



Diocese of Salisbury  
Academy Trust

**Maternity, Adoption, Paternity, Parental  
Leave Policy for Academy Teaching Staff  
In  
Diocese of Salisbury Academy Trust**

	Page
<b>1. INTRODUCTION</b>	<b>1</b>
<b>2. EXPLANATION OF TERMS</b>	<b>2</b>
<b>3. STATUTORY AND/OR CONTRACTUAL MATERNITY SCHEME</b>	<b>4</b>
<b>3.1 GENERAL INFORMATION ON STATUTORY AND OR CONTRACTUAL MATERNITY</b>	<b>4</b>
<b>3.2 THE TWO MATERNITY SCHEMES</b>	<b>4</b>
<b>3.3 SURROGATE PARENTS</b>	<b>4</b>
<b>3.4 ANTE-NATAL CARE</b>	<b>4</b>
<b>3.5 MATERNITY LEAVE</b>	<b>4</b>
<b>3.6 MATERNITY PAY</b>	<b>5</b>
<b>3.6.1 STATUTORY MATERNITY PAY</b>	<b>5</b>
<b>3.6.1.1 ENTITLEMENT TO STATUTORY MATERNITY PAY OR STATUTORY ADOPTION PAY WHEN LEAVING EMPLOYMENT OR COMING TO THE END OF A FIXED TERM CONTRACT</b>	<b>5</b>
<b>3.6.2 CONTRACTUAL MATERNITY PAY</b>	<b>6</b>
<b>3.6.3 MATERNITY ALLOWANCE</b>	<b>6</b>
<b>3.7 ENTITLEMENT TO MATERNITY PAY AND LEAVE READY RECKONER</b>	<b>7</b>
<b>3.7.1 FOR TEACHERS WITH AT LEAST ONE YEAR'S CONTINUOUS SERVICE</b>	<b>7</b>
<b>3.7.2 FOR TEACHERS WITH LESS THAN ONE YEAR'S CONTINUOUS SERVICE</b>	<b>8</b>
<b>3.8 NOTIFICATION REQUIREMENTS</b>	<b>9</b>
<b>3.8.1 NOTIFICATION PRIOR TO MATERNITY LEAVE</b>	<b>9</b>
<b>3.8.2 NOTIFICATION FOLLOWING THE BIRTH</b>	<b>9</b>
<b>3.8.3 NOTIFICATION PRIOR TO RETURNING TO WORK</b>	<b>9</b>
<b>3.9 KEEPING-IN-TOUCH DAYS AND CONTACT WHILST ON MATERNITY, ADOPTION OR ADDITIONAL PATERNITY LEAVE</b>	<b>10</b>
<b>3.10 ANNUAL LEAVE AND MATERNITY, PATERNITY OR ADOPTION LEAVE</b>	<b>10</b>
<b>3.11 SICKNESS AND MATERNITY, PATERNITY OR ADOPTION LEAVE</b>	<b>11</b>
<b>3.12 GUIDANCE ON OTHER MATERNITY RELATED ISSUES</b>	<b>11</b>
<b>3.13 RETURNING TO WORK AFTER MATERNITY, ADOPTION OR ADDITIONAL PATERNITY LEAVE</b>	<b>12</b>
<b>3.13.1 RETURNING TO WORK IN SCHOOL HOLIDAYS</b>	<b>12</b>
<b>3.13.2 RETURNING TO YOUR PREVIOUS JOB</b>	<b>12</b>
<b>3.13.3 FLEXIBLE WORKING REQUESTS</b>	<b>12</b>
<b>3.13.4 RESIGNING FROM WORK PRIOR TO THE RETURN TO WORK DATE</b>	<b>12</b>
<b>3.14 TAKING PARENTAL LEAVE AFTER MATERNITY LEAVE</b>	<b>12</b>
<b>3.15 HEALTH AND SAFETY PROVISIONS</b>	<b>12</b>
<b>3.16 IMPORTANT DATES/CHECKLIST FOR MATERNITY</b>	<b>14</b>
<b>4. ADOPTION LEAVE AND PAY</b>	<b>15</b>
<b>4.1 ELIGIBILITY FOR ADOPTION LEAVE AND PAY</b>	<b>15</b>
<b>4.2 STARTING ADOPTION LEAVE</b>	<b>15</b>
<b>4.3 ADOPTION PAY</b>	<b>15</b>
<b>4.3.1 STATUTORY ADOPTION PAY</b>	<b>15</b>
<b>4.3.1.1 ENTITLEMENT TO STATUTORY ADOPTION PAY WHEN LEAVING EMPLOYMENT VOLUNTARILY OR COMING TO THE END OF A FIXED TERM CONTRACT</b>	<b>16</b>
<b>4.3.2 CONTRACTUAL ADOPTION PAY</b>	<b>16</b>
<b>4.4 ADOPTION PAY AND LEAVE ELIGIBILITY READY RECKONER</b>	<b>17</b>
<b>4.4.1 FOR TEACHERS WITH AT LEAST ONE YEAR'S CONTINUOUS SERVICE WITH ONE OR MORE LOCAL AUTHORITIES</b>	<b>17</b>

4.4.2 FOR TEACHERS WITH LESS THAN ONE YEAR'S CONTINUOUS SERVICE WITH ONE OR MORE LOCAL AUTHORITIES	18
<b>4.5 NOTIFICATION REQUIREMENTS</b>	<b>19</b>
4.5.1 NOTIFICATION PRIOR TO COMMENCING ADOPTION LEAVE	19
4.5.2 NOTIFICATION OF ADOPTION PLACEMENT	19
4.5.3 NOTIFICATION OF RETURN TO WORK	19
4.5.4 REASONABLE CONTACT AND WORKING DURING ADOPTION LEAVE	19
<b>4.6 IMPORTANT DATES/CHECKLIST FOR ADOPTION</b>	<b>20</b>
<b>5. PATERNITY LEAVE AND PAY</b>	<b>21</b>
<b>5.1 ORDINARY PATERNITY LEAVE AND PAY</b>	<b>21</b>
5.1.1 PAY DURING ORDINARY PATERNITY LEAVE	21
5.1.2 CLAIMING ORDINARY PATERNITY LEAVE AND PAY	22
<b>5.2 ENTITLEMENT TO ORDINARY PATERNITY LEAVE AND PAY READY RECKONER</b>	<b>23</b>
<b>5.3 ADDITIONAL PATERNITY LEAVE AND PAY</b>	<b>24</b>
5.3.1 LEAVE PROVISIONS	24
5.3.2 ADDITIONAL PATERNITY LEAVE – SPECIAL CIRCUMSTANCES	24
5.3.4 PAY DURING ADDITIONAL PATERNITY LEAVE	24
<b>5.4 ENTITLEMENT TO ADDITIONAL PATERNITY LEAVE AND PAY READY RECKONER</b>	<b>26</b>
<b>5.5 NOTIFICATION REQUIREMENTS</b>	<b>27</b>
5.5.1 BEFORE ORDINARY PATERNITY LEAVE	27
5.5.2 WHEN YOUR CHILD IS BORN OR PLACED	27
5.5.3 BEFORE ADDITIONAL PATERNITY LEAVE	27
5.5.4 RETURNING FROM ORDINARY OR ADDITIONAL PATERNITY LEAVE	28
5.5.5 REASONABLE CONTACT AND WORKING DURING ADDITIONAL PATERNITY LEAVE	28
<b>5.5 IMPORTANT DATES/CHECKLIST FOR PATERNITY LEAVE (FOR BIRTHS)</b>	<b>29</b>
<b>5.6 IMPORTANT DATES/CHECKLIST FOR PATERNITY LEAVE (FOR ADOPTIONS)</b>	<b>30</b>
<b>6. PARENTAL LEAVE</b>	<b>31</b>
<b>6.1 LEGAL FRAMEWORK</b>	<b>31</b>
<b>6.2 ELIGIBILITY CRITERIA</b>	<b>31</b>
<b>6.3 AMOUNT OF LEAVE AND WHEN IT CAN BE TAKEN</b>	<b>32</b>
<b>6.4 PROCEDURES FOR TAKING PARENTAL LEAVE</b>	<b>32</b>
<b>7. TIME OFF FOR DEPENDANTS</b>	<b>ERROR! BOOKMARK NOT DEFINED.</b>
7.1 ELIGIBILITY CRITERIA	ERROR! BOOKMARK NOT DEFINED.
7.2 REASON FOR TIME OFF	ERROR! BOOKMARK NOT DEFINED.
7.3 DEFINITION OF DEPENDANT	ERROR! BOOKMARK NOT DEFINED.
7.4 WHEN TIME OFF CAN BE APPROVED	ERROR! BOOKMARK NOT DEFINED.
7.5 PAY FOR TIME OFF FOR DEPENDANTS	ERROR! BOOKMARK NOT DEFINED.
7.6 AMOUNT AND FREQUENCY OF TIME OFF	ERROR! BOOKMARK NOT DEFINED.
7.7 GRIEVANCES	ERROR! BOOKMARK NOT DEFINED.
<b>8 USEFUL CONTACTS AND LINKS</b>	<b>33</b>

## 1. Introduction

The purpose of this guide is to explain your entitlements to maternity, adoption, paternity and parental leave and pay. It will also tell you what to do to ensure that you don't lose any of your rights or entitlements.

The information in this guide applies to you if you are a teacher within the Diocese of Salisbury Academy Trust (DSAT), please note that non-teaching staff have their own guide to these entitlements. You should read this guide carefully and, in particular, ensure you comply with the notification requirements. If you are in any doubt as to how to proceed or require advice on entitlements please contact your Principal, or the HR Officer. Your Academy can download a copy of this document for you from the DSAT for Academies resources pages <http://www.dsat.org.uk>.

This document reflects the latest statutory provisions and occupational provision. Any conflicting advice between that contained within the "Burgundy Book" conditions and statutory provisions will revert to statutory provisions.

For the purposes of this document, all provisions are referred to in the event of a birth or adoption of a child. Entitlements remain as outlined in this document, regardless of the number of children resulting from a single pregnancy or being placed at any one time in the case of adoption. Therefore, in cases of multiple births or adoptions, please read "children" instead of "child."

Separate guidance on the right to request flexible working is available from DSAT HR Officer, DSAT website or your Academy.

The Additional Paternity Leave Regulations provide a statutory entitlement for mothers or primary adopters to transfer a period of any outstanding maternity or adoption leave and pay to fathers, partners or secondary adopters

## 2. Explanation of Terms

<b>AAL</b>	Additional Adoption Leave
<b>ADC</b>	Actual Date of Childbirth
<b>AML</b>	Additional Maternity Leave
<b>APL</b>	Additional Paternity Leave
<b>BA</b>	Benefits Agency
<b>Burgundy Book</b>	National terms and conditions of employment document for teachers (available through your school)
<b>Continuous Service</b>	This relates to either your employment with your current employment with DSAT or with previous Las if applicable
<b>CAP</b>	Contractual Adoption Pay
<b>CMP</b>	Contractual Maternity Pay
<b>EDC</b>	Expected Date of Childbirth.
<b>EDP</b>	Expected Date of Placement.
<b>EWC</b>	Expected Week of Childbirth.  The week in which the baby is expected to be born. (For calculation purposes the EWC always commences at midnight on a Saturday/Sunday).
<b>KIT</b>	'Keeping in touch' days
<b>MA</b>	Maternity Allowance. May be paid by the Benefits Agency where there is no entitlement to Statutory Maternity Pay.
<b>MAT.B1</b>	Confirmation of the EDC obtained from a doctor or midwife. Not usually issued until after the 20th week of pregnancy.
<b>MC</b>	Matching Certificate.  Certificate issued by approved adoption agencies. SAP will not be paid without the certificate.
<b>MLP</b>	Maternity Leave Period.  The period during which you will be on paid and/or unpaid maternity leave, statutory or contractual.
<b>MPP</b>	Maternity Pay Period.  The period during which you will receive maternity pay, statutory or contractual.
<b>MW</b>	Matching Week.  Week adoption agency informs employee that they (or notification they have been) matched with a child.
<b>NI</b>	National Insurance.
<b>OAL</b>	Ordinary Adoption Leave.
<b>OML</b>	Ordinary Maternity Leave.

<b>OPL</b>	Ordinary Paternity Leave
<b>QW</b>	Qualifying Week.  The beginning (ie midnight Saturday/Sunday) of the 15 <sup>th</sup> week before the EWC.
<b>SAL</b>	Statutory Adoption Leave.
<b>SAP</b>	Statutory Adoption Pay.
<b>SML</b>	Statutory Maternity Leave
<b>SMP</b>	Statutory Maternity Pay.  Pay will start from any day you choose to coincide with your first day of maternity leave.
<b>SPL</b>	Statutory Paternity Leave.
<b>SPP</b>	Statutory Paternity Pay.  Pay week can start on any day of the week.
<b>SSP</b>	Statutory Sick Pay.

### 3. Statutory and/or Contractual Maternity Scheme

#### 3.1 General Information on Statutory and or Contractual Maternity

Your right to maternity pay and leave is determined by legislation and conditions of service.

The following guidance provides supplementary advice to that already provided in the Burgundy Book for teachers on the current entitlements to statutory and occupational maternity leave and pay. This is based on different periods of service that a teacher might have with DSAT.

#### 3.2 The Two Maternity Schemes

There are two maternity schemes in operation for teachers:

- The **Statutory Maternity Scheme** which is funded through the government but operated through DSAT;
- The **Contractual Maternity Scheme** which applies to teachers and includes the provisions within the burgundy book.

You may be entitled to the provisions of one or both of these schemes although in practice some of the entitlements may overlap. The table on the following page will help you to work out what your entitlements will be.

Every effort has been made to ensure this guidance is clear but because of the complexity individuals can telephone the HR Officer if they wish to talk through their entitlements.

#### 3.3 Surrogate parents

If you and your husband, wife or partner are having a child through surrogacy you will not normally be eligible for statutory or contractual maternity leave. However you will be eligible for unpaid parental leave once you have got a parental order (please refer to the parental leave [section 6](#)).

Surrogate mothers who carry a child are entitled to the statutory and contractual maternity scheme.

#### 3.4 Ante-natal Care

All pregnant employees have the right to paid time off to attend ante-natal care. This may include relaxation classes or parentcraft classes. Your Principal may wish to see evidence of your appointments and you should aim to provide as much notice as possible. See also [paragraph 3.12](#) for guidance on fathers to be / partners / nominated carers and ante-natal care.

#### 3.5 Maternity Leave

You are entitled to 26 weeks **ordinary maternity leave** (OML) and 26 weeks **additional maternity leave** (AML) regardless of your length of service. Additional maternity leave will start immediately after ordinary maternity leave ends. Your maternity leave can start at any time after the **11<sup>th</sup> week**<sup>1</sup> before the **expected week of childbirth**<sup>2</sup> (EWC).

Any sickness absence for a pregnancy related reason after the 4<sup>th</sup> week before the EWC where maternity leave has not already started will automatically trigger the start of your maternity leave.

<sup>1</sup> To calculate the 11th week prior to the expected week of childbirth, you need to count back 11 Sundays from the EWC.

<sup>2</sup> **Expected week of childbirth** = the Sunday prior to the expected date of childbirth.

You **must** take at least two weeks maternity leave following the birth of your baby, during which you are not allowed to work.

### 3.6 Maternity Pay

#### 3.6.1 Statutory Maternity Pay

You are entitled to 39 weeks **Statutory Maternity Pay (SMP)** if you have:

- 26 weeks' continuous service with your current employer by the qualifying week (15<sup>th</sup> week before the expected week of childbirth)

**AND**

- your average earnings are at least as much as the lower earnings limit for National Insurance (NI) contributions at the end of your qualifying week (although you don't necessarily have to pay NI).

NB: You may not meet the limit for NI if you become pregnant again whilst in a period of additional maternity leave (AML).

The 39 weeks comprises:

- 6 weeks at 90% of your average pay at the end of the qualifying week, and then;
- 33 weeks at the lower rate of Statutory Maternity Pay (SMP) (which is reviewed by the Government each year) or 90% of your average weekly salary whichever is lower.

At no time will you be able to earn more than your normal full pay whilst in receipt of statutory and/or contractual maternity pay.

Statutory Maternity Pay (SMP) is a rate set by the government which is reviewed in April each year. To find out the current statutory maternity, paternity and adoption rates please view the [HMRC website](#) or contact the HR Officer.

#### 3.6.1.1 Entitlement to Statutory Maternity Pay or Statutory Adoption Pay When Leaving Employment or Coming to the End of a Fixed Term Contract

If you are employed on the **qualifying week (QW)**<sup>3</sup>, or the **matching week (MW)**<sup>4</sup> in the case of adoptions, and you are made redundant, you leave your job or your fixed term contract ends before or during your period of maternity or adoption leave, you will be entitled to the full 39 weeks of statutory maternity or adoption pay, (provided you have met the eligibility criteria).

NB Sickness or leave during the qualifying week or matching week does not disrupt this.

#### Leaving your job

If you leave your job voluntarily for a reason not connected with your pregnancy after the 11<sup>th</sup> week before the **expected week of childbirth (EWC)** you will still be eligible for Statutory Maternity Pay (SMP), (or Maternity Allowance (MA) if not eligible to receive SMP). If you leave before the 11<sup>th</sup> week, you will not be eligible.

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<sup>3</sup> **Qualifying week** = the 15<sup>th</sup> week before the expected week of childbirth (EWC)

<sup>4</sup> **Matching week** = the week that the adoption agency informs the employee that they have been matched with a child.

If you leave your job voluntarily for a reason not connected with the adoption after the **matching week**<sup>5</sup> you will still be eligible for Statutory Adoption Pay (SMP). If you leave before the matching week, you will not be eligible.

### **Fixed Term Contracts**

If you are on a fixed term contract which is due to end after the start of the **qualifying week**<sup>6</sup>, or the **matching week**<sup>5</sup> in the case of adoptions, and you remain employed during the qualifying/matching week, you will still be entitled to receive statutory maternity or adoption pay, (or Maternity Allowance (MA) if not eligible to receive SMP). Consequently, you must notify your employer of your intention to take maternity or adoption leave.

### **3.6.2 Contractual Maternity Pay**

If you have at least 26 week's continuous service with DSAT at the **11<sup>th</sup> week before the EWC**<sup>7</sup> you will be entitled to:

- 4 weeks at full pay, followed by
- 2 weeks at 90% of pay, followed by
- 12 weeks of half pay\*

**\*In order to be eligible for the half pay element**, you must return to work for a period of at least 13 weeks following your maternity leave. If you are unsure about whether you will be returning you can ask for the half pay to be held until you do return.

If you take the half pay and subsequently decide to leave or you do not return to work for at least 13 weeks, DSAT will have the discretion to take back the payment(s).

### **3.6.3 Maternity Allowance**

If you do not meet the eligibility criteria for Statutory Maternity Pay (SMP), you may be entitled to Maternity Allowance (MA) paid by the Benefits Agency (BA), if you have worked for 26 weeks in the 66 weeks preceding your expected week of childbirth (EWC).

This situation may arise for example where periods of maternity leave overlap or are concurrent and the new **qualifying week**<sup>2</sup> falls in the unpaid part of maternity leave.

The Benefits Agency will base their assessment on your recent earnings and employment record. In order to get Maternity Allowance you will need to complete an **MA1 form** (which you can get from your Benefits Agency, maternity clinic or Health Centre). If you are excluded from SMP your employer will provide you with an **SMP1 form** which you should submit to your Benefits Agency together with the **MA1 form**, **MAT.BI** and any **payslips** from the relevant period.

If you are not eligible for Maternity Allowance you may be eligible for incapacity benefit during part of your pregnancy.

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<sup>5</sup> **Matching week** = the week that the adoption agency informs the employee that they have been matched with a child.

<sup>6</sup> **Qualifying week** = the 15<sup>th</sup> week before the expected week of childbirth (EWC)

<sup>7</sup> To calculate the 11th week prior to the expected week of childbirth, you need to count back 11 Sundays from the EWC.

### 3.7 Entitlement to Maternity Pay and Leave Ready Reckoner

#### 3.7.1 For Teachers With At Least 26 Week's Continuous Service with DSAT

<p>If you have <b>at 26 week's</b> continuous service with DSAT at the beginning of the <b>11<sup>th</sup> week</b> before the <b>expected week of childbirth (EWC)</b></p>		
<p><b>AND</b> you have <b>at least 26 week's</b> continuous service with <b>DSAT by the end of the 15<sup>th</sup> week</b> before your <b>Expected Week of Childbirth (EWC)</b></p>		<p><b>BUT</b> you have <b>less than 26 weeks</b> continuous service with <b>DSAT by the end of the 15<sup>th</sup> week</b> before your <b>EWC</b></p>
<b>AND</b>		
<p>Your National Insurance (NI) contributions <b>are high enough</b> to meet the <b>lower earnings limit</b></p> <p><b>52 weeks Statutory Maternity Leave</b>  <b>39 wks Statutory Maternity Pay (SMP)</b>  <b>18 wks Contractual Maternity Pay (CMP)</b></p> <ul style="list-style-type: none"> <li>• first 4 weeks on full pay inclusive of SMP;</li> <li>• next 2 weeks on 90% of a week's salary, inclusive of SMP;</li> <li>• next 12 weeks, on half pay plus lower rate SMP**;</li> <li>• next 21 weeks, paid at 90 % average weekly earnings or lower rate SMP*</li> <li>• 13 weeks unpaid leave</li> </ul>	<p>Your National Insurance (NI) contributions <b>are NOT high enough</b> to meet the <b>lower earnings limit</b></p> <p><b>52 weeks Statutory Maternity Leave</b>  <b>18 wks Contractual Maternity Pay (CMP)</b>  <b>May be entitled to Maternity Allowance (MA)</b>  <b>No entitlement to Statutory Maternity Pay (SMP)</b></p> <ul style="list-style-type: none"> <li>• first 4 weeks on full pay inclusive of Maternity Allowance, if eligible;</li> <li>• next 2 weeks on 90% of a week's salary, inclusive of MA if eligible;</li> <li>• next 12 weeks, on half pay, inclusive of MA if eligible**;</li> <li>• next 21 weeks of MA <i>if eligible</i></li> <li>• 34 or 13 weeks unpaid leave (<i>depending on MA eligibility</i>)</li> </ul>	<p><b>52 weeks Statutory Maternity Leave</b>  <b>18 wks Contractual Maternity Pay (CMP)</b>  <b>May be entitled to Maternity Allowance (MA)</b>  <b>No entitlement to Statutory Maternity Pay (SMP)</b></p> <ul style="list-style-type: none"> <li>• first 4 weeks on full pay inclusive of Maternity Allowance, if eligible;</li> <li>• next 2 weeks on 90% of a week's salary, inclusive of MA if eligible;</li> <li>• next 12 weeks, on half pay, inclusive of MA if eligible**;</li> <li>• next 21 weeks of MA <i>if eligible</i></li> <li>• 34 or 13 weeks unpaid leave (<i>depending on MA eligibility</i>)</li> </ul>
<p><b>Entitlements to all provisions are subject to employees meeting the relevant and required notification requirements</b></p>		
<p>* Whichever is lower</p> <p>** Provided the employee returns to work for a minimum of three months following the period of maternity leave</p>		

### 3.7.2 For Teachers With Less Than 26 Week's Continuous Service With DSAT

<p>If you have <b>less than 26 Week's</b> continuous service with <b>DSAT</b> at the beginning of the <b>11<sup>th</sup> week</b> before your <b>expected week of childbirth (EWC)</b></p>		
<p><b>BUT</b> you have <b>at least 26 weeks</b> continuous service with your <b>DSAT</b> <b>by the end of the 15<sup>th</sup> week</b> before your <b>EWC</b></p>	<p><b>BUT</b> you have <b>less than 26 weeks</b> continuous service with <b>DSAT</b> <b>by the end of the 15<sup>th</sup> week</b> before your <b>EWC</b></p>	
<p><b>AND</b></p> <p>Your National Insurance (NI) contributions are <b>high enough</b> to meet the <b>lower earnings limit</b></p>	<p>Your National Insurance (NI) contributions are <b>NOT high enough</b> to meet the <b>lower earnings limit</b></p>	
<p><b>52 weeks Statutory Maternity Leave</b>  <b>39 wks Statutory Maternity Pay</b>  <b>No entitlement to Contractual Maternity Pay</b></p>	<p><b>52 weeks Statutory Maternity Leave</b>  <b>No entitlement to Statutory Maternity Pay (SMP)</b>  <b>No entitlement to Contractual Maternity Pay (CMP)</b>  <b>May be entitled to Maternity Allowance (MA)</b></p>	<p><b>52 weeks Statutory Maternity Leave</b>  <b>No entitlement to Statutory Maternity Pay (SMP)</b>  <b>No entitlement to Contractual Maternity Pay (CMP)</b>  <b>May be entitled to Maternity Allowance (MA)</b></p>
<ul style="list-style-type: none"> <li>first 6 weeks of absence on SMP of 90% of a week's salary;</li> <li>next 33 weeks paid at 90 % average weekly earnings or lower rate SMP*;</li> <li>13 weeks unpaid leave</li> </ul>	<ul style="list-style-type: none"> <li>52 wks unpaid leave</li> </ul>	<ul style="list-style-type: none"> <li>52 wks unpaid leave</li> </ul>
<p><b>Entitlements to all provisions are subject to employees meeting the relevant and required notification requirements</b></p> <p>* Whichever is lower</p> <p>** Provided the employee returns to work for a minimum of three months following the period of maternity leave</p>		

### 3.8 Notification Requirements

#### 3.8.1 Notification Prior to Maternity Leave

Approximately 20 weeks before your **expected date of childbirth (EDC)** you must supply your Principal with an original of your **MAT.B1 form**. This form can be obtained from your midwife or GP and you can request multiple copies from them at the time of issue.

You must notify your Principal of your intention to start maternity leave **at least 15 weeks before the expected week of childbirth (EWC)** unless you have good reason not to do so. Your HR Officer will give you a form to complete to ensure that you are providing the correct information which includes the following:-

- A statement to say that you are pregnant
- Confirmation of your **expected week of childbirth (EWC)**
- The date on which you want your maternity leave and pay to start
- A statement to say you are intending to return to work for three months following your maternity leave period, (If you are eligible and intend to take half pay whilst on maternity leave).

Your Principal will ensure that the HR Officer provides you with details of your pay and leave entitlements, as well as the date of your expected return to work, at this point.

You can start your maternity leave at any time from the 11<sup>th</sup> week before the **expected week of childbirth (EWC)**.

You can change your mind about the date on which you want your maternity leave to start but you must give your Principal at least 28 days notice of the new date unless you have good reason not to do so. Your Principal will confirm any changes to the date of your expected return to work in writing (see template letter, Appendix 1), within 28 days of your notification, and send a copy to HR Officer.

On notification of your pregnancy, your Principal should complete a [\*\*Risk Assessment for new and expectant mothers.\*\*](#)

#### 3.8.2 Notification Following the Birth

You should notify your Principal of the date of the birth as soon as you can after the event. Your Principal will then notify the HR Officer.

#### 3.8.3 Notification Prior to Returning to Work

It will be assumed that employees will take the full 52 weeks maternity leave, unless notified otherwise.

If you return to work at the end of the **additional maternity leave** period, you are not required to provide any notice; however it would be useful to do so in order that arrangements can be made for your return to work.

If you wish to change the date of your return to work, you must provide **21 days notice** of the expected date of return, or the new date of return if earlier.

If you fail to provide the required notice, your Principal can postpone your return for up to 21 days (as long as this doesn't take you past the end of your 52 week leave period) and you will not be reinstated on Payroll until you have returned to work.

Your Principal will confirm any changes to the date of your expected return to work in writing (see template letter, Appendix 1), within 28 days of your notification, and send a copy to the HR Officer.

### **3.9 Keeping-in-Touch Days and Contact whilst on Maternity, Adoption or Additional Paternity Leave**

Employees are able to 'work' for up to 10 days during their ordinary or additional maternity or adoption leave, or Additional Paternity Leave if this is agreed. These are known as keeping-in-touch or KIT days. Any KIT days taken will not extend your maternity or adoption leave period nor bring it to an end.

DSAT Academies cannot insist that these days are worked and they are not under any obligation to offer you such work; they must be mutually agreed.

For these purposes, 'work' may include training or any other activity undertaken to assist you in keeping-in-touch with the workplace, such as attending conferences, appraisals or team meetings. The provisions apply to the entire period of ordinary and additional maternity and adoption leave, or Additional Paternity Leave.

NB For those on maternity or adoption leave, the ten days can only take place two weeks following the birth or placement of your child. For those on Additional Paternity Leave, the ten days can only take place after the first two weeks of Additional Paternity Leave have been completed.

Payment can be made subject to agreement for such work. You will be paid at your contractual rate for any hours worked under the KIT days scheme. Childcare costs arising from KIT days will not be paid by the Academy or DSAT. An employee may choose to work only a few hours on each occasion, for example a three-hour training session, however this will count as a 'day' under the scheme.

No statutory maternity, additional paternity or adoption pay or Maternity Allowance will be lost if up to ten days work is undertaken. Any statutory or contractual payments for maternity, adoption or paternity purposes made during this period will be off-set against any pay due. Where payment for KIT days is agreed by your Principal, you should complete the 'Supply Claim Form' for teachers making it clear on the form that you are claiming for KIT days worked.

You are advised to consider the impact of the payment on additional pension contributions prior to agreeing to undertake any paid work on this basis.

The Academy need to ensure that you are kept informed of vacancies, any significant workplace developments and training opportunities whilst you are on maternity, adoption or paternity leave. Contact by DSAT with you whilst you are on maternity, adoption or paternity leave will not be counted as work and as such will not form part of the 10 KIT days.

### **3.10 Annual Leave and Maternity, Paternity or Adoption Leave**

You are entitled to accrue annual leave whilst on maternity, adoption or paternity leave (both in the paid and unpaid periods) in accordance with the Working Time Regulations. The current statutory entitlement is 28 days per annum.

The accrued annual leave must be taken at a time outside of your maternity, adoption or paternity leave period but will be off-set by school closures either before or after the period of leave during your leave year (which for a school is 1 September to 31 August). In the unlikely event that the statutory leave cannot be covered during school closures in that school year, any outstanding balance must be taken during term time on your return to work. If there is not sufficient time left in a

school term for all leave to be taken, the balance will be carried over to the new leave year (although once again the balance will be taken from school closure periods where possible).

Payment in lieu of annual leave will only be made where you don't return to work following maternity, adoption or paternity leave.

### **3.11 Sickness and Maternity, Paternity or Adoption Leave**

You are not entitled to receive Statutory Sick Pay (SSP) whilst in the period of entitlement to Statutory Maternity Pay, Statutory Adoption Pay, Additional Statutory Paternity Pay or Maternity Allowance.

If you are sick when you are due to return to work, you should notify the Academy in the normal way and will receive sick pay in line with your entitlements.

### **3.12 Guidance on Other Maternity Related Issues**

You should check with your Principal and HR Officer if you any of these provisions will apply to you.

- Fertility Treatment**

DSAT will consider providing reasonable time off for arrangements if you are undergoing fertility treatment. Please refer to the Leave of Absence Policy.

- Ante-natal Care for Fathers, Partners and Nominated Carers**

DSAT will grant time off for antenatal care to fathers to be, partners, or nominated carers (which is 2 x 6.5 hours unpaid leave). A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth. Examples could include time off to attend parent-craft classes or to accompany the expectant mother when undergoing a medical examination. Academies may request that evidence of appointments is produced. This will be booked by completing the Leave of Absence Request Form

- Miscarriage, Termination, Still-birth and Death of a Baby**

If your baby dies or is stillborn after 24 weeks' pregnancy the maternity scheme still applies to you. Where this occurs before 24 weeks (miscarriage) or there is a termination, your school should give you sympathetic consideration according to the circumstances and where necessary grant special leave or sick leave, as appropriate. The decision should be based on your needs and medical opinion.

- Premature Birth**

If your baby is born prematurely your maternity will start the day after the birth of your baby, your school should consider your circumstances to decide what action is required.

### **3.13 Returning to Work after Maternity, Adoption or Additional Paternity Leave**

#### **3.13.1 Returning to Work in School Holidays**

If you intend to return to work from maternity, adoption or Additional Paternity Leave for pay purposes during the school holidays, you must discuss and agree this with your Principal ensuring you comply with the relevant notification requirements, as outlined (see [section 3.8](#) for maternity, [section 4.5](#) for adoption and [section 5.4](#) for paternity). Your Principal will notify the HR Officer, who will reinstate you on payroll.

**NB notification must come from Principals/Academies – not from employees themselves.**

#### **3.13.2 Returning to Your Previous Job**

When you return to work you have the right to return to the job you left before you went on leave unless it is not practical for the Academy to do so, for example because the job has changed. If this is the case you should be offered another suitable role with the same terms and conditions where one exists.

#### **3.13.3 Flexible Working Requests**

If you have 26 weeks continuous service, you may request to work more flexibly on return to work. There is **no automatic right** for requests to be accepted, however, but your Principal must give the request serious consideration. Please refer to the [Flexible Working Procedure](#) for more information.

#### **3.13.4 Resigning from Work Prior to the Return to Work Date**

If you do not intend to return to work, you should submit a written resignation and the normal process for termination of employment and notice periods will apply. Under the provisions of the Burgundy Book, the school has the discretion to recover any half pay in these circumstances. You will not, however, need to repay any Statutory Maternity Pay (SMP) or Maternity Allowance (MA).

### **3.14 Taking Parental Leave After Maternity Leave**

If you need more time off to look after your child(ren) following maternity leave, it may be possible for you to take unpaid parental leave. Up to four weeks parental leave can be taken at the end of maternity leave without affecting the right to return. For more information, refer to the [parental leave section of this guidance](#).

If you take more than four weeks you will be able to return to the same job unless this is not reasonably practical. In this case you must be offered alternative work that is suitable to you and with terms and conditions as if you hadn't been absent.

### **3.15 Health and Safety Provisions**

If you are pregnant (and have notified your Academy) or you are a recent mother who is returning or has returned to work, you are protected by health and safety provisions over and above those provided to other employees. The additional protection applies from the time you notify your Principal of your pregnancy and ends 6 months from the date of the birth of your child or until you stop breastfeeding (whichever is the later date).

[Risk assessments](#) will be undertaken by your Principal in order to assess whether there is an increased risk to you and to take safety precautions where needed. The risk assessments must be carried out as soon as your Principal has been notified of your pregnancy and after your return to work following maternity leave. These assessments will be kept under review whilst you are working.

Rest facilities should be provided for you if you are a new or expectant mother so that you can avoid fatigue where possible. The Academy may also be able to provide suitable facilities for you to breastfeed or express milk and store it hygienically.

### 3.16 Important Dates/Checklist for Maternity

This section tells you what dates are most important to you leading up to, and following, the birth of your child.

		<b>Insert <u>YOUR</u> relevant dates below:</b>
<b>1.</b>	<b>Your baby's due date</b>	
<b>2.</b>	<b>20 weeks before the EDC</b> Approximately 20 weeks before the EDC you should have passed your MATB1 form from your midwife or GP to your Principal. You will not be entitled to maternity pay until this has been received by Human Resources.	
<b>3.</b>	<b>The 15<sup>th</sup> week before the EWC</b> This is latest date that you can inform your employer of your pregnancy.	
<b>4.</b>	<b>The 11<sup>th</sup> week before the EWC</b> This date is used to calculate your entitlement to contractual maternity pay. <b>4.</b> You must still be pregnant or have had your baby by this date to qualify for maternity entitlements. You can start your maternity leave from this week as long as you have given at least 28 days notice.	
<b>5.</b>	<b>The 4<sup>th</sup> week before the EWC</b> If you are sick for a pregnancy relate reason after this date you maternity leave and pay will automatically begin.	
<b>6.</b>	<b>Actual birth date</b> Please inform your Principal of this date as soon as you can. <b>6.</b> It will be assumed that you will take the full 52 weeks maternity leave, unless you have confirmed a different date of return. If you change the date of return you need to give at least 21 days' notice.	
<b>7.</b>	<b>2 weeks from actual birth date</b> You are not able to work during these 2 weeks compulsory maternity leave	
<b>8.</b>	<b>26 weeks after you started your maternity leave</b> This is the end of the ordinary maternity leave (OML) period. If you are not taking any additional maternity leave and you plan to return to work at the end of the OML period, you need to have given 21 days notice prior to the date of return.	
<b>9.</b>	<b>52 weeks after you started your maternity leave</b> This is the end of the additional maternity leave (AML) period and you will be due back to work on the following day at the latest unless you are sick, on school holidays, taking parental leave or you have decided to resign. Don't forget that you don't need to give notice to return on this date but it is helpful if you do.	

## 4. Adoption leave and pay

### 4.1 Eligibility for Adoption Leave and Pay

To be eligible you must:

- be the child's adopter
- have notified the adoption agency that you agree that the child should be placed with you and the date of the placement.

Both adoption leave and pay will cease at the end of the week in which either:

- the child reaches 18
- the adopter dies
- the adopter is given a custodial sentence.

If you are in a couple, you must decide who will take the adoption leave. The partner not taking adoption leave will be entitled to paternity leave/pay ([see Section 5](#)). There is an entitlement to only one period of adoption leave regardless of the number of children being placed at any one time during a placement.

You won't normally be able to get statutory adoption leave or pay if you are becoming a special guardian, adopting a stepchild or having a child through surrogacy or a private adoption agreement. A child is defined as a person under 18 years of age.

### 4.2 Starting Adoption Leave

If you have 26 weeks' continuous service with DSAT or if Applicable One or More Local Authorities at the time of the **matching week (MW)**<sup>8</sup>, you will be entitled to 26 weeks' ordinary adoption leave (OAL) and 26 weeks' additional adoption leave (AAL) making a total of 52 weeks. Additional adoption leave must be taken immediately following the period of adoption leave and will be unpaid on the expiry of any statutory adoption pay applicable.

Adoption leave is not available where a child is already known to the adopters, as in step-family adopters, or adoption by existing foster carers. A child is defined as a person under 18 years of age.

Adoption leave can commence either on (but not after) the date the child is placed with you or another pre-determined date, no more than 14 days before the date the child is expected to be placed with you. Leave can start on any day of the week.

If you have commenced your adoption leave and then notified that the child will not be placed or after the child is placed, the child dies or is returned to the adoption agency, you will not be entitled to the full adoption period. In these circumstances adoption leave will end 8 weeks after the end of the week in which the disruption occurred.

### 4.3 Adoption Pay

#### 4.3.1 Statutory Adoption Pay

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<sup>8</sup> **Matching week** = the week that the adoption agency informs the employee that they have been matched with a child.

You are entitled to Statutory Adoption Pay if you:

- have 26 weeks' continuous service with DSAT by the matching week

**AND**

- your average earnings are at least as much as the lower earnings limit for National Insurance (NI) contributions at the end of your qualifying week (although you don't necessarily have to pay NI).

The Statutory Adoption Pay period is 39 weeks at the same rate as Statutory Maternity Pay, which is a rate set by the Government reviewed in April each year, or 90% of your average weekly earnings if this is less.

At no time will you be able to earn more than your normal full pay whilst in receipt of statutory and/or contractual adoption pay.

#### **4.3.1.1 Entitlement to Statutory Adoption Pay When Leaving Employment Voluntarily or Coming to the End of a Fixed Term Contract**

Please refer to [section 3.6.1.1](#).

#### **4.3.2 Contractual Adoption Pay**

If you have at least 52 week's continuous service at the **matching week**<sup>9</sup> you are entitled to the **contractual adoption pay** entitlement as for maternity pay specified in the Burgundy Book (August 2000 edition)<sup>10</sup>, as set out in [section 3.6.2](#) and the Adoption Ready Reckoner in [section 4.4](#).

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<sup>9</sup> **Matching week** = the week that the adoption agency informs the employee that they have been matched with a child.

<sup>10</sup> This entitlement goes beyond adoption pay entitlement provided by statute. The agreement to match adoption pay entitlement to maternity pay entitlement as provided in the Burgundy Book (2000) for teachers was agreed by the Schools HR Review Group in June 2007.

#### 4.4 Adoption Pay and Leave Eligibility Ready Reckoner

##### 4.4.1 For Teachers With At Least 26 Week's Continuous Service with DSAT

<p>If you have <b>at least 26 Week's continuous service with DSAT</b> at the beginning of the <b>matching week (MW)</b> (NB the week that the adoption agency informs the employee that they have been matched with a child)</p>	
<p><b>AND you have at least 26 weeks continuous service with DSAT by the end of the matching week (MW)</b></p> <p><b>AND</b></p>	<p><b>BUT you have less than 26 weeks continuous service with your DSAT by the end of the matching week (MW)</b></p>
<p>Your National Insurance (NI) contributions <b>are high enough to meet the lower earnings limit</b></p> <p><b>52 weeks Statutory Adoption Leave</b>  <b>39 wks Statutory Adoption Pay (SAP)</b>  <b>18 wks Contractual Adoption Pay (CAP)</b></p> <ul style="list-style-type: none"> <li>• first 4 weeks on full pay inclusive of SAP;</li> <li>• next 2 weeks on 90% of a week's salary, inclusive of SAP;</li> <li>• next 12 weeks, on half pay plus lower rate SAP**;</li> <li>• next 21 weeks, paid at 90 % average weekly earnings or lower rate SAP*</li> <li>• 13 weeks unpaid leave</li> </ul>	<p>Your National Insurance (NI) contributions <b>are NOT high enough to meet the lower earnings limit</b></p> <p><b>52 weeks Statutory Adoption Leave</b>  <b>6 wks Contractual Maternity Pay (CAP)</b>  <b>No entitlement to Statutory Adoption Pay (SAP)</b>  <b>May be entitled to other allowances (contact job centre for advice)</b></p> <ul style="list-style-type: none"> <li>• first 4 weeks on full pay</li> <li>• next 2 weeks CAP on 90% of a week's salary</li> <li>• next 12 weeks on half pay**</li> <li>• remaining 8 weeks of Ordinary Adoption Leave (OAL) will be unpaid</li> <li>• 26 weeks unpaid Additional Adoption Leave (AAL)</li> </ul>
<p><b>Entitlements to all provisions are subject to employees meeting the relevant and required notification requirements</b></p>	
<p>* Whichever is lower</p> <p>** Provided the employee returns to work for a minimum of three months following the period of maternity leave</p>	

#### 4.4.2 For Teachers With Less Than 26 Week's Continuous Service with DSAT

<p>If you have <b>less than 26 Week's</b> continuous service with <b>DSAT</b> at the beginning of the <b>matching week (MW)</b> (NB the week that the adoption agency informs the employee that they have been matched with a child)</p>		
<p><b>BUT</b> you have <b>at least 26 weeks</b> continuous service with <b>DSAT by the end of the matching week (MW)</b></p>	<p><b>AND</b></p>	<p><b>BUT</b> you have <b>less than 26 weeks</b> continuous service <b>DSAT by the end of the matching week (MW)</b></p>
<p>Your National Insurance (NI) contributions <b>are high enough</b> to meet the <b>lower earnings limit</b></p>		
<p><b>52 weeks Statutory Adoption Leave</b>  <b>39 wks Statutory Adoption Pay (SAP)</b>  <b>No entitlement to Contractual Adoption Pay (CAP)</b></p>	<p><b>Your National Insurance (NI) contributions are NOT high enough</b> to meet the <b>lower earnings limit</b></p> <p><b>52 weeks Statutory Adoption Leave</b>  <b>No entitlement to Statutory Adoption Pay (SAP)</b>  <b>No entitlement to Contractual Adoption Pay (CAP)</b>  <b>May be entitled to other allowances and you should contact your job centre for advice</b></p>	<p><b>No entitlement to Statutory Adoption Leave</b>  <b>No entitlement to Statutory Maternity Pay (SAP)</b>  <b>No entitlement to Contractual Maternity Pay (CAP)</b>  <b>May be entitled to other allowances and you should contact your job centre for advice</b></p>
<ul style="list-style-type: none"> <li>• 33 weeks paid at 90 % average weekly earnings or lower rate SAP*;</li> <li>• 13 wks unpaid leave</li> </ul>	<ul style="list-style-type: none"> <li>• 52 wks unpaid leave</li> </ul>	
<p><b>Entitlements to all provisions are subject to employees meeting the relevant and required notification requirements</b></p>		
<p>* Whichever is lower  ** Provided the employee returns to work for a minimum of three months following the period of maternity leave</p>		

## 4.5 Notification Requirements

### 4.5.1 Notification Prior to Commencing Adoption Leave

As soon as you are notified of a match you should confirm to the adoption agency that you agree to take the child and the date of the placement, providing a copy of this letter to the Principal who will forward it to the HR Officer.

No more than 7 days after being matched you must notify the Academy of:

- the date the child is expected to be placed for adoption
- the date you wish to commence your period of adoption leave
- whether you wish to take additional adoption leave as well.

You should also provide a copy of the matching certificate.

Your Principal will ensure that the HR Officer provides you with details of your pay and leave entitlements, as well as the date of your expected return to work, at this point.

If you subsequently wish to commence adoption leave on a different date you must give your Principal **at least 28 days notice** of the new date unless you have good reason not to do so. Your Principal will confirm any changes to the date of your expected return to work in writing (see template letter, Appendix 1), within 28 days of your notification, and send a copy to HR Officer.

### 4.5.2 Notification of Adoption Placement

You should confirm to your Principal that the placement has taken place and they will notify the HR.

### 4.5.3 Notification of Return to Work

The notification arrangements in order to exercise your right to return to work are the same for both the statutory and contractual schemes. This information is the same as for mothers returning to work from maternity leave, please see [section 3.8.3](#) and [section 3.13](#).

If the period of adoption leave is cut short due to the disruption of the placement, you are required to give 56 days notice prior to your early return in writing. You will continue to receive Statutory Adoption Pay, where eligible, for the duration of this notice period.

### 4.5.4 Reasonable Contact and Working During Adoption Leave

Please refer to [section 3.9](#) of this guidance.

#### 4.6 Important Dates/Checklist for Adoption

This section tells you what dates are most important to you leading up to, and following, the adoption of your child.

		Insert <u>YOUR</u> relevant dates below:
1.	<b>Matching Week</b> Week in which adoption agency supplies notification that you have been matched with a child. You must inform the Principal and DSAT the EDP date that your adoption leave will commence.	
2.	<b>Expected Date of Placement (EDP)</b> Week your child is expected to be placed with you	
3.	<b>7 Days after Matching Week (MW)</b> Inform your Principal by this date of your intention to take AL, the EDP, the date you want to start leave and whether you will be taking additional leave (AAL)	
4.	<b>14 Days before Expected Date of Placement (EDP)</b> The earliest date you can start your AL	
5.	<b>Actual Date of Placement</b> The latest date you can start your AL	
6.	<b>26 weeks after you started your Adoption Leave</b> This is the end of the Ordinary Adoption Leave (OAL) period. If you are not taking any additional adoption leave and you plan to return to work at the end of the OAL period, you need to have given 21 days notice prior to the date of return.	
7.	<b>52 weeks after you started your Adoption Leave</b> This is the end of the Additional Adoption Leave (AAL) period and you will be due back to work on the following day at the latest unless you are sick, on school holidays, taking parental leave or you have decided to resign. Don't forget that you don't need to give notice to return on this date but it is helpful if you do.	

## 5. Paternity Leave and Pay

Your rights to paternity pay and leave are determined by legislation and your conditions of service.

Depending on eligibility criteria, you may be entitled to one or more of the following:

- Up to two weeks' Ordinary Paternity Leave (OPL)
- Statutory Paternity Pay (SPP) during OPL

In addition to **Additional Paternity Leave Regulations 2010** you may also be entitled to:

- Up to 26 weeks Additional Paternity Leave (APL)
- Additional Statutory Paternity Pay (ASPP) during APL

You have the right to return to work following both ordinary and Additional Paternity Leave, if you wish.

### 5.1 Ordinary Paternity Leave and Pay

You are entitled up to two continuous weeks' Ordinary Paternity Leave (OPL), following the birth or placement of your child, as long as you:

- Are the father of the child, or married to or the partner of the child's mother or are married to or the parent of the child's adopter,

AND

- Expect to have responsibility for bringing up the child

AND

- Have 26 weeks' continuous service with DSAT by the start of the **Qualifying Week (QW)**<sup>11</sup> or by the end of the **Matching Week (MW)**<sup>12</sup>; and continue to remain working with employer until the date of birth or placement.

Subject to the notification requirements you can choose to commence your leave:

- On the date the child is born or placed with you
- Within 56 days of the child's birth or placement

The entitlement is to only one period of leave/pay regardless of how many children are born or adopted. Paternity Leave is to be taken in either a block of one or two weeks only.

#### 5.1.1 Pay During Ordinary Paternity Leave

Under the provisions for paid/unpaid leave for teaching staff, teaching staff are entitled to up to 2 days leave of absence with full pay, for the birth of a child. Ordinary Statutory Paternity Pay (OSPP) or 90% of your average weekly earning (whichever is the lower) will apply for the remained for the Ordinary Paternity Leave taken.

If you choose to commence your leave on the day that the baby is born and you are at work on that day, your entitlement to pay will commence on the following day.

<sup>11</sup> **Qualifying week** = the 15<sup>th</sup> week before the expected week of childbirth (EWC)

<sup>12</sup> **Matching week** = the week the adoption agency informs the employee they have been matched with a child.

OSPP is a rate set by Government which is reviewed every April. To find out the current rate, please refer to the [HMRC website](#).

### **5.1.2 Claiming Ordinary Paternity Leave and Pay**

You will be required to complete [HMRC Form SC3](#) available on the DSAT resources page. The completed form must be forwarded to the HR Officer ensure that you receive the appropriate pay during your leave.

You must inform the Principal of your leave plans within the statutory timeframes to ensure you do not lose your entitlements. See [section 5.4](#) on Notification Requirements.

## 5.2 Entitlement to Ordinary Paternity Leave and Pay Ready Reckoner

<b>Ordinary Paternity Leave and Pay Ready-Reckoner</b>		
If you have <b>at least 26 weeks</b> continuous service with DSAT <b>by the end of the Qualifying Week or end of the Matching Week</b>		If you have <b>less than 26 weeks</b> continuous service with DSAT <b>by the end of the Qualifying Week or Matching Week</b>
<b>AND</b>		
Your National Insurance (NI) contributions <b>are high enough</b> to meet the <b>lower earnings limit</b>	Your National Insurance (NI) contributions <b>are NOT high enough</b> to meet the <b>lower earnings limit</b>	
<b>1 or 2 weeks Statutory Ordinary Paternity Leave</b> <b>2 days full pay on the birth/adoption</b> <b>Remainder of the OPL at 90% average weekly earnings or Statutory Paternity Pay*</b>	<b>1 or 2 weeks Statutory Ordinary Paternity Leave</b> <b>No entitlement to Statutory Paternity Pay (SPP)</b>	<b>1 week Contractual Ordinary Paternity Leave at full pay</b> <b>No entitlement to Statutory Ordinary Paternity Leave</b> <b>No entitlement to Statutory Ordinary Paternity Pay</b> <b>No entitlement to Additional Paternity Leave</b> <b>No entitlement to Additional Statutory Paternity Pay</b>
<ul style="list-style-type: none"> <li>• two days on full pay</li> <li>• remainder of the OPL on 90% average weekly earnings or Statutory Paternity Pay*</li> </ul>	<ul style="list-style-type: none"> <li>• first week on full pay</li> <li>• second week on 90% average weekly earnings or Statutory Paternity Pay*</li> </ul>	<ul style="list-style-type: none"> <li>• one week on full pay</li> </ul>
<b>Entitlements to all provisions are subject to employees meeting the relevant and required notification requirements</b>		
<small>* Whichever is lower</small> <small>** Provided the employee returns to work for a minimum of three months following the period of maternity leave</small> <small>*** Duration dependent on amount of remaining leave/pay mother/primary adopter is entitled to, which has not been taken</small>		

### **5.3 Additional Paternity Leave and Pay**

Additional Paternity Leave (APL) enables your partner to transfer a period of their maternity or adoption leave to you, should you and your partner wish to do so. The purpose of the leave must be to care for the child.

In order to be entitled to APL you must:

- Be eligible for statutory Ordinary Paternity Leave (OPL) as outlined in the criteria for statutory Ordinary Paternity Leave
- Still be in the same employment until the week before commencing APL

In addition, the mother of the child (or in the case of adoption, the primary adopter) must:

- Be entitled to one or more of maternity leave, Statutory Maternity Pay (SMP), or Maternity Allowance (MA) or be entitled to one or both of adoption leave or Statutory Adoption Pay (SAP)

**AND**

- Have signed a declaration (as part of [HMRC Form SC7](#) or [HMRC Form SC8](#) in respect of adoptions)

**AND**

- Have returned to work **before** using the full entitlement of their maternity or adoption leave. (A mother or primary adopter has returned to work when his or her maternity or adoption leave period and pay has ended.) Any additional leave, such as annual leave, taken directly after the maternity or adoption leave must also have been completed before Additional Paternity Leave and pay can commence.

NB if the mother or primary adopter has paid sick or annual leave at the end of the maternity or adoption leave period, this does not count as a return to work.

#### **5.3.1 Leave Provisions**

Additional Paternity Leave can be taken for a minimum of 2 consecutive weeks and a maximum of 26 consecutive weeks and can commence any time from 20 weeks after the child is born (or adopted).

#### **5.3.2 Additional Paternity Leave – Special Circumstances**

In the event of the death of the mother or primary adopter, Additional Paternity Leave (APL) can be taken early. Please contact your HR Officer for advice.

#### **5.3.4 Pay During Additional Paternity Leave**

You are entitled to Additional Statutory Paternity Pay (ASPP) if:

- You are eligible for APL

**AND**

- The child's mother was entitled to Statutory Maternity Pay (SMP) or Maternity Allowance (MA) or the child's adopter was entitled to Statutory Adoption Pay (SAP)

**AND**

- The child's mother (or adopter) has returned to work during his or her period of Statutory Maternity Pay

**In addition**, to be entitled to ASPP:

- Your average earnings must be above the lower earnings limit for National Insurance purposes for the 8 weeks before the relevant week.

If you are eligible to receive pay during Additional Paternity Leave (APL), this will be at the current weekly rate of ASPP or 90% of your average weekly earnings<sup>13</sup>, whichever is the lower.

Additional Statutory Paternity Pay (ASPP) is a rate set by the Government which is reviewed every April. To find out what the current rate is please see the [HMRC website](#).

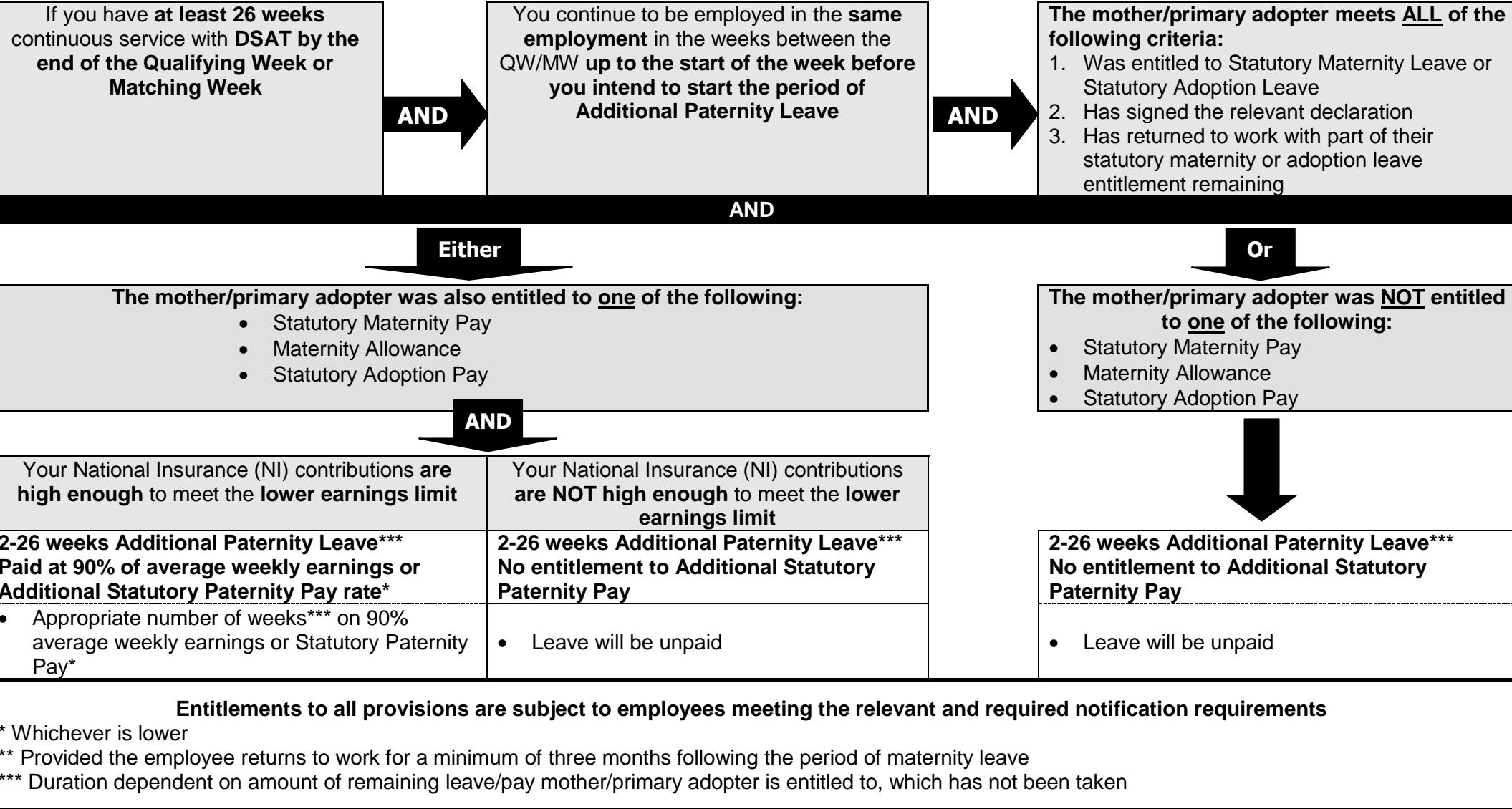
ASPP is **only** payable for any period of **Additional Paternity Leave** which is taken during the time that the mother or primary adopter would still have been eligible to receive Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP) had they remained on maternity/adoption leave. Should you take all or part of your Additional Paternity Leave (APL) during the time that the mother or primary adopter would no longer be receiving any statutory pay, then this period of Additional Paternity Leave will be unpaid.

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<sup>13</sup> **Average weekly earnings** = the average of payments made over the eight weeks prior to the end of the qualifying week.

## 5.4 Entitlement to Additional Paternity Leave and Pay Ready Reckoner

### Additional Paternity Leave and Pay Ready-Reckoner



## 5.5 Notification Requirements

**Please remember that you must comply with the requirements set out below to be entitled to paternity leave and pay.**

### 5.5.1 Before Ordinary Paternity Leave

Before the **end of the 15<sup>th</sup> week** before the expected week of childbirth (EWC) you must notify the Principal in writing of:

- The EWC
- The length of leave you wish to take
- The date on which you wish your leave to begin

This information can be submitted on [\*\*HMRC Form SC3\*\*](#) once you have the actual date of birth of placement of the child. The form should be submitted to HR Officer.

In the case of adoption, you must provide the following information you must provide the following information **no more than 7 days after** you have been notified of being matched with a child:

- The date you were notified of being matched with a child
- The date the child is expected to be placed
- The length of leave you wish to take
- The date on which you wish to commence your leave

In both cases you should also confirm:

- That you are taking leave to care for the child or support the child's mother/adopter
- Your relationship to the child
- That you expect to have responsibility for bringing up the child, if this is applicable

Your Principal will ensure that the HR Officer is provided with the information.

If you subsequently change your mind about the date you want your leave to commence you must give your Principal at least 28 days notice of the new date unless you have good reason not to do so. Your Principal will confirm any changes to the date of your expected return to work to the HR Officer.

### 5.5.2 When Your Child is Born or Placed

You should notify the Principal in writing of the date of birth or placement.

### 5.5.3 Before Additional Paternity Leave

At least 8 weeks before your chosen date of commencement of Additional Paternity Leave (APL) you must notify the Principal in writing of:

- Your intention to take APL
- The date the child was expected to be born and the actual date of childbirth, or in the case of adoption, the date on which you were notified of having been matched with the child and the actual date of placement for adoption
- The intended start date of APL
- The intended end date of APL

In addition, with the same timings, the mother or primary adopter must make a written and signed declaration to the school stating:

- His or her name, address and National Insurance number
- The date he or she intends to return to work
- That you satisfy the relationship eligibility conditions
- That he or she consents to the Academy and DSAT processing the information contained in the declaration

The information can be completed by parties on [HMRC Form SC7](#) or [HMRC Form SC8](#) in respect of adoptions. Your Principal will ensure that the HR Officer will provide you with details of your pay and leave entitlements, as well as the date of your expected return to work, at this point.

If you subsequently change your mind about the date you want your leave to commence or decide to cancel your leave, you must give your Principal at least **six weeks notice** prior to the commencement of your leave, or of the new date – whichever is earlier. Your Principal will confirm any changes to the date of your expected return to work in writing (see template letter, Appendix 2), within 28 days of your notification, and send a copy to HR Officer.

#### **5.5.4 Returning From Ordinary or Additional Paternity Leave**

You are not expected to take any action if you return on your expected date.

If you wish to return earlier then you must let the Principal know as soon as possible, who should inform the HR Officer.

In the event that you are unable to return on your expected date, for whatever reason, you must contact your manager immediately.

#### **5.5.5 Reasonable Contact and Working During Additional Paternity Leave**

Please refer to [section 3.9](#) of this guidance.

## 5.5 Important Dates/Checklist for Paternity Leave (for Births)

This section tells you what dates are most important to you leading up to, and following, the birth of your child.

		Insert YOUR relevant dates below:
1.	<b>Your baby's due date</b>	
2.	<b>The 15<sup>th</sup> week before the Expected Week of Childbirth (EWC)</b> This is latest date that you can inform your Principal of your partner's pregnancy. You should notify your manager of the EWC, the length of Ordinary Paternity Leave you wish to take and your expected start date for the leave.	
3.	<b>Actual date of childbirth</b> Please inform your Principal of this date as soon as you can. You should now complete the <b>HRMC Form SC3</b> to confirm the actual birth, the length of Ordinary Paternity Leave (OPL) you will be taking and the start date for the leave. Your period of OPL must have been taken within one year of the birth.	
<b>If your child was <u>due</u> to be born on or after 3 April 2011, you may also be entitled to a period of Additional Paternity Leave (APL).</b>		
4.	<b>12 weeks from actual date of birth</b> If you intend to commence your period of Additional Paternity Leave at the earliest opportunity, this is the date that you will need to notify your Principal by in order to comply with the required eight weeks notice.	
5.	<b>20 weeks from actual date of birth</b> This is the earliest date that you can commence your Additional Paternity Leave (APL), <u>provided</u> that your partner has returned to work before using their full maternity or adoption pay and/or leave entitlement.	
6.	<b>Start date of Additional Paternity Leave</b> This is the date you commenced your period of Additional Paternity Leave.	
7.	<b>2 weeks after you started your Additional Paternity Leave</b> You are not able to work during the first two weeks of Additional Paternity Leave.	
8.	<b>1 year after the actual date of birth</b> This is the date that your Additional Paternity Leave must end by, if you have not already returned to work. You are due back at work on the next working day. You are not required to give notice confirming your return, but it would be helpful to do so.	

## 5.6 Important Dates/Checklist for Paternity Leave (for Adoptions)

This section tells you what dates are most important to you leading up to, and following, the adoption of your child.

Insert **YOUR**  
relevant dates  
below:

1.	<b>The Expected Date of Placement (EDP) or the Matching Week (MW)</b>	
2.	<p><b>7 days after the Matching Week</b>            This is the latest you can inform your Principal of notification of matching for adoption. You should notify your manager of the Expected Date of Placement, the length of Ordinary Paternity Leave you wish to take and your expected start date for the leave.</p>	
3.	<p><b>Actual date of placement</b>            Please inform your Principal of this date as soon as you can.            You should now complete the <b>HRMC Form SC3</b> to confirm the actual placement, the length of Ordinary Paternity Leave (OPL) you will be taking and the start date for the leave. Your period of OPL must have been taken within one year of the placement.</p>	

If your child was due to be placed on or after 3 April 2011, you may also be entitled to a period of Additional Paternity Leave (APL).

4.	<p><b>12 weeks from actual date of placement</b>            If you intend to commence your period of Additional Paternity Leave at the earliest opportunity, this is the date that you will need to notify your Principal by in order to comply with the required eight weeks notice.</p>	
5.	<p><b>20 weeks from actual date of placement</b>            This is the earliest date that you can commence your Additional Paternity Leave (APL), <u>provided</u> that your partner has returned to work before using their full maternity or adoption pay and/or leave entitlement.</p>	
6.	<p><b>Start date of Additional Paternity Leave</b>            This is the date you commenced your period of Additional Paternity Leave.</p>	
7.	<p><b>2 weeks after you started your Additional Paternity Leave</b>            You are not able to work during the first two weeks of Additional Paternity Leave.</p>	
8.	<p><b>1 year after the actual date of placement</b>            This is the date that your Additional Paternity Leave must end by, if you have not already returned to work. You are due back at work on the next working day. You are not required to give notice confirming your return, but it would be helpful to do so.</p>	

## **6. Maternity Support Leave and Pay**

### **6.1 Maternity Support Leave**

If you are not the father or partner of the child's mother or primary adopter, you may be entitled to Maternity Support Leave if you are taking time off to:

- Support the mother/primary adopter of the child
- Or to look after the child

You may be entitled for Maternity Support Leave if you are the main support for the mother /primary adopter and are their nominated carer for the child.

If the father /partner of the mother/primary adopter is taking Ordinary Paternity Leave, there is no entitlement for another individual to take Maternity Support Leave in respect of the same child.

As with Ordinary Paternity Leave, subject to the notification requirement you can choose to commence your leave:

- On the date the child is born or placed
- Within 56 days of the child's birth or placement

All employees regardless of length of service are entitled to one week's maternity support leave regardless of length of service and will receive contractual weekly pay during that week.

### **6.2 Pay During Maternity Support Leave**

If you are eligible for Maternity Support Leave, pay for this leave will be the same as for Ordinary Paternity leave, see [\*\*section 5.1.3\*\*](#) above.

### **6.3 Claiming Maternity Support Leave and Pay**

Please refer to [\*\*section 5.1.4\*\*](#) and follow the guidelines under the ordinary paternity leave arrangements.

## **7. Parental Leave**

### **7.1 Legal Framework**

The Secretary of State issued regulations under the terms of The Employment Relations Act 1999 regarding Parental Leave. The regulatory provisions came into effect on 15 December 1999.

### **7.2 Eligibility Criteria**

Parental leave can be applied for if you have completed at least one year's continuous service with DSAT or if Applicable One or More Local Authorities.

Parents of children born, or placed for adoption, after 15 December 1999 can take parental leave to care for their child.

### **7.3 Amount of Leave and when it can be taken**

A total period of 18 weeks' unpaid leave can be taken for the purpose of caring for the child and is in addition to any statutory right of maternity leave. The right of leave lasts until the child's fifth birthday or until five years have elapsed following placement, in the case of adoption. In the case of a disabled child the right of leave extends up to the child's eighteenth birthday.

### **7.4 Procedures for Taking Parental Leave**

The right to leave applies to both parents.

- The 18 weeks' parental leave applies to each child.
- You will qualify if you have one year's continuous service or more.
- In most cases leave must be taken in blocks or multiples of one week (with a maximum of 4 weeks in any one-year per child). In the case of disabled children, leave can be taken in blocks or multiples of one day.
- You need to give at least 21 days' notice of your intention to take parental leave and advise as to the start and finish dates.
- The Local Advisory Board (LAB) and Principal, should it consider that your absence would unduly disrupt the education of children, can postpone the leave for no longer than 6 months after the beginning of the period originally requested.
- Any postponement should be discussed with you and confirmed in writing by the Principal no later than 7 days after the original notification was received from you. The letter should also set out the new dates for parental leave.
- Where you have applied to take parental leave immediately after the birth or adoption of a child, the Academy cannot postpone the leave. You must still give 21 days' notice before the beginning of the expected date of childbirth or adoption. In the rare event that it is not possible to give 21 days' notice of placement, you as the adoptive parent should give the notice as soon as is reasonably practicable.
- The Academy can ask to see evidence that you are the parent of the child or have parental responsibility for the child. The Academy's request must be reasonable and it would not be considered reasonable for the Academy to check on your entitlement on every occasion leave is sought.
- DSAT require records of all parental leave taken to be kept and details to be forwarded to the HR Officer. The Academy must notify the HR Officer in the usual way of all periods of unpaid leave.
- You will have the right to go to an Employment Tribunal if the school prevents or attempts to prevent you from taking parental leave.

## 7 Useful Contacts and Links

Contact	Information Provided	Hyperlink/Contact Details
<b>Tailored Interactive Guidance on Employment rights (TIGER)</b>	<p>A government run site – Excellent general and tailored information on all family rights.</p> <p>Tools on this site will calculate your statutory entitlements for you and provide a calendar of events.</p>	<p><a href="http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/index.htm">http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/index.htm</a></p> <p><a href="http://tiger.direct.gov.uk/cgi-bin/maternity.cgi">http://tiger.direct.gov.uk/cgi-bin/maternity.cgi</a> (maternity)  <a href="http://tiger.direct.gov.uk/cgi-bin/adoptionmaternity.cgi">http://tiger.direct.gov.uk/cgi-bin/adoptionmaternity.cgi</a> (adoption)  <a href="http://tiger.direct.gov.uk/cgi-bin/adoptionpaternity.cgi">http://tiger.direct.gov.uk/cgi-bin/adoptionpaternity.cgi</a> (paternity)</p>
<b>Teachers' Pensions</b>	<p>Fact sheet on Maternity and Paternity</p> <p>Employer Guide on Absences from Teaching and pensionable employment</p>	<p><a href="http://www.teacherspensions.co.uk/resources/factsheet13.htm">http://www.teacherspensions.co.uk/resources/factsheet13.htm</a></p> <p><a href="http://www.teacherspensions.co.uk/employers/employers4.htm">http://www.teacherspensions.co.uk/employers/employers4.htm</a></p>
<b>Health &amp; Safety Executive (HSE)</b>	<p>A guide for new and expectant mothers who work.</p> <p>Includes information on risk assessments to be carried out whilst you are at work whilst pregnant and on return to work following maternity leave</p>	<a href="http://www.hse.gov.uk/pubns/indg373.pdf">http://www.hse.gov.uk/pubns/indg373.pdf</a>
<b>Department for Work &amp; Pensions (DWP)</b>	Useful guide on all aspects maternity provisions plus particular information on other benefits if not entitled to SSP.	<a href="http://www.dwp.gov.uk/advisers/ni17a/">http://www.dwp.gov.uk/advisers/ni17a/</a>