



Thinking Schools Academy Trust
"Transforming Life Chances"

Maternity Support (Paternity) Leave & Pay Policy

This policy was adopted following consultation with recognised trade unions:	September 2016
The policy was reviewed	April 2024
Next review due	April 2028

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Part A - Policy

1 Policy Statement

The term 'Maternity Support Leave' is used by the Trust as well as 'Paternity Leave' to recognise that any employee who is the partner of an expectant mother, or of an adopter, or of a surrogate parent is entitled to leave under this policy.

Any reference to maternity support and paternity within this policy should be read as interchangeable throughout as some statutory rights retain the use of the term paternity i.e. statutory paternity pay.

Eligible partners of those fostering with the expectation to adopt are also entitled to leave under this policy and for the purpose of this policy will thereafter be referred to as a partner of an adopter.

The Trust recognises its legal obligations with regards to entitlements and is committed to supporting best practice in relation to provision for new parents in the workforce.

Maternity support leave is a provision available to enable employees to take time off work to support their partner when they have given birth or adopted a child. It incorporates the statutory paternity entitlements.

This policy and procedure explains:

- The entitlements and benefits for under this provision.
- The requirements and procedures employees will need to comply with in order to access these benefits.

Employees are advised to read this document carefully as failure to comply with certain requirements and procedures could impact on their benefits.

2 Scope

This Policy and process applies to all employees of the Trust. Where an employee has transferred into the Trust and has enhanced terms these will continue to apply.

These rights apply equally to full and part-time Employees regardless of how many hours worked, provided qualifying conditions are satisfied

Certain entitlements may be dependent on length of service within a Trust School.

3 Adoption Arrangements and Date

This procedure was adopted by the Board of Directors of The Thinking Schools Academy Trust on 1st September 2016 and supersedes any previous Maternity Support Leave (Paternity) Policy and Procedure.

This policy will be reviewed by the Board of Directors every 4 years or earlier if there is a need. This will involve consultation with the recognised unions.

4 Responsibilities of the Trust

- To comply with the provisions relating to maternity support and paternity leave and pay.
- Not to disadvantage an employee for exercising their rights and entitlements with this policy.

5 Responsibilities of the Employee

- To comply with the notification arrangements and timescales set out within this document.
- To maintain reasonable contact with the Headteacher/Principal / line manager and advise the Trust as soon as is practicable should their intentions regarding leave arrangements change.

Part B: Process

6 Maternity Support Leave and Pay – Summary of Entitlement

Under the Paternity Leave (Amendment) Regulations 2024, employees may be entitled to:

- 2 weeks entitlement – that can be taken in either one 2 week block or two separate 1 week occasions at full contractual pay (this incorporates Statutory Paternity Pay).
- These can be taken in the first 52 weeks after the birth or adoption of their child.

This entitlement is subject to the employee meeting the eligibility and notification requirements detailed later in this document.

7 Eligibility

To be eligible for Maternity Support Leave and Pay an employee must meet the following requirements:

7.1 Length of Service

- Be employed by the Trust at the date maternity support leave starts
- Have 26 weeks continuous service prior to the 15th week before the baby is born
- Have 26 weeks continuous service by the end of the week in which the employee and their partner are notified that you have been matched with a child for adoption (if adopting a child within the UK) or
- Have 26 weeks continuous service by the end of the week in which the employee and their partner receive official notification for the purpose of adoption or by the time the Employee wants the maternity leave to start, whichever is the later (if adopting a child from overseas)

7.2 Personal Declaration

The Employee must be able to declare that they fulfil one of the following criteria:

- The biological father or;
- Married to or the civil partner of the mother (if not the biological father) or
- The married or civil partner of the person adopting the child or
- Living with the mother / adoptive parent in an enduring family relationship (this may not be an immediate relative)

The employee must also be able to declare that:

- They will be responsible for the child's upbringing
- They intend to take the time off work for the purpose of supporting the mother / adoptive parent or to care for the child.

8 Notification

An employee should notify the Headteacher/Principal / line manager that they wish to take time off under this provision no later than 28 days (4 weeks) before the week in which it is expected that the child will be born or within 7 days of the date the adoption agency confirms that the child has been matched.

Notification should be in writing and must include:

- Confirmation of the pregnancy / adoption and the expected date of birth or placement
- Date the employee wishes to start maternity support leave and the requested duration

Alternatively, please complete the Paternity/ Maternity Support Leave Notification Form (Appendix 1).

9 Time off to accompany antenatal care appointments

Employees are entitled to take reasonable time off during your working hours to accompany a pregnant woman to appointments to receive antenatal care, if they meet the eligibility requirements (Section 7) above.

Eligible employees who wish to take time off for this purpose, should make a request which must include:

- that the employee has a qualifying relationship with a pregnant woman or their expected child
- that the employee wishes to take time off to accompany the pregnant woman to an appointment to receive antenatal care which has been made on the advice of their doctor, midwife or health visitor.
- the date and time of the appointment

Employees should try to give us as much notice as possible of the appointment and wherever possible, try to arrange them as near to the start or end of the working day.

10 Starting Maternity Support Leave

Maternity support leave cannot start before the birth of the baby or date of placement in the case of adoption.

Maternity support leave can be taken as a 2-week block or in two 1 week blocks any time within the first 52 week after the date of birth or date when the child is placed for adoption.

Maternity support leave can start on any day of the week, however must be taken as consecutive weeks.

11 Contractual Paternity Pay

The Trust offers contractual Maternity Support Leave Pay which incorporates and exceeds the statutory entitlement to Paternity Pay.

Employees who meet the qualification requirements for Maternity Support Leave are entitled to:

- 2 weeks at full contractual pay (that can be taken as explained in section 6)
- This is inclusive of statutory paternity pay or 90% of the employees average weekly earnings (whichever is less).

Please note that statutory paternity pay is only payable where the employee has average earnings above the lower earnings limit for national insurance contributions. Where an employee does not qualify – their maternity support pay will be comprised of contractual pay only.

12 Deductions from Pay

Both Statutory paternity and contractual maternity support payments are subject to PAYE tax, National Insurance and Pensions contributions.

Any other voluntary deductions will be taken from pay as usual.

13 Annual Leave

Annual Leave and Bank Holiday leave entitlement continues to accrue during any period on maternity support leave. This is accrued on a pro rata basis for part time and term time only employees.

The entitlement to annual leave will usually be off-set against any non-working periods falling before or after the employee's period of maternity support leave.

14 Pension Contributions

Employees in receipt of paternity and maternity support leave payments will be required to pay pension contributions and these will be deducted salary payments in the normal way.

15 Returning to Work

An employee has the right to return to the same job on terms and conditions no less favourable than if they had not been absent.

16 Sickness

Where an employee is unable to return to work due to illness, maternity support leave is not extended but normal sickness procedures apply.

17 Change in circumstances

Whilst for many this is a time of planning and excitement there may be unforeseen circumstances that could make it a very difficult time which may include the following:

- the employee is notified that the child will no longer be placed with the person with whom the child was to be placed for adoption, or
- the child is stillborn after 24 weeks of pregnancy, or
- the child only survives for a short period after the birth, or

the child is returned after being placed for adoption.

If an employee experiences any of these situations then the Trust will look to support the member of staff in the most appropriate manner.

18 Flexible Working Requests

An employee may make a flexible working request to alter their pattern / hours of work.

Please refer to the Trust's Flexible Working Policy and Procedure which can be found on the Trust Website for further detail.

19 Shared Parental Leave

Shared Parental Leave (SPL) enables eligible employees to end their maternity / adoption leave early and opt into SPL arrangements. These provisions enable any unused maternity / adoption leave to be shared between the mother and their partner.

Please refer to the Trusts Shared Parental Leave Policy and Procedure which can be found on the Trust Website for further detail.

Appendix 1- Paternity/ Maternity Support Leave Notification Form

Paternity/Maternity Support Leave	
School/Academy:	
Full Name:	
<p>If the employee is taking two consecutive weeks leave, please provide the start and end date of the leave.</p>	<p>Start Date:</p> <p>End Date:</p>
<p>If the employee is taking two separate weeks leave, please provide the start and end date of each period of leave.</p> <p>Please note, if the dates of the second week haven't agreed this can be left blank. Please then provided the updated form at a later date.</p>	<p>Week 1 Start Date:</p> <p>Week 1 End Date:</p> <p>Week 2 Start Date:</p> <p>Week 2 End Date:</p>
Approved by Headteacher/Principal:	
Date:	