



Family Friendly Policy

Devised: 26th November 2023

1. Maternity Leave

What should I do first?

We have a legal responsibility to look after your health and safety and therefore it is important to tell your Line Manager you are pregnant as soon as possible. Your Line Manager will then need to carry out a risk assessment to see if there is any part of your job that you can no longer do or that needs to be changed during your pregnancy or soon after your baby is born. The assessment should be reviewed regularly because as your pregnancy progresses, things may change for you.

Can I have paid time-off for ante-natal care and classes?

You have the right to paid time off to keep appointments made on the advice of a doctor, midwife or health visitor.

Employees may wish to accompany their partners to antenatal care appointments. Fathers to be, partners or nominated carers are entitled to off to attend antenatal appointments.

What can I do if there is a risk of rubella or other infectious diseases at the school if I am a class-based employee?

If, during the early months of pregnancy, you are advised by your doctor to be absent from school because of the risk of rubella or other infectious diseases, you will be granted leave with full pay, advice should be sought as per risk assessment in place.

What is the Estimated Week of Childbirth (EWC)?

The EWC is the week (can now start on any day), in which it is expected that the baby will be born, it is also sometimes called the Estimated Date of Delivery or EDD.

Notification

How much notice do I have to give of my intention to go on maternity leave?

For health and safety reasons, you should notify your Line Manager as soon as you are aware that you are pregnant. You are required to tell your Line Manager of your intention to take maternity leave by the 15th week before the expected week of childbirth (EWC), unless this is not reasonably practical. You need to tell your Line Manager:

- that you are pregnant
- the date that your baby is due
- when you wish your maternity leave to start (this cannot be more than 11 weeks before the expected week of childbirth).

You must also provide your Line Manager with a copy of the MAT B1 form at this stage, which you can get from a registered doctor or midwife. The MAT B1 will be issued by your doctor

or midwife between 24-26 weeks of pregnancy. This must be the original of the form: a copy is not acceptable, although you may wish to keep one for yourself.

Within 28 days you will get confirmation from your school of the date you are expected to return from maternity leave. This will be 52 weeks from the start of your leave.

What happens if I want to change the date, I start my maternity leave?

If you voluntarily want to change your start date you must give as much notice as possible, but you must give at least 21 days' notice.

Maternity Leave

How much maternity leave am I entitled to?

Provided that you comply with the notification procedures you are entitled to 52 weeks maternity leave regardless of service.

There are two types of maternity leave:

- Ordinary Maternity Leave (OML) – 26 weeks
- Additional Maternity Leave (AML) – 26 weeks

What is the earliest date that I can begin my maternity leave?

You can choose to start your maternity leave on any day of the week, providing it is no earlier than the beginning of the 11th week before EWC.

What is the latest date that I can begin my maternity leave?

Provided that you are well and able to carry out your normal duties safely, you can choose to stay on at work up to the date of childbirth. However, any absence after the beginning of the fourth week before the EWC which is “wholly or partly because of pregnancy or childbirth” will automatically trigger maternity leave. You must inform your Line Manager of the reason for any absence occurring after the beginning of the 4th week to ensure correct entitlements are given.

What happens if I give birth much earlier than expected?

Your maternity leave will automatically be triggered by the birth of your child. If this happens you should let your Line Manager know as soon as you can.

When does my maternity leave start?

OML will usually start on the day you have given written notification of. It will begin earlier if you give birth before that date or if you are absent for any reason wholly or partly related to your pregnancy after the beginning of the fourth week before the EWC. AML it will follow on directly after your OML has finished.

If I work part-time or term-time only, will it affect my entitlement to leave?

No, it will not affect your entitlement to maternity leave.

Do I have to take maternity leave?

Yes, but only for a minimum two-week period. You are not allowed to work for the two weeks immediately after the baby's birth.

Maternity Pay**Do I qualify for maternity pay?**

Dependent upon on your length of service and whether you earn enough to pay NI contributions, you are entitled to Statutory Maternity Pay (SMP). In addition, subject to your length of service and your intention to return to work after your maternity leave you are entitled to Occupational Maternity Pay (OMP).

Your right to entitlement however can be lost if you do not provide your Line Manager with sufficient notice of your intention to start your maternity leave or if you do not provide medical evidence of your pregnancy e.g. the MATB1.

What happens if I do not qualify for statutory maternity pay?

If you have less than 26 weeks' continuous service at the 15th week before the EWC then you will not be entitled to SMP but if you earn over the NI Lower Earnings Limit you may be entitled to Maternity Allowance.

If you are not entitled to statutory maternity pay you will need a MA1 form to claim Maternity Allowance from Jobcentre Plus. Payroll will issue an SMP1 form when they have to refuse to pay SMP. The NI Lower Earnings Limit changes annually – you can get the current rate from Jobcentre Plus.

Maternity allowance is paid for a maximum of 39 weeks. It cannot be paid earlier than the 11th week before the EWC and cannot be paid if you are working. There are no deductions for tax or NI and the allowance is normally weekly or every four weeks into a bank account.

Statutory Maternity Benefits**What is Statutory Maternity Pay (SMP) and how do I qualify for it?**

SMP is paid to you by your employer but is partly refundable from the State.

To qualify for SMP, you must have been employed by your employer for 26 weeks continuously by the 15th week before EWC; earn enough to pay NI contributions and provide your employer with form MAT B1 (a certificate of pregnancy issued by a doctor, midwife or health visitor at/ or around the 14th week before EWC). SMP is payable for a period of 39 weeks. The earliest date it can be paid is the 11th week before the EWC.

How much SMP will I get?

If you have more than 26 weeks but less than one year's continuous service at the 15th week before the EWC you will be entitled to SMP of:

Six weeks at 9/10ths of your salary or the current flat rate SMP payment, whichever is greater followed by 33 weeks at SMP.

The flat rate payment alters every April. Your Payroll provider will be able to advise you of the amount payable.

Contractual Maternity Pay

How much Occupational Maternity Pay (OMP) will I get?

If you have more than one year's continuous service at the 11th week before the EWC, and you intend to return to work at the end of your maternity leave, you will be entitled to OMP.

This consists of six weeks at 9/10ths of your salary (offset by any SMP or Maternity Allowance payable) followed by 12 weeks at half pay (unless, when added to your SMP for those weeks, it exceeds the amount your full pay would be), providing you return to employment for at least 3 months.

What happens if I decide not to return to work but have been paid half pay plus SMP for 12 weeks?

You will be asked to pay back the whole or part of the half pay you have received on top of your SMP, but not the SMP itself.

During Maternity Leave

Will my Line Manager contact me while on Maternity Leave?

It is expected that there will be reasonable contact between yourself and your Line Manager whilst you are on maternity leave. This may include asking you of proposed return dates or whether you are intending to request an alteration in your hours.

Your Conditions of Service allow for you to be kept informed of vacancies, training opportunities and any major workforce developments within the school as they occur.

Can I return to work before my maternity leave ends?

Yes. It is now assumed that you will return to work at the end of your maternity leave. Should you wish to return earlier than your 52 weeks entitlement, then you have to give 21 days' notice.

Can I apply for other jobs while I am on maternity leave?

There is nothing to stop you applying for other full or part-time jobs whilst you are on maternity leave. However, if you wish to resign from your post, you should give the correct amount of notice to your Line Manager. However, please note you will have to return to your post that you left for maternity leave for at least three months to keep your full maternity pay.

Does my maternity leave count as continuous service?

Yes, maternity leave (both OML and AML) does count as continuous service for the accrual of statutory rights e.g. for calculating continuous service for unfair dismissal purposes, and counts as continuous service for contractual annual leave and sickness entitlements. During OML and AML, you are entitled to the benefit of the terms and conditions of employment, which would have applied if you had not been absent, apart from terms and conditions relating to pay.

What happens about my annual leave entitlement?

Term time and all year round support staff will continue to accrue statutory annual leave during maternity leave, but absence on maternity leave is not a reason for justifying carry forward of annual leave to the next year. If you decide not to return to work, your annual leave entitlement will accrue only up to and including your date of resignation. In these circumstances, you may be required to reimburse the Authority for leave taken beyond your entitlement.

Am I entitled to an increment or pay rise when receiving maternity pay?

Any pay (other than flat rate SMP) to which you are entitled during maternity leave will consider increments or pay awards which you would have received had you not been away from work due to pregnancy.

What happens about my pension?

Your OML counts as pensionable service irrespective of whether you receive maternity pay (contractual or statutory). You will pay contributions on actual pay (if any) received.

What else is deducted from maternity pay?

Income tax and NI contributions are deducted. Other deductions, e.g. trade union subscriptions, private medical insurance, will only continue as long as you are 'in pay'.

Return to Work

Do I have the right to return to work?

Yes. It will be assumed that you will return to work at the end of your full maternity leave entitlement.

Do I have to give notification that I am going to return to work when my maternity leave ends?

You must give notification if you want to return early, however unless you say otherwise it will be assumed that you will return at the end of your 52 weeks maternity leave. You should give at least 21 days' notice.

Do I have the right to return to my old job?

At the end of your Ordinary Maternity Leave (OML) you have the right to go back to the same job on conditions no less favourable than would have applied if you had not been absent. At the end of Additional Maternity Leave (AML) you will normally return to the same job, but we are entitled, if that is not practical, to offer you an alternative job that is suitable and appropriate.

What should I do if I don't know whether I want to come back to work or not?

If you are not sure it is always best to keep your options open and maintain your right to return. If you qualify for 12 weeks half pay you can ask to have it suspended and then paid as a lump sum when you return to work.

Do I have to return to work?

No. However if you do not return to work and have received the 12 weeks half pay you will be required to repay it.

What should I do if I want to return to work part –time or on different hours?

Wherever possible, we will support any request for a change to working pattern. If you return to work on less hours than you worked previously, the three months you are required to work in order to keep the half pay element of your maternity pay will be increased on a pro rata basis. For instance, if you return on half the hours, you originally worked, the three months will increase by 0.5, which means that you will need to work 6 months in order to keep your half pay.

All staff have a statutory right to request to work flexibly. You should put your considered request in writing to your Line Manager, who will then arrange to meet with you to explore how best your request might be accommodated. The Line Manager will then write to either agree to a new work pattern or to provide clear business reasons why your application cannot be granted.

What happens if I am sick and can't come back at the end of my maternity leave?

If you are unwell when your maternity leave is due to end, then you will need to get a fit note from the doctor stating that you are not able to return to work. You will need to contact your Line Manager making them aware of the situation and giving them a copy of the doctor's note. You will then be on sick leave and the sickness scheme will apply in the normal way.

Frequently asked questions

What happens if my baby is premature?

Your maternity entitlement would remain the same. Your maternity leave will commence automatically on the day of childbirth if your baby is born so early that you have not yet ceased work.

What happens if my baby is stillborn or dies?

If you have a still birth after 24 completed weeks of pregnancy onwards you will be eligible to your maternity entitlements.

If a baby sadly dies after birth or after a premature birth, then entitlement to maternity leave and SMP also remains the same. If you miscarry before 24 completed weeks of pregnancy you will be able to take sick leave.

From 6 April 2020 if you have a still birth after 24 completed weeks of pregnancy you have a statutory right to parental bereavement leave (see page 27), however, you may wish to consider the timing of taking this leave alongside your maternity leave as they two types of leave cannot be taken concurrently.

What happens if I have a miscarriage?

Where a miscarriage occurs after 24 completed weeks of pregnancy, you will be entitled to sick leave and pay in the normal way, provided that the absence is covered by a doctor's statement. In exceptional circumstances, where sick leave is not appropriate, special leave may be considered, depending on the individual circumstances.

What happens if I have twins?

You will be entitled to the same benefits regardless of how many babies you have.

Can I be dismissed for reasons relating to my pregnancy or childbirth?

No. Any dismissal for reasons relating to a woman's pregnancy is automatically unfair, regardless of hours worked or length of service. The right not to suffer unfair treatment at work for reasons relating to pregnancy, childbirth or taking maternity leave applies to all employees, regardless of their length of service.

What is the position if I am employed on a fixed-term contract (FTC) and become pregnant?

The non-renewal of a fixed-term contract for reasons relating to your pregnancy or childbirth will automatically be unfair. If the fixed-term contract under which you are employed is to be renewed but you become pregnant and take maternity leave before the renewal date you have a right to return to the renewed FTC at the end of your maternity leave.

What will happen if I become pregnant again whilst on maternity leave?

If you become pregnant again whilst on maternity leave, then you will again become entitled to OML and AML as appropriate, even if there is no interval between one period of maternity leave and the next. However, at the end of a second period of OML, which followed on immediately from AML, your right to return is only to the same job or an alternative that is suitable and appropriate.

Who should I contact if I have any queries?

In the event of any general queries, you should contact your Line Manager in the first instance.

1. Paternity Leave/Nominated Carer Leave

Am I eligible to take paternity/nominated carer leave?

Paternity leave is available to employees to assist in the care of a child and to provide support to the mother at or around the time of birth.

The qualification is that you have or expect to have responsibility for the upbringing of the child, and you are the biological father or the husband or partner (including same sex or civil partner) of the mother.

If you are seeking to take paternity leave/nominated carer leave you will be asked to provide a copy of the mother's MAT B1 form and a self-certification form (SC3) to support your request to take paternity leave which can be downloaded from the following link [HMRC Form SC3](#)

This form gives information about the terms and conditions that apply to Statutory Paternity Pay and includes a declaration which must be signed to confirm the entitlement to maternity leave and pay. The completed SC3 Form should be returned by your Manager to the HR Service Centre or your payroll provider.

How much time off can I have as paternity leave?

You are entitled to one week's leave without any conditions attached and a further week if you have 26 weeks service at the 15th week before the date the baby is expected to be born. You may take one week, or two consecutive weeks leave but you are not allowed to take odd days or 2 separate weeks.

When do I need to inform about taking leave?

You need to let us know whether you intend to take paternity/ nominated carer leave by the 15th week before the baby is due to be born. You will need to tell us in writing:

- The week the baby is due
- If you intend to take one or two weeks leave
- The date your leave will start

When can I take my leave?

You must take your leave within 56 days (8 weeks) of the date the baby is born.

What if I need to change or postpone my paternity leave dates?

You can change the dates, but you should, unless it is not reasonably practical to do so (e.g. if the baby arrives prematurely or is kept in hospital), give 28 days' notice.

How much will I be paid?

You will be paid your full salary for the first week and Statutory Paternity Pay for the second week (please refer to <https://www.gov.uk/maternity-pay-leave/pay> for the rates. Your pension will not be affected by your paternity leave.

Frequently asked questions**Will any other contractual benefits be affected if I take paternity leave?**

These will be unaffected, and you will be entitled to return to your same job following paternity leave.

What happens if the baby is stillborn?

Paternity leave is still available if the baby is still born after 24 completed weeks of pregnancy or if they sadly die during the possible paternity leave period (56 days after the birth).

What happens if twins (or more) are born?

You will get the same entitlement regardless of the number of babies born.

What if complications occur for either mother or child immediately following the birth?

Line Manager's/Business Managers may use their discretion to grant compassionate leave.

2. Parental Leave**What is Parental Leave, and can I use it?**

Parental Leave is a statutory entitlement to unpaid leave and is available to employees who are parents.

A child's parents have the right to take up to 18 weeks' Parental Leave until their child is 18. The same entitlement is available if the child is disabled.

Parental Leave enables either parent to take time off to care for or spend more time with their child. However, if you need a short time off work to attend to an emergency or crisis you should use Dependants Leave.

Am I eligible to take Parental Leave?

To qualify for Parental Leave in all cases you must have completed at least one year's continuous service with your employer, at either:

- The date of birth of your baby
- The date you receive your child from an Adoption Agency/date of adoption

Both parents either natural, adoptive, or the person with legal responsibility for the child are entitled to take Parental leave.

Leave

How much notice do I need to give?

You will need to give your manager 21 days' notice in writing of your intention to take Parental Leave.

How much leave am I entitled to?

You will be entitled to 18 weeks Parental leave for each child, so for example if you have twins, you would be entitled to 18 weeks for each one. You must take your leave in weekly blocks, unless your child is disabled in which case you will be able to take leave in days as well as weeks. However, you are only able to take a **maximum of 4 weeks Parental Leave in one year for each child.**

Pay

Will I be paid when I take time off for Parental Leave?

You will not be paid whilst you are on Parental Leave although you may be able to get help with benefits. You would need to check this with Jobcentre plus.

Frequently asked questions

Can Parental Leave be taken directly after maternity leave?

You can ask to take it as soon as your maternity leave (either OML or AML) finishes but you will need to make sure you that you give the correct period of notice.

Will taking Parental Leave affect my entitlements?

You will still accrue annual leave whilst you are on Parental Leave. It will also count as continuous employment for redundancy purposes.

What happens if I decide I don't want to come back when my Parental Leave finishes?

You would need to hand in your notice in the usual way.

Shared Parental Leave

The Shared Parental Leave Regulations 2014 enable eligible employees who have babies due on or after 5 April 2015 to share up to one year's leave with their partner during the first year after birth or following adoption.

The aim of Shared Parental Leave (SPL) is to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. The Regulations will allow mothers to "curtail" their maternity leave and pay, (after the initial two-week recovery period) and share the remaining parental leave with their partner. This means couples can either spend time off as a family, the mother can return to work before the year's leave has finished, or parents can take leave in blocks.

There will be a new statutory payment for parents on shared parental leave with the same qualifying requirements that currently apply to statutory maternity and paternity pay.

Those who have adopted a child will be entitled to the same pay and leave as birth parents.

SPL can be taken in continuous or discontinuous (depending on the needs of the service) periods of time.

SPL can only be taken during the 12 months following the birth/placement of the child, up to the eve of the child's first birthday/anniversary of placement. SPL not taken by this point will be lost.

The online calculator is available at:

<https://www.gov.uk/government/news/calculate-your-leave-and-pay-when-you-have-a-child>

3. Adoption Leave

Adoption Leave provides a similar entitlement to Maternity Leave and is available to the 'adopter' of a child under the age of 18. Where a couple jointly adopts a child, only one of the couple (the 'primary adopter') is entitled to Adoption leave, but the other may be entitled to Paternity Leave (Adoption)

As a couple you will, therefore, need to decide who will take Adoption Leave. If you are the primary adopter you will be entitled to a period of leave which can total 52 weeks. As the 'secondary adopter' you can take Paternity Leave (Adoption) which mirrors the entitlement to Maternity Leave.

The legislation applies only to couples adopting children within the UK and does not cover overseas adoptions.

How will I know if I am entitled to take Adoption Leave?

Adoption Leave is only where a child is newly matched for adoption by an approved adoption agency. It would not, therefore, cover the adoption of a stepchild.

You will be eligible to take adoption leave from the day you start working for your school.

What evidence do I have to provide?

You will need to supply a copy of the 'matching certificate' which should be given to you by the adoption agency. This should include the name and address of the agency, the date when you were notified you were matched with the child and the date the placement is expected to start on. We will also require written confirmation as to whether you will be the primary or secondary adopter.

Leave

How much leave am I entitled to?

There are two types of leave available.

- Adoption Leave provides 26 weeks Ordinary Adoption Leave followed by 26 weeks Additional Adoption Leave.
- Paternity leave (Adoption) allows two weeks leave, to be taken as two consecutive weeks or two separate weeks. The leave must be taken within 56 days of the child being placed with you.

When can my leave start?

Adoption Leave starts from the date of the child's placement (or if due to work that day, the day following the placement) or an agreed date up to 14 days before the date the child is due to be placed with you.

Paternity Leave (Adoption) must start either on the date of the child's placement or within the following 56 days.

What notification do I need to give?

If you are taking either Adoption Leave or Paternity Leave (Adoption) you will need to let your manager know in writing:

- the date the child will be placed with you for adoption
- the date you intend your leave to start

You must give this information within 7 days of being told that you have been matched with a child or if this is not possible as soon as you can. In any case, you need to give at least 28 days' notice of the date you want your leave to start.

Having given notice of the date you intend to start your leave; you can change the date. However, if at all possible, you need to let your manager know the revised date of your leave at least 28 days before it is due to begin.

Unless you say otherwise, we will assume that you will be returning when your Adoption Leave finishes. We will write to you within 28 days letting you know the date that we expect you to come back to work.

What happens if the date of adoption changes?

If taking either Adoption Leave or Paternity Leave (Adoption) you can change the date upon which your leave starts but if at all possible, you need to give 28 days' notice. If this is not possible then you will need to let us know as soon as you can.

What should I do if I decide I want to return to work early?

If you are on adoption leave and want to return to work before it finishes, then you will need to give your manager 28 days' notice in writing of the date you want to come back on.

Pay

What pay will I get?

If you are taking Adoption Leave

You are entitled to Statutory Adoption Pay (SAP) for up to 39 weeks.

The remainder of the 26 week Ordinary Adoption Leave Period and first 13 weeks of Additional Adoption Leave will be paid at the Statutory Level (please refer to <https://www.gov.uk/adoption-pay-leave/pay> for the current rates) in either of the above circumstances.

The remaining 13 weeks of Additional Adoption Leave is unpaid.

If you have earnings below the Lower Earnings Limit for National Insurance Contributions you will not qualify for SAP but may be entitled to benefits which will help you, further information on these is available from your local Jobcentre plus office.

If you are taking Paternity Leave (Adoption)

You will be paid your full salary for the first week and Statutory Paternity Pay for the second week. Please refer to <https://www.gov.uk/paternity-pay-leave/pay> for the rates.

Contact during Adoption Leave

During the adoption leave period you may make reasonable contact with your manager and in the same way, your manager may contact you. The frequency and nature of the contact may be agreed between you and your manager before your adoption leave commences. Your school should ensure that you are kept informed of vacancies, training opportunities and any major work developments as they occur anyway.

Frequently asked questions

Does adoption leave count as continuous service?

Both Ordinary and Additional Adoption Leave count as continuous service for statutory purposes and for the calculation of annual leave and sick pay entitlements.

What happens about my holiday entitlement?

If you work a 52 weeks of the year contract (as opposed to Term time only) annual leave continues to accrue as usual during your adoption leave and you may be able to use it to reduce your amount of unpaid adoption leave.

If you decide not to come back to work your annual leave only accumulates up to your last day at work. If you have taken more days off than you are entitled to you will have to pay back the extra.

If you would be due to take additional adoption leave but would rather use up any holiday entitlement left you can but you will need to let your manager know in writing that you intend to do this and give the correct notice that you intend to end your adoption leave. If you don't take your annual leave during the current leave year you may lose it.

Am I entitled to any increment or pay rises whilst I'm on adoption leave?

You will benefit from any pay increases or improvements to your terms and conditions which happen whilst you have been on adoption leave.

What happens to my pension?

Pension deductions will be made from your Statutory Adoption Pay. If you take all your Additional Adoption Leave then you can still make contributions when you return to work.

What happens if I adopt more than one child at the same time?

If you adopt more than one child at the same time your entitlement to leave and pay remain unchanged.

Do I have the right to return to my old job?

If returning from Paternity Leave (Adoption) you will be entitled to return to your same job.

At the end of your Ordinary Adoption Leave you have the right to go back to the same job on conditions no less favourable than would have applied if you had not been absent. At the end of Additional Adoption Leave you will normally return to the same job, but we are entitled, if that is not practical, to offer you an alternative job that is suitable and appropriate, i.e. on terms and conditions not less favourable to those you previously enjoyed.

What happens if I want to adopt a partner's child?

In these circumstances you would not be able to take adoption leave as the legislation only covers newly matched children. You may, however, be eligible to take unpaid Parental Leave.

Are our entitlements the same if we are an unmarried couple?

They would be if you can show that you meet the eligibility criteria. You would need to decide which one of you would take the Adoption Leave and which one would take the Paternity Leave (adoption).

What happens if the adoption fails to go ahead?

You will need to let your manager know as soon as possible so the leave can be cancelled.

What happens if the placement ends early?

If the placement ends early whilst you are on adoption leave or the child dies, then you will be able to remain on leave for 8 weeks after the placement has ended.

Surrogacy and fostering for adoption.

The parent of a child who is born through surrogacy arrangements and to whom a Parental Order applies, or parents who are fostering for adoption are eligible to take the same leave and pay as a parent eligible to claim adoption leave, pay and statutory paternity leave and pay.

4. OVERSEAS ADOPTION

The UK legislation applies only to couples adopting children within the UK and does not cover overseas adoptions.

However, where you are adopting jointly, as a couple, you should choose who wishes to take adoption leave and pay.

Details of the standard adoption entitlements can be found on the previous pages; however, there are some key differences and these are detailed below.

What is "official notification"?

This refers to a written notification, issued by or on behalf of the relevant domestic authority (usually the Department of Health), that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or has issued a certificate and sent it to that authority, confirming, in either case, that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent. You will need to provide your manager with a copy of this documentation.

Leave

When can my leave start?

Adoption leave cannot begin before the child enters Great Britain. The latest adoption leave can begin is 28 days after the date of entry.

The earliest paternity leave can begin is the date on which the child enters Great Britain. Paternity leave may only be taken during the period of 56 days beginning with the date on which the child enters Great Britain.

The leave can start on any day of the week.

Statutory adoption leave cannot be used to cover the period you spend travelling overseas to arrange the adoption or visiting the child.

Pay

What evidence do I need for Statutory Adoption Pay?

As well as the official notification, you should provide a declaration that you are not also claiming Statutory Paternity Pay and, within 28 days of the child entering Great Britain, you must give further evidence of the date of entry, such as a plane ticket or copy of entry clearance documents.

What evidence do I need for claiming Statutory Paternity Pay?

In order to claim SPP, you must make the following declarations to your employer:

- That you are either married to or the partner, including civil partner, of the child's adopter;
- That you are taking leave to care for the child or to support the adopter;
- That your partner or spouse has received official notification of their suitability for adoption;
- That you have or expect to have main responsibility (other than the adopter) for the upbringing of the child;
- That you have chosen to claim SPP and not SAP.

Frequently asked questions

What if I adopt a child from overseas who is already a relative?

If you adopt a child from overseas who is already a relative, you may qualify for adoption leave if you have been assessed and approved as being a suitable adoptive parent.

What happens if the adoption ends early?

If the child ceases to live with you during the adoption leave period, you can continue adoption leave for up to 8 weeks after this point.

5. Dependants Leave

What is Dependants leave?

Dependants Leave is designed to help you cope with unplanned or unexpected emergencies. It allows you reasonable time off to deal with the immediate situation and to make longer term arrangements if necessary.

A good example would be if your child is unwell. dependant's Leave could be used to take them to the doctor and sort out the longer-term care arrangements. It would not however enable you take the time off to care for your child until they are better.

Who is a dependant?

A dependant is a husband, wife, civil partner, child or parent. It can also be someone who is living in the same house, such as an elderly relative who you look after, but not a tenant, lodger or employee e.g. nanny.

Dependants leave can also be used if you are the primary carer for someone or the only person who could help out in an emergency situation e.g. helping an elderly neighbour in an emergency.

When should I use Dependants leave?

You should use it to sort out an emergency situation, such as:

- Illness of a dependant
- If a dependant is injured or assaulted
- To arrange for longer term care
- To sort out problems when there is a disruption to or breakdown of care arrangements
- To deal with an unexpected incident with a child whilst they are at school
- In cases of domestic violence to ensure your child's safety

It does not cover other domestic problems such as burst water pipes or car breakdowns.

Am I entitled to take Dependants leave?

There are no qualifying service requirements for Dependants leave, therefore you will be able to take Dependants leave from the day you start working for your school.

Leave

How long do I get off?

There is no specified time limit set out but you should take what is considered a reasonable time in the circumstances, probably no more than one or two days.

When should I let my manager know I need the time off?

Although you cannot plan to take Dependants leave you will need to contact your manager as soon as you can to let them know there is an emergency.

Pay

Will I get paid?

Generally not, as the statutory provision does not include the right to paid time-off. However, discretion may be exercised by your manager to allow paid time-off or to allow the time lost to be made up at a later date without loss of pay. Consideration may also be given as to whether compassionate or special leave could reasonably be granted under the circumstances in line with the school's leave of absence policy.

Frequently asked questions

Can both my partner and I take time off together?

This is not usually necessary but in extreme circumstances it is possible.

7 Statutory Parental Bereavement Leave

What is Parental Bereavement Leave

Parents who suffer the loss of a child under the age of 18, or a stillbirth after 24 completed weeks of pregnancy, on or after 6 April 2020, will be entitled to two weeks statutory parental bereavement leave.

Who is defined as a parent?

Under the *Parental Bereavement Leave Regulations 2020* and *Statutory Parental Bereavement Pay (General) Regulations 2020* parents are defined as adults with parental responsibility:

- The child's parent or adoptive parent.
- A person who has become a parent under the various statutory provisions on surrogacy and fertility treatment.
- A natural parent of the child, where the child has been adopted but there is a court order for the child to have contact with the natural parent.
- A person with whom the child has been placed for adoption,

- In cases of overseas adoption, a person living with the child who intends to adopt them and has received "official notification" that they are eligible to adopt.
- An intended parent under a surrogacy arrangement where it was expected that the court would make a parental order.
- A "parent in fact", defined as someone in whose home the child is living and who has had day to day responsibility for the child's care for at least the four weeks prior to death. This would therefore include a guardian or a foster parent but also goes wider than this. However, this does not include a paid carer (other than a local authority foster carer), nor does it apply if the child's parent or anyone with legal parental responsibility is also living in the home with the child.
- The partner of any of the above. "Partner" means a person living with another person and the child in an enduring family relationship, and who is not that person's parent (including adoptive parents), grandparent, sibling (including a half-sibling), aunt or uncle (including half-aunts and uncles).

Am I entitled to take parental bereavement leave?

You will be able to take parental bereavement leave from the day you start working for Enhance Learning and Support.

If a parent has more than 6 months continuous service then they may also be entitled to statutory parental bereavement pay.

Where more than one child has died or been stillborn, the parent is entitled to a separate period of leave (and a separate right to statutory parental bereavement pay) in respect of each child.

How long do I get off?

Leave can be either one week or two weeks (taken as either a single block of two weeks, or as two separate blocks of one week) during the 56 weeks after the sad loss of their child.

This means the leave can be taken at times it is needed most, for example, the first anniversary of the child's death.

When should I let my manager know I need the time off?

If leave is to start within 56 days of the child's death, notice must be given to the employer before the day the leave is to start, or if this is not possible, as soon as is reasonably practicable.

If the leave is to start after the 56 days following the child's death at least one week's notice must be given.

Notice for leave can be given orally or in writing, and must specify:

- Date of child's death or stillbirth
- Date on which parent intends leave to start, and
- Whether absence is for one week or two

Parental Bereavement Pay

Will I get paid?

Parents with at least 26 weeks' continuous service and weekly average earnings over the lower earnings limit will also be entitled to statutory rate of parental bereavement pay or 90% of average weekly earnings where this is lower.

8 Flexible Working

Am I entitled to request flexible working?

Any employee who has 26 weeks continuous service has the right to request flexible working.

What does flexible working mean?

Flexible working can cover:

- A change in the hours you work
- A change to the times you work
- A change to your place of work
- A Change to your working pattern

How do I apply?

A flexible working request is to made to your manager, you need to provide in writing:

- the change to working conditions you want
- the date you want the change to start from
- what effect, if any, you think the change you are requesting will have on your employer, and how that might be dealt with
- the date of your request, the fact that it is a statutory request, and if and when you have made any previous request

How will my request be dealt with?

The law requires that all requests, including any appeals, must be considered and decided on within a period of three months from first receipt. It is possible for the manager and the employee to agree an extension to this timescale. All correspondence from both parties should be dated.

- Your Line Manager or manager will consider your written request and arrange to

discuss with you as soon as possible and within 28 days, what changes you are looking for, how they might benefit you and the business, and any alternative options available if there is any problem meeting your request. You can bring a work colleague with you to this meeting for support if you wish. If your request can be easily met it may not be necessary to meet.

- Following the meeting your manager will consider the request carefully looking at the benefits of the requested changes for both you and the business, and weighing these against any adverse business impact of implementing the changes. Once a decision has been made they will inform you in writing within 14 days whether or not it is possible to meet your request, giving the reasons for that decision. If the request is agreed they will also give you a start date for the new arrangements to begin on. They may also put forward alternative suggestions if it is not possible to meet with your exact request.
- If you are not happy with the decision you can appeal. You should do this within 14 days of receiving notice that the request has been rejected or not fully met, and give the reasons why you are appealing in writing.
- Your manager will consider your appeal as soon as possible and arrange a meeting to discuss it with you if necessary, or agree with you that it can be held, for example, by phone. You will get the results of your appeal within three months of the receipt of your original request for flexible working. The outcome of the appeal will be given in writing and outline the reasons why the request is refused or, if agreed, the start date will be given.

Can I withdraw my request?

You can withdraw your request at any point before the changes have been agreed and implemented.

What happens if my request is rejected and I want to make another one?

You cannot make another request for 12 months. The same process will need to be followed and you will need to state that you have made a request before.

Will these changes be permanent?

Yes, a request that is made and accepted under the statutory right will be a permanent change to your contractual terms and conditions. You have no right to revert to your previous working arrangement. However, agreement can be made for the flexible working arrangement to be for a specified period of time, or a trial period may be agreed. If a trial period is agreed a review date should be set to discuss how the new arrangements are working and confirm what permanent arrangements will apply at the end of the trial period.

Why might my request be rejected?

There are a variety of business reasons why a request can be rejected, these include:

- Burden of additional costs
- Detrimental effect on ability to meet customer demand
- Inability to reorganise work amongst existing staff
- Inability to recruit additional staff
- A detrimental impact on quality or performance
- Not enough work during the periods requested to work
- A planned structural change to the business

If a meeting is arranged to discuss your request or appeal, and you do not attend both this and a rearranged meeting without a good reason, your request can be considered as withdrawn.

Policy was written and devised by: Christiana Flynn, Service Manager, Enhance Learning and Support, 26/11/2023, review date 26/11/2025.