



# *Thinking Schools Academy Trust* **“Transforming Life Chances”**

## **Maternity Support Leave (Formerly Paternity Leave) Policy and Procedure**

*Additional Maternity Support / Paternity Leave and Pay will not be available after 1<sup>st</sup> April 2015 when the Shared Parental Leave arrangements take effect and have therefore not been included in this model*

This policy was adopted on	September 2016
The policy is to be reviewed on	Summer 2020

## Contents Page

Part A - Policy.....	3
1 Policy Statement .....	3
2 Scope .....	3
3 Adoption Arrangements and Date .....	3
4 Responsibilities of the Trust.....	3
5 Responsibilities of the Employee .....	3
Part B: Procedure .....	4
6 Maternity Support Leave and Pay – Summary of Entitlement .....	4
7 Eligibility.....	4
8 Notification .....	4
9 Starting Maternity Support Leave.....	5
10 Contractual Paternity Pay .....	5
11 Deductions From Pay.....	5
12 Annual Leave .....	5
13 Pension Contributions.....	6
14 Returning to Work .....	6
15 Sickness.....	6
16 Requests to change working hours .....	6
17 Shared Parental Leave.....	6

## **Part A - Policy**

### **1 Policy Statement**

The Thinking Schools Academy Trust recognises its legal obligations with regards to paternity 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 male and female 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 Procedure applies to all Employees of The Thinking Schools Academy Trust.

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 school as soon as is practicable should their intentions regarding leave arrangements change.

## **Part B: Procedure**

### **6 Maternity Support Leave and Pay – Summary of Entitlement**

Employees may be entitled to:

- Contractual Maternity Support Leave Pay – 1 or 2 consecutive calendar weeks at full contractual pay. (This incorporates Statutory Paternity Pay).

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:

#### **Length of Service**

- Still be employed by the school at the date maternity support leave starts
- Have 26 weeks continuous service prior to the 15<sup>th</sup> 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)

#### **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 the end of the 15<sup>th</sup> week 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

An Employee may change the start date of their leave but must give the Headteacher/Principal 28 days' notice of the revised dates.

## **9 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 for 1 or 2 consecutive calendar weeks any time up to 8 weeks (56 days) after the date of birth or date when the child is placed for adoption.

In the case of premature birth, the leave may be taken within the period of the actual date of birth and 8 weeks (56 days) after the expected week of childbirth.

Maternity support leave can start on any day of the week. It is not possible to take part weeks or to split the entitlement across 2 non-consecutive calendar weeks (for example either side of a school closure period).

## **10 Contractual Paternity Pay**

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

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

- 1 or 2 consecutive calendar weeks at full contractual pay
- 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.

## **11 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.

## **12 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

### **13 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.

### **14 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.

### **15 Sickness**

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

### **16 Flexible Working Requests**

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

The Headteacher/Principal / line manager will give careful consideration to any request. Should the request not be accommodated the business reasons for this will be explained to the Employee.

Please refer to the Trust's Flexible Working Policy and Procedure for further details.

### **17 Shared Parental Leave**

From 1st April 2015 Additional Maternity Support / Paternity Leave and Pay are no longer available.

A new Shared Parental Leave (SPL) will take effect from this date. This 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 her partner.

Please refer to the Trusts Shared Parental Leave Policy and Procedure for further details.