



**The Romero  
Catholic Academy**  
Nurturing the Talent of Tomorrow



## Family Friendly Policy

**Responsible for policy:**

**Review:**

**Chair of Directors**

**CC2 Strategy, People and Organisational Development  
Triennially**

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## Definitions

In this **Family Friendly Policy**, unless the context otherwise requires, the following expressions shall have the following meanings:

- I. **'The Romero Catholic Academy'** means the Company named at the beginning of this **Family Friendly Policy** and includes all sites upon which the Company is undertaking, from time to time, being carried out. The Romero Catholic Academy includes; **Corpus Christi, Good Shepherd, Sacred Heart, Blue Sky, SS Peter and Paul, St Gregory, St John Fisher, St Patrick, Cardinal Wiseman, Shared Services Term.**
- II. **'Romero Catholic Academy'** means the Company responsible for the management of the Academy and, for all purposes, means the employer of staff at the Company.
- III. **'Board'** means the board of Directors of the Romero Catholic Academy.
- IV. **'Chair'** means the Chair of the Board or the Chair of the Local Governing Body of the Academy appointed from time to time, as appropriate.
- V. **'Clerk'** means the Clerk to the Board or the Clerk to the Local Governing Body of the Academy appointed from time to time, as appropriate.
- VI. **'Chief Executive Officer or CEO'** means the person responsible for performance of all Academies and Staff within the Multi Academy Company and is accountable to the Board of Directors.
- VII. **'Nominated Person'** means the person(s) nominated within your Academy to provide/receive information/support relating to this policy.
- VIII. **'Diocesan Schools Commission'** means the education service provided by the diocese, which may also be known, or referred to, as the Birmingham Diocesan Education Service.
- IX. **'Local Governing Body'** means the governing body of the School.
- X. **'Academy Committee Representatives'** means the governors appointed and elected to the Local Academy Committee of the School, from time to time.
- XI. **'Principal'** means the substantive Principal, who is the person with overall responsibility for the day to day management of the school.
- XII. **'School'** means the school or college within The Romero Catholic Academy and includes all sites upon which the school undertaking is, from time to time, being carried out.
- XIII. **'Shared Services Team'** means the staff who work in the central team across the Company (e.g. HR/ Finance)
- XIV. **'Vice-Chair'** means the Vice-Chair of the Governing Body elected from time to time.
- XV. **'EWC'** means the expected week of childbirth is the week, beginning on the Sunday, during which the baby's birth is expected.
- XVI. **'MATB1'** means the maternity certificate, or form, which is provided to confirm a pregnancy and confirm the expected week of childbirth
- XVII. **'Qualifying week'** means the 15<sup>th</sup> week before the expected week of childbirth
- XXVIII. **'OML'** means Ordinary Maternity Leave
- XIX. **'AML'** means Additional Maternity Leave
- XX. **'SMP'** means Statutory Maternity Pay
- XXI. **'OMP'** means Occupational Maternity Pay
- XXII. **'OAL'** means Ordinary Adoption Leave
- XXIII. **'AAL'** means Additional Adoption Leave
- XXIV. **'OAP'** means Occupational Adoption Pay
- XXV. **'SAP'** means Statutory Adoption Pay
- XXVI. **'KIT'** means Keeping in Touch Days
- XXVII. **'SPP'** means Statutory Paternity Pay
- XXVIII. **'SPL'** means Statutory Paternity Leave
- XXIX. **'ShPL'** means Shared Parental Leave
- XXX. **'SPLIT'** means Shared Parental leave 'in touch' days

## Introduction

The Board of Directors at The Romero Catholic Academy, in partnership with the Local Governing Body in each school, recognises that a supportive approach in relation to employees managing work and family life is important in maintaining good employment relationships and staff retention.

As a faith community, we recognise that God calls us in our vocation. We also recognise the need in the context of this policy, to speak in terms of *“every particular family in every part of the world, wherever it is located and whatever the diversity and complexity of its culture and history. The love with which God “loved the world” (Jn 3:16), the love with which Christ loved each and every one “to the end” (Jn 13:1), makes it possible to address this message to each family...in whatever form it takes..... as a living “cell” of the great and universal “family of mankind.”*

(Pope John Paul II Letter to Families in 1994)

The Romero Catholic Academy also recognises the importance of maintaining a safe, healthy and productive work life balance for all employees and ensures that it complies with statutory obligations underpinning employees managing their work and family life.

This policy sets out The Romero Catholic Academy’s approach to a range of individual policies.

This overarching policy aims to ensure that all employees are treated fairly and consistently when undertaking a period of maternity, paternity, adoption, shared parental or parental leave and to ensure that all staff are aware of their rights and entitlements. The following procedures and associated application forms are available to employees to offer guidance and support in the implementation of this policy.

## **Maternity Leave Policy**

### **1. Policy Statement**

The Romero Catholic Academy, endeavours to ensure all women are given support and encouragement before, during, and on their return to work from maternity leave. We believe that all employees should be provided with sufficient assistance that they feel able to take as much time off to bond and care for their child.

We aim to ensure that the employee's duties are adequately covered during maternity leave and that an effective dialogue is implemented at all stages so that employees feel fully informed about their entitlements and the process to follow.

All employees taking maternity leave are covered by this policy.

### **2. Eligibility and Notification requirements**

Please notify us as soon as possible of your pregnancy to enable us to ensure that, where appropriate, any reasonable steps are taken to safeguard the safety of yourself and your unborn child and that you are not subject to any unnecessary risks at work.

To qualify for maternity leave we require that you submit to the nominated person and HR, your 'form for employee to notify request for maternity leave' by the qualifying week, or as soon as reasonably practicable after this, including the following information:

- your pregnancy
- your EWC, and
- the date you wish to start your ordinary maternity leave period, which can be any time from the 11<sup>th</sup> week before the EWC.

A copy of your MATB1 form must be submitted to your nominated person and HR at least 21 days before you wish to take maternity leave. If it is not reasonably practicable for you to have given 21 days' notice, you must provide as much notice as is reasonably practicable. You will normally be provided with a MATB1 form from your medical practitioner or certified midwife at around the 20-week stage. SMP or OMP cannot be paid until a certificate has been received.

An informal meeting will then be arranged with and the nominated person and HR to discuss your entitlements and the organisational processes involved. The meeting will include discussions on the following points:

- the amount of leave you can take and the payment arrangements
- the information that we will need from you to process your maternity leave
- time off for ante-natal appointments
- risk assessments to ensure your role does not pose a risk to your, or your baby's, health and safety
- your right to return after maternity leave to the same or a similar role
- the opportunity to request flexible working and how a request should be made.

In order to ensure good communication and a smooth transition in the time leading up to maternity leave, and during the leave itself, you will be informed of the arrangements for covering your work and also for remaining in

contact whilst you are on leave. We will also consult you on how to cover your workload during your leave and whether any temporary reporting arrangements need putting in place.

We would like to keep you fully informed of any news or developments at work during your leave and we will continue to send you school and academy news, any recruitment exercises undertaken during your absence information on social events etc via email.

### 3. Health and Safety

So that we may assess any potential risk that your role poses to your health and safety, and the health and safety of your baby, you must notify the nominated person as soon as you are aware that you are pregnant. A Health and Safety Risk Assessment will be undertaken and action taken to eliminate any risk. Where necessary, advice should be obtained from our Health and Safety provider.

This may include making adjustments to your role or, if no adjustments can be identified that will reduce or remove the risk, you may be offered a suitable alternative role for the duration of your pregnancy. In the event that alternative work cannot be found, we reserve the right to place you on suspension on full pay until you are no longer at risk. Where an employee has multiple employments there may be occasions where an employee is suspended from one job whilst continuing in another. If necessary where a risk remains, these arrangements will continue for a period of six months after the birth of your child.

Please speak with the nominated person or HR immediately if you are worried about your own health and safety at any time.

### 4. Time off for ante-natal care

You are entitled to paid time off during normal working hours to receive ante-natal care. Ante-natal care can include medical examinations, relaxation classes and parent-craft classes as advised by a medical practitioner. Time off will be provided for any time spent travelling to and from these appointments, including any waiting time.

Other than for the first appointment, you may be asked to provide an appointment card to the nominated person and HR to confirm the details of the appointment.

You will receive full pay for the time taken to attend these appointments.

### 5. Length of Maternity Leave

Subject to meeting the notification requirements set out above, you are entitled to 52 weeks' maternity leave in total, broken down as follows:

- 26 weeks' ordinary maternity leave (OML), including a 2-week period of compulsory maternity leave
- 26 weeks' additional maternity leave (AML) that starts immediately after OML.

Unless you notify us that you wish to take a shorter period, the MAC will automatically assume you are taking your full entitlement of 52 weeks, and will write to you to confirm your expected return date.

**For Teaching Staff:** *Leave will be granted up to the date unless the Romero Catholic Academy requests on behalf of the school that she returns at the beginning of the term during which the 52 week period ends. It is open to either party to request that leave should extend beyond 52 weeks to the start of the following term, the Principal and School Governing Body may exercise discretion in such a case if this will benefit the service. Where the end of the 52 weeks falls within a holiday period, the return to work will be postponed to the commencement of the following term.*

The procedure for determining the return date will normally be completed by the end of the additional maternity leave period, although the Romero Catholic Academy can accept amendments later than this in exceptional circumstances.

## **6. Commencing Maternity Leave**

You can start maternity leave at any time from the beginning of the 11<sup>th</sup> week before the EWC until the date of birth. You are required to inform of us of the date you intend to start leave by the qualifying week via the notification form, however you may change this date so long as you provide at least 28 days' notice of this change. Any application for a date change should be made in writing to the nominated person and HR and there is a form to notify us of this variation which is available from our [website](#)/or HR.

Compulsory maternity leave commences on the day after the childbirth occurs. Its purpose is to ensure that you have at least a two-week period of leave after the birth of your baby.

There are two incidences in which the maternity leave period is triggered automatically:

- Where childbirth occurs before the OML would otherwise commence. If this occurs, please notify us, in writing as soon as is reasonably practicable after the birth, of the date on which you gave birth. Your maternity leave period will begin automatically on the day following the date of the birth.
- Where you are absent from work, wholly or partly due to your pregnancy, after the beginning of the fourth week before the EWC. If this occurs, please notify us, in writing as soon as is reasonably practicable, that your absence from work is wholly or partly due to your pregnancy and the start date of this absence. In these circumstances, the MAC will require that your maternity leave period begins on the day following the first day of such absence.

Once you have notified the nominated person and HR that your OML period has been triggered due to premature absence or premature childbirth, we will confirm, in writing, the date that we expect you to return to work after the AML period has ended. This confirmation will be sent to you within 28 days of your notification.

## **7. Maternity Pay**

The MAC provides all eligible employees with occupational maternity pay (OMP) that is in addition to statutory maternity pay (SMP) or state Maternity Allowance.

You will qualify for SMP if you meet the following criteria:

- you have been continuously employed with us for at least 26 weeks' by the qualifying week (15<sup>th</sup> week before the EWC)
- your average weekly earnings are not less than the lower earnings limit relevant for national insurance purposes
- you are still pregnant at the 11<sup>th</sup> week before the EWC or have given birth by that time and
- you have complied with the relevant notification requirements.

The period for which SMP may be paid is called the maternity pay period. The maternity pay period may start at any time from the start of the 11<sup>th</sup> week before the EWC and can continue for up to 39 weeks, even if you do not intend to return to work.

Payment of SMP will be made at the rate of 90 per cent of your average earnings for the first six weeks' of leave and then up to 33 weeks' at the standard rate of SMP or 90 per cent of your average weekly earnings (whichever is lower). The rate of SMP is reviewed annually, most current rates can be found on the government website <https://www.gov.uk/maternity-pay-leave/pay>



Your normal weekly earnings are calculated based on an average of your gross earnings for national insurance during the 'relevant period'. This will include, for example, any payments relating to overtime, commission, and bonuses. The 'relevant period' is the period ending on the last normal pay day before the qualifying week and starting with the normal pay day which is at least eight weeks earlier. The exact calculation of weekly earnings will depend on whether you are paid monthly, weekly or at other intervals. Further advice on how your normal weekly earnings will be calculated can be obtained from your HR.

Where your gross earnings are increased by a pay rise, and this increase takes effect from the start of the relevant period and before the end of the AML period, this increase will result in a recalculation of your SMP. As a result of this recalculation, you may be entitled to a retrospective increase or may subsequently qualify to receive SMP.

To support employees undertaking maternity leave, the MAC offers occupational maternity pay (OMP). Further information and a final calculation of your maternity pay entitlement can be requested from HR.

OMP is operated by the MAC as follows:

To be entitled to receive OMP, employees will need a minimum service requirement of one year's continuous service at the 11<sup>th</sup> week before the expected week of childbirth.

Once the entitlement to OMP has ended, the employee will revert to SMP or maternity allowance payments for their remaining entitlement. Once this entitlement has been exhausted, any remaining weeks of maternity leave will be unpaid.

#### For Support Staff:

Stage of Maternity Leave	OMP entitlement
<i>First Six Weeks</i>	<i>9/10<sup>ths</sup> of a weeks pay (offset against payments made by way of SMP or maternity allowance)</i>
<i>For the next 12 weeks</i>	<i>Half Pay plus any SMP or Maternity Allowance</i>
<i>For the remaining 21 weeks</i>	<i>Any SMP or maternity allowance available Combined payments of half pay and SMP cannot exceed the employee's full rate of pay</i>

#### For Teachers:

Stage of Maternity Leave	OMP entitlement
<i>First Four Weeks</i>	<i>Full pay (offset against payments made by way of SMP or Maternity Allowance)</i>
<i>For weeks five and six</i>	<i>9/10ths of a week's pay (offset against payments made by way of SMP or Maternity Allowance)</i>
<i>For the next 12 weeks</i>	<i>Half pay plus SMP or Maternity Allowance payable</i>
<i>For the remaining</i>	<i>Any SMP or maternity allowance available Combined payments of half pay and SMP cannot exceed the employee's full rate of pay</i>

Once the entitlement to OMP has ended, the employee will revert to SMP or maternity allowance payments for their remaining entitlement. Once this entitlement has been exhausted, any remaining weeks of maternity leave will be unpaid.



A condition of the occupational maternity pay scheme is that the employee must return to work after her maternity leave has ended for a minimum period of 3 months.

Where an employee fails to return to work for this minimum period because the employee resigns the MAC is entitled to recover any occupational maternity pay paid to employees that is in excess of SMP or maternity allowance. This clawback will be operated at the discretion of the MAC.

### **8. Keeping in Touch (KIT) Days**

You may, by mutual agreement, work for up to 10 days during your maternity leave period (but not during the compulsory maternity leave period) without losing statutory payments for that week, or ending your entitlement to leave. Payment for KIT days will be discussed and agreed in advance of these being worked.

The employee should confirm their request in writing to their nominated person, giving them at least 3 week's notice of the day (s) they would like to work. The days can in certain circumstances be taken separately as full or half days but only if both employer and employee agree.

The work to be undertaken will be agreed by the employee's Principal/Manager, but could either be their normal work or could be training or other activities undertaken for the purpose of keeping in touch with the workplace.

The employee will be paid their contractual rate of pay for the day or half day worked. If they are in receipt of OMP or SMP this will be offset against their pay for the day or half day worked. However, if their maternity pay has ended they will receive their contractual rate of pay for the day or half day. The days worked will be claimed in hours on the additional payment form (the form must state that the days claimed are for KIT days).

### **9. Stillbirth and Miscarriage**

If you experience a miscarriage before 24 weeks of pregnancy, you will no longer be entitled to take maternity leave. It is anticipated that an employee may need some time off work in these circumstances and this will usually be taken as sick leave, during which the MAC's sickness absence policy will apply.

If you suffer a stillbirth after 24 weeks of pregnancy, your entitlement to maternity leave and pay will not be affected and you will still be able to take the time off, and receive pay, as planned. From 6 April 2020, parental bereavement leave is also available for employees who suffer a stillbirth after 24 weeks of pregnancy. You can read more information on this entitlement in our separate policy on Parental Bereavement Leave.

### **10. Annual Leave**

For Support staff, who hold a full year (52 week) contract you will continue to accrue annual leave whilst you are on maternity leave. This annual leave is in addition to your maternity leave, and as such, cannot be taken whilst you are on maternity leave, it is important for the arrangements for the taking of these holidays to be discussed with the nominated person and agreed with HR.

Whilst teachers do not have a contractual entitlement to annual leave, they will be entitled to the statutory annual leave entitlement of 28 days (5.6 weeks) under the Working Time Directive, which consists of 20 days annual leave and 8 days Bank Holidays (pro rata for part time staff).

The teacher must be able to take the 28 days statutory annual leave at a time outside of their maternity leave. The Romero Catholic Academy/School will not treat any part of the maternity leave period i.e. Ordinary and Additional, as annual leave.

Statutory annual leave will be offset by any period of school closure (i.e. school holidays) that has taken place in the leave year in question (1 September to 31 August), both before or after the maternity leave period.

On the teacher's return from maternity leave, they will be entitled to take any outstanding leave during term time during that leave year if there are insufficient school closures to accommodate the leave in that leave year. This is likely to be rare as there are approximately 65 school closure days within the school year, which can accommodate the maximum 28 days leave (56 days if carried over due to full year's maternity being taken).

The teacher must be allowed to carry over any balance of their leave to the following year if there is not enough time to take all the annual leave in the current leave year. The teacher will be required to take this during the remaining periods of school closure after the 28 days annual leave for that leave year has been accommodated. Retrospective claims in respect of untaken annual leave may only be made within 3 months of the date when the entitlement to take annual leave should have been permitted or payment made.

## **11. Terms and Conditions**

Whilst on maternity leave, you continue to be entitled to receive your normal contractual terms and conditions of employment that you would have received had you not taken this leave, other than salary (unless expressly stated otherwise in your employment contract). You may be entitled to receive payment of SMP and/or OMP pay for this period, as set out above.

This will include contractual benefits, subject to the terms of these benefits. Your contract of employment continues during maternity leave. Continuity of service will not have been broken by any period of absence under the maternity provision.

In addition, access to BHSF will continue throughout your maternity leave period based on your current eligibility. Any upgrades to your BHSF plan will continue to be deducted from your maternity pay. Please note that you can choose to cancel your BHSF plan at any point. Please contact your HR for further information.

You will not be subject to any detriment by the MAC because you took or sought to take maternity leave.

## **12. Returning to Work**

If you return to work at the end of your OML period, you are entitled to return to the same job, with the same terms and conditions, in which you were employed before your absence.

If you return to work after a period of AML, you are entitled to return to the same job in which you were employed before your absence. Where this is not reasonably practicable, you will be entitled to return to a suitable and appropriate job on terms that are no less favourable.

If you are made redundant during maternity leave, you will be offered a suitable alternative role.

Unless you state otherwise, it will be automatically assumed that you will return to work at the end of your full 52 week leave period. So that we may make effective plans for your return, we would be grateful if you would contact us shortly before your return. However, there is no obligation on you to do so unless you wish to change the date of your return, in which case you must give us eight weeks' notice.

If you qualify for shared parental leave and wish to return early from maternity leave for this purpose, you must also give us eight weeks' notice. You can find more information on this in our shared parental leave policy below.

You may be invited to attend an informal meeting with the nominated person and HR in order to discuss any arrangements regarding your return to work. This is likely to take place approximately two weeks before your return. The following points will be discussed at this meeting:

- any developments that have taken place at work
- any appropriate training to take place
- any flexible working arrangements which have been agreed.

If you decide that you do not wish to return to work after your maternity leave, you are required to give us notice of your resignation. Your notice period to resign is set out in your contract of employment. Where you choose to resign without returning to work, the MAC will require repayment of any occupational maternity pay in excess of your statutory entitlement that you have received during maternity leave.

If you are unable to return on the agreed date due to sickness, please inform the nominated person immediately. The sickness absence will be covered by the Academy's Sickness Absence procedure. Where you are sick following the date indicated for your return you are entitled to occupational sick pay (in line with your contractual entitlement). However, if you are still entitled to receive Statutory Maternity Pay your pay will incorporate both statutory maternity pay and occupational sick pay up to your entitlement.

### **13. Shared Parental Leave**

You may be entitled to take shared parental leave and you should refer to our shared parental leave policy below for further information on entitlements, eligibility and notice requirements.

### **14. Flexible Working**

We recognise that employees returning from maternity leave may wish to consider flexible working. If you would like to discuss this further, please contact the your nominated person and HR for further information.

## **Breastfeeding or Expressing Milk Policy**

### **1. Policy Statement**

The purpose of this policy is to set out The Romero Catholic Academy's stance on the support given to new mothers who return to work after maternity leave whilst continuing to breastfeed or express milk.

### **2. Health and Safety**

The Company takes its obligations under health and safety legislation seriously and views the welfare of its employees as a priority. An element of this is to carry out risk assessments where it is deemed that an employee's role may pose a risk to their welfare. Risk assessments will always be carried out in respect of employees who have returned from maternity leave and are breastfeeding/expressing milk.

Risks identified must be addressed. The Company will seek ways to eliminate the risk fully or alternatively a reduction in the risk where this is acceptable. Adjustments will be made to the employee's role in order to eliminate or reduce the risk for the period that the employee continues to breastfeed/express milk.

If no adjustments can be made which have the desired effect, the Company will seek suitable alternative work to be offered to the employee on a temporary basis until the risks are removed or breastfeeding/expressing milk ends. Maternity suspension on full pay will be the last resort should no alternative work be available.

The risk assessment will focus on all relevant areas including physical, biological and chemical agents and any operational methods adopted by the Company.

### **3. Maternity Suspension**

Maternity suspension is not in any way a disciplinary action but is a protective measure for both the employee and the company. Employees will remain on full pay for the suspension period. In addition, all of the employee's normal terms and conditions will continue to apply for the duration of the suspension.

### **4. Provision for expressing milk at work**

Employees who are breastfeeding/expressing milk at work should, wherever possible, do this during their contractual rest breaks (e.g. lunchtime). If this is not possible a time should be agreed between the employee and the line manager.

Private facilities for breastfeeding/expressing milk will be provided. If milk is to be kept in a communal fridge, it must have a clearly visible label.

## Fertility Treatment Leave Policy

### 1. Policy Statement

The MAC appreciates that it may be necessary for employees to take time off from work to undergo fertility treatment. This policy details the support the MAC will offer in respect of entitlements and procedures for such employees.

This policy applies to employees of the MAC including part-time and fixed-term employees. It does not apply to self-employed/ independent contractors or freelancers.

### 2. Responsibilities and Entitlements

#### MAC's responsibilities

When considering requests for time off for fertility treatment, the MAC will take into consideration both legal entitlements and the effect the absence will have on its operational needs. We may also require production of evidence from the employee which supports the use of this leave.

If an employee is believed to have abused or misused the policy, the MAC may take disciplinary action.

#### Your responsibilities

If you make a request for time off for IVF treatment you should ensure that you adhere to the procedures set out in this policy.

All leave must be authorised in advance by the MAC. In order to obtain that authorisation, you should inform the nominated person and HR of your requirements to take leave as soon as possible.

#### Your entitlement

There is no statutory right for employees to take time off for fertility treatment. However, the MAC will allow up to 5 days' paid leave in respect of three treatment episodes. A treatment episode may be considered to be the period immediately following harvesting.

This entitlement does not apply to staff whose partners are undergoing IVF treatment.

Any request for further leave will be fully considered and granted at management discretion.

### 3. Procedure

#### How to request IVF leave

You should speak with the nominated person and HR about gaining authorisation for time off. Upon receiving a request using the absence of leave request form, the nominated person and HR will meet you to discuss your request and what amount of time off you expect to need. Your manager will discuss with you the impact your absence will have on the business operation, and you are encouraged to put forward any ideas you have that will help to minimise possible disruption your absence could cause.

Your manager will consider if you have made any previous requests for time off for IVF treatment.

You may be required to provide supporting documentation e.g. an appointment letter.

You will receive the manager's decision in writing without unreasonable delay.

#### What to do if further time off is needed

You should contact your manager immediately if you expect you will need further time off than originally agreed. Any extra time off may be unpaid.

## **Paternity Leave Policy**

### **1. Policy Statement**

The Romero Catholic Academy endeavours to provide help and assistance to employees who wish to use their right to take paternity leave. This policy outlines paternity leave entitlements and how employees should arrange this period of leave.

All employees taking paternity leave are covered by this policy, including those on part-time contracts.

### **2. Eligibility and Notification Requirements**

You will meet the eligibility criteria for paternity leave if you:

- are the child's father, the mother's husband or partner (whether of the same or different sex) or one partner in a couple who are both entitled to apply for, and propose to apply for, a parental order for the child
- have been employed and performed work for your employer for a minimum period of 26 weeks by the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC)
- will be or expect to be responsible for the child's upbringing, where you are the father, or expect to be mainly responsible for the child's upbringing where you are the mother's husband or partner but not the father of the child
- have given the required notice of your intention to take leave
- have not previously taken shared parental leave for the same child.

You will be eligible for paternity leave and pay on the adoption of a child if you:

- will be or expect to be mainly responsible for the child's upbringing
- are married to the child's adopter or the partner of the child's adopter (whether of the same or different sex)
- have been employed and performed work for your employer for a minimum period of 26 weeks by the end of the week the matching notification is given to the child's adopter
- have given the required notice of your intention to take leave and, where requested, have provided evidence
- have not previously taken shared parental leave for the same child.

#### **Notification requirements following the birth of a child;**

Unless not reasonably practicable, your intention to utilise a period of paternity leave must be notified to the MAC during or before the 15th week before the EWC. The nominated person and HR must receive your 'form for employee to notify request for paternity leave' detailing:

- the anticipated week of birth
- whether you intend to use one or two weeks' leave
- the date you wish the leave to begin.

As soon as reasonably practicable after birth, you must notify us of the actual date of birth in writing.

A signed declaration stating you intend to utilise a period of paternity leave to care for a child or provide support to the mother of the child and that you meet the eligibility criteria for the leave may be requested. This request should be made in writing using the Paternity Leave Notification Form to the nominated person and HR.

If you wish to change the date of your paternity leave after giving notice, you must provide an additional written notice requesting a variation to the leave. This notice must be provided at least 28 days in advance of the new start date of the leave period.

### **Notification requirements following the adoption of a child;**

Unless not reasonably practicable, your intention to utilise a period of paternity leave must be notified to the MAC within seven days of the date the matching notification is given to the child's adopter using the Paternity Leave Notification. Where this is not reasonable practicable, the notification must be provided to the MAC as soon as possible. The nominated person and HR must be informed, in writing, of:

- the date the matching notification was given to the child's adopter
- the expected date of placement
- whether you intend to use one or two weeks' leave
- the date you wish the leave to begin.

### **3. Time off for Ante-Natal Appointments**

Qualifying employees have a statutory right to take unpaid time off to accompany a pregnant woman at up to two ante-natal appointments. No request for time off will be unreasonably refused, but employees should try to submit any requests for time off as soon as the details of the appointment are available.

### **4. Length of Paternity Leave**

Paternity Leave lasts for a fixed period of one week or two consecutive weeks. You may not take individual days or separate weeks as paternity leave.

### **5. Commencement of Paternity Leave**

Leave can be chosen to start:

- from the birth date or date of adoption (whether this date is sooner or later than anticipated) or on a specific day after the birth date or date of adoption (whether this day is sooner or later than anticipated) or
- from a specific date that is after the first day of the EWC (in birth cases and not adoption) or
- on a specific date, arranged in advance, that is after the expected placement date (in adoption cases) or
- at any time within the first 52 weeks after the child's birth or adoption, extending the previous 56-day window

If the child is born earlier than expected before the EWC, paternity leave must be taken:

- within a period of 56 days from that date or
- within a period of 56 days from the child's actual birth date.

If the same pregnancy results in more than one child being born, or more than one child is adopted in the same arrangement, the entitlement to paternity leave does not increase and only one period of leave can be taken.

### **6. Shared Parental Leave**



Following paternity leave, you may be entitled to take further periods of leave under the shared parental leave scheme. Full details on shared parental leave, including how to apply, are included in the policy below.

Once a period of shared parental leave has been taken in respect of a child, paternity leave cannot be taken for the same child.

## **7. Paternity Pay**

Provided you have been employed and performed work for your employer for a minimum period of 26 weeks by the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC) you will be entitled to receive up to two weeks contractual paternity pay, which will be paid at full pay. You can take statutory paternity leave in two separate one-week blocks, rather than requiring two consecutive weeks

## **8. Still Birth or Miscarriage**

If you experience a miscarriage before 24 weeks of pregnancy, you will no longer be entitled to take paternity leave. It is anticipated that an employee may need some time off work in these circumstances and this will usually be taken as sick leave, during which the MAC's sickness absence policy will apply.

If you suffer a stillbirth after 24 weeks of pregnancy, your entitlement to paternity leave and pay will not be affected if you were otherwise eligible to take it and you will still be able to take the time off, and receive pay, as planned. From 6 April 2020, parental bereavement leave is also available for employees who suffer a stillbirth after 24 weeks of pregnancy. You can read more information on this entitlement in our separate policy on Parental Bereavement Leave.

## **9. Annual Leave**

You will continue to accrue annual leave whilst you are on paternity leave.

## **10. Terms and Conditions**

Whilst on paternity leave, you continue to be entitled to receive your normal contractual terms and conditions of employment that you would have received had you not taken this leave, other than salary (unless expressly stated otherwise in your employment contract). You may be entitled to receive payment of statutory paternity pay for this period, as set out above.

Your contract of employment continues during paternity leave. As such, any contractual obligations continue to apply during your leave, and you remain bound by these. Continuity of service will not have been broken by any period of absence under the maternity provision

In addition, access to Health Care Plan will continue throughout your maternity leave period based on your current eligibility. Any upgrades to your Health Care Plan will continue to be deducted from your paternity pay.. Please contact your HR for further information.

You will not be subject to any detriment by the MAC because you took or sought to take maternity leave.

## **11. Returning to Work**

Following two weeks' paternity leave, you have the right to come back to the same job role. The act of requesting or taking paternity leave will not cause you to suffer any disadvantage in the workplace.

If you wish to change your working hours following paternity leave, the MAC will consider each request on its individual facts in line with the MAC's flexible working policy. A copy of this policy is available from your HR. The nominated person will fully consider your request and aim, wherever possible, to accommodate the change. The business needs will be assessed as part of this consideration and requests may be turned down where this is a business reason to do so. Requests should be submitted as far in advance as possible to allow the full consideration process to take place as early as possible.

You should discuss with the nominated person, as early as possible, where you are planning on not returning to work. Resignation should be notified to the nominated person, in writing, as set out in your employment contract. Following notification of your resignation, MAC agreement is needed to withdraw this. Any payments of statutory paternity pay will not be altered by your resignation.

## **12. Flexible Working**

We recognise that employee's returning from paternity leave may wish to consider flexible working. If you would like to discuss this further, please contact the nominated person and HR for further information.

## Adoption Leave Policy

### 1. Policy Statement

This policy sets out the MAC's entitlements for employees who are adopting a child or an intended parent in a surrogacy arrangement, including notification requirements and rights to time off work.

### 2. Eligibility and Notification Requirements

If you are matched for adoption with a child, are dual approved prospective adopters or are an intended parent in a surrogacy arrangement who intends to apply for, or has already applied for, a Parental Order, you may be entitled to either adoption leave and pay or paternity leave. One parent cannot take both periods of leave, and it is up to you and your partner to decide who is the main adopter and so will take adoption leave. The main adopter's partner may be entitled to take paternity leave. You may also wish to refer to our Paternity Leave policy.

You will meet the eligibility criteria if you are;

#### a) *Adoptive parents*

52 weeks' adoption leave is available to any member of staff, regardless of length of service who has:

- been newly matched with a child for adoption by a UK adoption agency;
- notified the agency that they agree the child will be placed with them;
- agreed with the agency a date for the placement; and
- given due notice to their line manager and HR of their intention to take adoption leave within the requirements set out below

#### b) *Dual approved prospective adopters*

52 weeks' adoption leave is available to any member of staff, regardless of length of service, who:

- is a foster parent who has been approved as suitable to foster a child with the intention that the placement may later become an adoption;
- has been notified by the adoptive agency of its decision to place a child with them;
- has notified the agency that they agree the child will be placed with them;
- has agreed with the agency a date for the placement; and
- has given due notice to their line manager and HR of their intention to take adoption leave within the requirements set out below

If a placement with a dual approved prospective adopter does not proceed to a formal adoption then entitlement to adoption leave/pay will end either 8 weeks after the placement ends, or at the end of the adoption leave/pay period, whichever is earlier.

If a dual approved prospective adopter is entitled to adoption leave/pay when a child is placed with the family for fostering, then they cannot access further adoption leave/pay in respect of the same child if the adoption goes ahead.

#### c) *Surrogacy ('Parental Order') parents*

52 weeks' adoption leave is available to any member of staff, regardless of length of service, who:

- is an intended parent in a surrogacy arrangement;
- is eligible for and intends to apply for a Parental Order which will make them the legal parents of the child they are having with the help of a surrogate mother;

- applies for a Parental Order within 6 months of the child's birth; and
- gives due notice to their line manager and HR of their intention to take adoption leave within the requirements set out below.

Adoption leave is not available in circumstances where a child is not newly matched for adoption, for example when a step-parent is adopting a partner's child/children. You must have notified the adoption agency of agreement to the placement and of agreement to the date of the placement.

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement. However, if an additional child is adopted at a later date as a separate agreement then you could qualify again for a separate period of adoption leave.

We would ask that you notify us as soon as possible of your situation so that we can ensure you are fully aware of all your entitlements and obligations and have detailed the process below.

### **Notification for Adoptive parents and dual approved prospective parents**

If you are adoptive or dual approved prospective adoptive parents you are required to give us notice, in writing, of your intention to take adoption leave via the 'form for employee to notify request for adoption leave' within seven days of being notified by the adoption agency that you have been matched with a child, unless this is not reasonably practicable. The notice must be submitted to the nominated person and HR and specify:

- the date the child is expected to be placed with you; and
- the date you want the adoption leave to start.

You should provide the "matching certificate" from the adoption agency to the nominated person and HR along with the notification of intention of adoption leave form. The certificate will include basic information on matching and expected placement dates.

### **Notification for Parental Order parents (intended parents in surrogacy arrangements)**

If you are intended parents in surrogacy arrangements you are required to give us notice, in writing, by the 15<sup>th</sup> week before the baby's due date. your intention to take adoption leave via the 'form for employee to notify request for adoption leave' within seven days of being notified by the adoption agency that you have been matched with a child, unless this is not reasonably practicable. The notice must be submitted to the nominated person and HR and specify:

- the expected week of birth and
- the date you want the adoption leave to start.

As soon as is reasonably practicable after the baby's birth, the member of staff must notify the nominated person and HR of the baby's date of birth in writing.

You should provide evidence of the Parental Order obtained and provided to the nominated person and HR along with your notification of intention of adoption leave form in order to be eligible for Adoption Pay and Leave.

### **3. Time off for Adoption/Ante-Natal Appointments**

If you are matched for adoption with a child, you are entitled to time off to attend adoption appointments in the period between notification of a match and the date of placement. For single adopters or the main adopter in a joint adoption, you are entitled to paid time off to attend up to five appointments, with a maximum of six and a half hours per appointment. The adopter's partner in a joint adoption will be entitled to unpaid time off to attend up to two appointments.

Where the time is paid, you will be paid at your normal hourly rate for this time.

If the main adopter's partner wishes to attend more than two adoption appointments, he/she should speak to his/her Line Manager who will consider the request at their discretion.

In order to take time off for adoption appointments, the MAC require employees to provide confirmation of the following in writing to their Line Manager and HR (via the Adoption Leave notification form);

- that they would like to take either time off and state whether this will be the paid or unpaid entitlement
- the date and time of the appointment
- that the appointment has been arranged by or at the request of the adoption agency.

If you are an intended parent in a surrogacy arrangement who intends to apply for, or has already applied for, a Parental Order You will be entitled to take unpaid time off to accompany the surrogate mother to up to two antenatal appointments, of up to six and a half hours per appointment.

#### 4. Length of Adoption Leave

Subject to meeting the notification requirements set out above, you are entitled to 52 weeks' maternity leave in total, broken down as follows:

- 26 weeks' ordinary adoption leave (OAL)
- 26 weeks' additional adoption leave (AAL) that starts immediately after OAL.

Unless you notify us that you wish to take a shorter period, the MAC will automatically assume you are taking your full entitlement of 52 weeks, and will write to you to confirm your expected return date.

**For Teaching Staff:** *Leave will be granted up to the date unless the Romero Catholic Academy requests on behalf of the school that she returns at the beginning of the term during which the 52 week period ends. It is open to either party to request that leave should extend beyond 52 weeks to the start of the following term, the Principle and School Governing Body may exercise discretion in such a case if this will benefit the service. Where the end of the 52 weeks falls within a holiday period, the return to work will be postponed to the commencement of the following term.*

The procedure for determining the return date will normally be completed by the end of the additional adoption leave period, although the Romero Catholic Academy can accept amendments later than this in exceptional circumstances.

#### 5. Commencing Adoption Leave

Your adoption leave can start:

- up to 14 days before the date the child starts living with you (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (if you've used a surrogate to have a child)

Adoption leave can start on any day of the week. You are able to change your mind about the date on which you want your adoption leave to start providing you inform us at least 28 days in advance, unless this is not reasonably practicable. We will write to you to notify you of the date on which you are expected to return to work if the full entitlement to adoption leave is taken, within 28 days of the date on which you notified us of your intention to take leave, or, if you have varied the date originally chosen to start adoption leave, within 28 days of

the date on which adoption leave began. Any application for a date change should be made in writing to the nominated person and HR and there is a form to notify us of this variation which is available on our website or from HR.

If you have begun a period of adoption leave in respect of a child before approval of a Parental Order, and you are subsequently notified that the application is refused, your adoption leave period will end eight weeks after the week of that notification or the end of the adoption leave period, if that is earlier.

Once you have notified the nominated person and HR that your period has been triggered due to premature absence or premature childbirth, we will confirm, in writing, the date that we expect you to return to work after the adoption leave period has ended. This confirmation will be sent to you within 28 days of your notification.

## **6. Shared Parental Leave and Pay**

You may be entitled to take shared parental leave and you should refer to our Shared Parental Leave policy for further information on entitlements, eligibility and notice requirements.

## **7. Adoption Pay**

The MAC provides all eligible employees with occupational adoption pay (OAP) that is in addition to statutory adoption pay (SAP) or state Adoption Allowance.

You will qualify for SAP if you meet the following criteria:

- you have been continuously employed with us for at least 26 weeks' by the week you were matched with a child
- your average weekly earnings are not less than the lower earnings limit relevant for national insurance purposes
- give proof of the adoption or surrogacy
- you have complied with the relevant notification requirements.

SAP will be paid on the date at which you take your adoption leave.

Payment of SAP will be made at the rate of 90 per cent of your average earnings for the first six weeks' of leave and then up to 33 weeks' at the standard rate of SMP or 90 per cent of your average weekly earnings (whichever is lower). The rate of SAP is reviewed annually, most current rates can be found on the government website <https://www.gov.uk/adoption-pay-leave/pay>

Your normal weekly earnings are calculated based on an average of your gross earnings for national insurance during the 'relevant period'. This will include, for example, any payments relating to overtime, commission, and bonuses. The 'relevant period' is the period ending on the last normal pay day before the week of child placement and starting with the normal pay day which is at least eight weeks earlier. The exact calculation of weekly earnings will depend on whether you are paid monthly, weekly or at other intervals. Further advice on how your normal weekly earnings will be calculated can be obtained from your HR.

Where your gross earnings are increased by a pay rise, and this increase takes effect from the start of the relevant period and before the end of the AAL period, this increase will result in a recalculation of your SAP. As a result of this recalculation, you may be entitled to a retrospective increase or may subsequently qualify to receive SAP.

To support employees undertaking adoption leave, the MAC offers occupational adoption pay (OAP). Further information and a final calculation of your maternity pay entitlement can be requested from the nominated person and HR.

OAP is operated by the MAC as follows:

To be entitled to receive OAP, employees will need a minimum service requirement of one year's continuous service at the 11<sup>th</sup> week before the expected week of child placement.

Once the entitlement to OAP has ended, the employee will revert to SAP or adoption allowance payments for their remaining entitlement. Once this entitlement has been exhausted, any remaining weeks of adoption leave will be unpaid.

#### **For Support Staff:**

<b>Stage of Adoption Leave</b>	<b>OAP entitlement</b>
<i>First Six Weeks</i>	<i>9/10<sup>ths</sup> of a weeks pay (offset against payments made by way of SAP or adoption allowance)</i>
<i>For the next 12 weeks</i>	<i>Half Pay plus any SAP or Adoption Allowance</i>
<i>For the remaining 21 weeks</i>	<i>Any SAP or adoption allowance available Combined payments of half pay and SAP cannot exceed the employee's full rate of pay</i>

#### **For Teachers:**

<b>Stage of Adoption Leave</b>	<b>OAP entitlement</b>
<i>First Four Weeks</i>	<i>Full pay (offset against payments made by way of SAP or Adoption Allowance)</i>
<i>For weeks five and six</i>	<i>9/10ths of a week's pay (offset against payments made by way of SAP or Adoption Allowance)</i>
<i>For the next 12 weeks</i>	<i>Half pay plus SAP or Adoption Allowance payable</i>
<i>For the remaining</i>	<i>Any SAP or adoption allowance available Combined payments of half pay and SAP cannot exceed the employee's full rate of pay</i>

Once the entitlement to OAP has ended, the employee will revert to SAP or adoption allowance payments for their remaining entitlement. Once this entitlement has been exhausted, any remaining weeks of adoption leave will be unpaid.

A condition of the occupational adoption pay scheme is that the employee must return to work after her adoption leave has ended for a minimum period of 3 months.

Where an employee fails to return to work for this minimum period because the employee resigns the MAC is entitled to recover any occupational adoption pay paid to employees that is in excess of SAP or adoption allowance. This clawback will be operated at the discretion of the MAC.



## **8. Keeping In Touch (KIT) Days**

You may, by mutual agreement, work for up to 10 days during your adoption leave period without losing statutory payments for that week or ending your entitlement to leave. Payment for KIT days will be discussed and agreed in advance of these being worked.

The employee should confirm their request in writing to their Line Manager, giving them at least 3 week's notice of the day (s) they would like to work. The days can in certain circumstances be taken separately as full or half days but only if both employer and employee agree.

The work to be undertaken will be agreed by the employee's Line Manager and Principal, but could either be their normal work or could be training or other activities undertaken for the purpose of keeping in touch with the workplace.

The employee will be paid their contractual rate of pay for the day or half day worked. If they are in receipt of OAP or SAP this will be offset against their pay for the day or half day worked. However if their adoption pay has ended they will receive their contractual rate of pay for the day or half day. The days worked will be claimed in hours on the additional payment form (the form must state that the days claimed are for KIT days).

## **9. Annual Leave**

For Support staff, you will continue to accrue annual leave whilst you are on maternity leave. This annual leave is in addition to your maternity leave, and as such, cannot be taken whilst you are on maternity leave, it is important for the arrangements for the taking of these holidays to be discussed with the nominated person and agreed with HR.

Whilst teachers do not have a contractual entitlement to annual leave, they will be entitled to the statutory annual leave entitlement of 28 days (5.6 weeks) under the Working Time Directive, which consists of 20 days annual leave and 8 days Bank Holidays (pro rata for part time staff).

The teacher must be able to take the 28 days statutory annual leave at a time outside of their maternity leave. The Romero Catholic Academy/School will not treat any part of the maternity leave period i.e. Ordinary and Additional, as annual leave.

Statutory annual leave will be offset by any period of school closure (i.e school holidays) that has taken place in the leave year in question (1 September to 31 August), both before or after the maternity leave period.

On the teacher's return from maternity leave, they will be entitled to take any outstanding leave during term time during that leave year if there are insufficient school closures to accommodate the leave in that leave year. This is likely to be rare as there are approximately 65 school closure days within the school year, which can accommodate the maximum 28 days leave (56 days if carried over due to full year's maternity being taken).

The teacher must be allowed to carry over any balance of their leave to the following year if there is not enough time to take all the annual leave in the current leave year. The teacher will be required to take this during the remaining periods of school closure after the 28 days annual leave for that leave year has been accommodated. Retrospective claims in respect of untaken annual leave may only be made within 3 months of the date when the entitlement to take annual leave should have been permitted or payment made.

## **10. Terms and Conditions**

Whilst on adoption leave, you continue to be entitled to receive your normal contractual terms and conditions of employment that you would have received had you not taken this leave, other than salary (unless expressly

stated otherwise in your employment contract). You may be entitled to receive payment of SAP and/or OAP pay for this period, as set out above.

This will include contractual benefits, subject to the terms of these benefits. Your contract of employment continues during adoption leave. Continuity of service will not have been broken by any period of absence under the adoption provision.

In addition, access to BHSF will continue throughout your adoption leave period based on your current eligibility. Any upgrades to your BHSF plan will continue to be deducted from your maternity pay. Please note that you can choose to cancel your BHSF plan at any point. Please contact your HR for further information.

You will not be subject to any detriment by the MAC because you took or sought to take adoption leave.

## **11. Returning to Work**

If you return to work at the end of your OAL period, you are entitled to return to the same job, with the same terms and conditions, in which you were employed before your absence.

If you return to work after a period of AAL, you are entitled to return to the same job in which you were employed before your absence. Where this is not reasonably practicable, you will be entitled to return to a suitable and appropriate job on terms that are no less favourable.

If you are made redundant during adoption leave, you will be offered a suitable alternative role.

Unless you state otherwise, it will be automatically assumed that you will return to work at the end of your full 52 week leave period. So that we may make effective plans for your return, we would be grateful if you would contact us shortly before your return. However, there is no obligation on you to do so unless you wish to change the date of your return, in which case you must give us eight weeks' notice.

If you qualify for shared parental leave and wish to return early from adoption leave for this purpose, you must also give us eight weeks' notice. You can find more information on this in our Shared Parental Leave Policy.

You may be invited to attend an informal meeting with the nominated person and HR in order to discuss any arrangements regarding your return to work. This is likely to take place approximately two weeks before your return. The following points will be discussed at this meeting:

- any developments that have taken place at work
- any appropriate training to take place
- any flexible working arrangements which have been agreed.

If you decide that you do not wish to return to work after your adoption leave, you are required to give us notice of your resignation. Your notice period to resign is set out in your contract of employment. Where you choose to resign without returning to work, the MAC will require repayment of any occupational adoption pay in excess of your statutory entitlement that you have received during maternity leave.

If you are unable to return on the agreed date due to sickness, please inform the nominated person immediately. The sickness absence will be covered by the Academy's Sickness Absence procedure. Where you are sick following the date indicated for your return you are entitled to occupational sick pay (in line with your contractual entitlement). However, if you are still entitled to receive Statutory Adoption Pay your pay will incorporate both statutory adoption pay and occupational sick pay up to your entitlement.

## **12. Flexible Working**

We recognise that employee's returning from paternity leave may wish to consider flexible working. If you would like to discuss this further, please contact the nominated person and HR for further information.

## Shared Parental Leave Policy

### 1. Policy Statement

The Romero Catholic Academy endeavours to provide help and assistance to employees who wish to use their right to take shared parental leave. This policy sets out the MAC's stance on employee entitlement to take shared parental leave, an explanation of the available entitlements and the procedures employees should follow in order to take leave. Shared parental leave may be taken in the case of both births and adoptions. This policy uses the word 'parent' to describe employees in both birth and adoption circumstances.

Any employee wishing to take shared parental leave should inform their Line Manager and HR at the earliest possible opportunity so that their entitlement can be explained to them. Due to the flexibility of the shared parental leave system, it is essential that employees understand the procedural requirements involved in taking such leave.

The essential features of shared parental leave (ShPL) are:

- eligible employees will be able to bring maternity/adoption leave to an early end and share the remaining leave entitlement
- eligible employees will have a certain amount of flexibility to decide which parent takes leave and when, including being on leave at the same time
- the maximum amount of leave to be shared is 50 weeks
- leave may be taken in minimum blocks of one week
- eligible employees may make up to three requests for leave, including any changes to previously booked leave
- a request for a continuous period of leave becomes fixed
- a request for discontinuous leave is subject to agreement with the MAC.

### 2. Eligibility and Notification Requirements

In order to take ShPL, both the employee and their partner must meet certain eligibility criteria. You must:

- be the mother, father, or main adopter of the child, or the partner of the mother or main adopter
- have 26 weeks' service at the end of the 15th week before the expected week of childbirth (EWC) 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')
- have a partner who meets the employment and earnings test (see below)
- share the primary responsibility for the child with the other parent at the time of the birth/adoption
- have made the required notifications in respect of their entitlement and have provided the necessary declarations and evidence
- be working for the MAC until the week before any leave is taken.

#### Employment and earnings test

Your partner must:

- Have worked for at least 26 weeks in the 66 weeks leading up to the expected week of childbirth (EWC) or adoption.
- Have earned at least £30 a week (before tax) in at least 13 of those 66 weeks (the earnings do not need to be consecutive weeks).

## **Notice of entitlement and intention to take leave and pay**

At least eight weeks before any leave is to be taken, the employee must provide the following information via 'Notice to book Shared Parental Leave' form which is available on our website:

- name of employee
- name of partner
- the start and end dates of maternity/adoption leave (or pay if employee was not entitled to leave)
- the total amount of shared parental leave available
- the expected week of childbirth/placement (or the actual date of birth/placement if this has taken place)
- a non-binding indication of how the employee and their partner think they will split and take shared parental leave.

If you are the mother, you must also provide a signed declaration confirming that you meet the eligibility requirements for taking leave and produce a signed declaration from the other parent confirming:

- his/her name and address
- that he/she meets the eligibility requirements
- that he/she consents to the employee taking the amount of leave it has been notified they intend to take
- that he/she permits the MAC to process his/her information and
- that immediate notification will be made if any of the eligibility requirements cease to be met.

## **Curtailment notice**

Maternity/adoption leave must be curtailed (ended early) if shared parental leave is to be taken. The mother/main adopter must inform the MAC that maternity/adoption leave will be brought to an end by providing a curtailment notice at the same time as the notice of entitlement is provided. The curtailment notice will give eight weeks' notice of leave (or pay in the event that the employee is not entitled to leave) being brought to an early end.

A notice of curtailment can only be revoked in the following specific circumstances:

- where it is discovered in the eight weeks following the notice that neither the mother/adopter nor their partner has any entitlement to shared parental leave or pay
- in the event of the death of the partner
- if the notice was given before the birth, and the mother revokes her maternity leave curtailment notice in the six weeks following the birth.

Notice of curtailment must be provided to Jobcentre Plus if the mother is not entitled to maternity pay but instead received maternity allowance.

## **Notice to take a specific period of ShPL and ShPP**

Although an indication of leave dates will have been given in previous notices, a period of leave is not fixed (unless stated to the contrary) until a period of leave notice is submitted. A maximum of three period of leave notices are permitted, which will include any notices to amend a period of leave already booked. A period of leave notice gives eight weeks' notice to the MAC that you intend to take leave on the specified dates. The date

that leave will start should be given unless the period of leave notice is given before the birth of a child, in which case the start date may be expressed as, for example, ‘two weeks’ after the birth, to last for ‘four weeks’.

You should also indicate in this notice whether you intend to allocate ShPP to the period of leave.

There may be circumstances where the MAC permits more than three period of leave notices to be submitted, for example, where the MAC asks you to change a period of leave already booked.

It is important that all of the relevant information is provided according to the set timelines. If it is not, the MAC cannot guarantee that the leave will be granted.

### **Confirmation of ShPL and ShPP**

If you request one continuous block of leave in a period of leave notice, you are entitled to take this period of leave and we will confirm the dates to you in writing.

However, if you request more than one period of leave ie discontinuous blocks of leave in one period of leave notice, the MAC will make a decision on whether this can be accommodated. The nominated person and HR will arrange a meeting with you at which the request will be discuss with you. The outcome of the request will be one of the following:

- agreement to the request
- proposal of alternative leave dates or
- refusal of the request.

If no agreement can be reached within two weeks of the period of leave notice being submitted, the default provisions will apply which means you are able to withdraw the request any time up to the 15th day after it was made.

If the request is not withdrawn, you can take the leave in one continuous block to start on the first date of leave specified in the notice. Alternatively, the leave can be taken in one block on a new date notified by you within 19 days of the original request.

### **Varying a period of leave**

Once a period of leave notice has been submitted, you may change the dates on which leave is to be taken by submitting a request to the nominated person and HR to vary a period of leave giving eight weeks’ notice using ‘notice to cancel or vary a Shared Parental Leave booking’ form on our website . These notice provisions are waived in the event of an early birth and your leave will start the same length of time after the birth as it would have started had the baby not come early. In this case, notice should be given as soon as reasonably practicable. In all other cases, the following applies:

- in this case notice to vary the start date should be given as soon as reasonably practicable after the birth of the child
- in order to change the start date of leave, you must give eight weeks’ notice counted back from the earlier of either the original date or the new date
- to change the duration of a period of leave, you must give eight weeks’ notice of the original start date.

You may also request that a continuous period of leave is separated into a discontinuous period, or that a discontinuous period is consolidated into a continuous period.

Submitting a variation notice will count towards your maximum three notices unless it is made as a result of the child being born earlier or later than the expected week of childbirth.

If you are submitting a variation notice subsequent to a request to do so by the MAC, it will not count as one of the maximum three notices.

### **Evidence requirements**

In order for us to verify the information you have provided, you may be required to produce:

- a copy of the child's birth certificate
- and the name and address of the other parent's employer.

If the other parent is not employed, a declaration must be signed to this effect.

Within 14 days of our receipt of your notice of entitlement in relation to an adoption, you may be required to produce documents from the adoption agency which show the following:

- the adoption agency's name and address
- the date you were notified of being matched with the child
- the expected date of placement.

Where requested, the information above must be provided within 14 days. Where you are unable to provide a birth certificate because it has not yet been issued, you will be required to sign a declaration to that effect which also includes the date and location of the child's birth.

### **3. Length of Shared Parental Leave (ShPL)**

Parents cannot take more than 52 weeks of leave in total made up of maternity or adoption leave and shared parental leave, but excluding paternity leave which is a standalone entitlement.

If the mother is entitled to statutory maternity/adoption pay/maternity allowance but not maternity/adoption leave, the maximum number of weeks of shared parental leave to be taken is the remainder of 52 weeks' minus the number of weeks' pay received.

Mothers are not able to share compulsory maternity leave entitlement of two weeks (or four weeks if the mother works in a factory environment). This is a statutory requirement enabling the employee to recover from the birth and is to be taken exclusively by her. Correspondingly, adopters may share a maximum of 50 weeks' leave.

Shared parental leave can only be taken in minimum blocks of one week; it is not possible to take a day's shared parental leave. The minimum amount that can be taken is one week.

### **4. Shared Parental Pay (ShPP)**

Shared Parental Pay (ShPP) can be paid to both parents for a maximum of 39 weeks in total. This includes any weeks in which statutory maternity or adoption pay was received, and the timing of pay will be decided between the parents.

To be eligible to receive ShPP, you must:

- have been continuously employed for at least 26 weeks up to and including the "qualifying week" (the 15th week prior to the expected week of childbirth or placement for adoption)
- have average earnings not less than the lower earnings limit calculated over the eight weeks prior to the qualifying week
- comply with the notification requirements.

All ShPP is paid at the lower of the standard rate or 90 per cent of the employee's normal weekly earnings.



## **5. 'SPLIT' days**

During shared parental leave, you may work for up to 20 shared parental leave 'in touch' days (SPLIT days) without statutory payments being affected. We recognise the benefit of SPLIT days and encourage you to use them, however, they are optional: you are not obliged to use them and we are not obliged to permit them.

Your entitlement to 20 SPLIT days is not affected by your entitlement to 10 KIT days during maternity or adoption leave.

The employee should confirm their request in writing to their Line Manager, giving them at least 3 week's notice of the day (s) they would like to work. The days can in certain circumstances be taken separately as full or half days but only if both employer and employee agree.

The work to be undertaken will be agreed by the employee's Line Manager and Principal, but could either be their normal work or could be training or other activities undertaken for the purpose of keeping in touch with the workplace. The employee will be paid their contractual rate of pay for the day or half day worked.

## **6. Holidays**

You will continue to accrue holidays whilst you are on maternity leave. As these holidays cannot be taken whilst you are on Shared Parental leave, it is important for the arrangements for the taking of these holidays to be discussed with the nominated person and agreed with HR.

## **7. Terms and conditions during ShPL**

Whilst on shared parental leave, you continue to be entitled to receive your normal contractual terms and conditions of employment that you would have received had you not taken this leave, other than salary (unless expressly stated otherwise in your employment contract). You may be entitled to receive payment of ShPP for this period, as set out above.

This will include contractual benefits, subject to the terms of these benefits. Your contract of employment continues during shared parental leave. Continuity of service will not have been broken by any period of absence under the shared parental provision.

In addition, access to BHSF will continue throughout your shared parental leave period based on your current eligibility. Any upgrades to your BHSF plan will continue to be deducted from your shared parental pay. Please note that you can choose to cancel your BHSF plan at any point. Please contact your HR for further information.

You will not be subject to any detriment by the MAC because you took or sought to take shared parental leave.

## **8. Returning from ShPL**

Employees who wish to amend the date on which they are to return to work after shared parental leave must give eight weeks' notice of the original end date and the new end date, whichever is earlier.

After ShPL, provided the total amount of leave taken by you (including maternity leave) does not exceed 26 weeks, you are entitled to return to the same job on the same terms and conditions of employment as if they had not been absent.

## **9. Flexible working**

We recognise that employee's returning from shared parental leave may wish to consider flexible working. If you would like to discuss this further, please contact the schools nominated person and HR for further information.

## Parental Leave Policy

### 1. Policy Statement

This policy sets out the MAC's stance on providing parental leave to its employees who are both natural parents and adoptive parents. Parental leave is available to eligible employees who wish to take **unpaid** time off work to look after their child's welfare for example;

- spend more time with their children
- look at new schools
- settle children into new childcare arrangements
- spend more time with family, such as visiting grandparents.

### 2. Entitlement and Notification Requirements

You must meet certain eligibility criteria in order to take statutory parental leave, as follows:

- you must have at least one year's continuous employment with the MAC counted from the date that parental leave would start
- you have or expect to have parental responsibility for the child
- your child is under 18 years of age
- you take the leave before your child's 18th birthday
- you provide the MAC with evidence of eligibility when requested.

The following evidence may be requested from you in order to assess your eligibility for parental leave:

- that you have or expect to have parental responsibility for the child in relation to whom leave will be taken
- the child's date of birth (in respect of natural parents)
- the date of adoption placement (in respect of adoptive parents)
- the child's entitlement to Disability Living Allowance (if appropriate) to permit you to take leave in blocks of one day rather than one week.

You must give a minimum notice period of 21 days before the leave is due to start and you must give notice of the exact day on which you wish leave to start and end. In the case of fathers who want to take parental leave straight after a baby is born, or prospective adoptive parents who want to take parental leave straight after a child is placed with them for adoption, 21 days' notice of the expected week of childbirth or the expected week of adoption must be given.

When the MAC receives notice of intention to take parental leave, we may ask for evidence of eligibility as set out above.

The MAC reserves the right to postpone a period of parental leave if we believe the operation of the business will be unduly disrupted by the employee's absence. Leave will not be postponed where it is to be taken on the birth of a child or on the placement of a child for adoption. Where leave is to be postponed, we will discuss the reasons for the postponement with you and confirm in writing the newly agreed dates of leave. Leave will not be postponed for a period longer than six months from the start date of the leave originally requested.

### 3. Before taking parental leave

Shortly after we have received a notification from you that you wish to take parental leave, a meeting will be arranged between you and the nominated person and HR. The purpose of this meeting is to discuss:

- your entitlement to parental leave

- the requirements to give appropriate notice
- arrangements to cover your duties in your absence
- your right to return to work
- opportunities for flexible working
- the nature of any appropriate contact during parental leave
- the fact that parental leave is unpaid.

#### **4. Length of leave**

Eligible employees will be entitled to take a total of 18 weeks' leave in relation to each child until the child is 18 years of age. No more than four weeks can be taken in relation to each child in one year.

A year is defined as a period of 12 months beginning on the date on which the employee first, or more recently, became entitled to take parental leave in respect of the child in question and each successive period of 12 months beginning on the anniversary of that date.

Save for in relation to a disabled child in which case leave may be taken in blocks of one day, part of a week counts as a week so that if a full time employee takes three days' parental leave and then returns to work, one week is taken away from the 18 weeks.

#### **5. Terms and Conditions**

Your normal terms and conditions will apply during parental leave except for in relation to pay. Specifically:

- your implied obligation of good faith
- notice periods for termination of employment
- disclosure of confidential information
- acceptance of gifts
- whether you are participating in any other business
- disciplinary and grievance procedures
- redundancy pay.

We will make arrangements for your duties to be covered for the duration of your leave. We would like to be able to keep you up to date with any developments at work that may affect you or any social events that occur.

#### **6. Returning to work**

Employees returning after an isolated period of parental leave lasting four weeks or less, or after a period of parental leave lasting four weeks or less which consecutively followed another period of statutory leave which did not include any period of additional maternity leave, or additional adoption leave, are entitled to return to the job in which he/she was employed before the absence.

Employees returning to work after a period of parental leave lasting more than four weeks, or after a period of parental leave lasting four weeks or less, which did consecutively follow a period of additional maternity leave or additional adoption leave, are entitled to return from leave to the job in which he/she was employed before the absence or, if that is not reasonably practicable, to another job which is both suitable and appropriate for him/her in the circumstances.

Return to the same job will mean that seniority, pension rights and similar rights are not affected. Terms and conditions will not be less favourable than those which would have been applied if you had not been absent.

## **7. Flexible working**

We recognise that employee's with parental responsibilities may wish to consider flexible working. If you would like to discuss this further, please contact the nominated person and HR for further information.

## Parental Bereavement Leave Policy

### 1. Policy Statement

The MAC recognises the profound impact of losing a child or experiencing a stillbirth. This policy sets out your entitlements to time off, pay, and support in these circumstances, effective from 6 April 2020. The MAC is committed to providing support to employees who experience loss in their lives and, in particular, understands that the death of a child, or a stillbirth, can be an extremely difficult time. This policy explains rights to time off, pay during time off and other support offered.

### 2. Eligibility and Notification Requirements

Parental bereavement leave is available from day one of employment. It is available to employees on the death of a child under the age of 18. You may take parental bereavement leave if you fall into any one of the following categories:

- A 'natural' parent
- An adoptive parent, and those with whom a child has been placed under the 'foster to adopt' scheme, provided the placement is ongoing
- A 'natural' parent where the child has been adopted but a Court Order exists to allow the 'natural' parent to have contact with the child
- An employee who is living with a child who has entered Great Britain from overseas in relation to whom has received official notification that they are eligible to adopt
- An intended parent under a surrogacy arrangement where it was expected that a parental order would be made
- A 'parent in fact' which is someone in whose home the child has been living for a period of at least four weeks before the death and has had day to day responsibility for the child, subject to exceptions. This category includes guardians and foster parents but does not include paid carers
- The partner of anyone who falls into the above categories, where they live in an enduring family relationship with the child and their parent.

In addition, parents who suffer a stillbirth after 24 weeks of pregnancy are entitled to take parental bereavement leave (further information provided below).

#### Leave to be taken within the first 56 days of the death

You do not need to give any advance notice of taking parental bereavement leave. The MAC asks that you contact the nominated person and HR via telephone by the time you were due to start work on the day you wish leave to begin, or if this is not possible, as soon as is reasonably practicable, giving the date of the death, the date on which leave will start and whether one or two weeks is to be taken.

#### Leave to be taken later than the first 56 days since the death

You need to give one week's advance notice of taking parental bereavement leave to the nominated person and HR by telephone giving the date of the death, the date on which leave will start and whether one or two weeks is to be taken.

#### Cancelling or changing leave dates

You can cancel a period of annual leave that you have already told us about, as long as the period of leave has not already started. If you wish to cancel a period of leave which was to begin within the first 56 days of the death, you can cancel it by letting us know by your normal start time on the day that leave was originally due to start.

To cancel leave which was to begin later than 56 days after the death, you should let us know no later than one week prior to the intended start date.

You can also change the start date of leave by following the notice requirements above.

### **3. Length of parental bereavement leave**

You may take up to two weeks of parental bereavement leave. The two weeks of leave do not need to be consecutive. This can be taken:

- As one block of two weeks, or
- As two separate blocks of one week, and
- At any time in the 56 weeks following the death or stillbirth.

If you have suffered a stillbirth after 24 weeks of pregnancy, you are still entitled to take your full entitlement to maternity and paternity leave, provided you were eligible to take maternity or paternity leave in the first place, in addition to parental bereavement leave. Parental bereavement leave cannot be taken at the same time as maternity or paternity leave.

Where more than one child dies or is stillborn, you are entitled to two weeks of parental bereavement leave in relation to each child.

### **4. Parental Bereavement leave pay**

You will qualify for statutory parental bereavement pay during leave if you meet the following criteria:

- You have been continuously employed with us for at least 26 weeks by the week prior to the week in which the child dies
- Your normal average weekly earnings are not less than the lower earnings limit relevant for national insurance purposes
- You are still employed by us on the date the child dies.

Payment will be made at the rate set by the Government each year or 90 per cent of your average weekly earnings (whichever is lower).

In order to receive statutory parental bereavement pay, you must provide us with notice of this to the nominated person and HR with the following information within 28 days, or as soon as is reasonably practicable, of the first day of parental bereavement leave:

- The child's name
- The date of the death or stillbirth
- A declaration that you fall into the one of the categories listed under 'Eligibility' above.

You will be provided with a form so that you are able to supply us with this information.

### **5. Terms and Conditions**

You will continue to receive all contractual benefits (with the exception of salary) during parental bereavement leave.

Whilst on parental bereavement leave, you continue to be entitled to receive your normal contractual terms and conditions of employment that you would have received had you not taken this leave, other than salary (unless expressly stated otherwise in your employment contract).

This will include contractual benefits, subject to the terms of these benefits. Your contract of employment continues during parental bereavement leave. Continuity of service will not have been broken by any period of absence under the parental bereavement provision.

In addition, access to BHSF will continue throughout your parental bereavement leave period based on your current eligibility. Any upgrades to your BHSF plan will continue to be deducted from parental bereavement leave

pay. Please note that you can choose to cancel your BHSF plan at any point. Please contact your HR for further information.

You will not be subject to any detriment by the MAC because you took or sought to take parental bereavement leave.

## **6. Right to return**

Upon your return to work, you are entitled to return to the same job, with the same terms and conditions, in which you were employed before your absence unless:

- the period of leave you have taken is more than 26 weeks when added to any other period of statutory leave including maternity, paternity, adoption leave etc in relation to the same child and
- it is not reasonably practicable for you to return to the same job.

If your period of leave exceeds 26 weeks, or a return to the same job is not reasonably practical you will be entitled to return to a suitable and appropriate job on terms that are no less favourable.

On your first day back to work, the nominated person will set time aside to hold an informal meeting with you to discuss any arrangements regarding your return to work and any additional support we may be able to offer you.

## **15. Support**

We would like to remind you that you have access to a 24 hour telephone counselling service provided via our Healthcare Plan as well as counselling service provided through Teaching with Heart and we would like to encourage you to use it if you feel like you would like to talk to someone about your loss. If you would like any further information with regards to how to access this service, please contact the nominated person or HR.

## **7. Flexible working**

We appreciate that a temporary period of flexible working may be beneficial to employees after they have suffered a loss. If you would like to discuss this further, please contact the nominated person and HR for further information.



## Care Policy

### 1. Policy Statement

This policy details the support the MAC offers its employees when they have caring responsibilities outside of work. We appreciate that caring for a person can be very demanding; particularly when you have workplace obligations to fulfil. This policy aims to minimise, as much as possible, any difficulties an employee may experience at work and to ensure they are not prevented from being able to have an effective and fulfilling career.

Specifically, this policy covers areas such as the definition of a carer, the support we offer for carers, explains the role that both employees and managers will play, and informs employees of arrangement relating to requesting a change to working patterns.

The MAC operates separate policies in relation to other types of time off eg maternity, adoption or shared parental leave. Employers should refer to those policies, available from the HR department, for more information on entitlements in those areas.

### 2. Definition of a carer

There is no single definition of a carer and the MAC is aware there may be employees who do not recognise themselves as a carer but simply a supportive and loyal family member or friend. However, a carer can generally be regarded as a person who provides unpaid support to another person, most commonly a family member or friend, who would not be able to manage without that support. So if the support the employee provides is vital for that person and they are dependent on the employee for it then the employee could class themselves as a carer.

Caring responsibilities can take many forms and that might include looking after young children or someone who is disabled or frail.

The length of time you have supported a person does not have a bearing on whether or not you could be considered a carer either. This may just be a responsibility you have taken on very recently but if you are providing indispensable support for another person then you would likely be classed as a carer.

There are many different types of care roles and the MAC appreciates that people will respond to the demands in their own unique ways. The MAC also fully appreciates that the support a carer provides is usually not optional and certainly not insignificant. It can be a difficult experience and can adversely affect the employee at work but we are committed to ensuring this challenge can be overcome by working in a productive and sympathetic way with our employees who provide care for another person.

### 3. Support for carers

Very often working with colleagues or focusing on a work task can be beneficial to employees who experience demanding and personal challenges. Being part of a team of people who work together can help take your mind off any stressful problems you have and the sense of workplace camaraderie can be a great help in these circumstances. Management will certainly always be available to respond to any problems – either private or workplace related - in a sympathetic way.

The key aim of this policy is to ensure employees are supported in the most appropriate way to help them continue to come into work and perform their role to their full potential.

The types of support required will range from simply demonstrating an understanding of the specific pressures faced by the employee to adjusting working patterns or making special arrangements for long-term unpaid leave and are detailed below.

#### **4. Employee responsibilities**

The MAC encourages its employees to inform their manager if they are caring for someone and if they feel they need any support. We will work together with the employee to try to find a solution to any difficulties faced due to their role as a carer.

When an employee tells their manager that they have caring responsibilities, a meeting will be held to discuss the employee's responsibilities at home and how they affect work life. Various options for support will be considered and the MAC's expectation is that a solution agreeable to both sides will be found.

#### **5. Manager responsibilities**

Managers will:

- always show consideration and empathy for requests for support from employees who have caring responsibilities
- ensure there will be a full discussion to gain a complete understanding of the circumstances and the effect it has on the employee
- ensure that employees are provided with guidance on the full range of options available
- ensure all employees will be treated fairly and consistently, while taking into account individual needs
- ensure all decisions are in accordance with MAC procedures
- know where to direct carers if they need expert advice (for example employee counselling, occupational health, external carer support organisations)
- ensure that there is no unlawful discrimination against employees because they have caring responsibilities. The Equality Act 2010 makes it unlawful to discriminate against an employee because of their association with someone who has a disability
- ensure full confidentiality for requests made for assistance.

#### **6. Flexible working and time off for carers**

One possible option to consider for an employee with caring responsibilities is to amend the working schedule or the location of the workplace through a Flexible Working Request. If you would like to discuss this further, please contact the nominated person and HR for further information.

Several MAC policies set out the support available for an employee who requires time off work or an adjustment to working hours to manage caring responsibilities such as; Special Leave of Absence Policy, Parental Leave Policy and Flexible Working Policy. For further information please contact the nominated person and HR.