a request to return under flexible working arrangements in accordance with the school/academy's Flexible Working Policy. Employees are required to discuss any revisions to working arrangements with their Head Teacher/Principal or nominated officer prior to their return to work date. Every consideration will be given to meeting the employee's needs but the flexible working arrangements will also take account of operational requirements and it will be for the Head Teacher/Principal or nominated officer to decide whether any proposal meets the needs of the school/academy.
48. A form at Appendix 4 is available to assist managers with the re-induction of employees to the workplace.

RELATIONSHIP WITH SICKNESS ABSENCE, ANNUAL LEAVE AND PARENTAL LEAVE

49. SPL shall be regarded as continuous service for the purposes of sick pay and annual leave.
50. Annual leave will continue to accrue during the SPL period. Any bank holidays that occur during the SPL period will also accrue and employees will be entitled to a substitute day's leave for each bank holiday falling in this period.

51. Employees are strongly encouraged to take the annual leave and bank holiday entitlement they will accrue during SPL in the corresponding leave year. However any remaining entitlement can be carried forward into the next leave year in exceptional circumstances. For example, where an employee's SPL overlaps with the annual leave year to a significant extent.
52. Employees who have one year's service at the date of return following SPL can apply to take parental leave in line with the school/academy's Parental Leave Policy.

PENSION

53. If an employee is an existing member of the Local Government Pension Scheme (LGPS) and has a period of paid SPL the amount of pension they build up won't be affected.
54. That means that if employees have a period of reduced contractual pay during paid SPL their pension is still worked out using an average of their usual pensionable pay (before the reduction in pay took place).
55. Employees will only pay contributions on any pay that they receive.
56. If employees decide to take a period of unpaid SPL they will not build up pension benefits. Employees can elect to cover the period of pension 'lost' by taking out a Shared Cost Additional Pension Contribution (SCAPC) contract.
57. Where a SCAPC contract is taken out to cover the pension 'lost' during a period of unpaid SPL, the cost is shared one third to the employee and two thirds to the employer, provided that employees make an election to buy the 'lost' pension within 30 days of returning to work .
58. Further information can be obtained from the East Riding Pension Fund (ERPF) on 01482 394150.
59. Employees who are members of the Teachers' Pension Scheme (TPS) can find detailed information at www.teacherspensions.co.uk

ADDITIONAL GUIDANCE

60. The school/academy produces a Paternity Leave, Maternity Support Leave and Shared Parental Leave information pack, which provides additional assistance for employees and Head Teachers/Principals alike. This includes useful contacts and advice. Copies can be obtained from the HR advisory service.
61. The manager will offer support and guidance to the employee upon their return from SPL. Information to assist this process is outlined in Appendix 3.

Application for shared parental leave and pay

Appendix 1

- Please read the information contained in the Shared Parental Leave policy so that you understand your entitlement and how SPL works.
- Complete this form; submit it to your manager and ensure it is returned to the HR advisory service **at least 8 weeks** before you wish your SPL to begin.
- Please also attach a copy of the written notification of entitlement. (See paragraph 12 of the policy).

Name:										
Home address:										
Post code:										
School/academy:										
Payroll number:				/						

Please confirm that:

Your entitlement to SPL has been notified to the school/academy in writing.	<input type="checkbox"/>
You will have worked for the school/academy for 26 weeks at the 15 th week before the expected due date/matching date.	<input type="checkbox"/>
You will be sharing responsibility for the care of the child.	<input type="checkbox"/>
You are the mother/adopter or;	<input type="checkbox"/>
father of the child/spouse/civil partner/partner of the mother/adopter and they have given notice to end their maternity/adoption entitlement.	<input type="checkbox"/>

Expected date of childbirth/placement:

D	D	M	M	Y	Y	Y	Y
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Continuous service date:

D	D	M	M	Y	Y	Y	Y
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Date you wish to start SPL:

D	D	M	M	Y	Y	Y	Y
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Date you wish to end SPL:

D	D	M	M	Y	Y	Y	Y
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Please note that if you wish to request discontinuous periods of leave, please complete a form for each separate period.

Application for shared parental leave and pay

Appendix 1

Please confirm that:

The information you have given above is accurate and;

that should you cease to be eligible for SPL you will inform your Head Teacher/Principal and the HR advisory service immediately.

Signature: _____ **Date:** _____

Please ensure that the mother/adopter or father/partner as appropriate completes the following section:

Name:

Home address:

Post code:

National Insurance number:

Please confirm that:

You will be sharing responsibility for the care of the child.

The employment and earnings test (see paragraph 6) is met.

You consent to amount of leave and pay the employee is seeking to take.

You consent to the school/academy receiving and processing this information.

You are the father of the child/spouse/civil partner/partner of the mother/adopter or;

you are the mother/adopter and are entitled to maternity/adoption leave and pay and have given notice to end that leave and pay entitlement:

The information you have given is accurate and;

Application for shared parental leave and pay

Appendix 1

That should you cease to be eligible for SPL you will inform the employee immediately.

Signature: _____ **Date:** _____

Date passed to manager: _____

To be completed by manager:

Date of meeting with employee: _____

Please confirm the outcome of the meeting and if the dates requested have been agreed. If they have been varied please also record them here.

Manager's signature: _____ **Date:** _____

Please return a copy of this form to the employee and to the HR advisory service, including any supporting documents.

For HR use only:

	Date	Initials
Dates confirmed		
Copy of form to Payroll		
Input on PP		

Shared Parental Leave – Return to Work Guidance

Appendix 3

1.0 Introduction

- 1.1 Upon the employee's return from shared parental leave, support and guidance will be given by the Head Teacher/Principal or nominated officer. Every effort will be made to allay any potential fears and anxiety of a returning employee.
- 1.2 A discussion, preferably through the use of a 'Shared Parental in Touch' (SPLIT) day, but at the latest on the first day of return to work, should occur. This should ensure that the employee's re-induction into the work place is assisted and that any training needs are identified.
- 1.3 The discussion should, wherever possible, be on a face-to-face basis. Failing this, a telephone conversation is an acceptable alternative. A form at Appendix 4 is available to assist in the above process.

Note 1: Depending on the length of the absence due to shared parental leave not all of this guidance (or the form at Appendix 4) may be necessary. Appropriate measures should be decided on a case by case basis and in conjunction with the employee.

2.0 Return to work – Re-induction to work

- 2.1 The Head Teacher/Principal or nominated officer should ensure that any adjustments to work are in place and are suitable and satisfactory. The opportunity should also be taken to sympathetically reintroduce the employee to their team and in particular to any new colleagues.
- 2.2 Any changes to domestic arrangements and/or health and safety issues should be clearly explained and highlighted to the employee.
- 2.3 Where specific policies, procedures and or working practices have changed and have not already been communicated to the returning employee this should occur at the earliest opportunity. Appropriate training should also be organised to supplement and reinforce the employee's understanding.
- 2.4 In addition where this has not occurred during the shared parental leave period returning employees should be provided with copies of relevant new or revised policies and associated documentation.

Shared Parental Leave – Return to Work Guidance

Appendix 3

2.5 Where the nature of the job allows, a realistic work plan should be devised in conjunction with the employee. The plan should identify any areas of outstanding work, timescales for completion of tasks and should also gently introduce the broad range of the job description. The Head Teacher/Principal or nominated officer should schedule regular one to one meetings to establish the employee's progress and to assess whether any further support is required.

3.0 Return to work – Nursing mothers

3.1 The school/academy welcomes and supports nursing mothers in the workplace.

3.2 Those nursing mothers who return to work after shared parental leave and wish to continue to breastfeed their baby/ies will require a clean and private facility to express milk during the working day. It will be the responsibility of the employee, should they require these facilities, to inform their Head Teacher/Principal or nominated officer or the Human Resources (HR) advisory service in advance of their return to work.

3.3 It will be the responsibility of the Head Teacher/Principal or nominated officer to ensure that clean and private facilities are provided for nursing mothers on their return to work.

3.4 When nursing mothers who are on shared parental leave attend a team meeting it is the responsibility of the manager, should the employee request it, to ensure that they provide the necessary facilities. In the case of attending for training/development, whilst on shared parental leave, should the employee request it, the Head Teacher/Principal or nominated officer will try wherever practicable to make suitable arrangements by contacting the training provider.

Shared Parental Leave Re-induction Form Appendix 4

Return to work date: _____ **Date of discussion:** _____

<u>CHECKLIST</u>	✓
Welcome the employee back to work and allow the employee to voice any concerns they may have. Try to allay any potential fears and anxiety of the returning employee.	
Ensure that any workplace risk assessment previously completed has been re-visited, specifically if the employee is breastfeeding or has returned to work within 6 months of childbirth.	
Ensure that any changes to domestic arrangements and/or health and safety issues are clearly explained and highlighted to the employee.	
Where appropriate ensure that a clean private facility has been identified and made known to the employee in order for them to express milk during the working day.	
Explain to the employee any changes in working practice, systems or reporting mechanisms that are relevant to their role.	
Where the nature of the job allows, devise a realistic work plan that identifies any, training needs, areas of outstanding work, timescales for completion of tasks and gently introduces the broad range of the job description.	
Schedule regular one to one meetings to establish the employee's progress and to assess whether any further support is required.	
Where not already communicated during the period of shared parental leave, inform the employee of changes to any specific policies and procedures.	
Introduce employee to any new colleagues.	
Remind the employee of the availability of the Confidential Staff Welfare and Counselling Service.	

Signed: _____	Employee: (print) _____
Signed: _____	Manager: (print) _____

Shared Parental Leave - SPLIT days form Appendix 5

This form should be used to record any days worked during periods of shared parental leave. Should you require any assistance in completing the form please contact your Head Teacher/Principal or nominated officer or the Human Resources (HR) advisory service.

Please note: Working for part of a day will constitute a full day against the entitlement of 20 SPLIT days.

SURNAME: _____ **FORENAMES:** _____

SCHOOL/ACADEMY: _____

Inclusive dates worked:		Number of hours:
From	To	

Details of work/ training undertaken:

Continue on another piece of paper if necessary

Signed: _____ Date: _____

Manager's comments:

Signed: _____ Date: _____

Please complete the form and return to the HR advisory service in order for payroll to be informed and your pay adjusted.