



**Extend Learning**  
Academies Network

# **Family Friendly Policies - Maternity, Adoption, Paternity and Shared Parental Leave Policy**

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## Version Control

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2.0	October 2023	HR	Biennial review. No changes
2.1	March 2024	HR	Update due to UK employment law changes effective 6/4/2024 – paternity leave spilt into two non-consecutive blocks and increased redundancy protection rights to 18mths after birth.

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## Family Friendly Policies -

# Maternity, Adoption, Paternity and Shared Parental and unpaid Parental Leave policy

## 1. Introduction

Extend Learning Academies Network (ELAN) recognises that a new addition into the family can be a very hectic period, with lots of new things to take on board, and it is important from the outset that our employees understand what they are entitled to expect during such times. ELAN embraces an enhanced occupational support package for its employees.

This policy aims to set out the entitlements to leave, pay and responsibilities for all employees on the following family friendly policies:

- maternity leave
- adoption leave
- paternity leave
- shared parental leave
- unpaid parental leave

Further advice and guidance about anything contained within this policy can be sourced from the HR team via [hr@extendlearning.org](mailto:hr@extendlearning.org) and the government website.

## 2. Maternity leave

### 2.1 Entitlement

Pregnant employees are statutorily entitled to take up to **52 weeks maternity leave**. This is made up of 26 weeks' ordinary maternity leave (OML) followed by 26 weeks of additional maternity leave (AML).

There are no eligibility requirements in terms of length of service / continuity of employment however, they must be an employee and have given the required notice.

A **maternity leave and pay entitlement calculator** is available on the GOV.UK website: <https://www.gov.uk/pay-leave-for-parents>.

### 2.2 Notification

Employees need to notify their line manager and ELAN's Payroll department in writing of the date on which they wish their maternity leave to commence.

This will need to be done **by the end of the 15th week before the baby is due, unless this is not reasonably practicable.**

The **Maternity Application Form** which is available from the school, should be completed and returned as soon as possible to the Payroll team [Payroll@extendlearning.org](mailto:Payroll@extendlearning.org) and a copy should be retained in the school.

If an employee changes their mind about the start date of their maternity leave, they must **give the school 28 days' notice of the change (unless this is not reasonably practicable).**

Once they have their **MATB1 Certificate**, employees should submit this to Payroll. These are issued by a midwife from the **21st week of pregnancy** and confirm when the baby is due. They should be submitted with the Maternity Application form or as soon as possible thereafter.

Payroll will write to pregnant employees within 28 days of the receipt of their notification and MATB1 confirming the start and end dates of their maternity leave (where applicable) and detailing the maternity entitlement which they have chosen.

### 2.3 Key dates

**The earliest date that maternity leave can start is 11 weeks before the expected week of childbirth.**

Employees have the right to work until the week of childbirth if they choose. However, should the baby be born before the maternity leave was supposed to start, then the date of birth will be regarded as the first day of maternity leave.

**If employees take time off during the last four weeks of pregnancy as a result of a pregnancy-related sickness / absence, the maternity leave will be deemed to commence then.**

It is recommended that employees start their maternity leave on a Sunday which fits in with government sector pay.

### 2.4 Contact during maternity leave

The school is entitled to make reasonable contact with employees whilst they are on maternity leave and this should be mutually agreed.

This contact can be by telephone, email or letter, or could involve the employee visiting the workplace.

The employee must be advised of any recruitment opportunities available. The manager should ensure that the employee is made aware of any other information relating to the employee's job that they would normally be made aware of if they were at work.

Similarly, reasonable contact should be agreed between employee and their manager during adoption leave.

### 2.5 Keeping in touch (KIT) days

In order to maintain contact whilst on maternity leave, employees can undertake up to **10 days paid work by mutual agreement with the school**. These days are known as KIT days. They can for example, be used for training, staff updates or to ease the return to work process. A KIT 'day' can be for any length of time from an hour to a full day. **Payment will be at the normal hourly rate for an employee's role and they will be paid for the number of hours they work on a KIT day.**

### 2.6 Maternity pay

Maternity pay comes in two forms: **Statutory Maternity Pay (SMP)** and **Occupational Maternity Pay (OMP)**.

#### 2.6.1 Statutory maternity pay (SMP)

This is payable for up to **39 weeks**.

The **first 6 weeks** are paid at **90% of average weekly earnings**

A **further 33 weeks** will be paid at a **standard flat rate or 90% of average weekly earnings (whichever is lower)**.

The standard flat rate is normally increased in April each year and further information is available from the GOV.UK website: <https://www.gov.uk/maternity-pay-leave/pay>.

**In order to qualify for SMP**, employees must meet all of the following criteria:

- have been continuously employed by ELAN for at least 26 weeks by the end of the 15th week before the week the baby is due (the 'qualifying week')
- be employed during the qualifying week
- currently pay National Insurance (NI) contributions (i.e. have average earnings in the 8-week period prior to the qualifying week not less than the lower earnings limit for NI contributions) and
- still be pregnant 11 weeks before the week the baby is due or have already given birth

**To receive SMP employees must also:**

- give at least 28 days' notice of their intention to take leave
- provide your MATB1 as evidence of their expected week of childbirth
- have rights to UK public funding during their first week of maternity leave
- not be taken into legal custody during their first week of maternity leave

Once entitlement to SMP has been established an employee will receive it even if they leave or their contract ends before SMP is due to start.

If they decide not to return to work after their maternity leave, they do not have to pay back their SMP.

SMP will start once they commence maternity leave. This will continue for a period of 39 weeks, unless they return to work before the end of the 39 weeks.

**If an employee does not qualify for SMP they may be entitled to Maternity Allowance.**

If they are not eligible for SMP the **Payroll will send out form SMP1** explaining why they cannot receive it.

Employees cannot work for an employer at the same time as receiving statutory pay from that employer or receive statutory pay from your original employer whilst working for a new employer.

You can only work for one employer whilst receiving statutory pay from another employer if you have been working for both employers since the qualifying week.

SMP will not be paid for any week in which an employee is taken into legal custody. If they are taken into legal custody during their maternity pay period, SMP will not restart.

### **2.6.2 Occupational maternity pay (OMP)**

In order to qualify for Occupational Maternity Pay (OMP) employees **will need to have completed one years' continuous employment as at the beginning of the 11th week before the expected date of birth.**

If the employee is a member of **support staff the first 6 weeks is at 90%** of their normal weeks' pay and if they are a **teacher the first 4 weeks are at full pay and the next two weeks at 90% of their normal week's pay.**

The next 12 weeks entitlement is at half pay provided employees return to work for a period of at least 3 months (if they are a member of support staff) or 13 weeks (if they are a teacher) at the end of your maternity leave. If employees reduce their hours on return, they will need to return for a proportionately longer period.

**Employees can choose when the 12 weeks half pay is paid to them. They can request that it is paid directly after the first 6 weeks, in addition to their SMP or they can request that it is paid to them in one lump sum once they return to work. Employees should ensure they inform Payroll of their choice on their maternity leave application form.**

Employees who decide not to return to work for at least 3 months (if they are a member of support staff) or 13 weeks (if they are a teacher), are required to give written notice as detailed in their contract of employment and any monies outstanding from occupational maternity payments (specifically from the 12 weeks half pay) made to them, will need to be repaid at that point.

**Employees who are eligible to receive both OMP and SMP will be entitled to the following:**

**Support staff**

18 weeks Occupational Maternity Pay consisting of:
6 weeks at 90% of average weekly earnings
12 weeks at half pay plus SMP
Next 21 weeks SMP only (providing this figure does not exceed an employee's normal weekly rate)
Remainder of maternity leave is unpaid

**Teachers**

18 weeks Occupational Maternity Pay consisting of:
4 weeks at full pay
2 weeks at 90% of average weekly earnings
12 weeks at half pay plus SMP (providing this figure does not exceed an employee's normal weekly rate)
21 weeks at SMP only
Remainder of maternity leave is unpaid

Employees who decide to take the full 52 weeks' leave, **will not receive any pay for the last 13 weeks of their maternity leave.** You can use annual leave accordingly as noted below

Maternity pay will be paid to employees in the normal way on the last working day of the month. Tax and national insurance will be deducted.

**Payroll must be notified as soon as possible of any change in circumstances which may affect employees' entitlement to receive maternity pay.**

For further information on maternity pay please contact Payroll via [payroll@extendlearning.org](mailto:payroll@extendlearning.org).



### **2.6.3 Maternity allowance (MA)**

MA may be available to employees who do not qualify for SMP.

It is paid directly by the Department of Work and Pensions.

MA is paid at a statutory standard weekly rate or 90% of an employee's gross earnings, whichever is the lower. If they haven't paid enough Class 2 National Insurance to get the full rate they will get a reduced rate for 39 weeks. Employees still need to meet all the other eligibility criteria to get the reduced amount.

It is payable for up to 39 weeks and can be paid from any date employees choose after the 11th week before the week their baby is due but no later than from the day following the birth of the baby.

In order to qualify for MA employees must:

- not be entitled to SMP and
- have done some work in at least 26 weeks of the 66 weeks immediately preceding the expected week of childbirth (EWC).

#### **If you are advised that you are not entitled to MA you should notify Payroll**

For more information on the maternity allowance including the current statutory weekly rate please visit: <https://www.gov.uk/maternity-pay-leave/pay>.

### **2.7 Antenatal care**

Pregnant employees have a **statutory right to paid time-off to attend for ante-natal care** (this refers to medical appointments but also to antenatal or parenting / relaxation classes if these have been recommended by a doctor or midwife) but they must **produce evidence of appointments if this is requested** (such as a doctor's letter or an NHS appointment card).

**Their partner also has the right to unpaid time off work to attend up to two ante-natal appointments.**

### **2.8 Annual leave**

**Whilst on maternity leave employees still accrue annual leave and bank holidays in the same way they would if they were at work.**

If they are employed as a teacher or a term time only member of support staff, their accrued leave will be taken during school holidays.

All year round support staff should take all accrued leave within the applicable leave year wherever possible.

All year round employees, are recommended to consider and agree with their line manager:

- taking all leave accrued up to the start of their maternity leave prior to the start of your maternity leave
- if this is not possible adding the annual leave they have accrued whilst on maternity leave to the end of their maternity leave
- if they are planning on returning on different hours: changing their hours after their period of annual leave

For all year round employees who return to work on a different number of hours, their annual leave accrued whilst on maternity leave will be based on their working hours prior to maternity leave.

## 2.9 Returning to work

Employees must return to work at the end of the 52 weeks unless they have given the required notice of their resignation

If the employee is taking their full adoption leave entitlement, there is no need to formally notify the manager of the return to work date.

The earliest an employee can return to work is two weeks after the baby is born.

If the employee intends to return to work earlier than the last day of entitlement, they must **provide eight weeks' notice in writing of the intended date of return.**

For employees who give a notice period of less than the required period, their return to work may be postponed to ensure the full required notice is received.

If employees are unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.

**They have the right to request a permanent change to their working pattern effective from their return to work under the Flexible Working Policy.**

If they have taken 26 weeks leave or less they have the right to return to the same job. If they have taken more than 26 weeks' leave they have the right to return to the same job or, if this is not possible, a suitable alternative.

The terms and conditions which apply on their return should be no less favourable than those which would have applied had they not been absent.

Employees are advised to plan their return to work as early as is practicable and giving reasonable notice to their employer.

## 2.10 Resignation

Employees who decide not to return to work after the birth must inform their line manager and Payroll in writing, giving the required notice of termination.

If they are a member of support staff, they are required to give their contractual notice. If they are a teacher, it is requested that they give notice as soon as possible and must give at least 21 days' notice.

If an employee intends to resign prior to taking maternity leave they must still submit their MATB1 to Payroll and give the required notice of termination as stated above.

## 2.11 Temporary contracts and maternity leave

For employees on a temporary contract which comes to an end, their maternity leave will end with the contract.

### Special Circumstances

Employees whose temporary contract ends, remain entitled to statutory maternity leave and pay if their baby:

- is born early or
- is still born after the start of their 24th week of pregnancy or dies after being born

## **2.12 Health and safety**

Pregnant employees should complete a risk assessment with the school as an expectant mother and as a new mother on their return to work. Please mutually arrange this with your line manager

## **2.13 Pensions**

Pensionable pay is the element of pay from which pension contribution is calculated.

Assumed pensionable pay is the amount of pensionable pay an employee would have received had they not taken maternity leave.

This is determined by the average pensionable pay for the three complete pay periods prior to the start of unpaid maternity leave.

## **2.14 Support Staff**

Employees who are a member of support staff will accrue 1/49th of their assumed pensionable pay (or 1/98th of your assumed pensionable pay if they have opted for the 50/50 scheme) during their period of paid maternity leave.

They will accrue 1/49th of the actual pensionable pay received for a Keep in Touch (KIT) day during periods of paid maternity leave if this is greater than 1/49th of assumed pensionable pay (or 1/98th if you have opted for the 50/50 scheme)

For any period of unpaid maternity leave, employees can elect to pay optional Additional Pension Contributions (APCs) to buy back the 'lost' pension at any time. If they elect to do so within 30 days of their return to work, the contribution is shared between them as the employee (1/3) and the school (2/3).

The amount of pension they purchase will be added to the pension accrual for the year in which the additional contributions are made. If employees elect not to make APCs then the pension accrual will be less. However, if they work a KIT day during a period of unpaid maternity leave, they will accrue 1/49th of the pensionable pay received for the KIT day (or 1/98th if they have opted for the 50/50 scheme).

### **Existing Additional Pension Contributions (APCs)**

If employees are already paying APCs, these remain payable for the period of unpaid maternity leave. These payments will be rolled over and recovered from their pay once your period of maternity leave has ended.

### **Existing Additional Voluntary Contributions (AVC's)**

AVCs will only be deducted while an employee's level of pay allows them to be. Employees will need to contact Payroll if they wish to continue making AVC payments once they enter the period of unpaid maternity leave

## **2.15 Teachers**

For employees who are teachers, maternity leave is treated as pensionable employment as long as they are receiving at least half pay or are being paid statutory maternity pay.

Unpaid maternity leave will not count as pensionable employment and buy-back is not possible under the Teachers' Pensions scheme.

# **3. Adoption leave**

## **3.1 Entitlement**

Employees who are adopting a child are statutorily entitled to take up to 52 weeks adoption leave. This is made up of 26 weeks' ordinary adoption leave followed by 26 weeks of additional adoption leave.

To qualify for adoption leave an employee must:

- be newly matched with a child (up to the age of 18)
- be approved for adoption by an approved adoption agency
- have notified the agency that they agree to the child being placed with them

There are no eligibility requirements in terms of length of service / continuity of employment however, they must be an employee and have given the required notice.

More information on adoption leave and pay entitlement is available on the GOV.UK website

### 3.2 Notification

Employees need to notify their line manager and ELAN's Payroll department in writing of the date on which they wish their adoption leave to commence.

This will need to be done within **seven days of the date they are notified that they have been matched with a child (for overseas adoption the notification should be within 28 days from receipt of official notification)** and should include:

- their leave start date
- how much leave they want to take
- the date of the placement – the expected or actual date the child is to be placed with them

This information should be submitted on an Adoption Application Form (available from the school) and a copy retained in the school. Payroll will write to employees within 28 days of the receipt of their notification confirming the start and end dates of their adoption leave (where applicable) and detailing the adoption entitlement which they have chosen.

They must also be able to provide documentary evidence of the placement in the form of a **matching certificate**, obtained from the adoption agency for UK adoptions, or appropriate official notification for overseas adoptions, including evidence of the date of the child's entry to the UK.

If the employee is part of a couple proposing to adopt a child jointly, only one of them may take statutory adoption leave, but the other may be entitled to take paternity leave and/or shared parental leave.

Intended parents in surrogacy and 'foster to adopt' arrangements will also qualify for adoption leave and pay. However, parents adopting step-children of a partner do not qualify for adoption leave, although they may qualify for unpaid parental leave,

If more than one child is being placed as part of the same arrangement, the employee is still only entitled to one period of Statutory Adoption Leave.

The employee may choose to begin the adoption leave on the date on which the child starts living with them/enters the UK or a predetermined date which is no more than 14 days before the child starts living with them or in the case of overseas adoption no more than 28 days after the date on which the child enters the UK.

If, for some reason, the placement is not successful and ends after the adoption leave has begun, the employee will be allowed to continue the adoption leave for a maximum of eight weeks after the end of the week the placement ends, or until the end of the maximum leave period, whichever is the sooner.

If the employee starts the adoption leave before the child is placed, they need to be sure that the placement is going ahead. If it is delayed once the leave has started, the leave cannot be stopped and started again at a later date.

### **3.3 Contact during adoption leave**

The school is entitled to make reasonable contact with employees whilst they are on adoption leave.

This contact can be by telephone, email or letter, or could involve the employee visiting the workplace.

The employee must be advised of any recruitment opportunities available. The manager should ensure that the employee is made aware of any other information relating to the employee's job that they would normally be made aware of if they were at work.

Similarly, the employee is entitled to make reasonable contact with their manager during adoption leave.

### **3.4 Keeping in touch (KIT) days**

In order to maintain contact whilst on adoption leave, employees can undertake up to 10 days paid work by mutual agreement with the school. These days are known as KIT days. They can for example, be used for training, staff updates or to ease the return to work process. A KIT 'day' can be for any length of time from an hour to a full day. Payment will be at the normal hourly rate for an employee's role and they will be paid for the number of hours they work on a KIT day.

### **3.5 Adoption pay**

Adoption pay comes in two forms: Statutory Adoption Pay (SAP) and Occupational Adoption Pay (OAP).

#### **3.5.1 Statutory adoption pay (SAP)**

This is payable for up to 39 weeks.

The first 6 weeks are paid at 90% of average weekly earnings

A further 33 weeks will be paid at a standard flat rate **or** 90% of average weekly earnings (whichever is lower).

The standard flat rate is normally increased in April each year and further information is available from the GOV.UK website: <https://www.gov.uk/adoption-pay-leave/pay>

In order to qualify for SAP, employees must meet all of the following criteria:

- have been continuously employed by ELAN for at least 26 weeks by the week they are matched with the child
- currently pay National Insurance (NI) contributions (i.e. have average earnings in the 8-week period prior to the qualifying week not less than the lower earnings limit for NI contributions)

To receive SAP employees must also:

- provide the correct notice
- provide proof of the adoption

Once entitlement to SAP has been established an employee will receive it even if they leave or their contract ends before SAP is due to start.

If they decide not to return to work after their adoption leave, they do not have to pay back their SAP.

SAP will start once they commence adoption leave. This will continue for a period of 39 weeks, unless they return to work before the end of the 39 weeks.

If an employee does not qualify for SAP they may be entitled to Adoption Allowance.

If they are not eligible for SAP the Payroll will send out form SAP1 explaining why they cannot receive it.

Employees cannot work for an employer at the same time as receiving statutory pay from that employer or receive statutory pay from your original employer whilst working for a new employer.

You can only work for one employer whilst receiving statutory pay from another employer if you have been working for both employers since the matching week (MW).

SAP will not be paid for any week in which an employee (or former employee if applicable) is taken into legal custody. If they are taken into legal custody during their adoption pay period, SAP will not restart.

### 3.5.2 Occupational adoption pay (OAP)

In order to qualify for Occupational Adoption Pay (OAP) employees will need to have completed one years' continuous employment as at the beginning of the 11th week before the expected date of placement.

If the employee is a member of support staff the first 6 weeks is at nine-tenths of their normal week's pay and if they are a teacher the first four weeks are at full pay and the next two weeks at nine-tenths of their normal week's pay.

The next 12 weeks entitlement is at half pay provided employees return to work for a period of at least 3 months (if they are a member of support staff) or 13 weeks (if they are a teacher) at the end of your adoption leave. If employees reduce their hours on return, they will need to return for a proportionately longer period.

Employees can choose when the 12 weeks half pay is paid to them. they can request that it is paid directly after the first 6 weeks, in addition to their SAP **or** they can request that it is paid to them in one lump sum once they return to work. Employees should ensure they inform Payroll of their choice on their adoption leave application form.

Employees who decide not to return to work for at least 3 months (if they are a member of support staff) or 13 weeks (if they are a teacher), are required to give written notice as detailed in their contract of employment and any monies outstanding from occupational adoption payments (specifically from the 12 weeks half pay) made to them, will need to be repaid at that point.

Employees who are eligible to receive both OAP and SAP will be entitled to the following:

#### Support staff

18 weeks Occupational Adoption Pay : consisting of	
6 weeks at 90% of average weekly earnings	
12 weeks at half pay plus SAP	
Next 21 weeks SAP only (providing this figure does not exceed an employee's normal weekly rate)	
Remainder of adoption leave is unpaid	

## Teachers

18 weeks Occupational Adoption Pay consisting of :
4 weeks at full pay
2 weeks at 90% of average weekly earnings
12 weeks at half pay plus SAP (providing this figure does not exceed an employee's normal weekly rate)
21 weeks at SAP only
Remainder of adoption leave is unpaid

Employees who decide to take the full 52 weeks' leave, will not receive any pay for the last 13 weeks of their adoption leave.

Adoption pay will be paid to employees in the normal way on the last working day of the month. Tax and national insurance will be deducted.

Payroll must be notified as soon as possible of any change in circumstances which may affect employees' entitlement to receive adoption pay.

For further information on adoption pay please contact Payroll via [payroll@extendlearning.org](mailto:payroll@extendlearning.org)

### 3.6 Time off for adoption appointments

Prior to the date of the child's placement for adoption, the main adopter is entitled to take paid time off for up to five introductory adoption appointments (a maximum of 6.5 hours per appointment is allowed).

The secondary adopter will be entitled to take unpaid time off for up to two appointments.

There is no additional time off where more than one child is being adopted as part of the same arrangement. Any other time off, should be taken as annual leave (where applicable), time off in lieu or unpaid leave where agreed with the employee's manager.

### 3.7 Annual leave

Whilst on adoption leave employees still accrue annual leave and bank holidays in the same way they would if they were at work.

If they are employed as a teacher or a term time only member of support staff, their accrued leave will be taken during school holidays.

All year round support staff should take all accrued leave within the applicable leave year wherever possible.

All year round employees, are recommended to consider:

- taking all leave accrued up to the start of their adoption leave prior to the start of your adoption leave
- if this is not possible adding the annual leave they have accrued whilst on adoption leave to the end of their adoption leave
- if they are planning on returning on different hours: changing their hours after their period of annual leave

For all year round employees who return to work on a different number of hours, their annual leave accrued whilst on adoption leave will be based on their working hours prior to adoption leave.

### **3.8 Returning to work**

Employees must return to work at the end of the 52 weeks unless they have given the required notice of their resignation.

If the employee is taking their full adoption leave entitlement, there is no need to formally notify the manager of the return to work date.

If the employee intends to return to work earlier than the last day of entitlement, they must provide eight weeks' notice in writing of the intended date of return. This also applies if the adoption placement is disrupted and the employee is returning to work earlier than expected.

For employees who give a notice period of less than the required period, their return to work may be postponed to ensure the full required notice is received.

If employees are unable to return on the expected day due to sickness the absence will be covered by the sickness scheme in the normal way.

They have the right to request a permanent change to their working pattern effective from their return to work under your School's Flexible Working Policy.

If they have taken 26 weeks leave or less they have the right to return to the same job. If they have taken more than 26 weeks' leave they have the right to return to the same job or, if this is not possible, a suitable alternative.

The terms and conditions which apply on their return should be no less favourable than those which would have applied had they not been absent.

Employees are advised to plan their return to work as early as is practicable

### **3.9 Resignation**

Employees who decide not to return to work after the birth must inform their line manager and Payroll in writing, giving the required notice of termination.

If they are a member of support staff, they are required to give their contractual notice. If they are a teacher, it is requested that they give notice as soon as possible and must give at least 21 days' notice.

If an employee intends to resign prior to taking adoption leave they must still submit their MATB1 to Payroll and give the required notice of termination as stated above.

### **3.10 Temporary contracts and adoption leave**

For employees on a temporary contract which comes to an end, their adoption leave will end with the contract.

### **3.11 Pensions**

Pensionable pay is the element of pay from which pension contribution is calculated.

Assumed pensionable pay is the amount of pensionable pay an employee would have received had they not taken adoption leave.

This is determined by the average pensionable pay for the three complete pay periods prior to the start of unpaid adoption leave.



### **3.11.1 Support Staff**

Employees who are a member of support staff will accrue 1/49th of their assumed pensionable pay (or 1/98th of your assumed pensionable pay if they have opted for the 50/50 scheme) during their period of paid adoption leave.

They will accrue 1/49th of the actual pensionable pay received for a Keep in Touch (KIT) day during periods of paid adoption leave if this is greater than 1/49th of assumed pensionable pay (or 1/98th if you have opted for the 50/50 scheme)

For any period of unpaid adoption leave, employees can elect to pay optional Additional Pension Contributions (APCs) to buy back the 'lost' pension at any time. If they elect to do so within 30 days of their return to work, the contribution is shared between them as the employee (1/3) and the school (2/3).

The amount of pension they purchase will be added to the pension accrual for the year in which the additional contributions are made. If employees elect not to make APCs then the pension accrual will be less. However, if they work a KIT day during a period of unpaid adoption leave, they will accrue 1/49th of the pensionable pay received for the KIT day (or 1/98th if they have opted for the 50/50 scheme).

#### **Existing Additional Pension Contributions (APCs)**

If employees are already paying APCs, these remain payable for the period of unpaid adoption leave. These payments will be rolled over and recovered from their pay once your period of adoption leave has ended.

#### **Existing Additional Voluntary Contributions (AVC's)**

AVCs will only be deducted while an employee's level of pay allows them to be. Employees will need to contact Payroll if they wish to continue making AVC payments once they enter the period of unpaid adoption leave

### **3.11.2 Teachers**

For employees who are teachers, adoption leave is treated as pensionable employment as long as they are receiving at least half pay or are being paid statutory adoption pay.

Unpaid adoption leave will not count as pensionable employment and buy-back is not possible under the Teachers' Pensions scheme.

## **4. Paternity leave (PL)**

An employee can take time off because their partner is having a baby, adopting a child or having a baby through a surrogacy arrangement.

### **4.1 Entitlement**

In order to qualify, an employee must have been employed by ELAN for at least 26 weeks by either the 15th week before the expected week of childbirth, or by the week in which they are notified they are matched with their child. They must be the baby's biological father or the partner/husband of the mother or the child's adopter or the partner/husband of the child's adopter.

### **4.2 Leave**

The entitlement is for two week's paternity leave. The time cannot be taken before the birth or placement and must end within one year of the baby being born. A week is based on an employee's usual working pattern - for example, a week is 2 days if an employee only works on Mondays and Tuesdays.

Employees can choose to take either 1 or 2 weeks and employees whose partner has a multiple birth (e.g. twins) are only allowed one period of paternity leave. **From April 2024, employees are now able to split their leave into two non-consecutive blocks. Leave needs to be taken within the first year after the birth or adoption (rather than the previous 56 days limit).**

**Leave cannot start before the birth.**

Employees can still have paternity leave or pay if their baby is:

- stillborn from 24 weeks of pregnancy
- born alive at any point during the pregnancy

**Employees can take unpaid leave to accompany a pregnant woman to two antenatal appointments if they are:**

- the baby's father
- the expectant mother's spouse or civil partner
- the intended parent (if having a baby through a surrogacy arrangement)

### **4.3 Notification**

The employee must advise their manager of their intention to take paternity leave by the end of the fifteenth week before the baby is expected advising their manager of the start date of the leave to be taken, the week the baby is expected and the duration of the leave to be taken. It is recognised the actual date of leave may change, where the actual date of birth changes.

Employees do not have to give a precise date when they want to take leave (for example 1 February). Instead they can give a general time, such as the day of the birth or 1 week after the birth. To change the start date employees must give 28 days' notice.

In cases of adoption, notice must be given to the employer by the employee no more than 7 days after the date on which the adopter is notified of having been matched with the child or as soon as practicable thereafter.

### **4.4 Pay**

Eligible employees are entitled to 2 weeks paid paternity leave, one week at full pay and one at the standard statutory paternity pay rate.

Any money an employee is entitled to under paternity pay, is paid in the same way as their wages and tax and National Insurance will be deducted.

### **4.5 Time off for appointments**

Employees can take unpaid leave to accompany a pregnant woman to 2 antenatal appointments if they are:

- the baby's father
- the expectant mother's spouse or civil partner or partner (of either sex)
- in a long-term relationship with the expectant mother
- the intended parent (if you're having a baby through a surrogacy arrangement)

If adopting a child, the secondary adopter will be entitled to take unpaid time off for up to two appointments.

Employees can take up to 6 and a half hours per appointment, your manager can choose to give you longer and should provide as much notice as possible.

For more information on the paternity pay and leave including the current statutory weekly rate please visit <https://www.gov.uk/paternity-pay-leave/adoption>.

## 5. Shared parental leave (SPL)

Shared Parental Leave enables eligible parents of babies due, or children placed for adoption, on or after 5 April 2015 to choose how to share the care of their child during the first year of birth or adoption.

Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child.

All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay (ShPP).

In order to qualify for SPL a mother/main adopter must:

- have a partner (it can only be shared with one person)
- 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 (if not eligible for maternity/adoption leave)

**A parent intending to take SPL must:**

- be an employee
- share the primary responsibility for the child with the other parent at the time of the birth or placement for adoption
- have properly notified their employer of their entitlement and have provided the necessary declarations and evidence

Additionally, a parent who wishes to take SPL is required to satisfy the 'continuity of employment test' as follows:

- the individual has worked for the same employer for at least 26 weeks at the end of the 15th week before the child's expected due date/matching date and is still working for the employer at the start of each leave period

**and**

- their partner must meet the 'employment and earnings test' i.e. in the 66 weeks leading up to the baby's due date/matching date, the person has worked for at least 26 weeks and earned an average of at least £30 (as of 2015, but this may change annually) a week in any 13 weeks

**and**

- the employee must correctly notify ELAN of their entitlement and provide evidence as required

Sometimes only one parent will be eligible for SPL. For example, a self-employed parent will not be entitled to SPL themselves but they may still pass the employment and earnings test so their partner, if they are an employee, may still qualify.

### 5.1 Shared Parental Leave entitlement

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

## 5.2 Timeframes for starting SPL

SPL can begin as follows:

- the mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- the adopter can take SPL after taking at least two weeks of adoption leave;
- the father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP)

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).

If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

## 5.3 Notifying ELAN of an entitlement to Shared Parental Leave

Any employee entitled and intending to take SPL must give their line manager and ELAN's HR team notification of their entitlement and intention to take to SPL, at least **eight weeks before they can take any period of SPL**. As the requirements for notification are very specific and quite complex, to assist employees ELAN has **template forms available from HR that must be completed and signed by both the employee and their partner**.

## 5.4 Requesting further evidence of eligibility

ELAN may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth)
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request.

## 5.5 Fraudulent claims

Where there is a suspicion that fraudulent information may have been provided or where ELAN has been informed by the HMRC that a fraudulent claim was made, the matter may be investigated further in accordance with ELAN's Disciplinary Policy.

## 5.6 Discussions regarding Shared Parental Leave

Any employee considering/taking SPL is encouraged to contact their line manager ELAN's HR team to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their intentions, how they currently expect to use their SPL entitlement plans and to enable ELAN to support the individual.

**Upon receiving a leave booking notice a meeting may be arranged to discuss it.** Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the employee's notice booking leave, a meeting may not be necessary. Where a meeting is arranged the employee will be informed that they may, if they wish, be accompanied by a workplace colleague or trade union representative.

## 5.7 Booking Shared Parental Leave

In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

The employee has the **right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of leave; or (b) two or more periods of discontinuous leave of at least a week in length**, where the employee intends to return to work between periods of leave.

**SPL can only be taken in complete weeks but may begin on any day of the week.** For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

The employee must book SPL by giving the correct **notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.** A form is available for completion from ELAN HR.

## 5.8 Continuous leave notifications

A notification can be for a period of **continuous leave**, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

An employee may submit up to **three separate notifications for separate continuous periods of leave.** A form is available for completion from ELAN HR.

## 5.9 Discontinuous leave notifications

A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, ELAN or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the business (see "Discussions regarding Shared Parental Leave" above).

ELAN will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

### **5.10 Responding to a Shared Parental Leave notification**

Once the ELAN HR team receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made. All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the business against any adverse impact to the pupils or efficient operation of the school/central team department.

Each request for discontinuous leave will be considered on a case-by-case basis, bearing in mind the need to avoid discriminating against individuals or groups of individuals on grounds of their equality characteristics, for example their sex, age, disability status or racial origin. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, ELAN may propose a modified version of the request.

If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

### **5.11 Variations to arranged Shared Parental Leave**

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise ELAN in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request. A form is available for completion from the ELAN HR team.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one.

However, a change as a result of a child being born early, or as a result of ELAN requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by ELAN.

### **5.12 Statutory Shared Parental Pay (ShPP)**

Eligible employees may be entitled to take **up to** 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy **each** of the following criteria:

- 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

Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager and ELAN HR written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

As the requirements for notification of entitlement to ShPP are very specific and quite complex, to assist employees, ELAN has template forms available from the HR team, that must be completed and signed by both the employee and their partner.

Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

### **5.13 Terms and conditions during Shared Parental Leave**

During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind (such as use of a laptop or mobile phone) will continue and contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while ELAN's contributions will be based on the salary that the employee would have received had they not been taking SPL.

### **5.14 Annual Leave**

SPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year.

### **5.15 Contact during Shared Parental Leave**

Before an employee's SPL begins, the line manager will discuss the arrangements for them to keep in touch during their leave. ELAN reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

### **5.16 Shared Parental Leave in Touch days**

Any employee can agree to work for ELAN (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes. Note that SPLIT days are in addition to the 10 "Keeping In Touch" or "KIT" days already available to those on maternity/adoption leave.

ELAN has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the line manager and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is

receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

Any employee, with the agreement of their line manager, may use SPLIT days to work part of a week during SPL. The line manager and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

### **5.17 Returning to work after Shared Parental Leave**

The employee will have been formally advised in writing by ELAN of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify ELAN otherwise. If they are unable to attend work due to sickness or injury, the academy's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give ELAN at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then ELAN does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

## **6. Redundancy and Family Friendly Rights Protection**

The Protection from Redundancy (Pregnancy and Family Leave) Act 2023 provides additional redundancy protection rights where a redundancy situation arises during an employee's pregnancy, maternity / adoption / shared parental leave. ELAN will be required to offer suitable alternative employment, if one is available, to start immediately after the existing contract ends.

The new legislation also offers extra protection for ELAN employees on maternity leave and for up to 18 months after the birth of the child or expected week of birth. This protection includes employees who have recently suffered a miscarriage and those on family leave. This protection is for anyone who tells their employer that they are pregnant on or after 6 April 2024 and also applies to leave ending on or after this date.



## 7. Parental Leave

Parental leave is unpaid.

You're entitled to 18 weeks' leave for each child and adopted child, up to their 18th birthday.

The limit on how much parental leave each parent can take in a year is 4 weeks for each child (unless the employer agrees otherwise).

You must take parental leave as whole weeks (e.g. 1 week or 2 weeks) rather than individual days, unless your employer agrees otherwise or if your child is disabled. You don't have to take all the leave at once.

A 'week' equals the length of time an employee normally works over 7 days.

Employees qualify if all of these apply:

- they've been in the company for more than a year
- they're named on the child's birth or adoption certificate or they have or expect to have [parental responsibility](#)
- they're not self-employed or a 'worker', e.g. an agency worker or contractor
- they're not a foster parent (unless they've secured parental responsibility through the courts)
- the child is under 18
- Employees must give 21 days' notice before their intended start date. If they or their partner are having a baby or adopting, its 21 days before the week the baby or child is expected.
- Employees must confirm the start and end dates in their notice. Unless an employer requests it, this doesn't have to be in writing.

## Appendix 1 - Notice booking a period of continuous Shared Parental Leave (SPL)

[INSERT YOUR ADDRESS]

[INSERT THE DATE YOU PRINT OR SEND THE LETTER]

Dear [INSERT THE NAME OF YOUR EMPLOYER]

### Notice booking a period of continuous Shared Parental Leave (SPL)

My current remaining entitlement to SPL is [INSERT THE TOTAL NUMBER OF WEEKS OF SPL YOU HAVE LEFT] weeks.

This is my [INSERT 'FIRST', 'SECOND' OR 'THIRD' AS APPROPRIATE] statutory notification to book leave.

This notice is to book a period of [INSERT THE NUMBER OF WEEKS SPL YOU WANT TO TAKE] weeks of SPL.

I will be taking a continuous period of leave from [INSERT WHEN YOU WANT TO START YOUR SPL] to [INSERT WHEN YOU WANT TO END YOUR SPL].

My current remaining entitlement to Statutory Shared Parental Pay (ShPP) is [INSERT THE TOTAL NUMBER OF WEEKS OF SPL YOU HAVE LEFT] weeks.

During my period of SPL I would like to receive [INSERT THE NUMBER OF WEEKS SHPP YOU WANT TO TAKE] weeks ShPP.

I would like this paid from [INSERT WHEN YOU WANT TO START YOUR SHPP] to [INSERT WHEN YOU WANT TO END YOUR SHPP].

Yours sincerely

[INSERT YOUR NAME AND SIGNATURE]

## Appendix 2 - Notice booking a period of discontinuous Shared Parental Leave (SPL)

[INSERT YOUR ADDRESS]

[INSERT THE DATE YOU PRINT OR SEND THE LETTER]

Dear [INSERT THE NAME OF YOUR EMPLOYER]

### Notice booking a period of discontinuous Shared Parental Leave (SPL)

My current remaining entitlement to SPL is [INSERT THE TOTAL NUMBER OF WEEKS OF SPL YOU HAVE LEFT] weeks.

This is my [INSERT 'FIRST', 'SECOND' OR 'THIRD' AS APPROPRIATE] statutory notification to book SPL.

This notice is to book a period of [INSERT THE NUMBER OF WEEKS SPL YOU WANT TO TAKE] weeks of SPL.

I would like to take a discontinuous period of leave. I propose that I take the following weeks as SPL:

- from [INSERT WHEN YOU WANT TO START YOUR SPL] to [INSERT WHEN YOU WANT TO END YOUR SPL]
- from [INSERT WHEN YOU WANT TO START YOUR SPL] to [INSERT WHEN YOU WANT TO END YOUR SPL]
- from [INSERT WHEN YOU WANT TO START YOUR SPL] to [INSERT WHEN YOU WANT TO END YOUR SPL]

I understand that you do not have to agree to this proposal and that if agreement is not reached within 14 days of the date on which I gave this notice to you (the Notice Date) I must either withdraw the notice 15 days after this Notice Date or take the total amount of SPL requested in this booking as one continuous period. I understand that my leave will begin on the start date of the first period of leave I requested UNLESS I notify you within 19 days of the Notice Date of a different start date. A new start date must be at least 8 weeks after the Notice Date.

My current remaining entitlement to Statutory Shared Parental Pay (ShPP) is [INSERT THE TOTAL NUMBER OF WEEKS OF SPL YOU HAVE LEFT] weeks.

During my period of SPL I would like to receive [INSERT THE NUMBER OF WEEKS SHPP YOU WANT TO TAKE] weeks ShPP.

If the proposed period of SPL is agreed I would like to be paid ShPP:

- from [INSERT WHEN YOU WANT TO START YOUR SHPP] to [INSERT WHEN YOU WANT TO END YOUR SHPP]
- from [INSERT WHEN YOU WANT TO START YOUR SHPP] to [INSERT WHEN YOU WANT TO END YOUR SHPP]
- from [INSERT WHEN YOU WANT TO START YOUR SHPP] to [INSERT WHEN YOU WANT TO END YOUR SHPP]

Yours sincerely

[INSERT YOUR NAME AND SIGNATURE]