Supporting Working Parents Policy

Ffederasiwn Ysgolion **Llanidloes** Schools Federation

For all staff working in schools
Maternity, Paternity, Parental and Adoption Leave
This policy and procedure has been agreed by the following professional associations and Trade Unions representing teachers, headteachers and support staff:

GMB, Unison, NASUWT, NEU, NAHT, Voice, UCAC

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1.0 Introduction

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

2.0 Definitions of Terms

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

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

	delay, you may lose benefit. There are a number of conditions that you need to meet in order to claim maternity benefit.
Weekly Salary	For the purpose of this scheme, a week's pay shall be treated as the amount payable to the employee under the current contract of employment. If there are significant variations in a **teacher**'s salary, the average salary over the 12 weeks preceding the date of absence shall be treated as a week's salary. For **support staff**, where there are no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

3.0 Eligibility for Maternity Leave

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

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

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

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

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

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

4.0 Maternity Leave and Pay Entitlement

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

Teaching staff with continuous service with Powys County Council by the end of the 15th week before EWC	**Teaching staff with continuous local government service (including maintained schools*) at the start of the 11th week before EWC**	**Teaching staff with Maternity Pay Entitlement** **SMP:**Statutory Maternity Pay **OMP:** Ordinary Maternity Pay **MA:** Maternity Allowance	**Teaching staff with Maternity Leave Entitlement**
Less than 1 year but at least 26 weeks before the Qualifying Week (QW)	At least 1 year	39 weeks occupational and statutory pay as follows: 4 weeks @ full pay inclusive of SMP 2 weeks @ 90% of week's salary inclusive of SMP 12 weeks @ half pay plus SMP 21 weeks @ SMP	26 weeks Ordinary Maternity Leave *plus* 26 weeks Additional Maternity Leave
Less than 26 weeks before the QW	At least 1 year	39 weeks occupational and statutory pay as follows: 4 weeks @ full pay inclusive of MA if eligible 2 weeks @ 90% of week's salary inclusive of MA if eligible 12 weeks @ half pay plus MA if eligible 21 weeks @ MA if eligible No entitlement to SMP	26 weeks Ordinary Maternity Leave *plus* 26 weeks Additional Maternity Leave
At least 26 weeks	Less than 1 year	39 weeks statutory pay as follows: 6 weeks @ SMP equal to 90% of weekly salary 33 weeks @ SMP No entitlement to occupational pay	26 weeks Ordinary Maternity Leave *plus* 26 weeks Additional Maternity Leave
Less than 26 weeks	Less than 1 year	No occupational pay No SMP MA if eligible	26 weeks Ordinary Maternity Leave *plus* 26 weeks Additional Maternity Leave

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

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

Non-teaching staff with continuous service with Powys County Council by the end of the 15th week before EWC	**Non-teaching staff with continuous local government service (including maintained schools*) at the start of the 11th week before EWC**	**Non-teaching staff with Maternity Pay Entitlement** **SMP:**Statutory Maternity Pay **OMP:** Ordinary Maternity Pay **MA:** Maternity Allowance	**Non-teaching staff with Maternity Leave Entitlement**
Less than 1 year but at least 26 weeks before the Qualifying Week (QW)	At least 1 year	39 weeks occupational and statutory pay as follows: 6 weeks @ 90% of week's salary inclusive of SMP 12 weeks @ half pay plus SMP 21 weeks @ SMP	26 weeks Ordinary Maternity Leave *plus* 26 weeks Additional Maternity Leave
Less than 26 weeks before the QW	At least 1 year	39 weeks occupational and statutory pay as follows: 6 weeks @ 90% of week's salary inclusive of MA if eligible 12 weeks @ half pay plus MA if eligible 21 weeks @ MA if eligible No entitlement to SMP	26 weeks Ordinary Maternity Leave *plus* 26 weeks Additional Maternity Leave
At least 26 weeks	Less than 1 year	39 weeks statutory pay as follows: 6 weeks @ SMP equal to 90% of weekly salary 33 weeks @ SMP No entitlement to occupational pay	26 weeks Ordinary Maternity Leave *plus* 26 weeks Additional Maternity Leave
Less than 26 weeks	Less than 1 year	No occupational pay No SMP MA if eligible	26 weeks Ordinary Maternity Leave *plus* 26 weeks Additional Maternity Leave

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

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

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

(ii) In the event of a pay award or annual increment being implemented during the paid maternity leave period, the maternity pay due from the date of the pay award or annual increment should be increased accordingly. If such a pay award was agreed retrospectively, the maternity pay should be re-calculated on the same basis;

(iii) in the case of an employee on unpaid sickness absence or on sickness absence attracting half pay during the whole or part of the period used for calculating average weekly earnings in accordance with the earnings rules for Statutory Maternity Pay purposes, average weekly earnings for that period shall be calculated on the basis of sick pay.

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

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

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

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

5.0 Confirming Maternity Leave and Pay

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

- the level of paid and unpaid leave entitlements;
- unless an earlier return date has been given, confirmation of the expected return date based on 52 weeks paid and unpaid leave entitlement;
- the length of any period of accrued annual leave which it has been agreed may be taken either side of the maternity leave period; and
- the requirement for the employee to give at least 21 days notice if they wish to return to work before the expected return date.

6.0 Keeping in Touch

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

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

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

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

7.0 Returning To Work

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

7.2 There are certain obligations placed on the Headteachers and the Local Authority concerning care for new mothers returning to work. These obligations include the provision of a safe working environment taking into consideration the needs of the new mother, and the provision of suitable rest facilities for workers who are breastfeeding for expressing milk. Staff will not be allowed to breastfeed whilst at work. Headteachers are referred to the Health and Safety information in Section 11.

7.3 An employee who has stated that they intend to return to work after their leave period but then does not return to work, or returns for less than a period of 13 weeks after their maternity or adoption leave shall, in normal circumstances, refund the 12 weeks of half occupational maternity pay. However, consideration will be given to individual circumstances such as where this will cause

considerable hardship and should be referred to Human Resources. Returning to work with the Local Authority is not a pre-requisite to receiving SMP.

8.0 Returning on Flexible Working Arrangements

8.1 If, at the end of maternity leave, an employee wishes to return to work with a different working pattern, the Governing Body, in consultation with the school's HR Business Partner, will consider this as far as is reasonably practicable. If this is not possible the school and/or Local Authority must provide written, objectively justifiable reasons for this and the employee will return to the same job and working pattern as was held prior to taking maternity leave.

8.2 Llanidloes Schools' Federation Flexible Working Policy sets out the flexible working options that are available to employees, describes the legal rights for working parents, the Local Authority's obligations towards employees, and explains the procedure for making a formal request for flexible working. Employees should refer to this policy before considering making a request for flexible working.

9.0 Sickness following the end of Maternity Leave

9.1 In the event of illness following the date the employee was due to return to work, normal sick leave provisions will apply.

9.2 The school and the Local Authority will, however, be sensitive to the needs of new parents and provide reasonable support including access to the Occupational Health Service for those experiencing post-natal conditions and symptoms such as post-natal depression.

10.0 Further Information for Pregnant Employees

10.1 Sickness Prior to Childbirth

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

10.2 Premature Birth

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

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

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

10.3 Still Birth

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

10.4 Miscarriage

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

11.0 Health and Safety for Employees Pre and Post Birth

11.1 Where an employee is pregnant, has recently given birth or is breast feeding, the Headteacher should carry out a risk assessment of the employee's working conditions using the form on p6580 of the Powys Intranet. Health and Safety legislation requires employers to carry out a specific risk assessment where women of child-bearing age or new or expectant mothers may be at risk from a work process, working condition or physical, biological or chemical agent.

11.2 In the best interests of the expectant employee, action will be taken in instances of Rubella (German Measles), which could include transferring the employee to another work location. Where risks are identified, employees will not be obliged to continue that work. Every effort will be made to alter the working conditions for that person wherever possible. Consideration should be given to appropriate action in the occurrence of other notifiable diseases.

11.3 If it is found, or a medical practitioner considers, that the employee or their child would be at risk if the employee were to continue with their normal duties, the Headteacher should provide suitable alternative work for which they will receive their normal rate of pay. Where it is not reasonable to offer suitable alternative work, the employee should be offered paid leave for as long as the risk exists to safeguard their well-being. Where such leave continues to the start of the 4th week before the Week Baby is Due, maternity leave will automatically begin.

11.4 In all cases, guidance and advice is available from Occupational Health and Safety and Human Resources.

12.0 Additional Provisions

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

12.1 Contractual rights

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

12.2 Increments

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

12.3 Pensions

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

12.4 Antenatal Care

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

12.5 Post-natal Care and Breastfeeding Mothers

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

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

13.0 Adoption

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

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

- married
- civil partners

- living as partners

The child must be living with the couple who must reside permanently in either the UK, Channel Islands or Isle of Man. Where surrogate parents are not in possession of a parental order, adoption leave only applies where the child has been legally adopted through a registered adoption agency.

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

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

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

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

14.0 Paternity (Partner) Leave and Pay and Maternity Support Leave (includes Adoption)

14.1 This will apply to employees who are biological and adoptive fathers and same sex partners who are fully involved in the upbringing of the child and are taking this time off to support their partner taking maternity or adoption leave and the new child. They must have been in employment with the school or Local Authority for at least 26 weeks before the 15th week before the EWC and have informed the school or Local Authority of their intention to take the leave by this date as far as is reasonably practicable.

14.2 The entitlement is to two weeks' paternity leave with the first week paid at full pay and the second week at Statutory Paternity Pay. Only one period of Paternity Leave is available when there is a multiple birth.

14.3 Leave may be taken in a continuous block of either one or two weeks, as agreed between the employee and their Headteacher. The leave must be taken within 56 days of the birth.

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

14.5 Reasonable paid time off for attending ante natal classes with the partner taking maternity leave should also be granted.

14.6 For employees who do not meet the eligibility criteria for Paternity (Partner) Leave (described in paragraph 14.1 above) but are in a position of providing sole support to a new parent at or around the time of birth, Maternity Support Leave may be available. This leave may only be granted when there is no other Powys County Council employee taking Paternity (Partner) leave in relation to the same child. Maternity support leave may be granted for a period of 1 week with pay. Leave must be taken in one block within 56 days of the birth.

14.7 It is a prerequisite of Maternity Support Leave being considered that the employee nominates the person who will be taking the leave and declares that no other Council employee will be taking Paternity (Partner) Leave in connection with that birth or adoption. The nominated employee requesting to take Maternity Support Leave will be required to provide a copy of the MATB1 form.

15.0 Parental Leave (Unpaid)

15.1 Working parents – mothers and fathers and adoptive parents – have a statutory right to take up to 13 weeks of unpaid leave during their child's first eighteen years. Leave must be taken in blocks of 1 week at a time up to a maximum of 4 weeks per year per child. Parental leave gives another option for working parents needing time off to spend with their child/ren and further guidance on other flexible working arrangements that may be considered are contained in the Flexible Working Policy.

15.2 Requests for unpaid parental leave cannot be unreasonably postponed – the school must write to the employee giving reasons for postponement, for example that it would cause significant disruption to the school. The school cannot postpone requested leave if it means an employee would no longer qualify for parental leave, for example, postponing it until after the child's 18th birthday

16. Shared Parental Leave

16.1 Shared parental leave is a type of leave that is available to parents with babies due on or after 5 April 2015. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

16.2 Shared parental leave should not be confused with ordinary or unpaid parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks unpaid leave as outlined in paragraph 15 above.

16.3 As the shared parental leave provisions are complex, the detail is set out separately, as an appendix to this policy, at Appendix 4. If an employee wishes to take shared parental leave, they should clarify the relevant procedures with a member of the Employment Services Team to ensure that they are followed correctly. They may also wish to take advice from their trade union or professional association.

17.0 Leave for Foster Parents

17.1 As a provider of Social Services, Powys County Council recognises the need to encourage and support employees whose assessment for suitability to become foster parents is being undertaken by a Local Authority.

17.2 Employees should be aware, however, that although there is currently no statutory provision to support potential foster parents with paid time off, in cases where employees decide to become foster parents and are undergoing the approval process, reasonable time off should be granted to attend meetings and training in the same way that expectant parents have access to ante natal appointments.

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

18. Other Sources of Information for Working Parents

- Information about **maternity and parental rights** is contained in the following Department of Trade and Industry (DTI) booklet:
  Pregnancy and Work: What you need to know as an employee.
  Copies of this booklet can be obtained by telephoning 0870 1502 500. It is also available from the DTI website at:
  http://www.dti.gov.uk/employment/workandfamilies
- The DTI website will also provides a link to TIGER, an on-line interactive service which provides assistance to both employees and employers with **calculating maternity and paternity leave entitlements.**
- Information on **Statutory Maternity Pay and Maternity Allowance** entitlements is contained in the following Department for Work and Pensions (DWP) booklet:
  A Guide to Maternity Benefits (NI17A)
  Copies of this booklet can be obtained from:
  http://www.dwp.gov.uk/advisers/ni17a
- Information and guidance on **Maternity Allowance** is available from JobCentre Plus on 0800 0556688.
- Further information for **new and expectant mothers at work** is available on the health and Safety Executive website at:
  www.hse.gov.uk/mothers/index.htm
- For a comprehensive resource on everything to do with **work-life balance**, visit:
  http://www.workingfamilies.org.uk
- ACAS (Advisory, Conciliation and Arbitration Service) provides advice to individuals and employers on a range of **employment matters** via its helpline on 08457 474747 or visit:
  www.acas.gov.uk
- The Local Government Employers (LGE) – for information relating to employee's terms and conditions on telephone: 020 7187 7373
  www.lge.gov.uk

- The Local Authority's Flexible Working Policy is available by visiting the Human Resources Intranet site, or by contacting Human Resources.

Appendix 1

APPLICATION FOR PATERNITY LEAVE AND PAY

Employee Details

Surname	
First Name	
Address	
Employee Number	
Job Title	
Name of Headteacher	

Your Dates for Pay and Leave

Date baby due	
Date you would like paternity leave to start	

Continued Overleaf

Your Declaration

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

I declare that I am

☐ The baby's biological father or adoptive mother or father *or*
Married to the mother *or*
Living with the mother in an enduring family relationship but am not an immediate relative

☐ I have responsibility for the child's upbringing

Signature/Date	

Confirmation of receipt of this form/Approval of Leave

Headteacher:

Name	
School	
Signature/Date	

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

Appendix 2

APPLICATION FOR MATERNITY SUPPORT LEAVE		
Requests for this leave should be made on this form by employees and should be countersigned by the mother. A copy of the mother's MAT B1 form is also required with the submission of this form.		
Name (in full):		
Directorate:		
Location:		
Job Title:		
Payroll No: (As per last pay slip)		
Dates Leave Requested For:	From:	To:
Signed (Member of staff)		
In signing this form I _____ (mother's name) nominate the employee named above as my nominated carer for Maternity Support Leave, as set out above. In signing this form I _____ (applicant employee) certify that I will be the primary provider of support to the mother at or around the time of the birth of the child and confirm that no other Powys County Council employee has taken Maternity Support Leave **or** Paternity Leave in respect of this birth.		
Mother's Name:		
Mother's Address:		
Date of Birth of Child:		
Place of Birth:		
Signature (Mother):		
Signature – (Headteacher):		

Appendix 3

FREQUENTLY ASKED QUESTIONS

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

Can a member of staff commence her maternity leave at any time, including during a period of school closure?
Yes, subject to the automatic trigger in the case of the birth of the child and pregnancy-related sickness absence. It is the employee who determines when she wants to commence maternity leave, to suit her own wishes.

Can a teacher continue to move up the upper pay spine when they have been off on maternity leave?
Movement on the upper scale usually depends on a successful performance review. If someone is on maternity leave, there may not be sufficient evidence to determine this. It would then be necessary to reach a judgement as to whether the teacher has met their performance targets. Governing bodies should therefore decide whether teachers meet the statutory criteria by reference to such information as is available. This might include information from one completed performance management review or information from any part of the relevant period when the teacher was present. Failure to consider progression in this way could clearly constitute less favourable treatment on the basis of gender or disability and leave the governing body open to complaints of unlawful direct discrimination.

Are non-teaching staff paid increments while they are on maternity leave?
(i) In the event of a pay award or annual increment being implemented before the paid maternity leave period begins, the maternity pay would be calculated as though the pay award or annual increment had effect throughout the entire SMP calculation period. If such a pay award was agreed retrospectively, the maternity pay would be re-calculated on the same basis;
(ii) In the event of a pay award or annual increment being implemented during the paid maternity leave period, you will be treated for SMP purposes as if the pay rise had applied for the Relevant Period. This means that your SMP will be recalculated and increased retrospectively, or that you may qualify for SMP if you did not previously qualify.

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

Do employees who work term time only who are on maternity leave accrue a right to paid annual leave under the Working Time Directive?
All employees have a statutory right to 28 days leave under the Working Time Regulations (including bank holidays). As a result of case law, a member of staff must be able to take her annual leave at a time separate to her maternity leave. Very often

the 28 days entitlement will have been met during school closure periods either before or after her period of maternity leave.

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

What are the paternity provisions for teachers?
Paternity leave is not referred to in the Burgundy Book. However, the teacher may be entitled to statutory paternity leave and pay, in which case they can choose to take one or two weeks' consecutive paid leave, the first week paid at full pay and the second at Statutory Paternity Pay rate. Please see the attached link for further information: http://www.direct.gov.uk/en/Employment/Employees/WorkAndFamilies/DG_10029398

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

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

Shared Parental leave Procedure

1. Scope of this shared parental leave procedure

This procedure applies in relation to School employees, whether they are the mother or the partner. If it is the mother who is employed by Powys County Council, her partner must (if relevant) submit any notifications to take shared parental leave as set out in this procedure to their ***own employer***, which may have its own shared parental leave procedure in place, if they wants to take a period of shared parental leave.

Similarly, if it is the partner who is employed by Powys County Council, the mother must (where relevant) submit any notifications to take shared parental leave to her ***own employer*.**

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.

2. Amount of shared parental leave available

The amount of shared parental leave to which an individual is entitled will depend on when the mother brings her maternity leave period to an end and the amount of leave that the other parent takes in respect of the child. Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the School is obliged to accept the request as long as the employee meets the eligibility and notice requirements), or alternatively, as a number of discontinuous blocks of leave (in which case the employee needs the School 's agreement). A maximum of three requests for leave per pregnancy can normally be made by each parent.

The first two weeks (or four weeks for factory workers) following birth is the compulsory maternity leave period and is reserved for the mother of the child only. This means that the mother cannot curtail her maternity leave to take shared parental leave until two weeks (or four weeks for factory workers) after the birth and the maximum period that the parents could take as shared parental leave is 50 weeks between them (48 weeks if the mother is a factory worker) although it will normally be less than this because of the maternity leave that mothers usually take before the birth.

However, the mother's partner can begin a period of shared parental leave at any time from the date of the child's birth - but the partner should bear in mind that they are entitled to take up to two weeks' ordinary paternity leave following the birth of their child, which they will lose if shared parental leave is taken first - the mother and partner must take any shared parental leave within 52 weeks of birth.

3. Eligibility for shared parental leave

For employees to be eligible to take shared parental leave, both parents must meet certain eligibility requirements as outlined in law.

Mother's eligibility for shared parental leave

The mother is eligible for shared parental leave if she:

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with Powys County Council until the week before any period of shared parental leave that she takes;
- has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- is entitled to statutory maternity leave in respect of the child; and
- complies with the relevant maternity leave curtailment requirements (or has returned to work before the end of statutory maternity leave), and shared parental leave notice and evidence requirements.

In addition, for the mother to be eligible for shared parental leave, the partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold (currently £30) for any 13 of those 66 weeks; and
- have at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

Partner's eligibility for shared parental leave

The partner is eligible for shared parental leave if they:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with Powys County Council until the week before any period of shared parental leave that they take;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- comply with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the mother must:

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

4. Notice requirements for shared parental leave

The notices that the parents must give to the relevant employer (including the School) to be able to take shared parental leave are made up of three elements. They are:

- a "maternity leave curtailment notice" from the mother setting out when she proposes to end her maternity leave (unless the mother has already returned to work from maternity leave);
- a "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of shared parental leave that they are requesting; and
- a "period of leave notice" from the employee setting out the start and end dates of each period of shared parental leave that they are requesting.

The notice periods set out below (see Mother's notice curtailing maternity leave, Employee's notice of entitlement and intention and Employee's period of leave notice sections below) are the minimum required by law. However, the earlier the employee informs their line manager of their intentions, the more likely it is that the School will be able to accommodate the employee's wishes, particularly if they want to take periods of discontinuous leave.

Employees are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can 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 intention and period of leave notice at the same time. Similarly, the partner could provide their notice of entitlement and intention and period of leave notice at the same time.

5. Mother's notice curtailing maternity leave

Before the mother or partner can take shared parental leave, the mother must either return to work before the end of her maternity leave (by giving the required eight weeks' notice of her planned return) or provide her employer with a maternity leave curtailment notice. The maternity leave curtailment notice must be in writing and state the date on which maternity leave is to end. That date must be:

- after the compulsory maternity leave period, which is the two weeks (or four weeks for factory workers) after birth;
- at least eight weeks after the date on which the mother gave the maternity leave curtailment notice to her employer; and
- at least one week before what would be the end of the additional maternity leave period.

The mother must provide her maternity leave curtailment notice at the same time as she provides either her notice of entitlement and intention or a declaration of consent and entitlement signed by the mother confirming that her partner has given their employer (which may be the Council or another employer) a notice of entitlement and intention (see Employee's notice of entitlement and intention below).

Revocation of maternity leave curtailment notice

The mother can withdraw her notice curtailing her maternity leave in limited circumstances. The withdrawal of a maternity leave curtailment notice must be in writing and can be given only if the mother has not returned to work. The mother can withdraw her 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.

6. Employee's notice of entitlement and intention

The employee, whether the mother or the partner, must provide the School with a non-binding notice of entitlement and intention. The employee's notice of entitlement and intention, which must be in writing and provided at least eight weeks before the start date of the first period of shared parental leave to be taken by the employee, must set out the following information.

If the employee is the mother, the notice of entitlement and intention must set out:

- the mother's name;
- the partner's name;
- the start and end dates of any statutory maternity leave taken or to be taken by the mother;
- the total amount of shared parental leave available;
- the child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the mother);
- how much shared parental leave the mother and partner each intend to take; and
- a non-binding indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave).

The mother's notice of entitlement and intention must include a declaration signed by her that:

- she satisfies, or will satisfy, the eligibility requirements to take shared parental leave;
- the information she gives in the notice of entitlement and intention is accurate; and
- she will immediately inform the organisation if she ceases to care for the child.

In addition, the mother's notice of entitlement and intention must include a declaration signed by her partner:

- specifying the partner's name, address, and national insurance number (or declaring that the partner does not have a national insurance number);
- declaring that the partner satisfies, or will satisfy, the conditions set out above;
- declaring that the partner is the father of the child, or is married to, the civil partner of, or the partner of, the mother;
- declaring that the partner consents to the amount of leave that the mother intends to take; and
- declaring that the partner consents to the mother's employer processing the information in the partner's declaration.

If the employee is the partner, the partner's notice of entitlement and intention must set out:

- the partner's name;
- the mother's name;
- the start and end dates of any periods of statutory maternity leave, statutory maternity pay or maternity allowance taken or to be taken by the mother;
- the total amount of shared parental leave available;
- the child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the partner);
- how much shared parental leave the partner and mother each intend to take; and
- a non-binding indication as to when the partner intends to take shared parental leave (including the start and end dates for each period of leave).

The partner's notice of entitlement and intention must include a declaration signed by the partner that:

- they satisfy, or will satisfy, the eligibility requirements to take shared parental leave;
- the information given by the partner in the notice of entitlement and intention is accurate; and
- they will immediately inform the School if they cease to care for the child or if the mother informs them that she no longer meets the requirement to have curtailed her maternity leave or pay period.

In addition, the partner's notice of entitlement and intention must include a declaration signed by the mother:

- specifying the mother's name, address, and national insurance number (or declaring that the mother does not have a national insurance number);
- declaring that the mother satisfies, or will satisfy, the conditions set out above and she will notify the partner if she no longer qualifies for maternity leave, statutory maternity pay or maternity allowance;
- declaring that the mother consents to the amount of leave that the partner intends to take;
- declaring that she will immediately inform the employee if she no longer meets the requirement to have curtailed her maternity leave or pay period; and
- declaring that the mother consents to the partner's employer processing the information in the mother's declaration.

Within 14 days of receiving a notice of entitlement and intention from the employee, whether the mother or partner, the School will request from the employee:

- 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).

Note carefully! The employee has 14 days from the date of the request to send the School the required information.

7. Variation or cancellation of notice of entitlement and intention

The employee can vary or cancel their proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that they provide the School with written notice. The written notice must contain:

- an indication as to when the employee intends 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 the mother and the partner that they agree to the variation.

Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until they 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 the employee can make.

8. Employee's period of leave notice

To take a period of shared parental leave, the employee must provide the 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.

9. Variation or cancellation of period of leave notice

The employee can vary or cancel their proposed shared parental leave dates following the submission of a period of leave notice, provided that they provide their employer (obviously including the School in the case of an employee) with 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.

10. Limit on number of requests for leave

The employee may provide a combined total of up to three period of leave notices or variations of period of leave notices per pregnancy, although the School may waive this limit in some exceptional circumstances, such as if the baby or mother requires further and/or special medical attention that was not originally anticipated.

11. Continuous period of shared parental leave

If the employee submits a period of leave notice requesting one continuous period of leave, they will be entitled to take that period of leave.

12. Discontinuous periods of shared parental leave

The employee may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers (including the School) that allows them to alternate childcare responsibilities.

If the employee submits a period of leave notice requesting discontinuous periods of leave, the 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, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee 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. The employee must notify the School of that date within five days of the end of the two-week discussion period. If the employee does 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 School has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw a period of leave notice requesting discontinuous periods of leave. The employee 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 an employee can make!

13. Amount of shared parental pay available

Statutory shared parental pay is available for eligible parents to share between them while on shared parental leave. The number of weeks' statutory shared parental pay available to the parents will depend on how much statutory maternity pay or maternity allowance the mother has been paid when her maternity leave or pay period ends.

A total of 39 weeks' statutory maternity pay or maternity allowance is available to the mother. As there is a compulsory maternity leave period of two weeks (or four weeks for factory workers), this means that a mother who ends her maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with her partner (only 35 weeks' statutory shared parental pay can be shared if the mother is a factory worker) although it will normally be less than this because of the maternity leave that mothers usually take before the birth.

Any statutory shared parental pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

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

14. Eligibility for statutory shared parental pay

For employees to be eligible for statutory shared parental pay, both parents must meet certain eligibility requirements.

Mother's eligibility for statutory shared parental pay

The mother is eligible for statutory shared parental pay if she:

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with her employer until the week before any period of shared parental pay that she gets;
- has normal weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
- has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;

- is absent from work and intends to care for the child during each week in which she receives statutory shared parental pay; and
- is entitled to statutory maternity pay in respect of the child, but the maternity pay period has been reduced.

In addition, for the mother to be eligible for statutory shared parental pay, the partner must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- have average weekly earnings of at least the maternity allowance threshold (currently £30) for any 13 of those 66 weeks.

Partner's eligibility for statutory shared parental pay

The partner is eligible for statutory shared parental pay if they:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remain in continuous employment with their employer until the week before any period of shared parental pay that they get;
- have normal weekly earnings for eight weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- are absent from work and intend to care for the child during each week in which they receive statutory shared parental pay.

In addition, for the partner to be eligible, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold (currently £30) for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child; and
- be entitled to statutory maternity pay or maternity allowance in respect of the child, but the maternity pay period or maternity allowance period has been reduced.

15. Rights during shared parental leave

During shared parental leave, all terms and conditions of the employee's contract except normal pay will continue. The employee's salary will be replaced by statutory shared parental pay if the employee is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid.

16. Contact during shared parental leave

The School reserves the right to maintain reasonable contact with employees during shared parental leave. This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work (such as restructuring processes) during their absence.

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

The School has no right to require employees to carry out any work and employees have no right to undertake any work during their shared parental leave. Any work undertaken, and the amount of salary paid for any work done on SPLIT days, is entirely a matter for agreement between employees and the School.

In most cases however, the employee will continue to be paid statutory shared parental pay for any week during which the employee attends work for SPLIT days and this will be paid in the usual way.

17. Returning to work following shared parental leave

The employee has the right to resume working in the same job when returning to work from shared parental leave if the period of leave, when added to any other period of shared parental leave, statutory maternity leave or statutory paternity leave taken by the employee in relation to the same child, is 26 weeks or less.

If the employee is returning to work from shared parental leave and the period of leave taken is more than 26 weeks, when added to any other period of shared parental leave, statutory maternity or paternity leave taken in relation to the same child, or was the last of two or more consecutive periods of statutory leave that included a period of ordinary parental leave of more than four weeks, or a period of additional maternity leave, the employee has the right to return to the same job unless this is not reasonably practicable.

In these circumstances, if it is not reasonably practicable for the School to permit a return to the same job, the employee has the right to return to another job that is suitable and appropriate for them.

18. Legislation

Children and Families Act 2014
Shared Parental Leave Regulations 2014
Statutory Shared Parental Pay (General) Regulations 2014
Draft Statutory Maternity Pay and Statutory Adoption Pay (Curtailment) Regulations 2014
Draft Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014

19. In summary

Shared parental leave is available to parents with babies due on or after 5 April 2015. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave with their partner, or to return to work early from maternity leave and opt in to shared parental leave at a later date. Shared parental leave is also available to adoptive parents where the child is being placed for adoption on or after 5 April 2015.

The amount of shared parental leave to which an individual is entitled will depend on when the mother brings her maternity leave period to an end and the amount of leave that the other parent takes in respect of the child. Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the employer is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the employer's agreement). A maximum of three requests for leave per pregnancy can normally be made by each parent.

The notices that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:

- a "maternity leave curtailment notice" from the mother setting out when she proposes to end her maternity leave (unless the mother has already returned to work from maternity leave);
- a "notice of entitlement and intention" from the employee giving an initial, non-binding indication of each period of shared parental leave that they are requesting; and
- a "period of leave notice" from the employee setting out the start and end dates of each period of shared parental leave that he or she is requesting.

Employees are entitled to benefit from all of their contractual terms and conditions (with the exception of remuneration) during any period of shared parental leave. Employees' usual remuneration is replaced by statutory shared parental pay if they are eligible to receive it, with up to 37 weeks' statutory shared parental pay available for parents to share between them while on shared parental leave (35 weeks' statutory shared parental pay can be shared if the mother is a factory worker) (although it will normally be less than this because of the maternity leave that mothers usually take before the birth). It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

20. Future developments

The new system of shared parental leave and pay applies to parents of babies due on or after 5 April 2015 and this procedure was based on the legislation and draft regulations applicable at the time of development in December 2014.

Annex A

Notice of entitlement and intention to take shared parental leave

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

Shared Parental Leave Details

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

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

Shared Parental Pay Details

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

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

Employee notice of curtailment of maternity/adoption/surrogacy leave

1. Complete this section if you are the employee named in this notice and you are the mother or main adopter or intended parent.

2. You must give at least eight weeks' notice of your curtailment date. If you are entitled to maternity leave the curtailment date must be at least two weeks after the birth of your child (four weeks if you work in a factory).

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

Employee Declaration

I confirm that I meet the following conditions:

- I am the mother, father or main adopter or intended parent of the child, or the partner of the mother or main adopter
- I have (or share with the other parent) the main responsibility for the care of the child and am taking SPL in order to care for the child
- I have at least 26 weeks continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the relevant week)
- I intend to be in continuous employment until the week before any SPL is taken

- If I am claiming shared parental pay I have average weekly earnings equal to or above the Lower Earnings Limit over the eight week period ending with the relevant week
- I agree to inform the School immediately if I cease to meet the conditions for entitlement to SPL or ShPP

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

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

Signature: _____

Date: _____

Declaration of Other Parent

Name	
Address	
National Insurance Number	

I confirm that I meet the following conditions:

- I have at least 26 weeks employment (employed or self-employed) out of the 66 weeks prior to the 15th week before the expected date of birth or at the week in which the main adopter was notified as having been matched for adoption with the child (known as the relevant week)
- I have average weekly earnings of at least £30 during at least 13 weeks of the 66 weeks prior to the relevant week
- I agree to inform your employee immediately if I cease to meet the two conditions above
- I consent to your employee taking SLP and ShPP as set out in Sections 2 and 3 above.

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

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

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

Signed _____

Date _____