

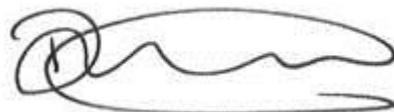
# FAMILY FRIENDLY POLICIES AND PROCEDURES

The OHC&AT Board of Directors has agreed this Policy and as such, it applies across the organisation – 26<sup>th</sup> November 2015.

Jay Mercer  
Chair of OHCAT Board



Darren Coghlan  
Chair of OHC Board



# Family friendly policies & procedures

## INTRODUCTION

Orchard Hill College and Academy Trust (OHC&AT) is committed to providing outstanding educational opportunities for all our pupils and students. This is partly achieved by recruiting and retaining the highest quality staff across all OHC&AT settings. As such, we aim to support our staff to achieve a positive work-life balance, and these policies and procedures should enable this to happen.

Each OHC&AT setting should have clear processes in place for requesting leave, and staff at each setting should be made aware of these. It is important that all staff are treated consistently. This suite of policies and procedures should be available for staff to access at any time.

All references to Orchard Hill College and Academy Trust (OHC&AT) include both Orchard Hill College (OHC) and Orchard Hill College Academy Trust (OHCAT) as employers unless otherwise specified.

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## POLICY REVIEW DETAILS

<i>Version:</i>	1.1
<i>Reviewer:</i>	Janet Sherborne
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## RELATED POLICIES AND PROCEDURES

- Flexible Working Policy
- Equality and Diversity Policy

## **ADDITIONAL LEAVE**

OHC&AT has a variety of flexible working arrangements for employees to use if they need time off from work for reasons unconnected with work.

This guidance covers the additional leave scheme, which includes special, compassionate, examination and public service leave plus some other categories.

If you think that you need to apply for some additional leave you should speak to your line manager or the OHC&AT HR team, who will be able to advise you about whether or not your reason is likely to fall within the scope of these arrangements.

### **Special leave**

The basis for this is a combination of statutory, national and local provisions. The entitlement to most of the following categories is statutory, but as such is unpaid (except where OHC&AT has a local arrangement to pay for the leave), so the pay element is the element over which OHC&AT has discretion. When considering whether or not to grant paid or unpaid leave, the senior manager will take into account the amount of TOIL or annual leave that the employee has, and the time in the leave year that the request falls in.

### **Who is entitled to special leave?**

There is no minimum service requirement for special leave. All those employed by OHC&AT can therefore apply for special leave. All amounts of leave quoted are those which may be granted in any rolling 12 month period with the exception of compassionate leave. This leave is intended to cover unplanned, unforeseen circumstances.

All entitlements for additional leave are pro rata to the employee's contracted hours of work. The senior manager has the discretion to grant extra leave, paid or unpaid, depending on the circumstances, in consultation with OHC&AT HR.

### **What are the options?**

- **Dependant's illness/medical/care arrangements leave or pre-adoption leave** – up to 5 days' paid leave plus any reasonable unpaid leave to:
  - care for a dependant, which includes any person who reasonably relies on the employee, with a disability, illness or who is frail, or who is injured or assaulted, *or*
  - accompany a dependant with a disability, illness or who is frail to an appointment with their GP, dentist, clinic or hospital, *or*
  - make longer-term care arrangements for a mentally or physically sick or injured dependant. This could include settling a relative into a care home or attending hospital with a child for a planned operation, *or*
  - attend pre-adoption proceedings, including attending court for the adoption hearing.

- **Care breakdown leave** – up to 3 days' paid leave plus any reasonable unpaid leave to care for a child or for a dependant who has a disability, illness or who is frail, because of the emergency breakdown of normal care arrangements, giving rise to serious domestic difficulties.
- **Compassionate leave** – up to 1 day's paid leave following the death of a dependant or relative or partner (father, mother, husband, wife, co-habitee, civil partner, natural or adoptive child, foster parent, brother, sister, aunt, uncle, relative-in-law, grandparent, grandchild or person in loco parentis to the employee or to whom the employee so stands), to attend the funeral. If the employee had primary caring responsibility for the person or has the main responsibility for making the funeral arrangements, this paid leave can be up to 5 days to attend the funeral and deal with other arrangements. This leave is not per 12 month period.
- **Emergency leave** – reasonable unpaid leave to care for young children or adult dependants in their care, in emergency, unplanned situations.

In deciding whether to grant special leave, managers will consider the age of the dependant, the nature of the illness or emergency and whether the employee is the sole carer. In some circumstances it may be appropriate for the employee to work at home, for part of the absence.

### **Other leave**

The following categories of leave come from national conditions of service. There is no minimum service requirement for additional leave. All amounts quoted are those which may be granted in any rolling 12 month period.

- **Examination leave** – paid leave for sitting OHC&AT-approved examinations, with half a day for revision and half a day for the actual exam.
- **Public service leave** – paid leave for jury service, serving on public bodies or undertaking public duties (e.g. magistrate, school governor – this is not an exhaustive list). Up to 13 days per annum for magistrate or school governor duties, with any more to be taken from annual or unpaid leave or TOIL.
- **Cancer screening** – paid leave for cancer screening.
- **Summer camp** – up to 2 weeks' paid leave to attend summer camp in non-regular armed forces.
- **Graduation leave** – up to 1 day's paid leave per year to attend your or your child's graduation.

- **Moving house day** – up to 1 day's paid leave per year to move house. This only applies if the actual moving date is on a work day.

### **How to apply**

Employees should give as much notice as possible of their request for additional leave. However, due to the nature of the leave, this may not always be possible.

### **Recording leave**

Employees taking additional leave must complete a form which is available from their manager or OHC&AT HR.

## **ADOPTION LEAVE**

All employees with 26 weeks continuous service by the week in which an approved match with a child newly placed for adoption is made are entitled to up to 26 weeks' Ordinary Adoption Leave followed immediately by up to 26 weeks' Additional Adoption Leave, a total of up to 52 weeks' leave. Adoption Leave can be taken by either member of a couple where a couple jointly adopt. The couple must choose which partner takes Adoption Leave. The other member of the couple may be entitled to take paternity leave.

Employees wishing to consider Shared Parental Leave and Shared Parental Pay should consult the relevant section within this guidance.

To benefit from this scheme you must inform your manager and OHC&AT HR within 7 days of being notified of a placement by your adoption agency:

- a. That you have been matched with a child for adoption, unless this is not reasonably practicable
- b. When it is expected that the child will be placed with you
- c. When you want your adoption leave to begin
- d. You must also give your manager and OHC&AT HR 28 days' notice in advance of the date you expect any payments of Statutory Adoption Pay to start, unless this is not reasonably practicable.

You can choose to start your adoption leave on any day of the week, either from the date of the child's placement (whether this is earlier or later than expected) or from a fixed date which can be up to 14 days before the expected date of placement. This date can be changed providing you give 28 days' notice in writing (unless this is not reasonably practicable).

Your manager or OHC&AT HR must respond to your notice of intention to take adoption leave within 28 days, informing you of the date you will be expected to return to work if the full entitlement to adoption leave is taken.

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same agreement.

If the child's placement ends during the adoption leave period you can continue adoption leave for up to eight weeks after the placement ends.

Adoption leave and pay is not available in circumstances where a child is not newly matched for adoption, for example where a step-parent is adopting a partner's child/ren.

### **Adoption Pay**

Most adoptive parents will be entitled to Statutory Adoption Pay. However, those whose average weekly earnings fall below the lower earnings limit for National

Insurance contributions do not qualify for Statutory Adoption Pay and should contact their adoption agency as they may be able to arrange financial support.

Statutory Adoption Pay is paid for the first 39 weeks at the same rate as Statutory Maternity Pay. It is paid from the date your adoption leave begins.

### **Pension contributions**

For teachers and lecturers any period of Adoption Leave for which you receive full salary or statutory pay is classed as pensionable employment. Periods of unpaid Additional Adoption Leave will be treated as excluded days by Teachers' Pensions. Adoptive parents wishing to have this unpaid period treated as reckonable service for pension purposes can choose to pay pension contributions.

For support staff who are members of the Local Government Pension Scheme, the period of Adoption Leave will count as pensionable service, subject to you choosing to pay pension contributions during the period of absence. If the leave is for less than 30 days, contributions will continue to be deducted automatically from your pay for the first 30 days of absence. If the leave is for more than 30 days, you will need to make arrangements to continue payments by contacting OHC&AT HR.

### **Matching certificate**

When applying for adoption leave, you must provide documentary evidence e.g. matching certificate from your adoption agency as proof of your entitlement to adoption leave and pay. This will give basic information on the placement and expected placement dates.

### **Returning to work after adoption leave**

If you intend to return to work at the end of your full adoption leave entitlement, you do not need to give any further notice of this to your manager. If you want to return to work before the end of your adoption leave period you must give your manager 21 days' notice of the date you intend to return.

If you return to work after Ordinary Adoption Leave you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent, unless a redundancy situation has arisen, in which case you are entitled to be offered a suitable alternative vacancy if one is available.

If you return to work after Additional Adoption Leave you are entitled to return to the same job or similar on the same terms and conditions of employment as if you had not been absent, unless there is a reason why it is not reasonably practicable for you to return to your old job, in which case you should be offered a similar job on terms and conditions no less favourable than your original job.

### **Flexible working**

If you wish to return to work after adoption leave, on different hours from the hours that you are currently working, you have a right to make a request for a variation of your contract under the Employment Rights Act 1996 and regulations made under it.

Please refer to the Flexible Working Policy for further details.

## **Annual leave**

### School Teachers

You are entitled to statutory annual leave under the Working Time Regulations. This must be taken outside your period of Adoption Leave. This is not an additional entitlement to annual leave on top of the current school closure arrangements. OHC&AT can determine when this leave is taken and annual leave accrued during periods of adoption leave will be offset against periods of school closure. Where the end of the Adoption Leave is so close to the end of the leave year that it is not possible to take the accrued annual leave during a school closure, the leave will be carried forward to the next leave year so that it can be taken during school closures in the next leave year.

If you decide not to return to work following your Adoption Leave you will still have accrued annual leave and may in some cases be entitled to be paid for that leave.

### Lecturers and Support staff

You will continue to accrue annual leave whilst you are on Adoption Leave. This must be taken before or after your period of Adoption Leave – it cannot be taken during Adoption Leave.

If you decide not to return to work following your period of Adoption Leave, you will still have accrued annual leave and may be entitled to receive payment for that leave.

If you are employed on a term time only contract you will continue to receive payment for your annual leave as part of your equated pay.

## **Keeping staff informed while on adoption leave**

All OHC&AT staff will be kept up to date during their period of Adoption Leave with any changes at work, training opportunities and vacancies for which they may wish to apply. Staff should access the OHC&AT website regularly to update themselves.

## **Keeping in touch**

Statutory Adoption Leave regulations allow for you to work up to 10 days during your adoption leave. These are called Keeping In Touch (KIT) days, and include things such as attending team meetings, training sessions or conferences.

These days can be worked at any time during your Adoption Leave. However, they are optional; your manager cannot insist that you attend nor can you insist that your manager gives you work.

You will be paid for any KIT days that you work but if you are in receipt of Adoption Pay the SAP element will be offset against any payment made.

KIT days are separate from the practice of keeping staff informed (see above).

### **Keeping records/informing HR and Payroll**

It is essential that the payroll provider is informed at each stage of Adoption Leave so that the correct salary, including Statutory Adoption Pay, is paid. OHC&AT HR should be informed as soon as an employee applies for Adoption Leave.

## CHILDCARE VOUCHERS

OHC&AT employees can access the Cooperative Flexible Benefits childcare voucher scheme. Childcare vouchers offer a tax-efficient way of paying for childcare, in that the employee exchanges part of their gross salary each month for vouchers on which no tax or National Insurance contribution needs to be paid.

In order to register for the scheme, you will need your chosen childcare provider's details, your National Insurance number and salary calculation, and your employer's unique 8 digit account number – this can be obtained from OHC&AT HR or by calling the Flexible Benefits helpdesk on 0800 458 7929.

Once you have the necessary information to hand, complete the following steps:

- Visit [www.flexiblebenefits.co.uk](http://www.flexiblebenefits.co.uk) and click 'Register'.
- Enter your employer's unique 8 digit account number and press 'Find' – you should see the name of your organisation appear. If this is correct, click 'Confirm' to continue.
- You will then be asked to enter your National Insurance number and personal information. Once this information has been entered, click 'Register'.
- Select a 4 digit pin code and answer a security question from the list provided, then click 'Create Account'.
- The screen will display your user ID and pin information. Please make a note of these details, then click the link in the middle of the page titled 'here' to continue into your new online account.
- To register for the childcare vouchers please click on 'Sign Up'. This is located on the left hand side of the screen under the heading of Childcare Vouchers.
- Please then enter the information requested regarding your salary calculation, voucher details and childcare provider. Upon completing this information please click on 'Confirm'.

You have now completed your registration for childcare vouchers and your agreement form can be printed off. You need to complete, sign and date this document before passing it to OHC&AT HR.

Once OHC&AT HR has received your application, they will then approve you onto the childcare voucher scheme and will notify you of when you will receive your first salary reduction for childcare vouchers.

## **MATERNITY LEAVE**

All employees are entitled to 52 weeks' statutory maternity leave. This is made up of 26 weeks' Ordinary Maternity Leave and 26 weeks' Additional Maternity Leave and is taken in one continuous period. Two weeks from the date of childbirth will be compulsory maternity leave.

To benefit from this scheme you must tell your manager and OHC&AT HR by the end of the 15<sup>th</sup> week before the expected week of childbirth:

- a. that you are pregnant and the expected week of childbirth
- b. the date you intend to start your maternity leave. This date can be altered provided you give 28 days' notice in writing.

The earliest you can start your maternity leave is the beginning of the 11<sup>th</sup> week before the expected week of childbirth. You can choose to start your maternity leave later than this provided you comply with (b) above. Maternity leave/pay can start on any day of the week you choose.

Your manager and OHC&AT HR must respond to your notice of intention to take maternity leave in writing within 28 days, informing you of the date you will be expected to return to work following your maternity leave. You must give 8 weeks' notice if you wish to change the return date.

Your maternity leave will start automatically if you are absent from work because of a pregnancy-related illness during the four weeks before the expected week of childbirth, or in the event of the birth of your baby. In these circumstances your maternity leave will start on the day after the first absence, or the day after the birth, regardless of when you have said you want your maternity leave to start.

### **Maternity Pay**

To qualify for Statutory Maternity Pay you must have been continuously employed by OHC&AT for 26 weeks before the 15<sup>th</sup> week before the expected week of childbirth (the qualifying week), still be employed by OHC&AT at that time and earn on average an amount which at least equals the lower earnings limit at the end of the qualifying week.

To qualify for Occupational or Contractual Maternity Pay you must have completed one year's continuous service at the beginning of the 11<sup>th</sup> week before the expected week of childbirth. These payments are made from the first day of your statutory maternity leave.

When you are approximately 26 weeks pregnant your doctor or midwife will give you a maternity certificate, form MATB1, which shows the week it is expected that your baby will be born. You must give this form to OHC&AT HR in order to calculate your maternity pay.

Maternity Pay for teachers and lecturers

<i>Statutory Maternity Pay</i>	<i>Occupational Maternity Pay</i>	<i>Total Pay</i>
6 weeks at 90% 33 weeks at £139.58 from 6 <sup>th</sup> April 2015	4 weeks at 10% 12 weeks at half pay	4 weeks at full pay 2 weeks at 90% 12 weeks at half pay 33 weeks at £139.58
<i>Basis on which payment is made</i>		
Average weekly earnings at qualifying week	You must return to work for at least 13 weeks at the end of your maternity leave period	

Maternity Pay for support staff

<i>Statutory Maternity Pay</i>	<i>Occupational Maternity Pay</i>
6 weeks at 90% 33 weeks at £139.58 from 6 <sup>th</sup> April 2015	12 weeks at half pay
<i>Basis on which payment is made</i>	
Average weekly earnings at qualifying week	You must return to work for at least 13 weeks at the end of your maternity leave period

If your average weekly earnings at the qualifying week are less than the lower earnings limit for the payment of National Insurance Contributions, you will not be eligible for SMP but may be entitled to Maternity Allowance which is payable from the Department for Work and Pensions. If you are not eligible for SMP you will be notified on form SMP1 so that you can claim any maternity allowance you may be entitled to from the DWP. Alternatively you can obtain form MA1 from your local Job Centre or online.

The payment of the 12 weeks at half pay is dependent upon you returning to work for a period of 13 weeks immediately following your maternity leave. If you decide not to return to work following your maternity leave, you will be required to repay this payment.

You can choose to suspend the payment of the 12 weeks at half pay until you return to work. Please advise OHC&AT HR of this before you commence your leave.

**Pension contributions**

For teachers and lecturers in the Teachers' Pension Scheme, pension contributions based on actual salary will be deducted during your period of paid maternity leave. Your period of unpaid maternity leave will be treated as excluded days by Teachers' Pensions.

For support staff in the Local Government Pension Scheme, your contributions will be deducted throughout the period of paid maternity leave only, therefore this period

will be treated as reckonable service. If you wish to discuss your pension and how to pay pension contributions during the period of unpaid maternity leave, please contact OHC&AT HR.

### **Health and Safety**

Current Health and Safety law requires a risk assessment of your work tasks and work environment to ensure that your health and that of your unborn baby are not put at risk. To ensure that this is carried out you should tell your manager that you are pregnant as soon as possible.

The risk assessment will be reviewed throughout your pregnancy and when you return. If a risk is identified which could place either yourself or your baby at risk, arrangements will be made to remove the risk. If that is not possible, your duties may be reorganised or you may be relocated for a temporary period.

### **Antenatal care**

All pregnant employees are entitled to time off to keep appointments for antenatal care made on the advice of a registered medical practitioner, registered midwife or registered health visitor. Antenatal care is not restricted to medical examinations, for example it could include relaxation classes and parentcraft classes as long as these are advised by a health care practitioner as noted above.

### **Returning to work after maternity leave**

If you intend to return to work on the date given to you by OHC&AT HR, you do not need to give any further notice of this to your manager. However, if you wish to return to work before the end of your maternity leave you must give your manager 21 days' notice of the date you intend to return.

If you return to work after Ordinary Maternity Leave you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent, unless a redundancy situation has arisen, in which case you are entitled to be offered a suitable alternative vacancy, if available.

If you return to work after Additional Maternity Leave you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent, unless there is a reason why it is not reasonably practicable for you to return to your old job, in which case you should be offered a similar job on terms and conditions no less favourable than your original job.

### **Flexible working**

If you wish to return to work after maternity leave on different hours from your current working hours, you have a right to request a variation of your contract under the Employment Rights Act 1996 and regulations made under it.

Please refer to the Flexible Working Policy for further details.

## **Annual leave**

### School Teachers

You are entitled to statutory annual leave under the Working Time Regulations. This must be taken outside your period of maternity leave. This is not an additional entitlement to annual leave on top of the current school closure arrangements. OHC&AT can determine when this leave is taken and annual leave accrued during periods of maternity leave will be offset against periods of school closure. Where the end of the maternity leave is so close to the end of the leave year that it is not possible to take the accrued annual leave during a school closure, the leave will be carried forward to the next leave year so that it can be taken during school closures in the next leave year.

If you decide not to return to work following your maternity leave you will still have accrued annual leave and may, in some cases, be entitled to be paid for that leave.

### Lecturers and Support staff

You will continue to accrue annual leave whilst you are on maternity leave. This must be taken before or after your period of maternity leave – it cannot be taken during maternity leave.

If you decide not to return to work following your period of maternity leave, you will still have accrued annual leave and may be entitled to receive payment for that leave.

If you are employed on a term time only contract you will continue to receive payment for your annual leave as part of your equated pay.

## **Keeping staff informed while on maternity leave**

All OHC&AT staff will be kept up to date during their period of maternity leave with any changes at work, training opportunities and vacancies for which they may wish to apply. Staff should access the OHC&AT website regularly to update themselves.

## **Keeping in touch**

Statutory Maternity Leave regulations allow for you to work up to 10 days during your maternity leave. These are called Keeping In Touch (KIT) days, and include things such as attending team meetings, training sessions or conferences.

These days can be worked at any time during your maternity leave except on the two weeks following the birth of your baby. However, they are optional; your manager cannot insist that you attend nor can you insist that your manager gives you work.

You will be paid for any KIT days that you work but if you are in receipt of Maternity Pay the SMP element will be offset against any payment made.

KIT days are separate from the practice of keeping staff informed (see above).

### **Keeping records/informing HR and Payroll**

It is essential that the payroll provider is informed at each stage of Maternity Leave so that the correct salary, including Statutory Maternity Pay, is paid. OHC&AT HR should be informed as soon as an employee applies for maternity leave.

### **Stillbirth, miscarriage and neo-natal death**

Childbirth is defined as a live birth or a still birth after 24 weeks of pregnancy.

If a baby is stillborn after the start of the 24<sup>th</sup> week, the mother will receive the national contractual maternity entitlements. Maternity leave and pay will apply.

If there is a miscarriage before the start of 24 weeks of pregnancy the mother's absence from work will be regarded as sick leave and she will receive sick pay.

Neo-natal death is defined as the death of a live infant within the first 28 days of life. The mother will receive Statutory Maternity Leave and SMP if her baby dies after being born.

## **PATERNITY LEAVE**

Paternity leave allows employees to take leave to care for a newborn or newly adopted child and to support the mother or adoptive parent where the employee is the father of the child or the mother's husband/partner or expects to have responsibility for the child's upbringing. In the case of adoption where one partner takes adoption leave the other partner can apply for paternity leave. Provided all other conditions are met, paternity leave can still be taken if the baby is stillborn after 24 weeks of pregnancy or born alive at any point in the pregnancy.

All employees who have been continuously employed for at least 26 weeks at the end of the 15<sup>th</sup> week before the expected date of childbirth, or at the end of the week in which they are notified that they are matched with a child for adoption, are entitled to paternity leave. They must also:

- Have or expect to have responsibility for the child's upbringing
- Be the biological father of the child or the mother's husband/partner

The right to paternity leave is in addition to the parent's right to shared parental leave and unpaid parental leave, but not to adoption leave, although if one member of a couple who are jointly adopting is taking adoption leave the other member of the couple can apply for paternity leave.

Paternity leave can start:

- From the date of the child's birth or adoption placement (whether this is earlier or later than expected), or
- From a chosen number of days or weeks after the date of the child's birth or adoption placement (whether this is earlier or later than expected), or
- From a chosen date later than the first day of the week in which the baby is expected to be born or expected adoption placement.

The leave can start on any day of the week on or following the child's birth or adoption placement but must be completed:

- Within 56 days of the actual date of birth of the child or adoption placement, or
- If the child is born early, within the period from the expected date of birth up to 56 days after the first day of the expected week of birth or adoption placement.

You must give your manager 28 days' notice in writing of the intention to take paternity leave, unless this is not reasonably practicable.

Paternity leave is an entitlement per child although in the case of multiple births e.g. twins, it is an entitlement per pregnancy or per adoption placement if more than one child is placed.

### **Paternity Pay**

Eligible employees can choose to take a single block of either one or two consecutive weeks of leave (not odd days). During paternity leave most employees

are entitled to Statutory Paternity Pay which is paid at the same rate as Statutory Maternity Pay, £139.58 from 6.4.2015. OHC&AT employees are entitled to one week's full pay (which includes the SPP payment).

Employees whose average weekly earnings fall below the Lower Earnings Limit for National Insurance purposes do not qualify for Statutory Paternity Pay.

You have the right to return to the same job after the period of leave, to accrue annual leave and to continue to receive all contractual benefits except pay.

### **Shared Parental Leave**

Partners who wish to take more than 2 weeks' leave following the birth or adoption of a child should refer to the Shared Parental Leave Policy.

### **Returning to work after paternity leave**

On returning to work following paternity leave, you are entitled to return to the same job on the same terms and conditions of employment as if you had not been absent, unless a redundancy situation has arisen, in which case you are entitled to be offered a suitable alternative vacancy, if available.

### **Flexible working**

If you wish to apply for flexible working, please refer to the Flexible Working Policy for further details.

### **Pension contributions**

Employees who are members of the Teachers' Pension Scheme should contact OHC&AT HR for support in checking their pension situation.

For employees in the Local Government Pension Scheme, a period of paternity leave will count as pensionable service, and contributions will continue to be deducted automatically from your pay. Any queries relating to pension contributions should be directed to OHC&AT HR.

### **Keeping records/informing HR and Payroll**

It is essential that your payroll provider is informed so that the employee's salary is adjusted and Statutory Paternity Pay is paid. OHC&AT HR should be informed as soon as an employee applies for paternity leave.

## SHARED PARENTAL LEAVE

Shared Parental Leave is an optional form of leave that has been introduced for the care of children born on or after 5 April 2015. It gives you and your partner more flexibility in how to share the care of your child in the first year after birth, rather than simply taking maternity and paternity leave. Assuming you are both eligible, you will be able to choose how to split the available leave between you and you can decide to be off work at the same time or at different times. You can stop and start shared parental leave and return to work between periods of leave, with each eligible parent able to submit a maximum of 3 notices to book periods of leave.

SPL replaces Additional Paternity Leave. Unless parents qualify for and opt into the SPL scheme, the only entitlement that the child's other parent will have will be two weeks' ordinary paternity pay and leave.

### Entitlement to Shared Parental Leave

You are entitled to Shared Parental Leave in relation to the birth or adoption of a child if:

- You are the child's mother, and share the main responsibility for the care of the child with the child's father (or your partner, if the father is not your partner)
- You are the child's father and share the main responsibility for the care of the child with the child's mother; or
- 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).
- You have been continuously employed for at least 26 weeks at the end of the 15<sup>th</sup> week before the expected date of childbirth, or at the end of the week in which you are notified that you are matched with a child for adoption. You must stay with the same employer while you take SPL.

During the 66 weeks before the week the baby is due (or the week you're matched with your adopted child) the other parent must:

- have been working for at least 26 weeks (they don't need to be consecutive)
- have earned on average at least £30 a week based on any 13 weeks within the period of 26 weeks.

This can be as an employee, worker or self-employed person. The other parent does not have to be working at the date of birth or when you start SPL or Shared Parental Pay (ShPP).

You or your partner must be eligible for [maternity pay or leave](#), [adoption pay or leave](#) or [Maternity Allowance](#).

There are up to 50 weeks of SPL and 37 weeks of ShPP available for eligible parents to take or share (that is, everything other than the 2 week compulsory

maternity leave period immediately after the birth). SPL can either be taken consecutively or concurrently, as long as the total time taken does not exceed what is jointly available to the couple.

### **Shared Parental Pay**

ShPP is paid at the rate of £139.58 a week (from 6<sup>th</sup> April 2015) or 90% of your average weekly earnings, whichever is lower. You can get ShPP if you are an employee and one of the following applies:

- you are eligible for Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP).
- you are eligible for Statutory Paternity Pay (SPP) and your partner is eligible for SMP, Maternity Allowance (MA) or SAP.

## **OPTING IN TO SHARED PARENTAL LEAVE**

### **Notice of entitlement**

A parent who wishes to opt into SPL and who is an employee will need to give their employer a notice of entitlement and intention to take SPL. This is a non-binding indication of how and when a parent intends to take periods of SPL, including the start and end dates for each period of leave. It needs to be given at least 8 weeks before the start of the first proposed period of SPL and must include a declaration by the other parent taking SPL, consenting to the proposal. This means you have opted into the Shared Parental Leave scheme.

Upon receiving a notice of entitlement and intention to take SPL, OHC&AT HR may request evidence of your eligibility e.g. a copy of the child's birth certificate, together with the name and address of the other parent's employer. You should supply this information within 14 days of receiving the request.

You also need to book your dates of SPL by submitting a period of leave notice, at least 8 weeks before the first start date. This notice may be served at the same time as a curtailment notice and notice of entitlement, but does not have to be. You will be entitled to take the leave set out in your notice if it is for one continuous period of SPL; where a notice requests discontinuous leave periods, the employer has 2 weeks to accept the request, propose alternatives or refuse it. Where the employer refuses the periods requested, the employee may choose to take the total amount of leave requested as a continuous period or withdraw their original notice. An employee may serve up to three notices.

For all applications you will be required to complete a Shared Parental Leave Form and notify OHC&AT Human Resources who will give you further detailed advice. Forms can be found in Appendix 1 of this document.

## **Return to work or curtail leave and entitlement**

For parents to participate in the SPL scheme, the mother/adoptive parent must bring forward the date on which their maternity/adoption leave ends. This can be done either by returning to work or by giving notice that they wish to curtail their maternity/adoption leave or, where they are not entitled to leave, curtail their maternity/adoption pay or maternity allowance period.

The mother or adoptive parent must give at least 8 weeks' notice of the date on which they wish their leave or pay entitlement to end. This cannot be before the end of the compulsory maternity leave period or two weeks after the start of the pay period. At the same time as serving a curtailment notice, the mother/adoptive parent must serve either a notice of entitlement and intention to take SPL or a declaration that their partner has served such a notice.

A curtailment notice is binding, meaning that the date on which the leave or pay entitlement will end cannot be changed. Exceptions to this rule are:

- where the notice was given before birth, in which case the mother is only entitled to revoke the notice in the 6 weeks immediately following birth;
- where the other parent dies; or
- where it subsequently transpires that neither of the parents was entitled to shared parental leave or pay.

Advice should be sought from OHC&AT HR in such instances.

## **Pension contributions**

Employees who are members of the Teachers' Pension Scheme should contact OHC&AT HR for support in checking their pension situation.

For employees who are members of the Local Government Pension Scheme, the period of SPL will count as pensionable service, subject to you choosing to pay pensions contributions during the period of absence. If the leave is for less than 30 days, contributions will continue to be deducted automatically from your pay for the first 30 days of absence. If the leave is for more than 30 days, you will need to make arrangements to continue payments by contacting OHC&AT HR.

## **Keeping records/informing HR and Payroll**

It is essential that the payroll provider is informed so that the employee's salary is adjusted and ShPP is paid. OHC&AT HR should be informed as soon as an employee applies for Shared Parental Leave.

## **Keeping staff informed while on Shared Parental Leave**

All OHC&AT staff will be kept up to date during any period of Shared Parental Leave with any changes at work, training opportunities and vacancies for which they may

wish to apply. Staff should access the OHC&AT website regularly to update themselves.

### **Keeping in touch**

The employer and the employee are entitled to make reasonable contact during a period of SPL, e.g. to discuss a return to work.

You may work for up to 20 days during the SPL period without bringing the leave to an end. These days are referred to as 'Shared Parental Leave In Touch' (SPLIT) days. These are separate and additional to any KIT days that a woman has on maternity leave.

Any work carried out on SPLIT days constitutes a day's work and you will be paid as such. Work carried out on SPLIT days may include training, attending conferences or team meetings. These days can be worked at any time during your shared parental leave. However, they are optional; your manager cannot insist that you attend nor can you insist that your manager gives you work.

SPLIT days are separate from the practice of keeping staff informed (see above).

### **Returning to work after shared parental leave**

If you are returning from any period of relevant statutory leave (maternity, adoption, paternity or shared parental leave) that totals 26 weeks or less in aggregate, you have the right to return to the same job. This is true regardless of whether the leave period was continuous or taken in separate blocks.

If you are returning from any period of relevant statutory leave that totals more than 26 weeks in aggregate, you have the right to return to the same job that you were doing immediately preceding the last period of absence, or, if it is not reasonably practicable for OHC&AT to permit you to return to that job, to another job which is both suitable and appropriate to do in the circumstances (sometimes referred to as a similar job).

### **Flexible working**

If you wish to apply for flexible working on return from Shared Parental Leave, please refer to the Flexible Working Policy for further details.

## **UNPAID PARENTAL LEAVE**

### **What is unpaid parental leave?**

Unpaid Parental Leave is a right for parents to take unpaid time off work to look after a child aged under 18 years or to make arrangements for the child's welfare. Parents can use it to spend more time with their children and strike a better balance between their work and family commitments. The intention is for Parental Leave to be planned in advance and not usually used to cover emergency situations.

### **Who is entitled to parental leave?**

All employees who have been employed continuously for at least one year at the date on which they wish to start their parental leave and who have, or expect to have, parental responsibility for a child and who is one of the following:

- The mother or father of the child (including where s/he has acquired parental responsibility over the child);
- A guardian of the child appointed under the Children's Act 1989;
- An adoptive parent of the child;
- A partner of any of the above provided he or she is living with the child;
- A permanent foster parent of the child, placed with them long term;
- Grandparents with a significant parenting responsibility.

### **What is the entitlement to parental leave?**

Up to 18 weeks' unpaid leave is available for each child under 18 (pro rata for part time staff), to be taken in blocks or single days (actual days to be recorded against entitlement) up to a maximum of 4 weeks in any 12 month period for each child.

Parental leave is an entitlement per child. In the case of twins or other multiples, each parent will be entitled to 18 weeks for each child.

The purpose of the leave must be to care for the child. You have the right to return to your job or another suitable job after the leave. You will continue to receive all contractual benefits, except pay, during the leave. The right to accrue annual leave also continues during parental leave.

Where a public holiday falls during parental leave, normal pay for that day will be provided.

Employees with more than one job with OHC&AT will have only one entitlement to parental leave.

### **How to apply for parental leave**

It is recommended that you give your manager and OHC&AT HR a minimum of 21 days' notice of the dates you wish to take parental leave. You may be asked to

provide evidence of your entitlement to the leave e.g. birth certificate, parental responsibility order etc., and to give details of any parental leave previously taken.

Your manager may postpone the leave for a significant reason, e.g. it would cause severe disruption to the service, for up to a maximum of 6 months. However, postponement is the last resort and your manager should discuss other possibilities with you first. These might include looking at a different pattern of leave, a longer or shorter period of leave, alternative dates, or other options.

Should a parental leave request be postponed, your manager will give you written notice of the postponement within 7 days of receiving your request, stating the reason for the postponement and when the postponed leave may be taken. Leave requested for the period immediately after childbirth or date of adoption cannot be postponed but you must give 21 days' notice before the beginning of the expected week of childbirth/expected week of placement.

Leave taken with a previous employer will count against the 18 weeks' overall entitlement and you will be asked to declare any parental leave already taken.

### **Pension contributions**

For employees who are members of the Teachers' Pension Scheme, any period of unpaid leave will be treated as excluded days by Teachers' Pensions. If you wish to have this unpaid period treated as reckonable service for pension purposes you can choose to pay pension contributions – please contact OHC&AT HR to find out how to arrange this.

For employees who are members of the Local Government Pension Scheme, the period of parental leave will count as pensionable service, subject to you choosing to pay pensions contributions during the period of absence. If the leave is for less than 30 days, contributions will continue to be deducted automatically from your pay for the first 30 days of absence. If the leave is for more than 30 days, you will need to make arrangements to continue payments by contacting OHC&AT HR.

### **Keeping records/informing HR and Payroll**

It is good practice to keep a record of parental leave taken, although there is no requirement to do so. OHC&AT may make enquiries of previous employers or seek a declaration from employees about how much parental leave has previously been taken.

As parental leave is without pay it is essential that OHC&AT HR and your payroll provider are informed of any days taken in the normal way, so that your salary can be adjusted accordingly.

## **APPENDIX 1: Shared Parental Leave forms**

### **Note to the employee**

#### **Notice of entitlement and intention to take shared parental leave**

Employees with a child due to be born or placed for adoption on or after 5 April 2015 who wish to take shared parental leave (SPL) to share the main caring responsibilities with the other parent/partner must submit this form to your manager **at least eight weeks** before the start date of the first period of SPL. Once signed by your manager, the form needs to be sent to [hrrsupport@orchardhill.ac.uk](mailto:hrrsupport@orchardhill.ac.uk).

To be entitled to SPL you must:

- be the mother, father, or main adopter of the child, or the partner of the mother or main adopter (referred to in this form as a parent)
- at the date of the child's birth or adoption have (or share with the other parent) the main responsibility for the care of the child
- have at least 26 weeks' continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- still be in continuous employment until the week before any SPL is taken.

The other parent must have at least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the relevant week and have average weekly earnings of at least £30 during at least 13 of those weeks.

**Section 1 – Basic Details**

I wish to provide the organisation with an initial indication of my proposed shared parental leave as well as the required declarations for myself and my partner, as follows:

Employee name	
Job title	
Child's expected date of birth/date of placement for adoption	
If you are the child's mother or the main adopter, the child's actual date of birth/date of placement for adoption (if known)	
Start date of mother/main adopter's maternity/adoption leave (or pay period*)	
End date of mother/main adopter's maternity/adoption leave (or pay period*)	

\* The start and end dates of the statutory maternity/adoption pay or maternity allowance period if the mother/main adopter is not entitled to statutory leave.

## Section 2 - Shared Parental Leave Details

The total amount available is 52 weeks minus the number of weeks' leave/pay already taken by the mother/main adopter according to the dates given in the previous section.

Total number of weeks' SPL available	
Number of weeks' SPL you intend to take	
Number of weeks' SPL your partner intends to take	
<p>Indication of start and end dates of SPL that you intend to take</p> <p><i>This indication is non-binding. You must submit a formal period of leave notice for each period of SPL you wish to request for it to be binding. Complete the section below if you wish your request for any/all of these periods of leave to be treated as a period of leave notice.</i></p>	
Do you wish the dates indicated for the period(s) of leave to constitute a formal (binding) period of leave notice? (delete as appropriate)	YES / NO / YES, for the following dates only:

**Section 3 - Shared Parental Pay details**

The total amount of shared parental pay (ShPP) which may be available is 39 weeks minus the number of weeks’ pay already taken by the mother/main adopter according to the dates given in Section 1.

Total number of weeks’ ShPP available	
Number of weeks’ ShPP you intend to claim	
Number of weeks’ ShPP the other parent intends to claim	
Indication of start and end dates of your ShPP periods	

**Section 4 – Employee notice of curtailment of maternity/adoption leave**

Complete this section if you are the employee named in this notice and you are the mother or main adopter. You must give at least eight weeks’ notice of your curtailment date. If you are entitled to maternity leave the curtailment date must be at least two weeks after the birth of your child.

I wish my maternity/adoption leave to end on \_\_\_\_\_ (insert date).

**Section 5 – Employee declaration**

I confirm that I meet the following conditions:

- I am the mother\*/ father\*/ main adopter of the child\*/ partner of the mother \*/main adopter\* (\* please delete as appropriate)
- I have (or share with the other parent) the main responsibility for the care of the child and I am taking SPL in order to care for the child. I will immediately inform the organisation if I cease to care for the child.
- I have at least 26 weeks’ continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the ‘relevant week’)
- I intend to be in continuous employment until the week before any SPL is taken
- (If I am claiming shared parental pay) I have average weekly earnings equal to or above the Lower Earnings Limit over the eight week period ending with the relevant week
- I agree to inform the Human Resources team at Orchard Hill College and Academy Trust immediately if I cease to meet the conditions for entitlement to SPL or ShPP.

If you are the mother/main adopter:

- I have submitted a curtailment of maternity/adoption leave notice by completing Section 4 above.

**I agree that the information I have provided is accurate:**

Employee’s signature:.....

Name :.....( please print)

Payroll Number:

Academy/College department:

Date:

**Manager’s signature:**

**Manager’s Name:**

**Date:**

**Section 6 – Declaration of Partner**

Name	
Address	
My National Insurance number is /I don't have a National Insurance number	
I wish to provide the organisation with an initial indication of my proposed shared parental leave as follows:	

I confirm that I meet the following conditions:

- I have least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- I have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week
- I agree to inform (insert your Partner's name.....) immediately if I cease to meet the two conditions above
- I consent to your employee taking SPL and ShPP as set out in Sections 2 and 3 above
- I am the father of the child, or I am married to, the civil partner of, or the partner of the mother or the partner of the other adopter.
- I will immediately inform the Human Resources team at Orchard Hill College and Academy Trust if I no longer meet the conditions for entitlement to SPL or ShPP.

If you are the mother/main adopter:

- I have curtailed my maternity leave and pay/adoption leave and pay/maternity allowance or will have done so by the time your employee starts shared parental leave

I consent to you processing the information contained in this declaration.

Signature (Partner):.....

Name:.....(please print) Date: .....

## Maternity/Adoption Leave curtailment notice

Please complete and return this form to [hrsupport@orchardhill.ac.uk](mailto:hrsupport@orchardhill.ac.uk).

Use this form if you do not currently qualify for shared parental leave, but are on maternity/adoption leave and/or in receipt of statutory maternity/adoption pay. This notice is to inform Orchard Hill College and Academy Trust that you wish your maternity/adoption leave and pay (or just your maternity/adoption pay if you are no longer in employment) to end in order that the person who shares main responsibility to care for the child can take shared parental leave. Your partner/the other parent is not entitled to take shared parental leave until you have submitted this notice of curtailment.

You must give at least eight weeks' notice of your curtailment date. If you are entitled to maternity leave the curtailment date must be at least two weeks after the birth of your child.

If you are in receipt of maternity allowance you must also submit a curtailment notice to Jobcentre Plus.

**Please note that if you are eligible to take shared parental leave you should complete the 'Notice of entitlement and intention to take shared parental leave' form instead.**

I wish my maternity/adoption leave/pay to end on .....(insert date)

Signature:.....

Full Name:.....(please print)

Job Title: .....

Payroll number: .....

Academy/College department: .....