



Glen Hills Primary School Maternity / Paternity / Adoption Leave Policy

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Policy and Procedure Approval

This model policy and procedure has been agreed with the recognised trade unions and is recommended by the Local Authority for adoption by all Leicestershire School/College Governing Bodies. Should, exceptionally, a governing body seek to amend this recommended document or adopt an alternative procedure, they will need to undertake formal consultation collectively with the County Secretaries of all the recognised trade unions for teaching and support staff. Any amendments or variations agreed should then be sent to the School/College HR Adviser as confirmation to the Local Authority. Governing bodies are strongly recommended to seek advice from the CYPs HR Team in these circumstances.

Purpose [\(Back to Top\)](#)

The purpose of this policy and procedure is to support employees whose partner or spouse has given birth to a child or is the main adopter of a child and also ensure compliance with statutory requirements.

The locally agreed provisions for Maternity/Adoption Support Leave supplement and enhance employees' entitlement to Statutory Paternity Leave.

Scope [\(Back to Top\)](#)

This policy and procedure applies to teachers and school support staff under the conditions of service of the following bodies:

- School Teachers' Pay and Conditions
- National Joint Council for Local Government Services Employees

This policy and procedure applies to fathers/partners of mothers of children due on or after 3 April 2011 and to adoptive parents who are notified of having been matched with a child (or in the case of overseas adoptions, whose child enters the UK) on or after 3 April 2011.

Principles [\(Back to Top\)](#)

The School's/College's commitment to equality of opportunity will be observed at all times during the operation of this procedure. This will ensure that employees are treated fairly and without discrimination on the grounds of race, nationality, ethnic or national origins, gender, marital status, disability, age, sexual orientation, trade union membership or activity, political or religious belief and unrelated criminal conviction.

Roles & Responsibilities [\(Back to Top\)](#)

Employee	Complies with maternity/adoption support leave and pay conditions, notification procedures and deadlines, and submits relevant forms.
Line manager	Instigates administrative arrangements with the Employee Service Centre. Maintains reasonable contact with employee during additional paternity leave period, including KIT days and consultation arising from organisational change.
HR Services	Provides advice and guidance on more complex queries about maternity/adoption support leave and pay provisions.

Employee Service Centre	First point of contact for advice to Line Managers and employees on maternity/adoption support leave and pay provisions and undertakes necessary administration.
Schools Payroll Services	Provides advice to Line Managers and employees on maternity/adoption support pay and leave provisions and undertakes associated pay administration.

MATERNITY / ADOPTION SUPPORT LEAVE

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The legal provisions relating to Statutory Paternity Leave and Pay co-exist with the locally agreed provisions for Maternity/Adoption Support Leave.

An entitlement to Statutory Paternity Leave and Pay was introduced with effect from 6 April 2003 and amended with effect from 3 April 2011. This provides for an eligible employee to receive up to 2 consecutive calendar weeks' paid time off work (Ordinary Paternity Leave) following the birth of a child or adoption placement and to take an extended period of leave (Additional Paternity Leave) of up to 26 weeks. The 2 weeks of Ordinary Paternity Leave must be taken consecutively within the first 56 days of the birth/adoption placement (NB inclusive of school holidays).

As an enhancement to the statutory provisions, all teaching and support staff, regardless of length of service, are entitled under a local agreement to one week's leave on full pay (irrespective of whether they meet the eligibility criteria for Statutory Paternity Leave) if their partner or spouse has given birth to a child or is the main adopter of a child.

The local provisions substitute for the first week of Ordinary Paternity Leave. However, for those employees who are eligible for [Ordinary Paternity Leave](#) under the Statutory Paternity Leave provisions, a second week of leave may be taken and will be payable at the statutory paternity pay rate only.

The total amount of paid support leave that an employee may receive as either Ordinary Paternity Leave or Maternity/Adoption Support Leave is 2 weeks in total.

STATUTORY PATERNITY LEAVE

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Background

With effect from 6th April 2003, the government introduced Statutory Paternity Leave and Pay of up to 2 consecutive calendar weeks, in recognition that some organisations did not allow paid time off to employees who were the main carers of pregnant women. This entitlement is now referred to as **Ordinary Paternity Leave (OPL)**.

With effect from 3rd April 2011, the Statutory Paternity Leave provisions were extended to provide for **Additional Paternity Leave (APL)**, which is an extended period of leave that can be taken by the partner of a mother/main adopter after Ordinary Paternity Leave.

ORDINARY PATERNITY LEAVE (OPL)

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OPL may be taken by the partner or spouse of a mother/main adopter within 56 days of the birth of the child or adoption placement.

Eligibility [\(Back to Top\)](#)

To qualify for OPL, the employee must:

- have at least 26 weeks' continuous service with their current employer by the end of the 15th week before the expected week of childbirth or the week in which the child is placed for adoption; and
- be either:
 - the child's father or
 - the mother's spouse or
 - the mother's partner or
 - the mother's civil partner or
 - one of a couple jointly adopting a child; and
- have the main responsibility (apart from the responsibility of the mother/main adopter) for the upbringing of the child; and
- be taking time off work to help care for the child or to support the child's mother/main adopter.

Pay [\(Back to Top\)](#)

During OPL, an employee is entitled to receive Statutory Paternity Pay (SPP), at a rate set by the government for the relevant tax year or at 90% of the employee's average weekly earnings, if this figure is lower than the government's set weekly rate.

However under the pre-existing local provision, all teaching and support staff are entitled to be paid at their normal rate of pay for the first week of OPL, which will be offset against their entitlement to SPP.

Notification arrangements [\(Back to Top\)](#)

An employee wishing to apply for OPL must complete form [OPL 02 \(link\)](#) and submit it to their Line Manager at least 15 weeks before the expected week of childbirth/no later than 7 days after the date on which notification of the match with a child has been given by the adoption agency.

Variation to start date ([Back to Top](#))

The employee can change their mind about the date on which they want the OPL to start provided they give at least 28 days' written notice of the new date or, if that is not possible, they give notice as soon as reasonably practicable.

ADDITIONAL PATERNITY LEAVE (APL) ([back to top](#))

APL is an extended period of leave which can be taken by the partner or spouse of a mother/main adopter once the mother/main adopter has returned to work, provided that the maximum period of maternity or adoption leave has not been exhausted. APL gives the mother/main adopter the option of 'donating' up to 26 weeks' untaken maternity or adoption leave to their partner/spouse, thereby offering greater flexibility to both parents.

Eligibility ([Back to Top](#))

To qualify for Additional Paternity Leave **both the employee and their partner/spouse** must satisfy certain criteria, as follows:–

The employee wishing to take APL must:

- have at least 26 weeks' continuous service with their current employer by the end of the 15th week before the expected week of childbirth or the week in which the child is placed for adoption; and
- be either:
 - the father of the child or
 - the mother's spouse or
 - the mother's partner or
 - the mother's civil partner or
 - the spouse/ partner of the main adopter; and
- remain in employment with the same employer until the week before APL commences; and
- have the main responsibility (apart from the responsibility of the mother/main adopter) for the upbringing of the child.

The employee's partner/spouse (the mother/main adopter) must:

- be entitled to one or more of statutory maternity leave, statutory adoption leave, statutory maternity pay or maternity allowance or statutory adoption pay; and
- have returned to work before the end of their maternity/adoption leave has been exhausted (as APL cannot commence until the mother/main adopter has returned to work).

A "partner" is defined as someone of either sex who lives with the mother/main adopter in an enduring family relationship, but is not the mother's parent, grandparent, sibling or aunt/uncle. It is

not necessary for the mother/main adopter and their partner/spouse to both be employed by the same employer in order to qualify for APL.

Length and timing of Additional Paternity Leave ([Back to Top](#))

An employee eligible for Additional Paternity Leave (APL) may take between 2 and 26 weeks' leave. The leave must be taken as one continuous period in complete weeks. The leave cannot begin until at least 20 weeks after the birth of the child/adoption placement and must be completed within 12 months of the birth/placement.

Only one period of APL can be taken, even if more than one child is born as a result of the same pregnancy or more than one child is placed for adoption at the same time.

The mother and her partner/spouse, or a couple jointly adopting a child, cannot both be absent on maternity/adoption leave and APL at the same time. However, the mother/main adopter may request annual leave at the end of their maternity/adoption leave period and this may coincide with some of the partner/spouse's APL.

Additional Statutory Paternity Pay ([Back to Top](#))

Employees are eligible to receive Additional Statutory Paternity Pay (ASPP) during the mother/main adopter's remaining maternity/adoption pay period provided:

- the mother has returned to work; and
- their weekly earnings are above the lower earnings limit for National Insurance purposes for the 8 weeks before the 15th week before the expected week of child birth or the week in which the adopter is matched with the child for adoption.

Because Occupational Maternity/Adoption Pay ceases after 18 weeks, this cannot transfer to the partner/spouse's ASPP entitlement (as the earliest that ASPP can commence is 20 weeks after the birth/placement).

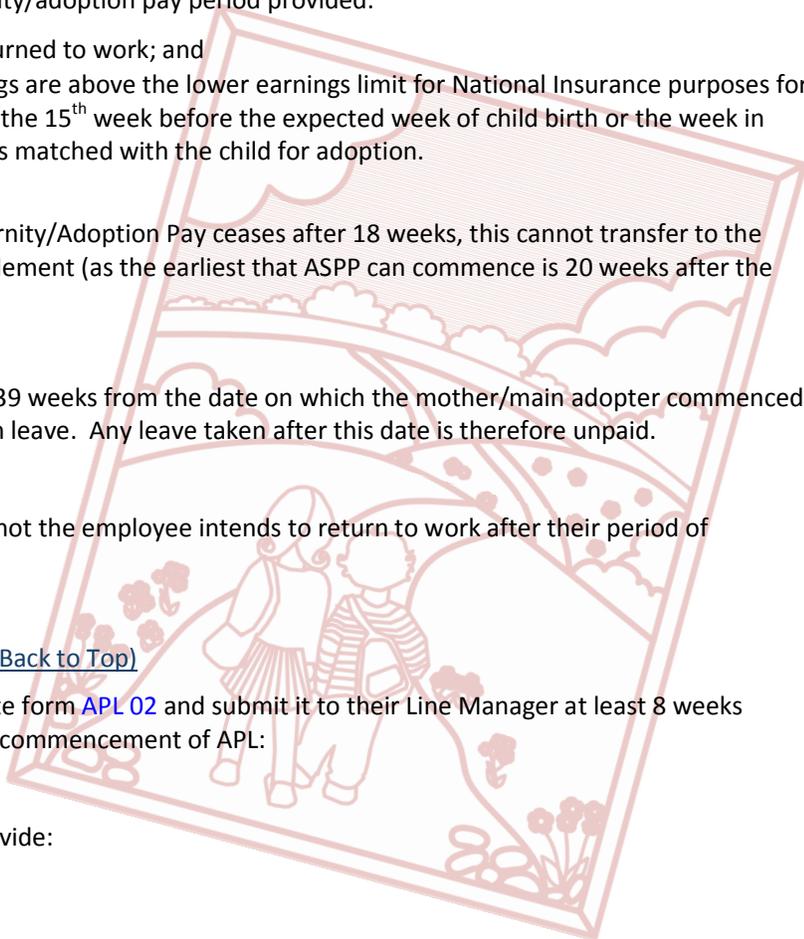
Entitlement to ASPP ceases 39 weeks from the date on which the mother/main adopter commenced ordinary maternity/adoption leave. Any leave taken after this date is therefore unpaid.

ASPP is payable whether or not the employee intends to return to work after their period of Additional Paternity Leave.

Notification arrangements ([Back to Top](#))

The employee must complete form [APL 02](#) and submit it to their Line Manager at least 8 weeks before the intended date of commencement of APL:

The employee must also provide:



- a copy of the child's birth certificate or in the case of adoption, a document from the adoption agency showing the name and address of the agency, the date the adopter was notified of matching and the expected date of placement; and
- the name and address of the mother's employer.

On receiving the employee's form [APL 02](#), the Line Manager will then arrange for the Employee Service Centre to write to the employee, within 28 days of receiving their written notification, to confirm the dates of the APL.

Amendment of start/end date ([Back to Top](#))

Before a period of APL has begun, the employee may cancel or vary the start or end date provided they advise the Line Manager in writing at least 6 weeks before the original agreed date, or 6 weeks before the new date or as soon as reasonably practicable.

If it is not reasonably practicable to accommodate the employee's changed arrangements, the Line Manager may require the employee to take the APL as originally agreed. In these circumstances, the APL will start on the date agreed and will end either 6 weeks after the employee submitted their request to vary the leave or the end date previously specified in the [APL 02](#), whichever is the sooner.

The ESC will confirm any agreed change(s) of date in writing within 28 days of receiving the employee's request from the Line Manager.

Withdrawal of Additional Paternity Leave request ([Back to Top](#))

An employee must advise the Line Manager in writing if their circumstances change and they:

- are no longer the mother's/main adopter's partner/spouse; or
 - no longer have main responsibility for the child's upbringing;
- and hence are no longer entitled to receive APL.

If the employee's notice of withdrawal is submitted less than 6 weeks before the APL is due to start and it is not reasonably practicable to accommodate the employee's revised request, the Line Manager may require the employee to take the APL as originally agreed. In these circumstances, the APL will start on the date agreed and will end either 6 weeks after the notice of withdrawal was submitted or the end date previously specified in the [APL 02](#), whichever is the sooner.

The ESC will confirm the dates of the APL in writing within 28 days of receipt of the withdrawal notice.

If the employee's notice of withdrawal is submitted after the employee has already commenced their APL and it is not reasonably practicable to accommodate the employee's revised request, the Line Manager may require the employee to remain on APL as originally agreed. In these circumstances, the APL will end either 6 weeks after the employee submitted the notice of withdrawal or the end date previously specified in the [APL 02](#), whichever is the sooner. The period of leave will still be deemed to constitute APL.

Early return to work ([Back to Top](#))

If an employee wishes to return to work earlier than the date specified in their [APL 02](#), they must give at least 6 weeks' notice of their new return date. If less than 6 weeks' notice is given, and the new date cannot reasonably be accommodated, the Line Manager has the right to delay the return date to ensure that 6 weeks notice has been given.

Death of mother ([Back to Top](#))

In the event of the death of the mother, APL can be taken at any time from the mother's death up to 12 months after the child's birth provided that the mother would have been entitled to one or more of statutory maternity leave, statutory maternity pay or maternity allowance or statutory adoption pay.

Death of child/return of child to adoption agency ([Back to Top](#))

In the event of the death of the child or the return of the child to the adoption agency in the course of the APL period:

- if the end date of the employee's APL is within less than 8 weeks, the APL will still finish on this date;
- if more than 8 weeks of the employee's APL remains, the APL will finish 8 weeks after the death of the child/return of the child to the adoption agency.

Right to Request Flexible Working ([back to top](#))

As a parent of a child under age 16 the employee has a statutory right to request flexible working.

Annual Leave, Public Holidays and Concessionary Days - Support staff only ([back to top](#))

Support staff are encouraged to take any outstanding annual leave that they have earned, but not yet taken, before starting APL.

During APL, an employee will continue to accrue annual leave together with any public holidays and concessionary days that fall during this period.

An employee may take in full the leave that they have accrued during the period of APL. However, the employee is not permitted to carry forward excess leave beyond the first year after their return into subsequent annual leave years.

Pensions ([back to top](#))

For an employee who is a member of either the Teachers' Pension Scheme or the Local Government Pension Scheme, pension contributions will continue to be deducted each month from their salary during the **paid** period of their APL. Contributions will be based on the levels of pay applicable at the various stages of APL.

Unpaid Period of Additional Paternity Leave

When an employee enters a period of unpaid leave, it will not be possible to collect pension contributions.

➤ **Teachers' Pension Scheme**

For members of the Teachers' Pension Scheme, pension contributions cease at the end of the paid period of leave and membership of the scheme is suspended. For further information, employees should contact Teachers' Pensions, Mowden Hall, Darlington, DL3 9EE or visit their website <http://www.teacherspensions.co.uk>. Alternatively they may contact the Employee Service Centre on 0116 305 8815, email eschelpdesk@leics.gov.uk.

➤ **Local Government Pension Scheme – Support staff**

For members of the Local Government Pension Scheme, it is possible to make up 'missing' contributions on their return to work so that the period of service concerned can be counted for pension purposes. An employee wishing to make up their contributions must notify the Pensions Section of their decision by completing and returning the pension option form **within 30 days of their return to work**. The outstanding contributions can be paid either as a lump sum or, by agreement, in instalments.

Keeping-in-Touch Days (Back to Top)

Keeping-in-touch (KIT) days are intended to help the employee keep in touch with their workplace during APL. KIT days can be used, for example, for attending a training course, team meeting or to participate as a member of an interview panel.

An employee may undertake up to, but not exceeding, 10 KIT days during their APL without bringing their APL to an end or affecting their [entitlement to ASPP](#) (see note below). KIT days can be worked separately or in a block, and either as full or part days, by agreement between the employee and their Line Manager.

The employee is paid at their normal rate of pay for the hours/days worked as KIT days and this will be offset against their ASPP. The hours worked should not exceed the employee's normal weekly contracted hours. The Line Manager is responsible for completing and certifying a [KIT Payment form](#) for payment of the hours/days worked.

Important: If an employee has worked 10 KIT days and then does further work for their current employer during their adoption leave, they will lose ASPP for each week in which they work. If an employee works their 10th KIT day and then does a further day's work in the same week, they will

lose ASPP for that week. In this context, a week means any period of 7 days e.g. if the employee's ASPP started on a Thursday, a week will run from Thursday to Wednesday.

The Line Manager cannot require an employee to undertake KIT days and the employee has no entitlement to be offered them. The amount and type of work that is to be done is should be mutually agreed between the employee and their Line Manager, subject to the above provisions.

Reasonable contact during Additional Paternity Leave

A Line Manager is entitled to make reasonable contact with an employee during their APL e.g. to discuss their plans for returning to work or whether the employee might be seeking to change their hours of work or pattern of working. The employee will also need to be kept up to date about any changes that may be taking place in the organisation.

Details of job vacancies are available via the Council's website.

Child Care Vouchers ([back to top](#))

Child care vouchers are a 'salary sacrifice' scheme. They are paid through the employer and are a way of saving money on child care fees as a percentage of the employee's payment is exempt from Income Tax and National Insurance contributions.

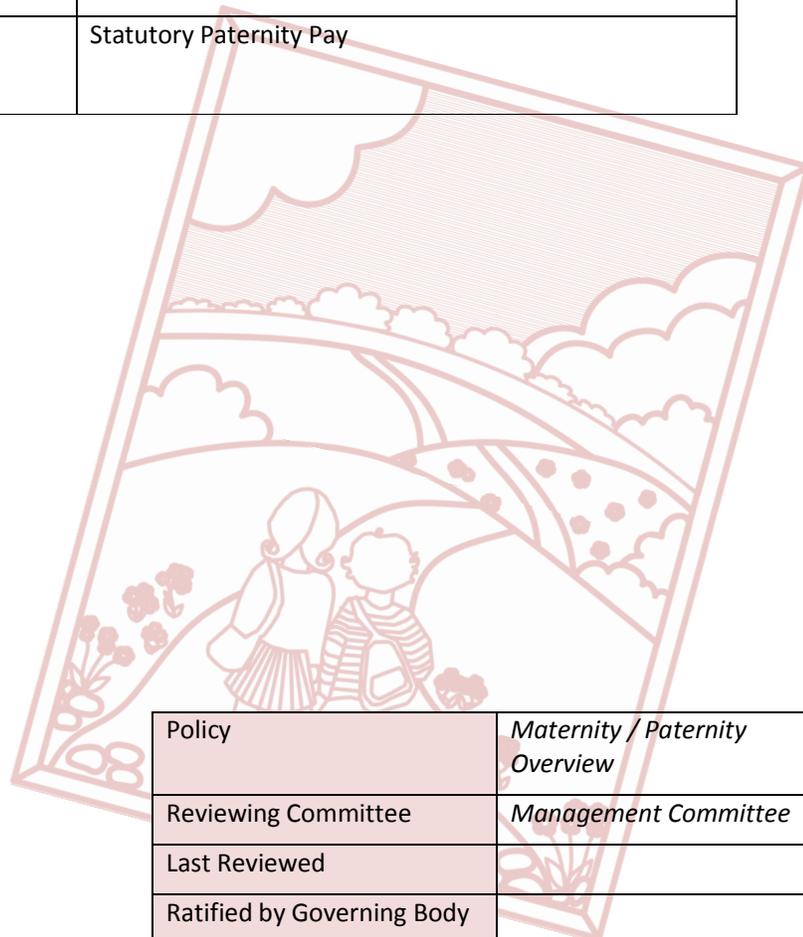
The Council's [child care vouchers scheme](#) is provided and administered by an external provider. Further information is available on EIS.

If an employee already participates in the Council's child care vouchers scheme, they will continue to be eligible to receive child care vouchers throughout the period of their APL.

Glossary of Terms ([back to top](#))

Current employer	Continuous service with either the school or Council. I.e. <ul style="list-style-type: none">➤ For VA schools, the school is the employer➤ For VC schools, the Council is the employer
OPL 02	Formal application form for maternity/adoption support leave and pay

APL 02	Formal application form for additional paternity leave and pay
APL	Additional Paternity Leave
ASPP	Additional Statutory Paternity Pay
KIT Days	Keeping-in-touch Days
Option Form	Notification to pay <u>LGPS</u> pension contributions during Additional Paternity Leave
OPL	Ordinary Paternity Leave
SPL	Statutory Paternity Leave, comprising Ordinary Paternity Leave and Additional Paternity Leave
SPP	Statutory Paternity Pay



Policy	<i>Maternity / Paternity Overview</i>
Reviewing Committee	<i>Management Committee</i>
Last Reviewed	
Ratified by Governing Body	