



THE HARPUR TRUST

FAMILY FRIENDLY POLICY

Policy Statement

This policy sets out the framework for the rights and responsibilities of employees who are either pregnant, wish to take paternity, shared parental leave or adoption leave, or apply for flexible working.

These guidelines have been developed in line with current legislation covered under the Equality Act 2010.

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1. Maternity Rights

What are my rights to Maternity Leave?

- Maternity leave will not be treated as creating a break in service and will be included in length of service for calculating any statutory rights arising from employment that depend on continuity of service.
- All pregnant employees, regardless of the number of hours they work or their length of service with the Trust, are entitled to a period of 52 weeks maternity leave subject to notification requirements outlined below.
- You are entitled to take 26 weeks ordinary maternity leave (OML), irrespective of your length of service or the number of hours worked each week, provided you comply with certain notification requirements (see below).
- If you qualify for ordinary maternity leave you will also qualify for Additional Maternity Leave (AML) this is a further 26 week period that starts the day after your OML ends.
- Legislation prohibits you from returning to work during the two week period immediately after the birth of your child.

Definitions

- “Expected week of childbirth” or “EWC” means the week, starting on a Sunday, during which the employee is expected to give birth
- “Qualifying week” means the 15th week before the expected week of childbirth.

When can I start my Maternity Leave?

OML can commence at any time from the beginning of the 11th week before your expected week of childbirth (EWC). You are not, however, obliged to start your maternity leave before the birth of your child and may, if you wish, work right up to the date of childbirth, subject to health and safety regulations (see below). Maternity leave will start on whichever date is the earlier of:

- Your chosen start date
- The day after you give birth
- The day after any day on which you are absent for a pregnancy-related reason in the four weeks before the EWC.

You have the right to return to work after a period of either OML or AML, subject to you following the correct notification procedure as set out below. If you wish to return to work after OML, you have the right to return to the same job on the same terms and conditions as if you had not been absent. If you are returning to work after taking a period of AML you will normally return to the same position. If this is not reasonably practicable, you have the right to be offered suitable alternative work on terms and conditions that are no less favourable than your old job.

What is the notification process?

On becoming pregnant, you should notify your line manager as soon as possible. This is important as there are health and safety considerations for both you and the Trust.

To take advantage of your right to OML and AML, you must notify your line manager at least 15 weeks before your baby is due or as soon as reasonably practicable, of the following:

- the fact that you are pregnant;
- the date of your EWC (the maternity certificate (MAT B1) from your Doctor or Midwife should be forwarded to Human Resources when you receive it);
- confirmation in writing of when you intend to start your maternity leave.

As soon as practicable after the notification of your pregnancy, arrangements will be made for you to meet with your line manager and/or Human Resources. This will be an informal interview, the purpose of which is to ensure that:

- You understand your right to OML and to AML, including the requirements for you to give appropriate notice
- The right to return from maternity leave is explained, together with any potential opportunities for flexible working (as detailed in this policy)
- Arrangements for time off are known, and any possible health and safety concerns are discussed
- You understand your entitlement to pay during maternity leave

Following your maternity meeting, your HR department will write to you to confirm the agreed start date of your period of maternity leave, the proposed return date from your period of maternity leave and your entitlement to pay during maternity leave. Should you wish to amend the start date of your period of maternity leave, you may do so by giving the Trust 28 days' notice in writing. Before your maternity leave starts we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your maternity leave.

What pay will I receive?

Statutory Maternity Pay (SMP)

Statutory maternity pay is payable for up to 39 weeks during maternity leave. In order to qualify for statutory maternity pay (SMP), you must:

- have at least 26 weeks continuous service by the end of the qualifying week;
- have average earnings of at least the lower earnings limit set by the government;
- provide the Trust with at least 28 days' notice in writing (or, if that is not possible, as much as you can) before you intend to start maternity leave;
- provide the Trust with a MAT B1 form stating your EWC; and
- still be pregnant at the 11th week before the EWC or have given birth by that time.

Payment of SMP cannot start before the 11th week before the EWC.

SMP is payable for a maximum of 39 weeks. The first 6 weeks are paid at 90% of your average weekly earnings. For the remaining period (up to 33 weeks) you will be paid at the SMP rate or 90% of your average weekly earnings whichever is the lesser. Please contact HR for details of the current rate of SMP which is set annually by the government.

Average weekly earnings are calculated by averaging your earnings over the eight week period preceding the qualifying week. You must work up to at least the qualifying week (15 weeks before the EWC). If you do not, you will lose your right to receive SMP, unless you are certified as unfit to work. The remaining 13 weeks of AML would be unpaid.

Pension entitlement will continue to accrue whilst you are being paid SMP. Other non-remuneration benefits will continue throughout OML and AML.

Does the Harpur Trust provide Enhanced Maternity Pay?

Depending on the nature of your contract and provided that you have completed one year's continuous service by the end of the qualifying week, and that you have reached all of the qualifying criteria for SMP, you will be entitled to enhanced maternity pay which enhances the statutory position outlined above.

If you are entitled to enhanced maternity pay, the first 6 weeks of your maternity leave are paid at 100% of your average weekly earnings (including SMP). The following 6 weeks of your maternity leave are paid at 50% of your average weekly earnings (including SMP). For the

remaining period (up to 27 weeks) you will be paid at the lesser of either statutory maternity pay or 90% of your average weekly earnings (Provided you qualify for the Lower Earnings Level).

SMP is payable whether or not you intend to return to work for the Trust. Once your entitlement to SMP has been established, the Trust will pay SMP even if you leave the Trust before or during the maternity pay period. If you are not entitled to SMP, you may be entitled to Maternity Allowance and should contact your local Job Centre Plus for details of how to claim.

SMP is treated as earnings and is therefore subject to deductions for taxation, national insurance and pension contributions.

Can I take time off for Antenatal Care?

Regardless of your length of service, you are entitled to reasonable paid time off to keep appointments for antenatal care, made on the advice of a registered medical practitioner, registered midwife or registered health visitor. Ante-natal care includes:

- Appointments with your GP
- Hospital clinics
- Relaxation classes

Except in the case of the first appointment, you must provide on request, either:

- a certificate from a registered medical practitioner, registered midwife or registered health visitor confirming that you are pregnant, and;
- an appointment card or some other document showing that an appointment has been made.

You should endeavour to give your manager as much notice as possible of your antenatal appointments and should make every effort to arrange them as near the start or end of your working day as possible.

What are the Health & Safety Requirements?

The Trust will carry out a risk assessment of the workplace risks to pregnant women, those who have given birth within the last six months and those who are still breastfeeding.

You will be provided with information regarding any risks identified in the risk assessment and any preventative and/or protective measures required. If it is considered that you would be exposed to health hazards in carrying out your normal work, the Trust will take such steps as are necessary to avoid those risks.

What if I am absent owing to sickness?

If you are absent from work during pregnancy owing to sickness, you will receive normal contractual sick pay in the manner as for any other sickness absence, provided that you have not yet commenced OML. If, however, you are absent from work due to a pregnancy-related illness within the last 4 weeks before your EWC your maternity leave will start automatically.

Occupational Health

The Trust reserves the right at its sole discretion to refer you, if you continue to work in the 11 weeks immediately prior to your EWC, to the Trust's Occupational Health Adviser if, in its opinion, you are prejudicing your health or that of your unborn baby. In such cases, where the Trust's Occupational Health Adviser is of the same opinion, the Trust may ask you start your OML.

Can I start Maternity Leave before the Notified Date?

You cannot normally start your maternity leave unless you have given the required notice, except in the following circumstances:

- If you give birth before you have notified the Trust of your start date, your OML starts automatically on the day after the date of the birth. You must notify the Trust as soon as is reasonably practicable of the date of birth.
- If you are absent from work due to a pregnancy related reason within the 4 weeks immediately prior to your EWC but before the date notified, your OML begins automatically on the day after the first day of your absence. You must notify the Trust that you are absent from work wholly or partly because of pregnancy and of the date of which you are absent for that reason.

Can I be contacted during Maternity Leave?

The Trust reserves the right at its sole discretion to maintain reasonable contact with you from time to time during your maternity leave. This may be to discuss plans for return to work, to discuss any special arrangements to be made or training to be given to assist you in your return to work or simply to update you on developments at work during your absence.

What are Keeping in Touch (KIT) Days?

Except for during the first two weeks following your baby's birth, you may work for the Trust (or attend training) for up to 10 mutually agreed days during your maternity leave without bringing your maternity leave to an end and without losing SMP. These days can be taken singularly or in blocks and will be paid at your normal salary rate less SMP. You are under no obligation to agree to attend KIT days and the Trust is under no obligation to offer you KIT days.

What happens on my return to work at the end of Maternity Leave?

You do not have to give advance notice if you wish to return to work on the date previously discussed and agreed with the HR Department. Whilst you are not obliged to, it would assist the HR Department if you confirm as soon as convenient during your maternity leave that it is still your intention to return to work as expected.

Return from OML – you will be employed in the same position upon your return to work from OML that you occupied before your leave period began. You will be entitled to return on the same terms and conditions as if you had not been absent.

Return from AML – you will normally be able to return to the same position upon your return to work from AML that you occupied before your leave period began. If this is not reasonably practicable, you will be redeployed to a job which is suitable and appropriate for you in the circumstances. You will be entitled to return on terms and conditions no less favourable than you would have been entitled to had you not been absent.

You must give the amount of notice specified in your contract of employment/offer letter if you do not intend to return to work after your maternity leave.

Unless otherwise notified, the date on which you return to work will be the first working day after the end of your AML.

Shortly before you are due to return to work, you may be invited for an informal meeting with your line manager in order to discuss any material points concerning your return to work.

Any request made for changes to working patterns (such as part time working) after maternity leave will be dealt with on a case by case basis. The procedure for dealing with such requests is set out later in this Policy.

If you decide not to return to work after maternity leave, you must give notice of resignation as soon as possible and in accordance with your contract of employment.

Can I transfer any of my Maternity Leave?

If you propose to return to work without using your full entitlement to either OML or AML, your spouse, civil partner or partner may be eligible to take up to 26 weeks additional paternity leave (and additional statutory paternity pay) on your return to work. Further details are set out later in this Policy.

What if I am sick at the end of my Maternity Leave?

If you are unable to attend work at the end of your maternity leave due to sickness, the Trust's normal sickness absence notification process will apply.

Do my contractual rights change?

During maternity leave all terms and conditions of your contract of employment, other than those relating to remuneration, will continue. Salary will be replaced by SMP throughout OML and for the first 13 weeks of AML (if you are eligible to receive this) and will normally be paid in the same way as salary payments are made.

I currently claim Child Care Vouchers through my salary – what happens to these during my maternity leave?

You will need to consider your current arrangements, as the employer childcare voucher scheme closed to new entrants from October 2018, in line with government regulations. As a member of the employer scheme, you can continue to sacrifice your salary for child care vouchers whilst you are in receipt of sufficient enhanced maternity pay, and can remain in the scheme providing you have at least one voucher taken from your pay in every rolling 12 month period. This can be a minimum amount of £20. Once you are in receipt of SMP you will not be able to make a salary sacrifice. You may qualify, if you wish, to make a payment from paid keep in touch days, or if you move into annual leave. If you become ineligible for childcare vouchers you will not be able to re-join the employer childcare voucher scheme. Further advice can be obtained from the Payroll Department or Computershare who facilitate the Trust's childcare scheme.

What happens to my holidays if I am Support Staff?

During maternity leave you will accrue holiday based on the minimum holiday entitlement under the Working Time regulations 1998 only (5.6 weeks including public holidays for a full time employee) and not based on your contractual entitlement as per your employment agreement. This holiday entitlement will be pro-rated for employees who work term time only, part time or on a paid as advised basis. Staff on a paid as advised contract will be paid for accrued holiday.

You can treat the holiday which you are owed or will accrue during your maternity leave as follows:

- You can take all or part of your holiday entitlement, including the whole entitlement that you would accrue during OML and AML immediately prior to the start of your maternity leave; or
- You can add any outstanding holiday at the start of your maternity leave to the holiday that you will accrue during your leave. Then you can:
 - take all or part of the holiday entitlement either immediately after your leave period; or
 - at any time during the remainder of the holiday year in which your leave ends unless you are on a term time only contract in which case the holiday will coincide with the school holidays after your return;

If you have taken more than your accrued holiday entitlement and do not return from maternity, the Trust reserves the right to deduct any holiday taken in excess of your accrued holiday entitlement from any payments due to you from the Trust. If no such payments are due, the value of the excess holiday shall become immediately repayable by you as a debt to the Trust.

What happens to my holidays if I am a Teacher?

During maternity leave you will accrue holiday based on the minimum holiday entitlement under the Working Time Regulations 1998 only (currently 28 days or 5.6 weeks including public holidays) and not based on your entitlement to normal school holidays. For these purposes any paid holiday that you have taken before your maternity leave starts will be deemed first to be statutory paid holiday. This holiday entitlement will be pro-rated for employees who work part time, or on a paid as advised basis including those on VMT contracts. Staff on a paid as advised/VMT contract will be paid for accrued holiday.

During maternity leave, statutory entitlement to leave accrues in the same way and at the same rate as if the employee was at work (this accrual is on a pro rata basis for part time staff). Statutory leave accrued during OML can be taken before maternity leave begins.

Statutory leave that will accrue in additional maternity leave may not be taken before the maternity leave starts.

Under the requirements of the Working Time Regulations, a teacher who takes maternity leave will be able to accommodate the 28 days statutory leave within school closure periods at a time outside of her maternity leave. No part of the maternity leave period will be treated as statutory leave.

The statutory leave entitlement can be offset by any period of school closure that has taken place in the leave year in question; i.e. both before and after the maternity leave period.

Teachers will be required to accommodate the statutory entitlement to leave during school closure periods, either before or after the maternity leave period but within the relevant leave year. Where this is the case no carryover of outstanding leave will be permitted. If there are insufficient school closures to accommodate statutory annual leave in that leave year, the teacher will be permitted to carry over any outstanding statutory leave to the next leave year and to accommodate the leave during school closures.

Where the return from maternity leave is so close to the end of the leave year that there is not enough time to accommodate all her statutory leave entitlement, a teacher must be allowed to carry over any balance of her leave to the following leave year. A teacher can be required to take this during the remaining periods of school closure after the 28 days/5.6 weeks statutory leave for the new leave year has been accommodated.

It will not be possible for a teacher to obtain payment in lieu of untaken statutory leave instead of taking leave during the leave year except where employment terminates.

The accrual of statutory leave is not affected by the stage of maternity leave an employee is at or whether they are receiving pay or not. For the purposes of this policy, the annual leave year will run in accordance with the leave year stated within contracts of employment.

2. Adoption Rights

What are my rights to Adoption Leave?

Eligible employees have the right to take paid leave when a child is newly placed for adoption. Adoption leave is available whether a child is adopted from within the UK or from overseas. This policy applies to placements made from within the UK. For adoption placements made from overseas, please contact HR.

As with Maternity Leave, Adoption leave will not be treated as creating a break in service and will be included in length of service for calculating any statutory rights arising from employment that depend on continuity of service. Adoption leave is available to:

- individuals who adopt; and
- one member of a couple where the couple adopt jointly (the couple may choose which partner takes adoption leave)

Am I Eligible?

To qualify for adoption leave, you must:

- have worked continuously for the Trust for 26 weeks ending with the week in which you are notified of being matched with a child for adoption; and
- be 'newly matched' with a child for adoption by an approved adoption agency; and
- have notified the agency that you agree to the child being placed with you; and
- have agreed on the placement date.
- Adoption leave and pay 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.

Either parent (the main carer) will be entitled to adoptive leave.

When can I take Adoption Leave?

As an eligible employee, you will be entitled to up to 26 weeks' Ordinary Adoption Leave ("OAL") followed immediately by up to 26 weeks' additional adoption leave ("AAL") - a total of up to 52 weeks' leave. You can choose to start your leave:

- from the date of the child's placement (whether this is earlier or later than expected), or
- from a fixed date which can be up to 14 days before the expected date of placement.

Leave can start on any day of the week. Only one period of leave will be available irrespective of whether more than one child is placed for adoption as part of the same arrangement. If the child's placement ends during the adoption leave period, the adopter will be able to continue adoption leave for up to 8 weeks after the end of the placement.

Can I take time off to attend appointments?

The main adopter is eligible to take paid time off to attend up to five adoption appointments. The secondary adopter will be eligible to take unpaid time off to attend up to two appointments.

What pay will I receive?

During your adoption leave, you will be entitled to Statutory Adoption Pay (SAP) for a period of up to 39 weeks. The weekly SAP amount will be the same as the standard rate of statutory maternity pay or 90% of your normal weekly earnings (whichever is lower). For details of the current rate, please contact HR. If your average weekly earnings are below the Lower Earnings Limit you will not qualify for statutory adoption pay.

Pension entitlement will continue to accrue whilst you are being paid SAP. Other non-remuneration benefits will continue throughout OAL and AAL. SAP is treated as earnings and is therefore subject to deductions for taxation, national insurance and pension contributions. Any contributions of the Trust will be based on your pre-adoption leave pensionable salary..

What is the Notification Process?

To take advantage of the right to adoption leave, you must notify your line manager/HR that you intend to take adoption leave within seven days of being notified by your adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable. You will need to provide the following information:

- when the child is expected to be placed with you, and
- when you want your adoption leave to start; and
- a copy of your matching certificate, which the adoption agency will provide

You will be able to change your mind about the date on which you want your leave to start if you tell your line manager/HR at least 28 days in advance (unless this is not reasonably practicable). You will have to tell your line manager the date you expect any payments of SAP to start at least 28 days in advance, unless this is not reasonably practicable.

The Trust has 28 days in which to respond to the notification of your leave plans. The Trust will provide written confirmation to you, setting out the date on which they expect you to return to work if the full entitlement to adoption leave is taken.

Matching Certificate

You will have to provide the Trust with documentary evidence – a ‘Matching Certificate’ – from your adoption agency as evidence of your entitlement to SAP. The Trust can also ask for this certificate as proof of entitlement to adoption leave. You should ask your adoption agency for a matching certificate which will include basic information on matching and expected placement dates.

What are my contractual rights?

During adoption leave all terms and conditions of your contract of employment, other than those relating to remuneration, will continue. Salary will be replaced by SAP throughout OAL and for the first 13 weeks of AAL (if you are eligible to receive this) and will normally be paid in the same way as salary payments are made.

Other non-remuneration benefits will continue throughout OAL and AAL.

What happens to my holidays if I am Support Staff?

As per Maternity Rights please refer to page 6.

What happens to my holidays if I am a Teacher?

As per Maternity Rights please refer to page 6.

Can I be contacted during adoption leave?

As per Maternity Rights. Please refer to page 5.

What are Keeping in Touch (KIT) Days?

As per Maternity Rights. Please refer to page 5.

3. Paternity Rights

The rights to paternity leave and Statutory Paternity Pay (SPP) allow qualifying employees whose partner, spouse or civil partner has had a baby, to take paid leave to care for the baby or to support the mother following the birth of a child. The same rights to paternity leave and SPP apply for adoption unless you are to be the main carer of the adopted child in which case please refer to the Adoption Rights on pages 7 and 8. Employees may also be eligible for Shared Parental Leave and Pay (See Section 5).

Paternity leave will not be treated as creating a break in service, and will be included in the length of service for calculating any statutory rights arising from employment, which depend on continuity of service.

Am I Eligible for Paternity Leave?

You are eligible for paternity leave and SPP if you have or expect to have responsibility for your baby's upbringing and are:

- the biological father of the baby; and/or
- the mother's husband, civil partner or partner (whether of the opposite or same sex).
- have worked continuously for the Trust for 26 weeks ending with the 15th week before the expected week of childbirth (EWC) or, for adoption paternity leave, by the end of the week in which the child's adopter is notified of matching; and
- be taking the time off either to support the mother or care for the new baby; and/or
- expect to have responsibility for bringing up the child if you are the father; or
- expect to have the main responsibility for the upbringing of the child if you are the mother's husband, civil partner or partner but not the child's biological father; and
- have given the correct notice

The Trust is entitled to request proof of the right to take paternity leave (for example, by requesting a copy of the mother's maternity certificate).

What pay will I receive?

Statutory pay is payable for either 1 or 2 consecutive weeks. In order to qualify for SPP, as well as meeting the eligibility criteria you must:

- have average earnings of at least the lower earnings limit set by the government;
- be employed by the Trust up to the date of birth;
- provide the Trust with at least 28 days' notice in writing (or, if that is not possible, as much as you can) before you intend to start paternity leave;
- submit a completed form SC3 prior to start of paternity leave

SPP will be paid at the rate that applies at the time you receive pay, or 90% of your average weekly earnings, whichever is the lesser. Please contact HR for details of the current rate of SPP which is set annually by the government.

Does the Harpur Trust provide enhanced paternity pay?

If you meet the eligibility criteria outlined above you will be entitled to the first week of your paternity leave at 100% of your average weekly earnings (including SPP). If you opt to take two weeks, the second week will be paid at the lesser of either Statutory Paternity Pay or 90% of your average weekly earnings (provided you qualify for the lower earnings level).

How much Paternity Leave can I take?

Eligible employees can take their leave as two one-week, non consecutive blocks. It cannot be taken as odd days. You can choose to start your leave:

- at any point in the first year after the baby's birth or the child's adoption
- (
- Four weeks' notice will be required to take each period of leave, save for in cases of domestic adoption, where the notice period will be within seven days of the adopter receiving notice of the match.

Paternity leave can start on any day of the week, as long as the required notice has been given.

You can take only one period of leave even if more than one baby is born as a result of the same pregnancy.

What are the notification requirements?

You are required to inform us of your intention to take paternity leave on or before the 15th week before the EWC or for adoption no more than seven days after the date on which the adopter is notified of having been matched with the child, or as soon as is reasonably practicable. You will need to inform your line manager/HR in writing of:

- the expected week of the child's birth or placement and, where the birth or placement has already occurred, the date of birth or placement
- whether you wish to take one or two weeks' leave
- when you want to start the leave
- In the case of adoption, the date on which the adopter was notified that he or she had been matched with the child
- Where you are entitled to both SPP and statutory adoption pay, a declaration that you have elected to receive SPP not statutory adoption pay

You must advise us, in writing, as soon as reasonably practicable after the child's birth, of the date on which the child was born. If you have given notice of your intention to take paternity leave and wish to change the date that your paternity leave starts, you must give written notice at least 28 days before the revised period of leave is due to start.

4. Shared Parental Leave

What are my rights to Shared Parental Leave?

Shared parental leave is a type of leave that enables eligible mother, fathers, partners and adopters to choose how to share time off work after their child is born or placed. This could mean that the mother or adopter shares some of the leave with their partner, perhaps returning to work for part of the time and then resuming leave at a later date.

The partner of the employee should approach their own employer if they wish to take shared parental leave. The partner's employer may require the Trust to disclose information relating to the maternity leave the mother has taken. In these circumstances HR will discuss this with the employee before any information is disclosed. The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

Definitions

"Mother" means the mother or expectant mother 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 mother. This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who is not the mother'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 mother's doctor or midwife expects her to give birth.

How do I qualify for Shared Parental Leave?

To qualify for SPL a mother must:

- Have a partner
- Be entitled to either maternity/adoption leave or to statutory maternity/adoption pay or maternity allowance

- Have curtailed, or given notice to reduce their maternity/adoption leave or their pay/allowance

A parent intending to take SPL must:

- Be an employee
- Share primary responsibility for the child with the other parent at the time of birth or placement for adoption
- Have been employed continuously by the Trust for at least 26 weeks in the 66 weeks leading up to the baby's expected due date/matching date and still be working at the start of each leave period
- Have earned at least the maternity allowance threshold on average in 13 of the 66 weeks.

How much Shared Parental Leave is available to me?

You or your partner can only Shared Parental Leave (SPL) once the child has been born or adopted. SPL must be taken between the baby's birth and first birthday (or within one year of adoption).

Leave may be taken at any time within the period beginning on the date the child is born or placed for adoption, to the day before the child's first birthday, or the day before the first anniversary of the date the child was placed for adoption. An eligible mother or adopter can end their maternity or adoption leave early, enabling their partner or the child's father to take time off as shared parental leave and/or they can return to work and take shared parental leave at a later date.

You can share the leave with your partner if they are also eligible for SPL, and choose how much of the leave each of you will take. The mother or adopter must have either:

- Ended any maternity or adoption leave by returning to work
- Given 'binding notice' (a decision that cannot normally be changed) to their employer of the date when they plan to end any maternity or adoption leave
- Ended maternity pay or maternity allowance (if they are not entitled to maternity leave, e.g. self-employed)

If you are eligible and you or your partner end maternity or adoption leave and pay early, then you can:

- Take the rest of the 52 weeks of leave (up to a maximum of 50 weeks) as SPL
- Take the rest of the 39 weeks of pay (up to a maximum of 37 weeks) as Statutory Shared Parental Pay (ShPP)

How much Leave can I take?

Each eligible employee is entitled to give up to three separate notices. Each notice can be for a block of leave or a pattern of discontinuous leave (in which case the Trust is required to accept the request as long as you meet the eligibility and notice requirements). Shared parental leave must be taken in blocks of at least one week.

A mother is entitled to take up to 52 weeks of maternity leave. The first two weeks following the birth are compulsory maternity leave and are reserved for the mother. This means that the mother cannot curtail her maternity leave to take shared parental leave until two weeks after the birth, meaning that the maximum period that the parents could take as shared parental leave is 50 weeks between them. Shared parental leave can be split between both parents and can be taken by both parents at the same time. However the partner should bear in mind

that he/she is entitled to take up to two weeks' ordinary paternity leave following the birth of his/her child, which he/she will lose if shared parental leave is taken first. The mother and partner must take any shared parental leave within 52 weeks of the birth.

Shared Parental Pay

You will qualify for ShPP if one of the following applies:

- The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period
- The employee must intend to care for the child during the week in which ShPP is payable
- The employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions
- The employee must remain in continuous employment until the first week of ShPP has begun
- The employee must give proper notification in accordance with the rules set out below

ShPP is paid up to a maximum of 37 weeks and at the government rate or 90% of your average weekly earnings, whichever is lower. During this period all contractual rights, excluding remuneration, are preserved.

What notice is required for Shared Parental Leave?

Employees must give formal written notice to their Line Manager and HR of entitlement and intention to take shared parental leave and pay at least eight weeks' before the start date of the first period of leave. If the employee does not comply with these procedural requirements then their request may be turned down.

The notice should include:

- The employee's name
- The other parent's name
- Start and end dates for maternity or adoption leave and pay/maternity allowance
- The date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption
- The total amount of SPL and ShPP available and how much you and your partner intend to take
- A non-binding indication of when the employee expects to take the leave

The employee must provide the organisation with a signed declaration stating:

- That they meet the eligibility conditions and are entitled to take SPL and ShPP
- That the information they have given is accurate
- If they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter
- That should they cease to be eligible they will immediately inform the organisation.

You must also include a signed declaration from your partner stating:

- Their name, address and National Insurance Number
- They satisfy the qualifying requirements for SPL and ShPP
- They agree to you taking SPL and ShPP
- They are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter
- They consent to the organisation processing the information contained in the declaration form
- For ShPP, in the case where the partner is the mother/adopter, that they have reduced their maternity/adoption pay or maternity allowance.
- In the case where the partner is the mother/adopter that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Within 14 days of receiving your notice of entitlement and intention, whether you are the mother or partner, the Trust/School can request from you:

- a copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice); and
- the name and address of the other parent's employer (or a declaration that the other parent has no employer).

You have 14 days from the date of the request to send the Trust/School the required information.

The notice periods set out above are the minimum required by law. However, the earlier you are able to inform the Trust/School of your intentions, the more likely it is that the Trust/School will be able to accommodate your wishes, particularly if you are considering taking periods of discontinuous leave.

If you have already decided the pattern of shared parental leave that you would like to take, you may provide more than one type of notice at the same time. For example, the mother could provide a maternity leave curtailment notice, notice of entitlement and period of leave notice at the same time. Similarly, the partner could provide his/her notice of entitlement and period of leave notice at the same time.

Can I revoke my Maternity Leave curtailment notice?

As the mother you can withdraw your notice curtailing your maternity leave in limited circumstances. The withdrawal of a maternity leave curtailment notice must be in writing and can be given only if you have not returned to work. You can withdraw your maternity leave curtailment notice if:

- it is discovered that neither the mother nor the partner are entitled to shared parental leave or statutory shared parental pay and the mother withdraws her maternity leave curtailment notice within eight weeks of the date on which the notice was given;
- the maternity leave curtailment notice was given before the birth of the child and the mother withdraws her maternity leave curtailment notice within six weeks of the child's birth; or
- the partner has died.

Can I vary or cancel the notice of entitlement and intention?

You are entitled to vary or cancel your proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that you provide the Trust/School with a written notice. The written notice must contain:

- an indication as to when you intend to take shared parental leave (including the start and end dates for each period of leave);
- details of any periods of shared parental leave that have been notified through a period of leave notice;
- details of any periods of statutory shared parental pay that have been notified in relation to periods where shared parental leave was not to be taken; and
- a declaration signed by you and the mother or partner that they agree to the variation.

Any indication of leave intended to be taken that you provide in a variation of notice of entitlement and intention is non-binding until you provide a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that you can make.

What is the period of leave notice?

To take a period of shared parental leave, you must provide the Trust/School with a written notice setting out the start and end dates of each period of shared parental leave requested in that notice.

A period of leave notice must be given not less than eight weeks before the start date of the first period of shared parental leave requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

You may vary or cancel your proposed shared parental leave dates following the submission of a period of leave notice, provided that you provide the Trust/School with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence. The written notice can:

- vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

Is there a limit on the number of requests for leave?

You can provide a combined total of up to three period of leave notices or variations of period of leave notices per pregnancy. If you submit a period of leave notice requesting one continuous period of leave, you will be entitled to take that period of leave.

If you submit a period of leave notice requesting discontinuous periods of leave, the Trust/School, in the two weeks beginning with the date the period of leave notice was given, can:

- consent to the pattern of leave requested;
- propose an alternative pattern of leave; or
- refuse the pattern of leave requested.

If agreement is reached within those two weeks, you will be entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, you are entitled to take the leave as one continuous period of leave. In that event, you must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally given. You must notify the Trust/School of that date within five days of the end of the two-week discussion period. If you do not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

Alternatively, if the Trust/School has refused the request or no agreement has been reached during the two-week discussion period, you may withdraw a period of leave notice requesting discontinuous periods of leave. You can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that you can make.

It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

Rights during Shared Parental Leave

During shared parental leave, all terms and conditions of the employee's contract except normal pay will continue. Normal pay will be replaced by Statutory Shared Parental Pay provided that the eligibility criteria have been satisfied.

Contact during Shared Parental Leave

The Trust/School reserves the right to maintain reasonable contact with employees during shared parental leave. This may be to discuss with you plans for your return to work, to discuss any special arrangements to be made or training to be given to support your return to work or to update you on developments at work during your period of shared parental leave absence.

You can agree to work for the organisation (or to attend training) for up to 20 days during shared parental leave without that work bringing the period of his/her shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days.

SPLIT days should be arranged by mutual agreement between you and the Trust/School. The Trust/School have no right to require you to work SPLIT days during any period of shared parental leave and nor do you have the right to work a SPLIT day without the prior agreement of the Trust/School.

If you are entitled to receive statutory shared parental pay for any week during which you attend work for SPLIT days, you will still receive this in the usual way. In addition, we will also pay you for each hour that you work during a SPLIT day at the rate of your hourly rate of pay.

Returning to work following shared parental leave

As per Maternity Rights. Please refer to page 5.

5. Parental Leave

Parental leave is for employees to take time off work to look after a child's welfare, this leave is unpaid, and is available for each child up to their 18th birthday. Parental Leave should not be confused with Shared Parental Leave

Key points

- Employees must have completed one year's continuous service to qualify.
- 18 weeks of unpaid leave can be taken up for children under 18 years.
- Leave may be taken straight after the birth or adoption or following a period of maternity leave.
- Employees will need to request leave giving at least 21 days' notice before the intended start date.

If you have completed one year's continuous service, you are entitled to 18 weeks unpaid parental leave for each child born or adopted. The leave can start once the child is born or placed for adoption, or as soon as the employee has completed a year's service, whichever is later. Employees can take it at any time up to the child's 18th birthday.

A request should be made in writing giving 21 days' notice of your intended the start date. Parental leave should be taken in blocks of a week or multiples of a week, and should not be taken as "odd" days off, unless agreed otherwise or your child is disabled. Employees cannot take off more than four weeks during a year per child. A week is based on an employees working pattern.

An employee will remain employed while on parental leave and some terms of the contract, such as contractual notice and redundancy terms, still apply.

6. Parental Bereavement Leave

Employees will be entitled to statutory parental bereavement leave in circumstances where they lose a child under the age of 18 (which includes a still birth after 24 weeks of pregnancy). The main aspects that schools should be aware of and plan for are listed below:

- Leave is only available to employees.
- There is no minimum length of service requirement.
- The right will be available to all legal parents, as well as to legal guardians, individuals who have obtained court orders giving them day-to-day responsibility for caring for the child as well as to those living in an enduring family relationship with the child and the parent. This includes an adoptive parent, prospective adopter, intended parent under a surrogacy arrangement, a parent "in fact" (someone looking after the child in that person's own home for the last four weeks), or that person's partner, but not a paid carer.
- Statutory parental bereavement leave will need to be taken either as a single block of two weeks or as two separate blocks of one week
- The leave will need to be taken during the period of 56 weeks from the date of the child's death.
- No notice will be required to be given for Statutory Parental Bereavement Leave taken within the first seven weeks after a child's death, but where Parental Bereavement Leave is taken during or after the eighth week after a child's death, you will be required to give one week's notice of your intention to take leave.

What pay will I receive?

- Statutory parental bereavement pay will be paid to employees with at least 26 weeks' continuous service ending with the 'relevant week' which is the week before the child died.
- The rate of pay will be paid at the prescribed rate set by the government for the relevant tax year.

Support: The Trust wants to support any employees who are suffering after a bereavement, and offers an Employee Assistance Programme. If you have any particular needs please speak to your line manager.

7. Flexible Working

The Trust recognises the importance of helping its employees balance their work and home life by offering flexible working arrangements. In turn, it recognises that operational demands must always be met. The Trust will adhere to the ACAS statutory Code of Practice in relation to flexible working requests.

All employees, irrespective of length of service, have a statutory right to request flexible working twice in any 12 month period.

What types of working patterns can I request?

You can request to:

- Change the hours you work; or
- Change the times when you are required to work

How to I make an application?

Requests should be submitted to your line manager who will then forward to HR. A flexible working application form is attached in Appendix A on page 20.

The application must:

- Be in writing (using the flexible working application form)
- Specify the reason for requesting flexible working;
- Specify the flexible working pattern applied for;
- State the date on which it is proposed the change should become effective;
- Include a statement that this is a statutory request and confirm whether a previous application has been made to the Trust/School and if so when it was made; and
- Be dated

How will my application be considered?

The School/Trust will consult with the employee and consider whether the desired work pattern can be accommodated. Both employees and management need to be realistic and recognise that the full range of flexible working options will not be appropriate for all jobs across all areas of the Trust/Schools. Consideration will be given to:

- Potential benefits which may include improved productivity, morale, commitment, retention of key staff and/or salary or cost savings
- Feasibility and any adverse impact on the rest of the team and/or other colleagues
- Potential impact on workload or health, safety and security

The process is as follows:

- On receipt of an application the appropriate Manager, with HR support, will arrange a meeting to discuss your request.. You can if you wish have a work colleague to accompany you to the meeting. This will usually take place within 28 days of receipt of the application.
- .
- If your work colleague is unable to attend the meeting, this will be re-arranged within 7 days of the original date ensuring convenient to all. Alternatively you should invite another work colleague.
- Following the meeting, you will receive a letter informing you of the decision and your right to appeal.
- All flexible working requests including any subsequent appeals, will be discussed with you, considered and decided on within a period of two months from first receipt unless agreed otherwise with you.
- If you fail to attend a meeting more than once and do not provide a reasonable explanation, your application will be treated as withdrawn.

What happens if my application is accepted?

Acceptance of a new working pattern will be confirmed in writing by HR. The agreed working pattern will be a permanent change to the terms and conditions of your employment, unless agreed otherwise. Where a trial period or time limited period has been agreed this will also be detailed in the letter.

What happens to my pay?

If the change of working pattern includes a reduction of hours worked, your pay and if applicable, benefits will be adjusted accordingly.

On what grounds might my application be declined?

There will be circumstances where the School/Trust is unable to approve your request. In such circumstances you will be informed in writing. The letter will include:

- The grounds on which the request cannot be granted;
- An explanation of the business reasons that apply; and
- The appeal procedure

An application may be refused on the following grounds:

- Burden of additional costs;
- Detrimental effect on the School's/Trust's ability to meet operational demand;
- Inability to re organise work among existing staff;
- Inability to recruit additional staff;
- Detrimental impact on quality;

- Insufficient work for the periods the employee proposes to work;
- Detrimental impact on performance; or
- Planned structural changes

How can I appeal?

If your application is refused, you have the right to appeal. The process is as follows:

- You have 5 working days to appeal in writing following notification of the decision
- If you appeal a meeting will be arranged with a Senior Manager within 14 days of receiving your letter of appeal.
- The School/Trust will inform you of the appeal outcome in writing within 7 days of the date of the meeting.

If your appeal is upheld the written decision will:

- Include a description of the new working pattern; and
- State the date from which the new working pattern is to take effect.

If the appeal is dismissed the written decision will:

- State the grounds for the decision; and
- Provide an explanation as to why the grounds for refusal apply in the circumstances.

The appeal decision is final. You may not submit a further application for flexible working during the 12 months following the School/Trust's decision.



Chair of the Harpur Trust

April 2024



Appendix A - Flexible Working Application Form

You can use this form to make an application to work flexibly under the Trust's Family Friendly Policy. Before completing this form you should first read the Policy. It will help us consider your request if you provide as much information as you can about your desired working pattern. It is important that you complete all the questions as otherwise your application may not be valid. . Once you have completed the form, you should immediately forward it to your HR Department. You will be contacted within 28 days after the day your application is received to arrange a meeting with you to discuss your request.

- All flexible working requests including any subsequent appeals, will be discussed with you, considered and decided on within a period of two months from first receipt unless agreed otherwise with you.

Personal Details

Name:

Job title:

Department:

I would like to apply to work a flexible working pattern that is different to my current working pattern. I confirm I have not made more than two statutory requests in the past 12 month period.

-

Describe your current working pattern (days / hours / times worked):

Specify your reason for requesting flexible working:

Describe the working pattern you would like to work in future (days / hours / times worked):

I would like this pattern to commence from:

Have you previously made an application for flexible working: Yes / No

If so, when was this?

Signed:

Dated:

This form should now be submitted to your HR Department. You will be provided with a confirmation of receipt from the HR Department. A meeting will then be arranged within 28 days following the date of receipt of the application.

Controlled Document Template:

Date of Review	Amendment/Reason for Review	Authorised By
26.3.2020	Added in new Clause 6 on Parental Bereavement Leave (and also added to Index) in line with new legislation with effect from April 2020	Denise Rostron HR Business Partner
16.09.2021	Updating to clarify holiday pay accrual for PAA & VMT contracted employees	Denise Rostron HR Business Partner
14/11/2022	Changes to wording for Parental Bereavement Leave as follows: 'This includes an adoptive parent, prospective adopter, intended parent under a surrogacy arrangement, a parent "in fact" (someone looking after the child in that person's own home for the last four weeks), or that person's partner, but not a paid carer'. Amendment to notice of leave, and introduction of support paragraph	Denise Rostron In line with VWV update
17.8.2023	No amendments	Denise Rostron Internal HR & Training Consultant
04.01.2023	New legislation on flexible working with effect from 6 April. Change made to a 'day one right'. Change to number of times requests can be made in 12 month period. Change to ensure employee is consulted, a reduction in decision making time from 3 to 2 months, and removal of requirement for employee to explain what effect the change might have on the employer and how it might be managed	Denise Rostron Internal HR & Training Consultant
22.01.2024	Update to Paternity Leave rules in line with new legislation April 2024	Denise Rostron Internal HR & Training Consultant
06.02.2024	Amendment under pay sections relating to SMP, Enhanced Maternity Pay, and Adoption Pay to reflect what happens with pension during Maternity & Adoption Leave	Denise Rostron Internal HR & Training Consultant

Linked to:
Employee Handbook
HTO library
HR shared drive
Website – working for us