

CYNGOR SIR POWYS COUNTY COUNCIL

Supporting Working Parents Policy

(For All Staff Working in Schools)

Guiding you through Maternity, Paternity, Parental and Adoption Leave

This Policy/Procedure has been agreed by the following professional associations and Trade Unions representing Teachers, Headteachers and Support Staff:

GMB, Unison, NASUWT, NUT, NAHT, Voice, UCAC

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Cyngor Sir Powys County Council

**Supporting Working Parents
(Maternity, Paternity, Parental & Adoption Leave)
Policy & Procedure
(For All School based staff)**

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Cyngor Sir Powys County Council

Supporting Working Parents (Maternity, Paternity, and Parental Leave) Policy & Procedure for School based staff

1.0 Introduction

- 1.1 This policy explains the entitlements to maternity, paternity, and parental leave. Employees are advised to ensure that they have read this policy prior to commencing such leave, and as necessary, to contact their Headteacher or Human Resources (HR) Business Partner, for any further advice and clarification required. ***Further details about how to access external information resources and advice are also provided at the end of this document.***

2.0 Definitions of Terms

- 2.1 The leave and pay arrangements described within this policy refer to a number of abbreviations and terms. These terms are those used within the statutory framework concerning parental rights which all employers follow and therefore this terminology is required. The most common ones are described below:

EWC	This is the Expected Week of Confinement. It is the date during the week (commencing on Sunday) given by a Registered Medical Practitioner/Registered Midwife which indicates when the baby is expected, or when an adoption agency indicates when the child is to be placed in cases of adoption.
15th Week/Qualifying Week (QW)	This is the 15 th week <i>before</i> the EWC and influences eligibility to pay and leave under this policy.
OML	Ordinary Maternity Leave – the core period which covers the first 39 weeks of maternity/adoption leave, during which full terms and conditions of employment apply except those relating to remuneration. The right to remuneration is replaced by the right to receive the appropriate level of Maternity Pay.
AML	Additional Maternity Leave – an extended period of unpaid leave of up to 13 weeks that starts immediately upon expiry of OML.
MATB1	The name of the Maternity Certificate given by a Registered Medical Practitioner/Registered Midwife during pregnancy, indicating the EWC.
OMP	Occupational Maternity Pay. The element of pay that the Council makes provision for. It is subject to at least 1 year's continuous service in local government at the 11 th week before the EWC.
SMP/SAP	Statutory Maternity/Adoption Pay.
Maternity Allowance	Maternity Allowance may be available to help you take time off to have your baby. You must not be entitled to Statutory Maternity Pay from any employer. You must also have been a registered self-employed person or have been employed in at least 26 weeks out of the 66 week period running into the week before the week your baby is due. You should claim as soon as you can after you have been pregnant for 26 weeks. If you delay, you may lose benefit. There are a number of conditions that you need to meet in order to claim maternity benefit.
Weekly Salary	For the purpose of this scheme, a week's pay shall be treated as the amount payable to the employee under the current contract of employment. If there are

	significant variations in a teacher's salary, the average salary over the 12 weeks preceding the date of absence shall be treated as a week's salary. For support staff , where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.
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3.0 Eligibility for Maternity Leave

3.1 Employees who have more than 1 year's continuous Local Government service at the 11th week before the EWC are eligible for SMP and OMP (Occupational Maternity Pay).

3.2 In addition, by the time the employee has reached the Qualifying Week (approximately 25 weeks into pregnancy), she must inform her Headteacher and the Employment Services Section within HR:

- that she is pregnant;
- the date of the Week Baby is Due (EWC), and provide the Maternity Certificate (form MATB1) from a registered medical practitioner or registered midwife stating the EWC date;
- the date she intends to commence maternity leave (which must be no earlier than the 11th week before the EWC);

It should be noted that there is a statutory provision which requires that all mothers must take at least 2 weeks maternity leave.

3.3 An employee may change the date they wish to start their leave, by notifying the Headteacher and the Local Authority at least 21 days beforehand, unless this is not reasonably practicable. The employee should not contact Employment Services regarding their return to work. All notifications to Employment Services shall be made via Headteachers.

3.4 The right to maternity **leave** has no continuous service requirements and employees are entitled to take 39 weeks of Ordinary Maternity Leave (OML) and up to 13 weeks of Additional Maternity Leave (AML). They will not be entitled to occupational or statutory maternity pay.

4.0 Maternity Leave and Pay Entitlement

4.1 Maternity Pay for teaching staff is normally paid as follows:

Teaching staff with Continuous service with Powys County Council by the end of the 15 th week before EWC	Teaching staff with Continuous local government service (including maintained schools*) at the start of the 11 th week before EWC	Teaching staff with Maternity Pay Entitlement SMP Statutory Maternity Pay OMP – Ordinary Maternity Pay MA Maternity Allowance	Teaching staff with Maternity Leave Entitlement
Less than 1 year but at least 26 weeks before	At least 1 year	39 weeks occupational and statutory pay as follows: 4 weeks @ full pay inclusive of SMP 2 weeks @ 90% of week's salary inclusive of SMP	26 weeks Ordinary Maternity Leave <i>plus</i> 26 weeks Additional Maternity Leave

the Qualifying Week (QW)		12 weeks @ half pay plus SMP 21 weeks @ SMP	
Less than 26 weeks before the QW	At least 1 year	39 weeks occupational and statutory pay as follows: 4 weeks @ full pay inclusive of MA if eligible 2 weeks @ 90% of week's salary inclusive of MA if eligible 12 weeks @ half pay plus MA if eligible 21 weeks @ MA if eligible No entitlement to SMP	26 weeks Ordinary Maternity Leave <i>plus</i> 26 weeks Additional Maternity Leave
At least 26 weeks	Less than 1 year	39 weeks statutory pay as follows: 6 weeks @ SMP equal to 90% of weekly salary 33 weeks @ SMP No entitlement to occupational pay	26 weeks Ordinary Maternity Leave <i>plus</i> 26 weeks Additional Maternity Leave
Less than 26 weeks	Less than 1 year	No occupational pay No SMP MA if eligible	26 weeks Ordinary Maternity Leave <i>plus</i> 26 weeks Additional Maternity Leave

* Maintained schools are those where the funding and oversight is through the local authority. This does not include Academies (which currently only exist in England) where funding and oversight is from the Department for Education

4.2 Maternity Pay for non-teaching staff is normally paid as follows:

Non-teaching staff with Continuous service with Powys County Council by the end of the 15 th week before EWC	Non-teaching staff with Continuous local government service (including maintained schools*) at the start of the 11 th week before EWC	Non-teaching staff with Maternity Pay Entitlement SMP Statutory Maternity Pay OMP – Ordinary Maternity Pay MA Maternity Allowance	Non-teaching staff with Maternity Leave Entitlement
Less than 1 year but at least 26 weeks before the Qualifying Week (QW)	At least 1 year	39 weeks occupational and statutory pay as follows: 6 weeks @ 90% of week's salary inclusive of SMP 12 weeks @ half pay plus SMP 21 weeks @ SMP	26 weeks Ordinary Maternity Leave <i>plus</i> 26 weeks Additional Maternity Leave
Less than 26 weeks before the QW	At least 1 year	39 weeks occupational and statutory pay as follows:	26 weeks Ordinary Maternity Leave <i>plus</i>

		6 weeks @ 90% of week's salary inclusive of MA if eligible 12 weeks @ half pay plus MA if eligible 21 weeks @ MA if eligible No entitlement to SMP	26 weeks Additional Maternity Leave
At least 26 weeks	Less than 1 year	39 weeks statutory pay as follows: 6 weeks @ SMP equal to 90% of weekly salary 33 weeks @ SMP No entitlement to occupational pay	26 weeks Ordinary Maternity Leave <i>plus</i> 26 weeks Additional Maternity Leave
Less than 26 weeks	Less than 1 year	No occupational pay No SMP MA if eligible	26 weeks Ordinary Maternity Leave <i>plus</i> 26 weeks Additional Maternity Leave

* *Maintained schools are those where the funding and oversight is through the local authority. This does not include Academies (which currently only exist in England) where funding and oversight is from the Department for Education.*

4.3 Maternity Pay will be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay entitlements, subject to the following qualifications:

- (i) In the event of a pay award or annual increment being implemented before the paid maternity leave period begins, the maternity pay should be calculated as though the pay award or annual increment had effect throughout the entire Statutory Maternity Pay calculation period. If such a pay award was agreed retrospectively, the maternity pay should be re-calculated on the same basis;
- (ii) In the event of a pay award or annual increment being implemented during the paid maternity leave period, the maternity pay due from the date of the pay award or annual increment should be increased accordingly. If such a pay award was agreed retrospectively, the maternity pay should be re-calculated on the same basis;
- (iii) in the case of an employee on unpaid sickness absence or on sickness absence attracting half pay during the whole or part of the period used for calculating average weekly earnings in accordance with the earnings rules for Statutory Maternity Pay purposes, average weekly earnings for that period shall be calculated on the basis of sick pay.

4.4 Employees may begin maternity leave at any time between eleven weeks before the Week Baby is Due and the actual Week Baby is Due. Unless exceptional circumstances prevail, the required notice should be given (see Eligibility, Section 4 above).

4.5 Employees who qualify for OMP may opt to have these payments spread over a longer time period, or have the OMP amount paid to them in full on return to work. Any such payments must be agreed between the employee, the Headteacher and the Local Authority.

4.6 An employee who states their intention to return to work and then does not do so, or returns for a period of less than 13 weeks after their maternity leave shall, in normal circumstances, refund the 12 weeks of half occupational maternity pay.

- 4.7 Employees who do not satisfy the conditions for SMP (e.g., continuous employment with the Local Authority for at least 26 weeks by the time they reach the 15th week before the Week Baby is Due), are advised to seek advice from Job Centre Plus regarding Maternity Allowance.

5.0 Confirming Maternity Leave and Pay

- 5.1 Employment Services will write to the employee to confirm the following:

- The level of paid and unpaid leave entitlements;
- Unless an earlier return date has been given, confirmation of the expected return date based on 52 weeks paid and unpaid leave entitlement;
- The length of any period of accrued annual leave which it has been agreed may be taken either side of the maternity leave period; and
- Teachers wishing to return earlier than at the end of their full maternity leave must give at least 21 days' notice (Section 5 paragraph 7.1, Burgundy Book). Non-teaching staff returning earlier than at the end of their full maternity leave must give 8 weeks' notice.

6.0 Keeping in Touch

- 6.1 Before going on leave, the Headteacher and the employee should also discuss and agree any arrangements for keeping in touch during maternity leave including:

- any arrangements (in person or by correspondence) that may be helpful to help keep in touch with developments at work and, nearer the time of return, to help facilitate a return to work;
- keeping the headteacher in touch with any developments that may affect the employee's intended date of return.
- This can be changed at a subsequent date by either party but must be agreed.

- 6.2 This may be achieved by taking up to 10 'Keeping in Touch' (KIT) days which may be taken by mutual agreement. These days are optional and may be taken to attend particular events such as training days or team meetings, or to assist with a phased return to work at the end of maternity leave, and shall be paid at the normal pay rate.

- 6.3 Any work that is done by an employee as a Keeping in Touch (KIT) day, even if it is as little as half an hour, counts as a whole KIT day. KIT days may be taken as single days, in blocks, or all at once.

7.0 Returning To Work

- 7.1 If the employee intends to return to work at the end of their full maternity leave they will not be required to give any further notification to their Headteacher, Teachers wishing to return earlier than at the end of their full maternity leave must give at least 21 days' notice (Section 5 paragraph 7.1, Burgundy Book). Non-teaching staff returning earlier than at the end of their full maternity leave must give 8 weeks' notice. The employee should contact the Headteacher on all occasions relating to their return to work. The employee has the right to return to their job under the original contract and on no less favourable terms and conditions. The Local Authority will ensure that due consultation takes place in instances of organisational change where redundancies or restructuring occurs.

- 7.2 There are certain obligations placed on the Headteachers and the Local Authority concerning care for new mothers returning to work. These obligations include the provision of a safe working environment

taking into consideration the needs of the new mother, and the provision of suitable rest facilities for workers who are breastfeeding for expressing milk. Staff will not be allowed to breastfeed whilst at work. Headteachers are referred to the Health and Safety information in Section 11.

- 7.3 An employee who has stated that they intend to return to work after their leave period but then does not return to work, or returns for less than a period of 13 weeks after their maternity/adoption leave shall, in normal circumstances, refund the 12 weeks of half occupational maternity pay. However, consideration will be given to individual circumstances such as where this will cause considerable hardship and should be referred to Human Resources. Returning to work with the Local Authority is not a pre-requisite to receiving SMP.

8.0 Returning on Flexible Working Arrangements

- 8.1 If, at the end of maternity leave, an employee wishes to return to work with a different working pattern, the Governing Body, in consultation with the school's HR Business Partner, will consider this as far as is reasonably practicable. If this is not possible the school and/or Local Authority must provide written, objectively justifiable reasons for this and the employee will return to the same job and working pattern as was held prior to taking maternity leave.
- 8.2 The School's *Flexible Working Policy* sets out the flexible working options that are available to employees, describes the legal rights for working parents, the Local Authority's obligations towards employees, and explains the procedure for making a formal request for flexible working. Employees should refer to this policy before considering making a request for flexible working.

9.0 Sickness following the end of Maternity Leave

- 9.1 In the event of illness following the date the employee was due to return to work, normal sick leave provisions will apply.
- 9.2 The school and the Local Authority will, however, be sensitive to the needs of new parents and provide reasonable support including access to the Occupational Health Service for those experiencing post-natal conditions and symptoms such as post-natal depression.

10.0 Further Information for Pregnant Employees

10.1 Sickness Prior to Childbirth

If an employee takes sick leave due to a pregnancy related illness during the last four weeks before the Week Baby is Due (EWC), maternity leave will commence on the day after the first full day of sickness absence. Absence prior to the last four weeks before the EWC, supported by a Doctor's Note, or a self-certificate, shall be treated as sick leave in accordance with normal sick leave provisions.

10.2 Premature Birth

If the baby is born alive before expected but nevertheless after the maternity leave has started, leave and pay continues as agreed.

If the baby is born before maternity leave has commenced but after the 15th Week before EWC, maternity leave and pay commences the day after the birth.

Where the baby is born before the 15th week before the EWC, maternity leave and pay commences as above. Maternity Pay is based on the average earnings over the 8 weeks ending on the Saturday before the birth.

10.3 Still Birth

Where the baby is still-born after the 24th week of pregnancy the employee will be entitled to the same amount of maternity leave and pay as if the baby had been born alive.

10.4 Miscarriage

In cases of miscarriage before the 24th week of pregnancy, the usual sick leave provisions will apply, and support will be offered to the employee by way of access to the Occupational Health Service.

11.0 Health and Safety for Employees Pre and Post Birth

- 11.1 Where an employee is pregnant, has recently given birth or is breast feeding, the Headteacher should carry out a risk assessment of the employee's working conditions using the form on p6580 of the Powys Intranet. Health & Safety legislation requires employers to carry out a specific risk assessment where women of child-bearing age or new or expectant mothers may be at risk from a work process, working condition or physical, biological or chemical agent.
- 11.2 In the best interests of the expectant employee, action will be taken in instances of Rubella (German Measles), which could include transferring the employee to another work location. Where risks are identified, employees will not be obliged to continue that work. Every effort will be made to alter the working conditions for that person wherever possible. Consideration should be given to appropriate action in the occurrence of other notifiable diseases.
- 11.3 If it is found, or a medical practitioner considers, that the employee or their child would be at risk if the employee were to continue with their normal duties, the Headteacher should provide suitable alternative work for which they will receive their normal rate of pay. Where it is not reasonable to offer suitable alternative work the employee should be offered paid leave for as long as the risk exists to safeguard their well-being. Where such leave continues to the start of the 4th week before the Week Baby is Due, maternity leave will automatically begin.
- 11.4 In all cases, guidance and advice is available from Occupational Health & Safety and Human Resources.

12.0 Additional Provisions

Where any changes in roles, management of change issues, consultation events, promotion opportunities occur within a school, all employees, including those on maternity/adoption/parental leave must be notified of those changes and invited to attend any organised event relating to those changes.

12.1 Contractual rights

During maternity leave employees retain all of their contractual rights except remuneration. This is replaced by maternity pay (subject to eligibility).

12.2 Increments

Maternity leave, whether paid or unpaid, shall count as service for annual increments and for the purposes of any service qualification period for additional annual leave.

12.3 Pensions

Pension rights and contributions shall be dealt with in accordance with the provisions of the Teachers' and Local Government Pension Schemes as appropriate. Employees are advised to seek advice from the Local Authority's Pensions Service regarding pension contributions during maternity leave.

12.4 Antenatal Care

Pregnant employees have the right to paid time off for antenatal care. Antenatal care may include relaxation and parent-craft classes as well as appointments for antenatal care.

12.5 Post-natal Care and Breastfeeding Mothers

Women who have recently given birth should have paid time off for post-natal care e.g. attendance at health clinics.

The Health and Safety Executive encourages employers to provide a healthy and safe environment for women who are breast-feeding with suitable access to a private room to express and store milk. The headteacher and the employee should discuss individual needs and arrange for adequate facilities to be made available. Advice and guidance is available from the Occupational Health & Safety Service and Human Resources.

13.0 Neonatal Care Leave

13.1 The neonatal leave and pay legislation, provides parents with the right to up to 12 weeks of leave and statutory pay when their baby requires neonatal care. This refers to medical care within the first 28 days after birth, lasting at least 7 continuous days and can include hospital care, post discharge care under a consultant, or end of life care. This legislation aims to offer parents dedicated time to care for their newborns without affecting their existing parental leave entitlements.

13.2 Employees eligible for neonatal care leave (NCL) include the baby's parents, intended parents in surrogacy, or partners living with the baby's mother. NCL is available from the first day of employment and applies to babies born on or after 6th April 2025.

13.3 Parents can take one week of NCL for each week of uninterrupted neonatal care, capped at a maximum of 12 weeks. For multiple births, the maximum leave remains 12 weeks, even if both babies receive care simultaneously.

13.4 Employees must provide notice of their intention to take NCL, including details such as the baby's birth date and the start and end dates of neonatal care. Employers may agree to waive notice requirements.

13.5 Statutory neonatal care pay (SNCP) is available for employees with at least 26 weeks of service and earnings above a specified threshold, mirroring maternity and shared parental leave pay.

14. Adoption

14.1 Employees are entitled to the same provisions as laid out in the maternity provisions which are detailed in this policy. Entitlements to adoption leave are applicable for a newly-matched child (up to the age of 18 years) placed with adoptive parents. A parent who is not the main carer of the adopted child may qualify to take up to two weeks paid Paternity (Partner) Leave (See Section 14). Where the term maternity is used in this document, adoption also relates.

14.2 Adoption Leave applies on the same basis to surrogate parents who have been granted a parental order. Individuals must be genetically related to a child to apply for a parental order, i.e. the egg or sperm donor, and in a relationship where they and their partner are either:

- married
- civil partners
- living as partners

The child must be living with the couple who must reside permanently in either the UK, Channel Islands or Isle of Man.

Where surrogate parents are not in possession of a parental order, Adoption leave only applies where the child has been legally adopted through a registered adoption agency.

14.3 Paid Leave should be granted to allow new adopters to fulfill the requirements of the formal adoption procedure e.g. counseling, screening, interviews, meeting the child, etc and also at the time when the child comes under the full-time care of the adoptive parent. Adopting parents are required to complete the form at Appendix 1 and attach supporting documentation from the adoption agency that confirms the placement of the child.

14.4 An adopter is a person who has been matched with a child for adoption. In the case where two people have been matched jointly, the adopter is whichever has opted to be the child's adopter for the purpose of taking statutory adoption leave. The other partner may qualify to take Paternity (Partner) Leave (See Section 15)

14.5 Adoption leave is not available in cases where a child is not newly matched for adoption, such as where a step-parent is adopting a partner's child/ren.

14.6 Where pregnant employees have the right to paid time off for antenatal care, time off for prospective adoptive parents is available for meetings with authorities prior to the adoption.

15.0 Paternity (Partner) Leave and Pay/Maternity Support Leave (includes Adoption)

15.1 This will apply to employees who are biological and adoptive fathers or if you are the spouse, civil partner, or partner of the child's mother and are fully involved in the upbringing of the child and are taking this time off to support their partner taking maternity or adoption leave and the new child.. You must give written notice at least 15 weeks before the expected week of childbirth, confirming the expected week of childbirth.

15.2 The entitlement is to two weeks' paternity leave for employees with more than 26 weeks' continuous service with the first week paid at full pay and the second week at Statutory Paternity Pay for employees on teachers' terms and conditions and two weeks' normal contractual pay for all other employees. Only one period of Paternity Leave is available when there is a multiple birth.

15.3 Leave may be taken in one block of one week, one block of two weeks, or two separate blocks of one week each. The leave must be taken within 52 weeks of the birth.

15.4 Employees should apply for Paternity (Partner) Leave by using the application form provided in Appendix 1, at least 28 days before they want the leave to start, unless there are exceptional circumstances.

- 15.5 Reasonable paid time off for attending ante natal classes with the partner taking maternity leave should also be granted.
- 15.6 For employees who do not meet the eligibility criteria for Paternity (Partner) Leave (described in paragraph 14.1 above) but are in a position of providing sole support to a new parent at or around the time of birth, Maternity Support Leave may be available. This leave may only be granted when there is **no other Powys County Council** employee taking Paternity (Partner) leave in relation to the same child. Maternity support leave may be granted for a period of 1 week with pay. Leave must be taken in one block within 52 weeks of the birth.
- 15.7 It is a prerequisite of Maternity Support Leave being considered that the employee nominates the person who will be taking the leave and declares that no other Council employee will be taking Paternity/ (Partner) Leave in connection with that birth/adoption. The nominated employee requesting to take Maternity Support Leave will be required to provide a copy of the MATB1 form.

16.0 Parental Leave (Unpaid)

- 16.1 Working parents – mothers and fathers and adoptive parents – have a statutory right to take up to 18 weeks of unpaid leave during their child's first eighteen years. Leave must be taken in blocks of 1 week at a time up to a maximum of 4 weeks per year per child. Parental leave gives another option for working parents needing time off to spend with their child/ren and further guidance on other flexible working arrangements that may be considered are contained in the Access to Flexible Working Policy.
- 16.2 Requests for unpaid parental leave cannot be unreasonably postponed – the school must write to the employee giving reasons for postponement, for example that it would cause significant disruption to the school. The school cannot postpone requested leave if it means an employee would no longer qualify for parental leave, e.g. postponing it until after the child's 18th birthday

17. Shared Parental Leave

- 17.1 Shared parental leave is a type of leave that is available to parents with babies due on or after 5 April 2015. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.
- 17.2 Shared parental leave should not be confused with ordinary or unpaid parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks unpaid leave as outlined in paragraph 15 above.
- 17.3 As the shared parental leave provisions are complex, the detail is set out separately, as an appendix to this policy, at Appendix 4. If an employee wishes to take shared parental leave, he/she should clarify the relevant procedures with a member of the Employment Services Team to ensure that they are followed correctly. They may also wish to take advice from their trade union or professional association.

18.0 Leave for Foster Parents

- 18.1 As a provider of Social Services, Powys County Council recognises the need to encourage and support employees whose assessment for suitability to become foster parents is being undertaken by a Local Authority.
- 18.2 Employees should be aware, however, that although there is currently no statutory provision to support potential foster parents with paid time off, in cases where employees decide to become foster parents

and are undergoing the approval process, reasonable time off should be granted to attend meetings and training in the same way that expectant parents have access to ante natal appointments.

- 18.3 Employees who are potential foster parents should also be encouraged to consult the Access to Flexible Working Policy for guidance on the range of flexible working options available that will support the achievement of a more satisfactory work-life balance if required.

19. Bereaved Partner Leave

Where the child's mother or primary adopter dies within 52 weeks of the child's birth or adoption placement, the surviving partner who becomes the child's primary carer is entitled to Bereaved Partner Leave of up to 52 weeks.

This entitlement:

- applies from the first day of employment
- is separate from Statutory Parental Bereavement Leave, and
- is subject to statutory conditions for pay.

APPENDIX 1

APPLICATION FOR PATERNITY LEAVE & PAY

Employee Details

Surname

First Name

Address

Employee
Number

Job Title

Name of
Headteacher

Your Dates for Pay and Leave

Date baby due

Date you would
like paternity
leave to start

Continued Overleaf

Your Declaration

You must be able to tick all of the following boxes to receive paternity pay/leave:

I declare that I am

- ☐ The baby's biological father or adoptive mother or father *or*
Married to the mother *or*
Living with the mother in an enduring family relationship but am not an immediate relative
- ☐ I have responsibility for the child's upbringing

Signature/Date

Confirmation of receipt of this form/Approval of Leave

Headteacher:

Name

School

Signature/Date

Please return this form to Employment Services along with confirmation of the Expected Week of Childbirth (Copy of MatB1)

APPLICATION FOR MATERNITY SUPPORT LEAVE

Requests for this leave should be made on this form by employees and should be countersigned by the mother.

A copy of the mother's MAT B1 form is also required with the submission of this form.

Name (in full):		
Directorate:		
Location:		
Job Title:		
Payroll No: (As per last pay slip)		
Dates Leave Requested For:	From:	To:
Signed (Member of staff)		
In signing this form I _____ (mother's name) nominate the employee named above as my nominated carer for Maternity Support Leave, as set out above. In signing this form I _____ (applicant employee) certify that I will be the primary provider of support to the mother at or around the time of the birth of the child and confirm that no other Powys County Council employee has taken Maternity Support Leave or Paternity Leave in respect of this birth.		
Mother's Name:		
Mother's Address:		
Date of Birth of Child:		
Place of Birth:		
Signature (Mother):		
Signature – (Headteacher):		

Are supply teachers and casual staff entitled to occupational maternity pay?

Not normally. Supply teachers and casual staff are only entitled to statutory maternity pay as they are not able to fulfill the obligation to return to their job

Can a member of staff commence her maternity leave at any time, including during a period of school closure?

Yes, subject to the automatic trigger in the case of the birth of the child and pregnancy-related sickness absence. It is the employee who determines when she wants to commence maternity leave, to suit her own wishes.

Can a teacher continue to receive incremental pay increases when they have been off on maternity leave?

Incremental pay progression is automatic unless the teacher has been informed that they are subject to formal capability procedures.

Are non-teaching staff paid increments while they are on maternity leave?

(i) In the event of a pay award or annual increment being implemented before the paid maternity leave period begins, the maternity pay would be calculated as though the pay award or annual increment had effect throughout the entire SMP calculation period. If such a pay award was agreed retrospectively, the maternity pay would be re-calculated on the same basis;

(ii) In the event of a pay award or annual increment being implemented during the paid maternity leave period, you will be treated for SMP purposes as if the pay rise had applied for the Relevant Period. This means that your SMP will be recalculated and increased retrospectively, or that you may qualify for SMP if you did not previously qualify.

Do employees need to give 8 weeks, 28 days or 21 days notice of return to work following maternity?

Under the Work and Families Act 2006 the statutory notice period for early return from leave was extended from 28 days to 8 weeks. Under the Burgundy Book however a teacher only has to give 21 days' notice (see paragraph 7.1 of Section 5). This contractual entitlement over-rides the statutory requirement to give 8 weeks' notice. Non-teaching staff who are returning on the date previously notified to their manager do not need to give any further notification. However if they wish to return earlier they must give at least 8 weeks' notice

Do employees who work term time only who are on maternity leave accrue a right to paid annual leave under the Working Time Directive?

All employees have a statutory right to 28 days leave under the Working Time Regulations (including bank holidays). As a result of case law, a member of staff must be able to take her annual leave at a time separate to her maternity leave. Very often the 28 days entitlement will have been met during school closure periods either before or after her period of maternity leave.

If a staff member decides not to return to her job, does she need to repay her entitlement to occupational maternity pay?

Yes, if an employee does not return to her original post for 13 weeks after maternity leave, she will be required to repay the 12 weeks of half occupational maternity pay. If she knows that she intends to leave she can elect not to receive this payment. It is also at the authority's discretion whether they reclaim some or all of these payments.

What are the paternity provisions for teachers?

Paternity leave is not referred to in the Burgundy Book. However the teacher may be entitled to statutory paternity leave and pay, in which case they can choose to take one or two weeks' consecutive paid leave, the

first week paid at full pay and the second at Statutory Paternity Pay rate. Please see the attached link for further information: http://www.direct.gov.uk/en/Employment/Employees/WorkAndFamilies/DG_10029398

When does SMP start?

The earliest date that maternity leave and, consequently, SMP can start is from the 11th week before the week the baby is due (unless the baby is born before this); the latest date is the day following the birth. If a teacher continues to work after the 11th week before the week her baby is due, she can choose when she wants her SMP and maternity leave to start. However, maternity leave will automatically be triggered by any pregnancy-related absence from the 4th week before the baby is due. Leave and pay will both start on the day following the first day of absence.

Who is responsible for paying occupational maternity pay and SMP if a teacher changes jobs at the end of her maternity leave and returns to a different authority?

If the teacher does not return to her original job then the previous employer is not responsible for continuing to pay her SMP from the date she starts carrying out work for her new employer. She will no longer be entitled to the 12 weeks half occupational maternity pay as she is not returning to her original post as specified in the Burgundy Book. The original authority may at their discretion ask for occupational payments made to be returned.

Shared Parental leave Procedure

1. Introduction

This policy sets out the rights of employees to shared parental leave and pay following the birth of their child.

Shared parental leave should not be confused with ordinary parental leave, which is the separate entitlement to up to 18 weeks' unpaid leave. For further details, please refer to our supporting working parents policy Supporting Working Parents Policy

The following definitions are used in this policy:

- "Primary carer" means the primary carer or expectant primary carer of the child.
- "Partner" means the father of the child, or the person who at the date of the child's birth, is married to, the civil partner of, or the partner of the primary carer. This includes someone, of whatever sex, who lives with the primary carer and the child in an enduring family relationship but who is not the primary carer's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.
- "Expected week of childbirth" means the week, starting on a Sunday, during which the primary carer's doctor or midwife expects them to give birth.
- "Qualifying week" means the 15th week before the expected week of childbirth.
- "Primary Adopter" one who will take the main period of leave to care for the child.

The policy does not form part of your contract of employment and we reserve the right to amend it at any time.

1. Scope

This policy applies to all employees employed by the organisation, whether they are the primary carer or the partner. It does not apply to workers, contractors, volunteers or interns working for the organisation.

2. How does shared parental leave work?

Shared parental leave enables a primary carer to end their maternity leave early and share the remaining weeks of leave with a partner. It is aimed at giving parents more flexibility over how they share childcare between them during the first year of their child's life.

Shared parental leave can be taken at the same time as an eligible primary carer/partner or separately.

Leave must be taken in blocks of at least one week.

You can request to take shared parental leave in one continuous block, in which case we must accept your request if you are entitled to shared parental leave and meet the notice requirements. Alternatively, you can request to take shared parental leave in a number of discontinuous blocks of leave, separated by periods of work, in which case you may need our agreement.

3. Entitlement to shared parental leave if you are the primary carer or prime adopter

If you are a primary carer, you are entitled to shared parental leave if:

- you have at least 26 weeks' continuous employment with us at the end of the qualifying week;
- you remain in continuous employment with us until the week before any period of shared parental leave that you take;
- you have main responsibility for the care of the child at the date of the child's birth (apart from the partner);
- you are entitled to statutory maternity leave in respect of the child;
- you have brought your statutory maternity leave to an end by giving a maternity leave curtailment notice (or returned to work before the end of your statutory maternity leave period); and
- you have complied with the relevant notice and evidential requirements set out in this policy.

In addition, the partner must:

- have been employed or been a self-employed earner for at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold in any 13 of those 66 weeks; and
- have main responsibility for the care of the child at the date of the child's birth (apart from the primary carer).

4. Entitlement to shared parental leave if you are the partner

If you are a partner, you are entitled to shared parental leave if:

- you have at least 26 weeks' continuous employment with us at the end of the qualifying week;
- you remain in continuous employment with us until the week before any period of shared parental leave that you take;
- you have main responsibility for the care of the child at the date of the child's birth (apart from the primary carer); and
- you have complied with the relevant notice and evidential requirements set out in this policy.

In addition, the primary carer must:

- have been employed or been a self-employed earner for at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold [currently £30] in any 13 of those 66 weeks;
- have main responsibility for the care of the child at the date of the child's birth (apart from the partner);
- be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child; and
- have brought their statutory maternity leave to an end by giving a maternity leave curtailment notice (or returned to work before the end of their statutory maternity leave period).

Where either individual may not meet the above you can still check if you or your partner are eligible by using the gov.uk website Parental Leave and Pay - GOV.UK

5. Amount of shared parental leave available

The amount of shared parental leave that you can split between you is 52 weeks, minus the amount of maternity/adoption leave taken by the primary carer/primary adopter

If you are a primary carer, you must take compulsory maternity leave immediately after the child is born. This means that you cannot start your shared parental leave until two weeks after the birth of your child.

If you are a partner, you can begin a period of shared parental leave at any time from the date of the child's birth. However, you are entitled to take up to two weeks' paternity leave following the birth of your child, which you will lose if shared parental leave is taken first.

All shared parental leave must be taken within the first 52 weeks following the birth of the child.

6. Notice requirements

If you wish to take shared parental leave, you must ensure that you submit the required notices to your line manager within the timescales set out in this policy. The notices are:

- maternity / adoption leave curtailment notice (if you are the primary carer);
- notice of entitlement and intention; and
- period of leave notice.

The notice periods set out in this policy are the minimum required by law. However, the earlier you inform us of your intentions, the more likely it is that we will be able to accommodate your wishes, particularly if you want to take periods of discontinuous leave.

If you have already decided the pattern of shared parental leave that you would like to take, you can provide more than one type of notice at the same time.

7. Maternity / adoption leave curtailment notice

If you are the primary carer who is employed by the organisation, you must give your line manager a maternity / adoption leave curtailment notice (unless you have already returned to work from maternity / adoption leave). This is for you to confirm the date on which you intend to end your maternity / adoption leave.

Your notice must be received by us at least eight weeks before you or your partner intend to start the first period of shared parental leave. You should use the Shared Parental Leave Request Form. Additionally, you must at the same time submit either:

- Form for primary carer to provide declaration of consent and entitlement - if your partner will be taking the first period of shared parental leave alone.
- If you are the partner who is employed by the organisation, you cannot take shared parental leave until the primary carer has given a maternity / adoption leave curtailment notice to their own employer or returned to work before the end of their statutory maternity / adoption leave period.

When the maternity / adoption leave has been curtailed, the right to KIT (keeping in touch) days will cease. An employee and their manager can agree on up to 20 shared parental leave in touch (SPLIT) days. Split days are paid based on hours worked. Please note that a payment for split day may be offset by any statutory payment you may be receiving.

These work in a similar way to keeping in touch (KIT) days with maternity / adoption leave.

SPLIT days can be useful for the employee to:

- keep up to date with work
- go to a work-related activity or training session
- work part of a week to help the team
- return from leave in a gradual way, for example taking 2 SPLIT days and working 3 days a week to start with

It's up to the employer and employee to agree:

- whether to use SPLIT days
- how many of the 20 to use
- how much the employee will get paid for them

8. Revoking your maternity / adoption leave curtailment notice

We urge you to think carefully before submitting your maternity / adoption leave curtailment notice.

Once a maternity / adoption leave curtailment notice is submitted, you can only revoke it if:

- you discover that neither you nor the partner are entitled to shared parental leave or statutory shared parental pay and you withdraw your notice in writing within eight weeks of the date on which it was submitted;
- notice was given before the birth of the child and you withdraw your notice in writing within six weeks of the child's birth; or
- the partner has died.

If you wish to revoke your notice, you will need to do so in writing to your line manager.

9. Notice of entitlement and intention

Before you can book a period of shared parental leave, you must give your line manager at least eight weeks' notice before you intend to start the first period of leave. The notice can be provided by using the Shared Parental Leave Request Form. The form contains declarations that will need to be signed by both the primary carer/primary adopter and the partner.

Your period of leave notice may state the start and end dates for each period of leave that you wish to take. Alternatively, if your child has not been born yet, you may specify some of the dates that you want to take after the child's birth

Shared parental leave must be booked in blocks of at least one week. You can book one continuous period of leave, in which case we must accept your request if you are entitled to shared parental leave and meet the notice requirements. Alternatively, you can book discontinuous periods of leave,

separated by periods of work, in which case we will consider your request but reserve the right to refuse it (see booking discontinuous leave below).

10. Varying or cancelling the dates in your notice of entitlement and intention

You can vary or cancel the proposed shared parental leave dates set out in your Shared Parental Leave request form.

To do this, you will need to complete Shared Parental Leave Request Form of the revised or additional leave dates. Each eligible employee has up to 3 requests (insert this into form) they can give their manager to:

- take continuous leave – a full block of time off work
- take discontinuous leave – where blocks of time off work are mixed with time back at work
- change the dates of any booked leave

To change or cancel the dates of any shared parental leave booked, the employee must give their manager 8 weeks' notice. Where this is impractical the employee and manager should discuss arrangements.

If the baby is born more than 8 weeks early, the parent does not need to give the usual 8 weeks' notice to book or change leave dates. The parent should give the necessary notices to their employer as soon as they can. If they're changing shared parental leave dates already booked, it will not count as one of the employee's 3 notices to vary shared parental leave.

If there any other changes in circumstance that may affect your entitlement to shared parental leave, you must inform your line manager.

The manager can ask the employee to change dates of booked shared parental leave. If the employee agrees, this will not count as a notice to vary leave. The employee does not have to agree and must not be treated unfairly if they do not.

11. Period of leave notice

Booking continuous leave

If you request a continuous period of leave, your manager must accept your request as long as you meet the eligibility criteria and meet the notice requirements.

Continuous shared parental leave is a series of consecutive weeks over a single unbroken period. Employees have an opportunity use up to 3 notices to take continuous leave for example

Employee A wants to take 3 blocks of certain dates off work over the year, they give their employer 3 continuous leave notices.

They give 1 notice to take 10 weeks of leave from 1 January to 11 March. And then a second notice to take 5 weeks from 1 May to 4 June. They give their third notice to take 5 weeks from 1 August to 4 September.

Employee A provided 3 separate notices of a single unbroken period of continuous leave. If this request was made under one notice it could be classed as discontinuous as there is a break in between each period when they return to work.

Booking discontinuous leave

Discontinuous shared parental leave is a series of intermittent periods of leave, interspersed with returns to work. For example:-

Employee B gives their manager one notice to take discontinuous leave they request every other week off from January to March.

If you request discontinuous periods of leave, separated by periods of work, your manager will consider your request but reserve the right to refuse it. Discontinuous leave can be refused.

In such cases, your line manager will start a two-week discussion period with you.

Your line manager may agree to your request, refuse your request or propose alternative dates.

If agreement cannot be reached within that two-week period, you may take the leave as one continuous period of leave on:

- the start date given in your original period of leave notice; or
- a new start date that is at least eight weeks after the start date given in your original period of leave notice (in which case you must notify your line manager of that new start date within five days of the end of the two-week discussion period).
- alternatively, if you withdraw your period of leave notice on or before the 15th day after the notice was submitted, it will not count towards the limit on the number of periods of leave notices that you are entitled to submit and you may submit a new period of leave notice.

Request for further information

We may, within 14 days of receiving your shared parental leave request form, ask you to provide:

- sight of the child's birth certificate (or a signed declaration stating the date and place of birth if the birth certificate is not available); and
- the name and address of the primary carer or partner's employer (or a declaration that they have no employer).

You must provide this information within 14 days of our request.

12. Shared parental pay

Statutory shared parental pay is available for an eligible primary carer and partner to share between them while on shared parental leave.

The number of weeks' statutory shared parental pay available will depend on how much statutory maternity / adoption pay or maternity / adoption allowance the primary carer has been paid when their maternity / adoption leave or pay period ends.

A total of 39 weeks' statutory maternity / adoption pay or maternity / adoption allowance is available to the parent / primary carer. There is compulsory maternity / adoption leave period of two weeks.

This means that a primary carer who ends their maternity / adoption leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with a partner.

Any statutory shared parental pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of your average weekly earnings (whichever is lower).

It is up to the primary carer and partner as to who is paid the statutory shared parental pay and how it is allocated between them. If you intend to receive statutory shared parental pay, you should give notice at the same time that you submit your shared parental leave request form.

13. Entitlement to shared parental pay if you are the primary carer

If you are a primary carer, you are entitled to shared parental pay if:

- you have at least 26 weeks' continuous employment with us at the end of the qualifying week;
- you remain in continuous employment with us until the week before any period of shared parental pay begins;
- your average weekly earnings for a period of eight weeks ending with the qualifying week are not less than the lower earnings limit for national insurance contributions;
- you have main responsibility for the care of the child at the date of the child's birth (apart from the partner);
- you are absent from work and intend to care for the child during each week in which you receive statutory shared parental pay; and
- you are entitled to statutory maternity/adoption pay in respect of the child, but the maternity / adoption pay period has been reduced; and
- you have complied with the process set out in this policy.

In addition, the partner must:

- have been employed or been a self-employed earner for at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity / adoption allowance threshold in any 13 of those 66 weeks; and
- have main responsibility for the care of the child at the date of the child's birth (apart from the primary carer).

14. Entitlement to shared parental pay if you are the partner

If you are a partner, you are entitled to shared parental pay if:

- you have at least 26 weeks' continuous employment with us at the end of the qualifying week;
- you remain in continuous employment with us until the week before any period of shared parental pay begins;
- your average weekly earnings for a period of eight weeks ending with the qualifying week are not less than the lower earnings limit for national insurance contributions;
- you have main responsibility for the care of the child at the date of the child's birth (apart from the primary carer);
- you are absent from work and intend to care for the child during each week in which you receive statutory shared parental pay; and
- you have complied with the process set out in this policy.

In addition, the primary carer must:

- have been employed or been a self-employed earner for at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity / adoption allowance threshold in any 13 of those 66 weeks;
- have main responsibility for the care of the child at the date of the child's birth (apart from the partner); and
- be entitled to statutory maternity / adoption pay or allowance in respect of the child, but the maternity / adoption pay period or maternity / adoption allowance period has been reduced.

15. Your rights during shared parental leave

During shared parental leave, all the terms and conditions of your contract except normal pay will continue. Your pay will be replaced with statutory shared parental pay if you are eligible for it. However, other benefits such as holiday entitlement and pension contributions will continue as set out below.

16. Holiday entitlement

You will continue to accrue your holiday entitlement during your shared parental leave.

You should make every effort to take any outstanding holiday entitlement before commencing shared parental leave or immediately after your shared parental leave has ended. Any statutory holiday entitlement that has not been taken because of shared parental leave can be carried over.

17. Pension contributions

We will continue to make pension contributions based on your normal pay during any period of paid shared parental leave. The contributions that you make will be based on the actual pay that you receive during your shared parental leave.

The organisation's pension contributions will cease during any period of unpaid shared parental leave.

18. Contact during shared parental leave

We reserve the right to maintain reasonable contact with you during your shared parental leave. This may be to discuss your plans for returning to work, to discuss any special arrangements to be made or training to be given to ease your return to work, or to update you on any developments or changes at work during your absence.

19. Returning to work following shared parental leave

You have the right to resume working in the same job and on the same terms and conditions when returning to work from shared parental leave if the period of leave when added to any other period of shared parental leave, statutory maternity or paternity leave taken by you in relation to the child is 26 weeks or less.

You have the right to return to the same job, wherever possible, if you have taken shared parental leave and the period of leave taken is more than 26 weeks when added to any other period of shared parental leave, statutory maternity, paternity leave and adoption leave taken by you in relation to the child. However, if this is not reasonably practicable, we will offer you a suitable alternative job on terms and conditions that are no less favourable.

If you decide that you do not wish to return to work, you must give written notice of resignation as soon as possible in accordance with the terms of your contract of employment.

20. Other considerations

Where an employee's fixed term contract is due to end or where they are at risk of redundancy they may have protected rights. In these instances, please discuss this with your HR representative.

Annex A

Notice of entitlement and intention to take shared parental leave

Employee Name	
Pay Number	
Child's expected date of birth/date of placement for adoption	
Child's actual date of birth/date of placement for adoption (if known)	
Start date of mother/main adopter's/intended parent's maternity/adoption/surrogacy leave (or pay period *)	
End date of mother/main adopter's/intended parent's maternity/adoption/surrogacy leave (or pay period *)	

Shared Parental Leave Details

Total number of weeks SPL available	
Number of weeks SPL you intend to take	
Number of weeks SPL the other parent intends to take	
Indication of start and end dates of SPL that you intend to take. <i>This indication is non-binding. You must submit a formal period of leave notice for each period of SPL you wish to request for it to be binding.</i> <i>Complete the section below if you wish your request for any/all of these periods of leave to be treated as a period of leave notice</i>	

Do you wish the dates indicated for the period/s of leave to constitute a formal (binding) period of leave notice? (Delete as applicable)	Yes/No Yes for the following dates only:
--	---

Shared Parental Pay Details

The total amount of shared parental pay (ShPP) which may be available is 39 weeks minus the number of weeks' pay already taken by the mother/main adopter/intended parent according to the dates given in Section1.

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

Employee notice of curtailment of maternity/adoption/surrogacy leave

1. Complete this section if you are the employee named in this notice and you are the mother or main adopter or intended parent.
2. You must give at least eight weeks' notice of your curtailment date. If you are entitled to maternity leave the curtailment date must be at least two weeks after the birth of your child (four weeks if you work in a factory).

I wish my maternity leave to end on _____ (insert date)

Employee Declaration

I confirm that I meet the following conditions:

- I am the mother, father or main adopter or intended parent of the child, or the partner of the mother or main adopter
- I have (or share with the other parent) the main responsibility for the care of the child and am taking SPL in order to care for the child
- I have at least 26 weeks continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the relevant week)
- I intend to be in continuous employment until the week before any SPL is taken
- If I am claiming shared parental pay I have average weekly earnings equal to or above the Lower Earnings Limit over the eight week period ending with the relevant week
- I agree to inform the School immediately if I cease to meet the conditions for entitlement to SPL or ShPP

If you are the mother or main adopter or intended parent:

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

Signature: _____

Date: _____

Declaration of Other Parent

Name	
Address	
National Insurance Number	

I confirm that I meet the following conditions:

- I have at least 26 weeks employment (employed or self-employed) out of the 66 weeks prior to the 15th week before the expected date of birth or at the week in which the main adopter was notified as having been matched for adoption with the child (known as the relevant week)

- I have average weekly earnings of at least £30 during at least 13 weeks of the 66 weeks prior to the relevant week
- I agree to inform your employee immediately if I cease to meet the two conditions above
- I consent to your employee taking SLP and ShPP as set out in Sections 2 and 3 above.

If you are the mother/main adopter/intended parent:

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

I consent to you processing the information contained within the declaration.

Signed _____

Date _____

