



Maternity and Related Leave Policies

June 2021

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About these policies

1 INTRODUCTION

- 1.1 Fareham Academy ("the Academy") is committed to ensuring that maternity and related leave benefits are applied fairly and consistently.
- 1.2 This policy outlines employees' entitlement to maternity, paternity and adoption leave and sets out the arrangements for taking them.
- 1.3 These policies do not form part of any employee's contract of employment and we may amend them at any time.
- 1.4 For further non-contractual guidance, please refer to our Maternity Benefits Guide, which is available from Executive Assistant.

2 WHO IS RESPONSIBLE?

- 2.1 The Governing Body of the Academy has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework.
- 2.2 The Head teacher is responsible for ensuring compliance with overall school policies and procedures; that all activities are periodically risk assessed, periodic inspections are carried out, and necessary controls are implemented

Maternity Policy

1 DEFINITIONS OF MATERNITY LEAVE TERMS

1.1 Leave

- 1.1.1 **Additional maternity leave (AML)** – An additional period of up to 26 consecutive weeks' maternity leave immediately following the period of ordinary maternity leave.
- 1.1.2 **Compulsory maternity leave (CML)** – A consecutive two week period immediately following childbirth when you are not permitted to return to work.
- 1.1.3 **Maternity leave period** – The amalgamation of ordinary and additional maternity leave. A total of up to 52 consecutive weeks' maternity leave. The earliest this can start is 11 weeks before the **expected week of childbirth** and no later than the day after the actual date of **childbirth**.
- 1.1.4 **Ordinary maternity leave (OML)** – A period of up to 26 consecutive weeks, inclusive of compulsory maternity leave.

1.2 Pay

- 1.2.1 **Average weekly earnings** – Calculated using the eight-week period immediately preceding the 14th week before the expected week of childbirth.
- 1.2.2 **Contractual pay** – The salary that is payable to you under your contract of employment as determined by your terms and conditions of employment.
- 1.2.3 **Earnings related rate SMP** – A weekly rate equivalent to 90 per cent of your **average weekly earnings**.
- 1.2.4 **Occupational maternity pay (OMP)** – These schemes are determined by the terms and conditions of service, length of service and are based on **contractual pay**.
- 1.2.5 **Statutory maternity pay (SMP)** – This scheme is funded by the government and is based on length of service and **average weekly earnings**. You may receive payments under either the **standard rate** or **earnings related rate**.
- 1.2.6 **Standard rate SMP** – A fixed rate payment of Statutory Maternity Pay determined by HMRC.

1.3 Other

- 1.3.1 **Childbirth** – The birth of a living child or a still birth after 24 weeks of pregnancy.
- 1.3.2 **Expected week of childbirth (EWC)** – As stated on the pregnant employee's MATB1 certificate, the week beginning with midnight between Saturday and Sunday in which childbirth is expected to occur.
- 1.3.3 **Intended Start Date** – the date on which you would like to start your maternity leave.
- 1.3.4 **Keeping In Touch (KIT) days** – You may come into work for up to 10 days during your **maternity leave period** without bringing your maternity leave or pay to an

end.

- 1.3.5 **MATB1** – A certificate which shows your expected week and date of childbirth. It is normally issued by your doctor or midwife after the 20th week of your pregnancy.
- 1.3.6 **Qualifying week** – The 15th week before the **expected week of childbirth**.
- 1.3.7 **Reasonable contact** – Before starting maternity leave, you and your line manager must agree the contact arrangements that will be in place during maternity leave. This is different to KIT days.
- 1.3.8 **Return to work period** – The 13 week or three month period you are required to return to work for, following maternity leave, defined in your terms and conditions of service.

2 **ENTITLEMENT TO MATERNITY LEAVE**

All employees are entitled to up to 52 weeks' maternity leave which is divided into:

2.1.1 OML; and

2.1.2 AML

provided they comply with the notification requirements set out in paragraph 3.

3 **NOTIFICATION OF PREGNANCY**

3.1 You must inform us as soon as possible that you are pregnant.

3.2 You will be asked to complete a M1 form telling us:

3.2.1 the EWC; and

3.2.2 the Intended Start Date.

3.3 You must provide a certificate from a doctor or midwife (usually on a MATB1 form) confirming your EWC.

4 **ANNUAL LEAVE**

4.1 During OML and AML, holiday entitlement will accrue at the rate provided under your contract. Where this leave spans more than one annual leave year, you are entitled to your full annual leave entitlement within the year to which it relates.

4.2 Employees that work term time only, including teachers, are required to take annual leave during school holidays.

4.3 For all other staff, you must ensure annual leave is planned around your maternity leave to ensure that minimal annual leave is carried forward into the next leave year. You should discuss your holiday plans with your line manager in good time before taking maternity leave to ensure that minimal annual leave is carried forward into the next leave year.

5 **TIME OFF FOR ANTE-NATAL APPOINTMENTS**

5.1 If you are pregnant you may take reasonable paid time off during working hours for antenatal appointments. This may include any relaxation or parenting classes that your doctor, midwife or health visitor has advised you to attend.

- 5.2 Please try to give us as much notice as possible of the appointment. We may ask you to provide the following, unless it is the first appointment:
- 5.2.1 a certificate from the doctor, midwife or health visitor stating that you are pregnant; and
 - 5.2.2 an appointment card.
- 5.3 A person who has a qualifying relationship with a pregnant woman may take time off to accompany her to up to two antenatal appointments in relation to each pregnancy. They must not take more than six and a half hours off for each appointment, including travel and waiting time and time off to attend these appointments is unpaid. Further time off for antenatal appointments is in our absolute discretion.

6 **STARTING MATERNITY LEAVE**

- 6.1 Before starting maternity leave, appropriate and reasonable contact arrangements for the maternity leave period should be made.
- 6.2 The earliest date you can start maternity leave is 11 weeks before the EWC, unless either:
- 6.2.1 you are absent due to sickness wholly or partly because of pregnancy or childbirth within four weeks of the EWC, in which case maternity leave will start and maternity pay will be applied if appropriate; or
 - 6.2.2 if childbirth happens earlier than the date specified on the MATB1 form, your maternity leave will start from the day after the actual date of birth and maternity pay will start from the same date (in these circumstances the employee must give their line manager written notice of the actual date of birth at the earliest opportunity).
- 6.3 If you are certified medically unfit to remain at work between the 11th and 4th week before the EWC, you can choose whether to take sick leave or start maternity leave.
- 6.4 You can change your maternity leave start date by informing your line manager at least 28 calendar days' before the new start date, or if that is not possible, as soon as reasonably practicable.

7 **STATUTORY MATERNITY PAY**

- 7.1 Statutory maternity pay (SMP) is payable for up to 39 weeks. SMP will stop being payable if you return to work (except where you are simply keeping in touch in accordance with paragraph 11). You are entitled to SMP if:
- 7.1.1 you have been continuously employed for at least 26 weeks at the end of the Qualifying Week and are still employed by us during that week;
 - 7.1.2 your average weekly earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the government;
 - 7.1.3 you provide us with a doctor's or midwife's certificate (MATB1 form) stating your Expected Week of Childbirth;
 - 7.1.4 you give at least 28 days' notice (or, if that is not possible, as much notice as you can) of your intention to take maternity leave; and
 - 7.1.5 you are still pregnant 11 weeks before the start of the Expected Week of Childbirth

or have already given birth.

7.2 SMP is calculated as follows:

7.2.1 First six weeks: SMP is paid at the Earnings-Related Rate of 90% of your average weekly earnings calculated over the Relevant Period.

7.2.2 Remaining 33 weeks: SMP is paid at the Prescribed Rate which is set by the government for the relevant tax year, or the Earnings-Related Rate if this is lower.

7.3 SMP accrues from the day on which you commence your OML and thereafter at the end of each complete week of absence. SMP payments are made on the next normal payroll date and income tax, National Insurance and pension contributions are deducted as appropriate.

7.4 You are still eligible for SMP if you leave employment for any reason after the start of the Qualifying Week (for example, if you resign or are made redundant). In such cases, if your maternity leave has not already begun, SMP starts to accrue in whichever is the later of:

7.4.1 the week following the week in which employment ends; or

7.4.2 the eleventh week before the Expected Week of Childbirth.

8 OCCUPATIONAL MATERNITY PAY

8.1 Occupational maternity pay (OMP) is based on contractual pay. You are entitled to OMP if you have at least one year's continuous service at the beginning of the 11th week before the expected week of childbirth.

8.2 OMP is paid on the condition that you will be available to work, or able to return to work for a required return to work period.

8.3 OMP will be paid from when you start your maternity leave period. If childbirth happens before the maternity leave period was due to start, OMP will be paid from the day after the actual date of birth.

8.4 OMP will stop being payable if you return to work (except where you are simply keeping in touch in accordance with paragraph 11).

8.5 12 weeks of half pay OMP is repayable if you do not complete the required return to work period.

8.6 Please refer to the [Appendix 1](#) for full details of SMP and OMP.

9 PENSIONS

9.1 During OML and any further period of paid maternity leave, we shall continue to make any employer contributions that we usually make into your pension scheme, based on what your earnings would have been if you had not been on maternity leave provided that you continue to make contributions based on the maternity pay you are receiving. If you wish to increase your contributions to make up any shortfall from those based on your normal salary then please contact the Executive Assistant.

9.2 During any period of unpaid maternity leave, you can choose to pay contributions in order for the period to count in full for pension purposes. The contributions (payable by you and us) are based on contractual pay immediately before the unpaid period started.

9.3 If you want to pay any such contributions, you must confirm this in writing to us within 30 days of returning to work, or leaving employment if sooner.

9.4 For the avoidance of doubt, if you do not pay contributions, this period of unpaid leave will not count towards your pension.

10 DEDUCTIONS FROM SALARY

10.1 All payments under the Statutory and Occupational Maternity Pay schemes are treated as earnings and are therefore subject to income tax and national insurance deductions.

10.2 Union contributions, charity contributions, staff loan repayments and BUPA payments will continue to be deducted whilst the employee receives statutory or occupational maternity pay.

10.3 If the employee usually has these items deducted from pay they will have to make their own arrangements to pay these during their unpaid maternity leave period.

10.4 If the employee is a member of the Hospital Savings Association they may still be able to claim benefits during the period of unpaid leave. They should let HSA know well in advance of their period of unpaid leave.

11 KEEPING IN TOUCH

11.1 We may make reasonable contact with you from time to time during your maternity leave.

11.2 You may work (including attending training) for up to ten days during maternity leave without bringing your maternity leave or SMP to an end (Keeping in Touch Day). This is not compulsory and must be discussed and agreed with your line manager. In any case, you must not work in the two weeks following birth.

11.3 You will be paid at your normal basic rate of pay for time spent working on a Keeping in Touch Day and this will be inclusive of any maternity pay entitlement.

11.4 Please refer to [Appendix 2](#) for further details.

12 DECIDING NOT TO RETURN DURING MATERNITY LEAVE

12.1 If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should give notice of resignation in accordance with your contract (or shorter period if agreed with your line manager).

12.2 The amount of maternity leave left to run when you give notice must be at least equal to your contractual notice period, otherwise we may require you to return to work for the remainder of the notice period.

12.3 Once you have given notice that you will not be returning to work, you cannot change your mind without our agreement.

12.4 This does not affect your right to receive SMP.

13 ENTITLEMENTS IN THE EVENT OF MISCARRIAGE, STILLBIRTH OR EARLY DEATH

13.1 During the 1st – 24th week of pregnancy:

13.1.1 In the event of a miscarriage or stillbirth during the 1st -24th week of your pregnancy, you are entitled to statutory and/ occupational sick pay entitlements, subject to meeting eligibility requirements. You must obtain a certificate from your GP to cover any sickness period.

13.1.2 You will not be entitled to either statutory or occupational maternity benefits.

13.2 During the 25th week of pregnancy onwards:

13.2.1 In the event of a miscarriage or stillbirth during or after the 24th week of their pregnancy, or early death of your baby whilst you are still absent on maternity leave, you will be entitled to receive the full statutory and occupational maternity leave and pay benefits, subject to eligibility requirements.

14 RETURNING TO WORK

14.1 Once you have notified us in writing of your Intended Start Date, we shall assume that you will return to work on the next available working day following the end of the AML period. This will usually be discussed during the agreed contact.

14.2 You are only required to tell us of your return to work date if you are returning earlier than your AML end date. In this case, you must provide your Headteacher with at least 21 calendar days' written notice.

14.3 In addition to the above provisions, you are required to provide a medical certificate indicating your return to work date and your fitness to return to work if you wish to return during school holiday period.

14.4 Shortly before you are due to return to work, we may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may cover:

14.4.1 updating you on any changes that have occurred during your absence;

14.4.2 any training needs you might have; and

14.4.3 any changes to working arrangements (for example if you have made a request to work part-time; see paragraph 15).

14.5 You are required to return to work for a 13 week or 3 month period of time as defined in your terms and conditions of service.

15 FLEXIBLE WORKING REQUESTS

15.1 We will deal with any requests by employees to change their working patterns (such as working part-time) after maternity leave on a case-by-case basis. There is no absolute right to insist on working part-time, but you do have a statutory right to request flexible working and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the Academy. It is helpful if requests are made as early as possible.

16 DECIDING TO RESIGN AFTER MATERNITY LEAVE

16.1 If you return to work after your maternity leave and then resign, you will be bound by the normal terms and conditions outlined in your contract of employment.

Appendix 1	
Rates of SMP	If you qualify for SMP you will receive:
Weeks 1 – 6	<ul style="list-style-type: none"> The earnings related rate - 90% of average weekly earnings.
Weeks 7 – 39	<ul style="list-style-type: none"> Whichever is the lower of your earnings related rate or the standard rate as prescribed by the Government.
Rates of OMP	If you qualify for OMP you will receive:
Weeks 1 – 4	<ul style="list-style-type: none"> 100% contractual pay.
Weeks 5 – 6	<ul style="list-style-type: none"> 90% of contractual pay.
Weeks 7 – 18	<ul style="list-style-type: none"> 50% of contractual pay.
Weeks 19 – 52	<ul style="list-style-type: none"> No pay.
Combining SMP and OMP	If entitled to a combination of the two payments, these entitlements will be calculated as follows:
Weeks 1 – 4	<ul style="list-style-type: none"> Payments made under the OMP scheme will be reduced so that the total of SMP and OMP is not more than full pay.
Weeks 5 – 6	<ul style="list-style-type: none"> Payments made under the OMP scheme will be reduced so that the total of SMP and OMP is not more than 90% of contractual pay.
Weeks 7 – 18	<ul style="list-style-type: none"> Payments made under the OMP scheme will be reduced so that the total of SMP and OMP is not more than 50% of contractual pay
Weeks 19 – 39	<ul style="list-style-type: none"> SMP entitlements only.
Weeks 40 – 52	<ul style="list-style-type: none"> No pay.

Appendix 2 – Calculating KIT Day Payments	
KIT payments	<p>Although there is no legal requirement to pay for working KIT days, employees will be paid on the following basis:</p> <p>Calculating a daily rate of pay - FTE Salary will be divided by 365.</p> <p>As a KIT attendance should reflect a normal full day's work, if the employee works a KIT day they will be paid a full day's pay (1/365th of FTE salary).</p> <p>Payment for working a KIT day will be inclusive of the daily rates of SMP and OMP due to be paid, on the proviso that the employee does not earn in that week more than they would have done had they not been on maternity leave.</p>

Paternity Policy

1 DEFINITIONS OF PATERNITY LEAVE TERMS

1.1 Leave

1.1.1 **Paternity leave** – If eligible, an entitlement of up to two consecutive weeks leave which must be taken within 56 days of childbirth or placement.

1.2 Pay

1.2.1 **Average weekly earnings (Adoption)** – Calculated using the period of 8 weeks immediately preceding the matching week.

1.2.2 **Average weekly earnings (Childbirth)** – Calculated using the period of 8 weeks immediately preceding the 15th week before the **expected week of childbirth**.

1.2.3 **Contractual pay** – The salary that is payable under your contract of employment as determined by your terms and conditions of employment.

1.2.4 **Earnings related rate Statutory Paternity Pay (SPP)** – A weekly rate equivalent to 90 per cent of the employee's average weekly earnings.

1.2.5 **Occupational paternity pay (OPP)** – These schemes are determined by the terms and conditions of service, length of service and are based on contractual pay.

1.2.6 **Statutory paternity pay (SPP)** – This scheme is funded by the government and is based on length of service and **average weekly earnings**.

1.2.7 **Standard rate SPP** – A fixed rate payment of **statutory paternity pay** determined by HMRC.

1.3 Other

1.3.1 **Childbirth** – The birth of a living child or a still birth after 24 weeks of pregnancy.

1.3.2 **Expected week of childbirth (EWC)** – As stated on the mother's **MATB1** certificate, the week beginning with midnight between Saturday and Sunday in which childbirth is expected to occur.

1.3.3 **Expected week of placement** – As stated on the **matching certificate**, the week beginning with midnight between Saturday and Sunday in which the adopted child is expected to be placed with the adoptive parent(s).

1.3.4 **MATB1** – A certificate which shows a pregnant woman's expected week and date of childbirth. It is normally issued by their doctor or midwife after the 20th week of her pregnancy.

1.3.5 **Matching certificate** – One or more documents issued by the adoption agency or overseas adoption agency that matched the employee with the child.

1.3.6 **Matching week** – the week when the adoption agency told the Primary Adopter they had been matched with a child.

- 1.3.7 **Primary adopter** – The person who has been matched with a child for adoption, or in the case where two people have been jointly matched, whichever of them has been elected to be the child's adopter for statutory leave and pay purposes.
- 1.3.8 **Qualifying week** – In the case of childbirth, the 15th week before the expected week of childbirth.

2 ENTITLEMENT TO PATERNITY LEAVE

- 2.1 Paternity leave is available when a child is born or placed with you for adoption (unless you are taking adoption leave). Further details of adoption leave are set out in our Adoption Policy.
- 2.2 You are entitled to paternity leave if you meet all the following conditions:
 - 2.2.1 You have been continuously employed by us for at least 26 weeks ending with the 15th week before the Expected Week of Childbirth or the week in which you or your partner are notified by an adoption agency that you/they have been matched with a child.
 - 2.2.2 You:
 - 2.2.2.1 are the biological father of the child; or
 - 2.2.2.2 are the partner of the child's mother or of someone who has been matched with a child by an adoption agency.
 - 2.2.3 You:
 - 2.2.3.1 expect to have main responsibility (with the child's mother or co-adopter) for the child's upbringing; or
 - 2.2.3.2 are the child's biological father and you expect to have some responsibility for the child's upbringing.
 - 2.2.4 The leave is for the purpose of caring for the child, or supporting the child's mother or co-adopter in caring for the child.
 - 2.2.5 You have not already taken shared parental leave in respect of the same child.

3 TIMING AND LENGTH OF PATERNITY LEAVE

- 3.1 Paternity leave must be taken as a period of either one week or two consecutive weeks. It cannot be taken in instalments.
- 3.2 Paternity leave can be taken from any date following the date of the child's birth or adoption placement, but must end within 56 days of the child's placement or birth or the first day of the Expected Week of Childbirth (if born earlier than this).
- 3.3 Once you have decided when you are going to take paternity leave, you must discuss this with your line manager and provide the appropriate documentary evidence and information (see Appendix 3).

4 ANNUAL LEAVE

- 4.1 During paternity leave, holiday entitlement will accrue at the rate provided under your contract. Where this leave spans more than one annual leave year, you are entitled to your full annual leave entitlement within the year to which it relates.

- 4.2 Employees that work term time only, including teachers, are required to take annual leave during school holidays.
- 4.3 For all other staff, you must ensure annual leave is planned around your paternity leave to ensure that minimal annual leave is carried forward into the next leave year. You should discuss your holiday plans with your line manager in good time before taking paternity leave to ensure that minimal annual leave is carried forward into the next leave year.

5 REASONABLE CONTACT

- 5.1 Before you start paternity leave, you should agree appropriate and reasonable contact arrangements for the paternity leave period with your line manager.

6 STATUTORY PATERNITY PAY

- 6.1 In this paragraph, Relevant Period means the eight-week period ending with the Qualifying Week which is the 15th week before the Expected Week of Childbirth or the week in which you or your partner were notified of being matched with the child.
- 6.2 If you take paternity leave in accordance with this policy, you will be entitled to statutory paternity pay (**SPP**) if:
 - 6.2.1 during the Relevant Period, your average weekly earnings are not less than the lower earnings limit set by the government; and
 - 6.2.2 you have at least 26 weeks' continuous employment ending with the Qualifying Week or the Matching Week
- 6.3 SPP is paid at a prescribed rate which is set by the government for the relevant tax year, or at 90% of your average weekly earnings calculated over the Relevant Period if this is lower. For details of the current prescribed rate, please contact the Executive Assistant.
- 6.4 Please refer to Appendix 2 for further details.

7 OCCUPATIONAL PATERNITY PAY

- 7.1 Occupational paternity pay (OPP) is based on contractual pay. You are entitled to OPP if you have at least one year's continuous service at the beginning of the 11th week before the expected week of childbirth.
- 7.2 OPP will stop being payable if you return to work before the end of the paternity pay period.

8 PENSIONS

- 8.1 During paternity leave we shall continue to make deductions from your occupational and statutory paternity pay.
- 8.2 Local government pension scheme
 - 8.2.1 For the period of ordinary paternity leave we will pay contributions on all contractual or statutory paternity pay.
- 8.3 Teachers' pension scheme
 - 8.3.1 If you are receiving contractual or statutory pay, your pensionable service will continue to increase. Contributions will be based on the pay you get while absent.
 - 8.3.2 If you take a longer break after your contractual and statutory pay has expired, you

can:

- 8.3.2.1 Leave your service in the scheme and this can add to any further service you do in the future. If the break is for more than five years, you would be treated as a new entrant upon returning.
- 8.3.2.2 Transfer your pension to another scheme.
- 8.3.2.3 Take your contributions out of the scheme if you have less than two years' service.

8.4 If you have concerns about your pension or the affect that your planned paternity leave may take, please contact the Executive Assistant.

9 DEDUCTIONS FROM SALARY

9.1 All payments under the Statutory and Occupational Paternity Pay schemes are treated as earnings and are therefore subject to income tax and national insurance deductions.

9.2 Union contributions, charity contributions, staff loan repayments and BUPA payments will continue to be deducted whilst you receive statutory or occupational paternity pay.

9.3 If you usually have these items deducted from pay you will have to make your own arrangements to pay these during any unpaid paternity leave period.

10 SICKNESS DURING PATERNITY LEAVE

10.1 If you are ill whilst on paternity leave, we will check whether you are titled to Statutory Sick Pay (SSP) or not.

11 ENTITLEMENTS IN OTHER CIRCUMSTANCES

11.1 Depending on the circumstances, your entitlement to paternity leave will be affected as follows.

11.1.1 In the case of childbirth:

11.1.1.1 If the mother has a miscarriage or stillbirth before the end of the 24th week of her pregnancy, they will be entitled to the relevant statutory and occupational sick leave and pay entitlements. You are not entitled to paternity benefits.

11.1.2 During 25th week of pregnancy onwards:

11.1.2.1 If the mother has a miscarriage or stillbirth after the end of the 24th week of pregnancy, you will be entitled to receive the full statutory and occupational paternity leave and pay entitlements.

11.1.3 If the newborn baby dies during the statutory paternity leave or pay periods, paternity leave and pay will continue as normal.

11.1.4 In the case of adoption:

11.1.4.1 If the placement does not go ahead at all, you are not entitled to receive any statutory or occupational entitlements.

11.1.4.2 If the child ceases to live with the adopter during the statutory paternity pay period, you will continue to be entitled to statutory leave and pay.

12 **RETURNING TO WORK**

- 12.1 You do not need to notify us of your intention to return to work from paternity leave, as we will assume that you will return to work at the end of the one or two consecutive week period.
- 12.2 You are normally entitled to return to work after paternity leave to the same position you held before commencing leave. Your terms of employment will be the same as if you had not been absent.
- 12.3 If you are also taking shared parental leave in respect of the same child, this will be dealt with separately and you should contact Georgina Payne for information about return to work.

13 **FLEXIBLE WORKING REQUESTS**

- 13.1 We will deal with any requests by employees to change their working patterns (such as working part time) after paternity leave on a case-by-case basis. We will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if requests are made as early as possible. Please contact your line manager if you'd like to make a flexible working request.

Appendices	
Appendix 3 - Documentary Evidence Required to Take Paternity Leave:	
In cases of childbirth	<p>You must provide in writing, where appropriate:</p> <ul style="list-style-type: none"> • a copy of the MATB1 certificate; and • a completed SC3 form; and • your intention to take paternity leave; and • the expected week of childbirth; and • when you want ordinary paternity leave and pay to start; and • whether you wish to take one week or two consecutive week's pay. <p>This must be provided in, or before, the 15th week before the expected week of childbirth and not later than 21 days before you want to start paternity leave.</p>
In cases of adoption	<p>You must provide in writing, where appropriate:</p> <ul style="list-style-type: none"> • a copy of the matching certificate; and • a completed SC4 form (UK adoptions); or • a completed SC5 form (overseas adoptions); and • your intention to take paternity leave; and • the date the child is to be placed with the primary adopter; and • the date the primary adopter was notified of being matched to the child; and • when you want ordinary paternity leave and pay to start; and • whether you wish to take one week or two consecutive week's pay. <p>This must be provided in, or before, the 15th week before the expected week of placement and not later than 21 days before you want to start paternity leave.</p>

Appendix 4	
Rates of Statutory Paternity Pay during Paternity Leave	
	If you qualify for Statutory Paternity Pay you will receive:
Weeks 1 and 2	whichever is the lower of your earnings related rate or standard rate SPP.
Rates of Occupational Paternity Pay during Paternity Leave	
	If you qualify for Occupational Paternity Pay you will receive:
Week 1	100% of contractual pay.
Week 2	No pay.
Combining Statutory and Occupational Paternity Payments during Paternity Leave	
	If entitled to a combination of the two payments, these entitlements will be calculated as follows:
Week 1	Payments made under the occupational scheme will be reduced so that the total of statutory and occupational paternity pay is not more than 100% of contractual pay.
Week 2	Whichever is the lower of your earnings related rate or standard rate Statutory Paternity Pay.

Adoption Policy

1 INTRODUCTION

1.1 This policy sets out the arrangements for adoption leave and pay for employees who are:

1.1.1 Adopting a child through a UK or overseas adoption agency.

1.1.2 Fostering a child with a view to possible adoption.

1.1.3 Having a child through a surrogate mother.

1.2 In some cases you and your spouse or partner may be eligible to opt into the shared parental leave (SPL) scheme which gives you more flexibility to share the leave and pay available in the first year after the child is placed with you. However, one of you must take at least two weeks' adoption leave first. Details of SPL are available from the Executive Assistant.

2 DEFINITIONS OF ADOPTION LEAVE TERMS

2.1 Leave

2.1.1 **Ordinary adoption leave (OAL)** – A period of up to 26 consecutive weeks leave, starting no later than the actual date of placement.

2.1.2 **Additional adoption leave (AAL)** – An additional period of up to 26 consecutive weeks adoption leave immediately following the period of **ordinary adoption leave**.

2.2 Pay

2.2.1 **Average weekly earnings** – Calculated using the period of 8 weeks immediately preceding the week when the adoption agency told the **primary adopter** they had been matched with a child.

2.2.2 **Contractual pay** – The salary that is payable to employees under their contract of employment as determined by their terms and conditions of employment.

2.2.3 **Earnings related rate** – A weekly rate equivalent to 90 per cent of the employee's **average weekly earnings**.

2.2.4 **Occupational adoption pay (OAP)** – These schemes are determined by the terms and conditions of service, length of service and are based on contractual pay.

2.2.5 **Standard rate SAP** – A fixed rate payment of **statutory adoption pay** determined by HMRC.

2.2.6 **Statutory adoption pay (SAP)** – This scheme is funded by the government and is based on length of service and **average weekly earnings**. The employee may receive payments under either the **standard rate** or **earnings related rate**.

2.3 Other

- 2.3.1 **Adoption agency** – A UK adoption agency that decides whether a person would be a suitable adoptive parent for a child, either individually or jointly with another person.
- 2.3.2 **Overseas adoption agency** – A non-UK based adoption agency that decides whether a person would be a suitable adoptive parent for a non-UK national child, either individually or jointly with another person.
- 2.3.3 **Expected date of placement** – The date that the child is expected to start living with the adoptive parent(s).
- 2.3.4 **Keeping In Touch (KIT) days** – The employee may come into work for up to 10 days during their adoption leave period without bringing their adoption leave or pay to an end.
- 2.3.5 **Matching certificate** – One or more documents issued by the **adoption agency** or overseas adoption agency that matched the employee with the child.
- 2.3.6 **Primary adopter** – The person who has been matched with a child for adoption, or in the case where two people have been jointly matched, whichever of them has been elected to be the child's adopter for statutory leave and pay purposes.
- 2.3.7 **Reasonable contact** – Before starting adoption leave, the employee and line manager must agree the contact arrangements that will be in place during adoption leave.

3 PRE-ADOPTION MEETINGS

- 3.1 The primary adopter has a right to take paid time off for up to 5 pre-adoption meetings or interviews with, for instance, adoption agencies or solicitors, before starting adoption leave once the agency has notified them that a child is to be placed with them for adoption but before the child is actually placed with them.
- 3.2 If you are the primary adopted, you must produce your appointment card or other evidence of the appointment where this is requested by your line manager.
- 3.3 The secondary adopter also has a statutory entitlement to take unpaid time off work to accompany the primary adopter to up to 2 of their pre-adoption appointments. Where an employee wishes to attend these meetings, line managers can use their discretion to make use of annual leave, flexi leave or some other arrangement, subject to operational and business needs.
- 3.4 You must not take more than six and a half hours off for each appointment, including travel and waiting time.

4 ENTITLEMENT TO ADOPTION LEAVE

- 4.1 To qualify for adoption leave, you must meet all the following conditions:
 - 4.1.1 You are adopting a child through a UK adoption agency, or you are a local authority foster parent who has been approved as a prospective adopter.
 - 4.1.2 The adoption agency or local authority has given you written notice that it has matched you with a child for adoption, or that it will be placing a child with you under a fostering for adoption arrangement, and tells you the date the child is expected to be placed into your care (**Expected Placement Date**).

- 4.1.3 You have notified the agency that you agree to the child being placed with you on the Expected Placement Date.
- 4.2 In a surrogacy case, you are entitled to adoption leave if all the following conditions are met:
 - 4.2.1 A surrogate mother gives birth to a child who is biologically your child, the child of your spouse or partner, or the child of both of you.
 - 4.2.2 You expect to be given parental responsibility for the child under a parental order from the court. The child must live with you and you must apply for the parental order within six months of the child's birth.
- 4.3 Only one parent can take adoption leave. If your spouse or partner takes adoption leave with their employer you will not be entitled to adoption leave but you may be entitled to paternity leave (see our Paternity Leave Policy).
- 4.4 For the avoidance of doubt, you will not qualify for ordinary adoption leave if you are a step-parent adopting your partner's child/children or, where the adoption is immediately preceded by a period of foster care.
- 4.5 The maximum adoption leave entitlement is 52 weeks, consisting of 26 weeks' Ordinary Adoption Leave (**OAL**) and 26 weeks' Additional Adoption Leave (**AAL**). AAL must be taken immediately following the end of the ordinary adoption leave entitlement.

5 NOTIFICATION REQUIREMENTS

- 5.1 Not more than seven days after the agency or local authority notifies you in writing that it has matched you with a child (or where that is not reasonably practicable, as soon as reasonably practicable), you must give us notice in writing of the Expected Placement Date, and your intended start date for adoption leave (Intended Start Date).
- 5.2 In a surrogacy case, not later than the 15th week before the expected date of childbirth (or where that is not reasonably practicable, as soon as reasonably practicable), you must give us notice in writing of the expected date of childbirth and your Intended Start Date.

6 RESIGNATION BEFORE ADOPTION LEAVE STARTS

- 6.1 If you intend to resign, rather than take adoption leave, you are required to give your contractual notice.
- 6.2 If you cannot meet the requirements of your contractual notice period, you should give your line manager at least 28 calendar days' written notice of your intention to resign.

7 STARTING ADOPTION LEAVE – UK ADOPTIONS

- 7.1 Before starting adoption leave, appropriate and reasonable contact arrangements for the adoption leave period should be made.
- 7.2 In adoption or fostering for adoption cases, OAL may start on a predetermined date no more than 14 days before the Expected Placement Date, or on the date of placement itself, but no later. If you want to change your Intended Start Date please tell us in writing. You should give as much notice as you can, but wherever possible you must tell us at least 28 days before the original intended start date (or the new start date if you are bringing the date forward).
- 7.3 In a surrogacy case, OAL will start on the day the child is born, unless you are at work, in which case it will start on the following day. You cannot change the start date.
- 7.4 If you are certified medically unfit to remain at work earlier than the 14th day before the

expected date of placement, you are only entitled to the relevant benefits for sickness absence.

7.5 If you are certified medically unfit to remain at work between the 14th day before and the expected date of placement, you can choose whether to take sick leave or start their adoption leave.

7.6 If you continue to be medically unfit for work, it is likely that the adoption will be postponed until you are fully recovered.

8 OVERSEAS ADOPTIONS

8.1 If you are adopting a child from overseas, the requirements set out in this policy are varied as follows:

8.1.1 You must have received notification that the adoption has been approved by the relevant UK authority (**Official Notification**).

8.1.2 You must give us notice in writing of:

8.1.2.1 your intention to take adoption leave;

8.1.2.2 the date you received Official Notification; and

8.1.2.3 the date the child is expected to arrive in Great Britain.

8.1.3 This notice should be given as early as possible but in any case within 28 days of receiving Official Notification (or, if you have less than 26 weeks' employment with us at the date of Official Notification, within 30 weeks of starting employment).

8.1.4 You must also give us at least 21 days' notice in writing of your Intended Start Date. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.

8.2 You must also notify us of the actual date the child arrives in Great Britain within 28 days of that date.

8.3 Adoption leave in these cases may start on a predetermined date no more than 28 days after the child arrives in Great Britain, or on the date of the child's arrival in Great Britain, but no later.

8.4 If you want to change your Intended Start Date please tell your line manager in writing. You should give us as much notice as you can, but wherever possible you must tell us at least 28 days before the original Intended Start Date (or the new Intended Start Date if you are bringing the date forward).

9 STATUTORY ADOPTION PAY

9.1 Statutory adoption pay (SAP) is payable for up to 39 weeks. It stops being payable if you return to work sooner or if the placement is disrupted. You are entitled to SAP if:

9.1.1 you have been continuously employed for at least 26 weeks ending with the week in which the approved UK or overseas adoption agency notified you that you had been matched with the child (**Qualifying Week**) and are still employed by us during that week;

9.1.2 your average weekly earnings during the eight weeks ending with the Qualifying Week (**Relevant Period**) are not less than the lower earnings limit set by the

government; and

9.1.3 you have given us the relevant notifications under paragraph 5.

9.2 Payment of SAP starts when your adoption leave period commences.

9.3 SAP payments stop if you return to work before the end of the SAP period (except for Keeping In Touch Days).

10 **OCCUPATIONAL ADOPTION PAY**

10.1 You are entitled to occupational adoption pay (OAP) if you have been continuously employed for at least 1 year at the beginning of the week you are notified of being matched with a child for placement (as specified on the matching certificate). Payment of OAP starts when the employee starts their adoption leave period.

10.2 OAP payments stop if you return to work before the end of the OAP period (except for Keeping In Touch Days).

10.3 OAP is paid on the condition that you will be available to work, or able to return to work for a required return to work period.

10.4 The 12 weeks of half pay OAP is repayable in the event that you do not complete the required return to work period.

10.5 Please refer to the Appendix 5 for full details of SAP and OAP.

11 **ANNUAL LEAVE**

11.1 During OAL or AAL, holiday entitlement will accrue at the rate provided under your contract. Where this leave spans more than one annual leave year, you are entitled to your full annual leave entitlement within the year to which it relates.

11.2 Employees that work term time only, including teachers, are required to take annual leave during school holidays.

11.3 For all other staff, you must ensure annual leave is planned around your adoption leave to ensure that minimal annual leave is carried forward into the next leave year. You should discuss your holiday plans with your line manager in good time before taking adoption leave to ensure that minimal annual leave is carried forward into the next leave year.

12 **PENSIONS**

12.1 If you are a member of the Teachers' or Local Government Pension Schemes, you will have pension deductions made from your occupational and statutory adoption pay.

12.2 If you are a member of the Local Government Pension Schemes, your pension contributions are automatically made on paid periods of leave. Contributions will continue at the usual percentage rate. This period will count in full for pension purposes. This applies whether you receive full or part pay. For the period of unpaid adoption leave, you will be given the option to make pension contributions at the rate paid during your half pay period. If you do so, the unpaid period will then count in full for pension purposes.

12.3 If you do not pay contributions, this period of unpaid leave will not count towards your pension.

13 DEDUCTION FROM SALARY

- 13.1 All payments under the Statutory and Occupational Adoption Pay schemes are treated as earnings and are therefore subject to income tax and national insurance deductions.
- 13.2 Union contributions, charity contributions, staff loan repayments and BUPA payments will continue to be deducted whilst you receive statutory or occupational adoption pay.
- 13.3 If you usually have these items deducted from pay you will have to make your own arrangements to pay these during your unpaid adoption leave period.
- 13.4 If you are a member of the Hospital Savings Association (HSA) you may still be able to claim benefits during the period of unpaid leave. You should let HSA know well in advance of your period of unpaid leave.

14 KEEPING IN TOUCH DAYS

- 14.1 We may make reasonable contact with you from time to time during your adoption leave.
- 14.2 You may work (including attending training) on up to ten days (**Keeping in Touch Days**) during adoption leave without bringing your adoption leave to an end. This is not compulsory and must be discussed and agreed with your line manager.
- 14.3 You will be paid at your normal basic rate of pay for time spent working on a Keeping in Touch Day and this will be inclusive of any adoption pay entitlement.
- 14.4 Please refer to Appendix 6 for further details.

15 SICKNESS ABSENCE DURING ADOPTION LEAVE

- 15.1 If you are ill whilst on OAL or ALL, you are not entitled to receive sick pay in addition to SAP or OAP.
- 15.2 Your entitlement to receive sick pay would resume upon your return to work from adoption leave.

16 ENTITLEMENT IN THE EVENT OF THE CHILD NOT BEING PLACED OR CEASING TO LIVE WITH THE ADOPTER

- 16.1 If the placement does not go ahead at all, you are not entitled to receive any statutory or occupational entitlements.
- 16.2 If the placement does not go ahead, but you have already started your adoption leave, you will be entitled to statutory adoption leave and pay for up to 8 weeks after the end of the week you were notified that the child would not be placed with you.
- 16.3 If the child ceases to live with the adopter during the statutory adoption pay period, you will continue to be entitled to statutory adoption leave and pay for up to 8 weeks after the end of the week the placement ended, if it was not due to end earlier. Entitlement to occupational adoption pay ends with immediate effect of the placement being cancelled.

17 RETURNING TO WORK

- 17.1 Where you take your maximum entitlement of 52 calendar weeks adoption leave, your line manager can assume that you will return to work on the next available working day following the end of the AAL period. This will usually be discussed during the agreed contact.
- 17.2 You are only required to tell your line manager of your return to work date if you are going to

return earlier than your AAL end date. In this case, you must provide your line manager with at least 28 calendar days' written notice.

18 FLEXIBLE WORKING REQUESTS

18.1 We will deal with any requests by employees to change their working patterns (such as working part time) after adoption leave on a case-by-case basis. There is no absolute right to insist on working part time, but you do have a statutory right to request flexible working and we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of our business. It is helpful if requests are made as early as possible.

19 COMPLETION OF RETURN TO WORK PERIOD

19.1 Your line manager must ensure that any of your unused/carried forward annual leave is used up at the earliest available opportunity. This should be agreed as part of returning to work or taken prior to returning to work, where operationally viable to do so.

19.2 If you have taken any part of the 12 weeks half pay of your occupational adoption pay, you are required to return to work for a period of time defined in your terms and conditions of service.

Appendix 5	
Rates of Statutory Adoption Pay	If you qualify for SAP you will receive:
Weeks 1 – 39	<ul style="list-style-type: none"> • Whichever is the lower of your earnings related rate or the standard rate SAP as prescribed by the government.
Rates of Occupational Adoption Pay	If you qualify for OAP you will receive:
Weeks 1 – 4	<ul style="list-style-type: none"> • 100% of contractual pay.
Weeks 5 – 6	<ul style="list-style-type: none"> • 90% of contractual pay.
Weeks 7 – 18	<ul style="list-style-type: none"> • 50% of contractual pay.
Weeks 19 – 52	<ul style="list-style-type: none"> • No pay.
Combining SAP and OAP	If entitled to a combination of the two payments, these entitlements will be calculated as follows:
Weeks 1 – 4	<ul style="list-style-type: none"> • Payments made under the OAP scheme will be reduced so that the total of SAP and OAP is not more than full pay.
Weeks 5 – 6	<ul style="list-style-type: none"> • Payments made under the OAP scheme will be reduced so that the total of SAP and OAP is not more than 90% of contractual pay.
Weeks 7 – 18	<ul style="list-style-type: none"> • Payments made under the OAP scheme will be reduced so that the total of SAP and OAP is not more than 50% of contractual pay.
Weeks 19 – 39	<ul style="list-style-type: none"> • SAP entitlements only.
Weeks 40 – 52	<ul style="list-style-type: none"> • No pay.
Appendix 6 – Calculating KIT day Payments	
KIT payments – Departments	<p>Although there is no legal requirement to pay for KIT days, Fareham Academy has elected to make payments to department based staff, irrespective of pay and conditions of employment, on the following basis:</p> <p>Calculating a daily rate of pay - FTE Salary will be divided by 365.</p> <p>Calculating a part day payment – the daily rate will be divided by 7.4, and multiplied by the actual number of hours worked.</p> <p>Payment for working a KIT day will be inclusive of the daily rates of SAP and OAP due to be paid, on the basis that you do not earn in that week more than you would have done had you not been on adoption leave.</p>
KIT payments –	Although there is no legal requirement to pay for working KIT days,

Schools	<p>Fareham Academy has elected to make payments to school based staff, irrespective of pay and conditions of employment, on the following basis:</p> <p>Calculating a daily rate of pay - FTE Salary will be divided by 365.</p> <p>As a KIT attendance should reflect a normal full day's work, if you work a KIT day you should be paid a full day's pay (1/365th of FTE salary).</p> <p>Payment for working a KIT day will be inclusive of the daily rates of SAP and OAP due to be paid, on the basis that you do not earn in that week more than you would have done had you not been on adoption leave.</p>
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Shared Parental Leave Policy

1 INTRODUCTION

- 1.1 This policy outlines the arrangements for shared parental leave and pay in relation to the birth or adoption of a child.
- 1.2 This policy applies to employees. It does not apply to agency workers or self-employed contractors.
- 1.3 This policy does not form part of any employee's contract of employment and we may amend it at any time.

2 FREQUENTLY USED TERMS

- 2.1 The definitions in this paragraph apply in this policy.
 - 2.1.1 **Expected week of childbirth (EWC)** – In the case of childbirth, as stated on the mother's MATB1 certificate, the week beginning with midnight between Saturday and Sunday in which childbirth is expected to occur.
 - 2.1.2 **Expected week of placement** – In the case of adoption, as stated on the matching certificate, the week beginning with midnight between Saturday and Sunday in which the adopted child is expected to be placed with the adoptive parent(s).
 - 2.1.3 **MATB1** – In the case of childbirth, a certificate which shows a pregnant woman's expected week and date of childbirth. It is normally issued by their doctor or midwife after the 20th week of her pregnancy.
 - 2.1.4 **Matching certificate** – In the case of adoption, one or more documents issued by the adoption agency or overseas adoption agency that matched the employee with the child.
 - 2.1.5 **Matching week** – In the case of adoption, the week when the adoption agency told the Primary Adopter they had been matched with a child.
 - 2.1.6 **Parent** - For birth parents, one of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).
 - 2.1.7 **Partner** - For adopting parents, your spouse, civil partner or someone living with you in an enduring family relationship, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.
 - 2.1.8 **Qualifying week** – In the case of childbirth, the 15th week before the expected week of childbirth. In the case of adoption, the week the adoption agency notifies you that you have been matched with a child for adoption.

3 WHAT IS SHARED PARENTAL LEAVE

- 3.1 Shared parental leave (**SPL**) gives you and your partner more flexibility in how to share the care of your child in the first year after birth or adoption placement, than if you were simply taking maternity, adoption or paternity leave. Assuming you are both eligible, you will be able

to choose how to split the available leave between you and can decide to be off work at the same time or at different times. You may be able to take leave in more than one block.

4 ENTITLEMENT TO SPL (BIRTH)

- 4.1 You are entitled to SPL in relation to the birth of a child if:
- 4.1.1 you are the child's mother, and share the main responsibility for the care of the child with the child's father or with your partner;
 - 4.1.2 you are the child's father and share the main responsibility for the care of the child with the child's mother; or
 - 4.1.3 you are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).
- 4.2 The following conditions must also be fulfilled:
- 4.2.1 you must have at least 26 weeks continuous employment with us by the end of the Qualifying Week, and still be employed by us in the week before the leave is to be taken;
 - 4.2.2 the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks; and
 - 4.2.3 you and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.
- 4.3 The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave).
- 4.4 If you are the mother you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.
- 4.5 If you are the child's father or the mother's partner, you should consider using your two weeks' paternity leave before taking SPL. Once you start SPL you will lose any untaken paternity leave entitlement. SPL entitlement is additional to your paternity leave entitlement.

5 ENTITLEMENT TO SPL (ADOPTION)

- 5.1 You may be entitled to SPL if an adoption agency has placed a child with you and/or your partner for adoption, or where a child is placed with you and/or your partner as foster parents under a "fostering for adoption" or "concurrent planning" scheme. You must intend to share the main responsibility for the care of the child with your partner.
- 5.2 The following conditions must be fulfilled:
- 5.2.1 you must have at least 26 weeks continuous employment with us by the end of the Qualifying Week, and still be employed by us in the week before the leave is to be taken;
 - 5.2.2 your partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Qualifying Week and had average weekly

earnings of at least £30 during 13 of those weeks; and

5.2.3 you and your partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or statutory adoption pay (SAP).

5.3 Either you or your partner must qualify for statutory adoption leave and/or SAP and must take at least two weeks of adoption leave and/or pay.

5.4 If your partner is taking adoption leave and/or claiming SAP, you may be entitled to two weeks' paternity leave and pay (see our Paternity Leave Policy). You should consider using this before taking SPL. Paternity leave is additional to any SPL entitlement you may have, but you will lose any untaken paternity leave entitlement once you start a period of SPL.

5.5 The total amount of SPL available is 52 weeks, less the weeks of adoption leave taken by either you or partner (or the weeks in which your partner has been in receipt of SAP if they were not entitled to adoption leave).

6 OPTING IN TO SHARED PARENTAL LEAVE AND PAY

6.1 Not less than eight weeks before the date you intend your SPL to start, you must give us a written opt-in notice giving:

6.1.1 your name and either your partner's name or the name of the other parent (as applicable);

6.1.2 if you are the child's birth mother, the start and end dates of your maternity leave or if you are taking adoption leave, your adoption leave start and end dates;

6.1.3 if you are the child's birth father or the birth mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period;

6.1.4 if you are adopting and are not taking adoption leave but your partner is, your partner's adoption leave start and end dates, or if your partner is not entitled to adoption leave, the start and end dates of their SAP;

6.1.5 the total SPL available, which is 52 weeks minus the number of weeks' maternity leave, adoption leave, SMP, MA period or SAP taken or to be taken by you or your partner;

6.1.6 how many weeks of the available SPL will be allocated to you and how many to the other parent or your partner (as applicable) (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation);

6.1.7 if you are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP, MA or SAP taken or to be taken);

6.1.8 how many weeks of the available ShPP will be allocated to you and how much to the other parent or to your partner (as applicable) (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation);

6.1.9 an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as you can about your future

intentions; and

- 6.1.10 declarations by you and the other parent or your partner (as applicable) that you both meet the statutory conditions to enable you to take SPL and ShPP.

7 ENDING YOUR MATERNITY OR ADOPTION LEAVE

- 7.1 If you are the child's mother or you are taking or intend to take adoption leave and want to opt into the SPL scheme, you must give us at least eight weeks' written notice to end your maternity or adoption leave (a curtailment notice) before you can take SPL. The notice must state the date your maternity or adoption leave will end. You can give the notice before or after you either give birth or your adoption leave starts, but you must take at least two weeks maternity or adoption leave.
- 7.2 You must also give us, at the same time as the curtailment notice, a notice to opt into the SPL scheme or a written declaration that the other parent or your partner (as applicable) has given their employer an opt-in notice and that you have given the necessary declarations in that notice.
- 7.3 If the other parent or your partner (as applicable) is eligible to take SPL from their employer, they cannot start it until you have given the us your curtailment notice.
- 7.4 The curtailment notice is binding on you and cannot usually be revoked. You can only revoke a curtailment notice if your maternity or adoption leave has not yet ended and one of the following applies:
- 7.4.1 if you realise that neither you nor the other parent or your partner (as applicable) are in fact eligible for SPL or ShPP, in which case you can revoke the curtailment notice in writing up to eight weeks after it was given;
 - 7.4.2 for birth parents, if you gave the curtailment notice before giving birth, you can revoke it in writing up to six weeks after birth; or
 - 7.4.3 if the other parent or your partner (as applicable) has died.
- 7.5 Once you have revoked a curtailment notice you will be unable to opt back into the SPL scheme, unless paragraph 7.4.2 applies for birth parents.

8 ENDING YOUR PARTNER'S MATERNITY OR ADOPTION LEAVE OR PAY

- 8.1 For birth parents, if you are not the mother, but the mother is still on maternity leave or claiming SMP or MA, you will only be able to take SPL once she has either:
- 8.1.1 returned to work;
 - 8.1.2 given her employer a curtailment notice to end her maternity leave;
 - 8.1.3 given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
 - 8.1.4 given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or SMP).
- 8.2 For adopting parents, if your partner is taking adoption leave or claiming SAP from their

employer, you will only be able to take SPL once your partner has either:

- 8.2.1 returned to work;
- 8.2.2 given their employer a curtailment notice to end adoption leave; or
- 8.2.3 given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).

9 EVIDENCE OF ENTITLEMENT

9.1 You must also provide on request:

- 9.1.1 For birth parents, a copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); or
- 9.1.2 For adopting parents, one or more documents from the adoption agency showing the agency's name and address and the expected placement date.

9.2 You must also provide on request the name and address of the other parent's or your partner's (as applicable) employer (or a declaration that they have no employer).

10 BOOKING YOUR SPL DATES

10.1 Having opted into the SPL system, you must book your leave by giving us a period of leave notice. This may be given at the same time as the opt-in notice or later, provided it is at least eight weeks before the start of SPL.

10.2 The period of leave notice can either give the dates you want to take SPL or, if the child has not been born or placed with you yet, it can state the number of days after birth or placement that you want the SPL to start and end. This may be particularly useful if you intend to take paternity leave starting on the date of birth or placement and wish to take SPL straight afterwards.

10.3 Leave must be taken in blocks of at least one week.

10.4 If your period of leave notice gives dates for a single continuous block of SPL you will be entitled to take the leave set out in the notice.

10.5 If your period of leave notice requests split periods of SPL, with periods of work in between, we will consider your request as set out in paragraph 11, below.

10.6 You can give up to three period of leave notices. This may enable you to take up to three separate blocks of SPL (although if you give a notice to vary or cancel a period of leave this will in most cases count as a further period of leave notice). In exceptional circumstances we may allow you to give more than three period of leave notices but there is no obligation for us to do so.

11 PROCEDURE FOR REQUESTING SPLIT PERIODS OF SPL

11.1 In general, a period of leave notice should set out a single continuous block of leave. We may be willing to consider a period of leave notice where the SPL is split into shorter periods with periods of work in between. It is best to discuss this with your manager and HR in good time before formally submitting your period of leave notice. This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start.

11.2 If you want to request split periods of SPL, you must set out the requested pattern of leave in your period of leave notice. We will either agree to the request or start a two-week

discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, they will be combined into one 12-week period of leave). Alternatively, you may:

- 11.2.1 choose a new start date (which must be at least eight weeks after the date you submitted the notice requesting split periods of leave notice was given), and tell us within five days of the end of the two-week discussion period; or
- 11.2.2 withdraw your period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted as a period of leave notice, and you may submit a new one if you choose).

12 CHANGING THE DATES OR CANCELLING YOUR SPL

- 12.1 You can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the period of leave notice.
- 12.2 You can change the start date for a period of leave by notifying us in writing at least eight weeks before the original start date or the new start date, whichever is earlier.
- 12.3 You can change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date or the new end date, whichever is earlier.
- 12.4 You can combine discontinuous periods of leave into a single continuous period of leave. Since this will involve a change to the start date or end date of a period of leave, see paragraph 12.2 and paragraph 12.3 above which set out how much notice is required.
- 12.5 You can request that a continuous period of leave be split into two or more discontinuous periods of leave, with periods of work in between. Since this will involve a change to the start date or end date, see paragraph 12.2 and paragraph 12.3 above which set out how much notice is required for the request. We do not have to grant your request but will consider it as set out in paragraph 11.
- 12.6 You can request that a continuous period of leave be split into two or more discontinuous periods of leave, with periods of work in between. Since this will involve a change to the start date or end date, see paragraph 12.2 and paragraph 12.3 above which set out how much notice is required for the request. We do not have to grant your request but will consider it as set out in paragraph 11.
- 12.7 A notice to change or cancel a period of leave will count as one of your three period of leave notices, unless:
 - 12.7.1 the variation is a result of the child being born or placed with you earlier or later than the EWC or the expected placement date;
 - 12.7.2 you are cancelling a request for discontinuous leave within two days of the end of the two-week discussion period under paragraph 11.2.
 - 12.7.3 the variation is at our request; or
 - 12.7.4 we agree otherwise.

13 PREMATURE BIRTH

- 13.1 Where a child is born early (before the beginning of the EWC), you may be able to start SPL

in the eight weeks following birth even though you cannot give eight weeks' notice. The following rules apply:

13.1.1 If you have given a period of leave notice to start SPL on a set date in the eight weeks following the EWC, but your child is born early, you can move the SPL start date forward by the same number of days, provided you notify us in writing of the change as soon as you can. (If your period of leave notice already contained a start date which was a set number of days after birth, rather than a set date, then no notice of change is necessary.)

13.1.2 If your child is born more than eight weeks early and you want to take SPL in the eight weeks following birth, please submit your opt-in notice and your period of leave notice as soon as you can.

14 SHARED PARENTAL PAY

14.1 You may be able to claim Statutory Shared Parental Pay (ShPP) of up to 39 weeks (less any weeks of SMP, MA or SAP claimed by you or your partner) provided you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid by employers at a rate set by the government each year.

14.2 You should tell us in your period of leave notice(s) whether you intend to claim ShPP during your leave (and if applicable, for what period). If it is not in your period of leave notice you can tell us in writing, at least eight weeks before you want ShPP to start.

15 OCCUPATIONAL SHARED PARENTAL PAY

15.1 Occupational shared parental pay (OShPP) is based on contractual pay. You are entitled to OShPP if you:

15.1.1 have at least one year's continuous service at the beginning of the 11th week before the expected week of childbirth; or

15.1.2 you have been continuously employed for at least 1 year at the beginning of the week you are notified of being matched with a child for placement (as specified on the matching certificate).

15.2 Any period of occupational maternity, paternity or adoption pay for the same child will count towards your OShPP entitlement.

15.3 OShPP is paid on the condition that you will be available to work, or able to return to work for a required return to work period.

15.4 OShPP will be paid from when you start your maternity leave or your adoption leave period. If childbirth happens before the maternity leave period was due to start, OShPP will be paid from the day after the actual date of birth.

15.5 OShPP payments stop if you return to work before the end of the OShPP period (except for Keeping In Touch Days).

15.6 12 weeks of half pay OShPP is repayable if you do not complete the required return to work

period.

15.7 Please refer to the [Appendix 7](#) for full details of ShPP and OShPP.

16 ANNUAL LEAVE

16.1 During SPL, holiday entitlement will accrue at the rate provided under your contract. Where this leave spans more than one annual leave year, you are entitled to your full annual leave entitlement within the year to which it relates.

16.2 Employees that work term time only, including teachers, are required to take annual leave during school holidays.

16.3 For all other staff, you must ensure annual leave is planned around your maternity leave to ensure that minimal annual leave is carried forward into the next leave year. You should discuss your holiday plans with your line manager in good time before taking SPL to ensure that minimal annual leave is carried forward into the next leave year.

17 PENSIONS

17.1 If you are a member of the Teachers' or Local Government Pension Schemes, you will have pension deductions made from your occupational and statutory shared parental pay.

17.2 If you are a member of the Local Government Pension Schemes, your pension contributions are automatically made on paid periods of leave. Contributions will continue at the usual percentage rate. This period will count in full for pension purposes. This applies whether you receive full or part pay. For any period of unpaid SPL, you will be given the option to make pension contributions at the rate paid during your half pay period. If you do so, the unpaid period will then count in full for pension purposes.

17.3 If you do not pay contributions, this period of unpaid leave will not count towards your pension.

18 DEDUCTION FROM SALARY

18.1 All payments under the Statutory and Occupational Shared Parental Pay schemes are treated as earnings and are therefore subject to income tax and national insurance deductions.

18.2 Union contributions, charity contributions, staff loan repayments and BUPA payments will continue to be deducted whilst you receive statutory or occupational adoption pay.

18.3 If you usually have these items deducted from pay you will have to make your own arrangements to pay these during your unpaid adoption leave period.

18.4 If you are a member of the Hospital Savings Association (HSA) you may still be able to claim benefits during the period of unpaid leave. You should let HSA know well in advance of your period of unpaid leave.

19 REDUNDANCIES DURING SHARED PARENTAL LEAVE

19.1 If your post is affected by a redundancy situation occurring during your leave, we shall write to inform you of any proposals and shall invite you to a meeting before any final decision is reached as to redundancies. Employees on maternity, adoption or shared parental leave shall be given first refusal on any suitable alternative vacancies that are appropriate to their

skills.

20 **KEEPING IN TOUCH**

- 20.1 We may make reasonable contact with you from time to time during your SPL although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.
- 20.2 You may ask or be asked to work (including attending training) on up to 20 "keeping-in-touch" days (KIT days) during your SPL. This is in addition to any KIT days that you may have taken during maternity or adoption leave. KIT days are not compulsory and must be discussed and agreed with your line manager.
- 20.3 You will be paid at your normal basic rate of pay for time spent working on a KIT day and this will be inclusive of any shared parental pay entitlement.

21 **RETURNING TO WORK**

- 21.1 If you want to end a period of SPL early, you must give us eight weeks' written notice of the new return date. If you have already given us three period of leave notices you will not be able to end your SPL early without our agreement.
- 21.2 If you want to extend your SPL, assuming you still have unused SPL entitlement remaining, you must give us a written period of leave notice at least eight weeks before the date you were due to return to work. If you have already given us three period of leave notices you will not be able to extend your SPL without our agreement. You may instead be able to request annual leave or ordinary parental leave (see our Parental Leave Policy), subject to the needs of the Academy.
- 21.3 You are normally entitled to return to work in the position you held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:
 - 21.3.1 if your SPL and any maternity, adoption or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
 - 21.3.2 if you took SPL consecutively with more than four weeks of ordinary parental leave.
- 21.4 If you want to change your hours or other working arrangements on return from SPL you should make a request under our Flexible Working Policy. It is helpful if such requests are made as early as possible.
- 21.5 If you decide you do not want to return to work you should give notice of resignation in accordance with your contract. This may have an impact on your entitlement to occupational shared parental pay.

Appendix 7	
Rates of Statutory Shared Parental Pay	If you qualify for ShPP you will receive:
Weeks 1 – 39	<ul style="list-style-type: none"> • Whichever is the lower of your earnings related rate or the standard rate ShPP as prescribed by the government.
Rates of Occupational Shared Parental Pay	If you qualify for OShPP you will receive:
Weeks 1 – 4	<ul style="list-style-type: none"> • 100% of contractual pay.
Weeks 5 – 6	<ul style="list-style-type: none"> • 90% of contractual pay.
Weeks 7 – 18	<ul style="list-style-type: none"> • 50% of contractual pay.
Weeks 19 – 52	<ul style="list-style-type: none"> • No contractual pay.
Combining ShPP and OShPP	If entitled to a combination of the two payments, these entitlements will be calculated as follows:
Weeks 1 – 4	<ul style="list-style-type: none"> • Payments made under the OShPP scheme will be reduced so that the total of ShPP and OShPP is not more than full pay.
Weeks 5 – 6	<ul style="list-style-type: none"> • Payments made under the OShPP scheme will be reduced so that the total of ShPP and OShPP is not more than 90% of contractual pay.
Weeks 7 – 18	<ul style="list-style-type: none"> • Payments made under the OShPP scheme will be reduced so that the total of ShPP and OShPP is not more than 50% of contractual pay.
Weeks 19 – 39	<ul style="list-style-type: none"> • ShPP entitlements only.
Weeks 40 – 52	<ul style="list-style-type: none"> • No pay.
Appendix 8 – Calculating KIT day Payments	
KIT payments – Departments	<p>Although there is no legal requirement to pay for KIT days, Fareham Academy has elected to make payments to department based staff, irrespective of pay and conditions of employment, on the following basis:</p> <p>Calculating a daily rate of pay - FTE Salary will be divided by 365.</p> <p>Calculating a part day payment – the daily rate will be divided by 7.4, and multiplied by the actual number of hours worked.</p> <p>Payment for working a KIT day will be inclusive of the daily rates of ShPP and OShPP due to be paid, on the basis that you do not earn in that week more than you would have done had you not been on</p>

	adoption, maternity or paternity leave.
KIT payments – Schools	<p>Although there is no legal requirement to pay for working KIT days, Fareham Academy has elected to make payments to school based staff, irrespective of pay and conditions of employment, on the following basis:</p> <p>Calculating a daily rate of pay - FTE Salary will be divided by 365.</p> <p>As a KIT attendance should reflect a normal full day's work, if you work a KIT day you should be paid a full day's pay (1/365th of FTE salary).</p> <p>Payment for working a KIT day will be inclusive of the daily rates of ShPP and OShPP due to be paid, on the basis that you do not earn in that week more than you would have done had you not been on adoption, maternity or paternity leave.</p>