

2 5 Maternity, Paternity, Adoption and Parental Leave Policies

These policies also cover the arrangements for someone intending to become a parent through surrogacy. See Maternity Policy for attending antenatal appointments with surrogate mother.

Maternity Policy

1. Introduction

This policy sets out the provision for maternity leave and pay, and associated procedures. The policy sets out a woman's statutory entitlements to maternity leave and pay. Should the statutory entitlements be amended, the regulations currently in force will be applied.

2. Scope

This policy is applicable to all staff on permanent or fixed-term appointments.

3. Notification

It is the responsibility of the employee to advise the Pre-School Manager or Chairperson as soon as possible after confirmation, that she is pregnant, in order that arrangements can be made to ensure that her work will have no adverse effect on either her, her unborn child or baby. (Refer to Statutory notification requirements in section 5).

As soon as reasonably practicable after the Pre-School Manager or Chairperson is aware of an employee's pregnancy he/she must advise the Committee so that the necessary action can be taken.

4. Health and Safety

A risk assessment must be completed on all pregnant workers, workers who have recently given birth and workers who are breast feeding. Managers (or designated persons) should use the 'New and Expectant Mothers' Risk Assessment' at Appendix 1.

The Pre-school must ensure that the work will not involve a risk (as far as reasonably practicable) to the health and safety of a new or expectant mother or her baby from any processes or working condition, or physical, biological or chemical agents. These include shocks, vibrations, noise, mental and physical fatigue, exposure to chemical agents and extremes of cold and heat. Every effort should be made to reach agreement between the Pre-school Manager and employee on the outcome of the risk assessment.

Should a significant risk be identified, then the manager should try to remove the hazard and prevent exposure to the risk, such as providing aids to help with manual handling duties. Should the risk still be thought to be significant then the Pre-school Manager must contact the Committee Chairman to discuss a range of options available, including:

- Temporarily adjust the employee's working conditions and/or hours of work
- Offer her suitable alternative work if any is available, such as administration or clerical work, on terms and conditions no less favourable than her normal ones
- As a last resort, suspend her from work for as long as necessary to protect her safety and that of her child ensuring a letter is issued to explain why.

Should a situation arise when a pre-school child or sibling poses a potential health risk the Committee Chairman, Pre-School Manager and the pregnant member of staff will assess the situation on a case by case basis. If it is agreed that a risk is present then paid time off will be given until the risk is deemed passed.

5. Statutory Maternity Leave

Any woman, regardless of length of service or hours of work, is entitled to a minimum of 26 weeks ordinary maternity leave. A woman with at least 26 weeks continuous service by the 15th week before their expected week of childbirth (EWC) will be entitled take additional maternity leave immediately after ordinary leave of up to a further 26 weeks (bringing the total leave allowance up to 52 weeks).

The employee must notify the Pre-School committee of her intention to take maternity leave by the 15th week before her EWC (or as soon as is reasonably practicable). She must tell us:

- that she is pregnant
- the expected week of childbirth
- provide in writing when she wishes to start her maternity leave (refer to points below)

The notified date of the start of maternity leave may be amended provided the Pre-School is given at least 8 weeks notice of the change (or as soon as is reasonably practicable).

Maternity leave cannot begin before the 11th week before the expected week of childbirth, and will start automatically if the employee is absent from work wholly or partly due to the pregnancy after the beginning of the 4th week before the expected week of childbirth.

The Pre-School will confirm in writing, within 28 days of notification of the pregnancy, the employee's maternity pay and leave entitlement and the expected date of return to work if the full entitlement to leave is taken. The Pre-School will assume that the full leave entitlement will be taken unless notified otherwise.

An employee has the right to return to work at any time before the end of the total period of maternity leave (subject to 2 weeks compulsory leave after the birth). If she wishes to return before the end of the period of

either ordinary or additional maternity leave she is required to give the Pre-School 8 weeks notice before the return date.

Childbirth is the birth of a child, or a stillbirth from the 25th week of pregnancy. In such circumstances, these Maternity Procedures would apply. A miscarriage earlier than 25 weeks would be treated as sickness absence.

6. Pay during Statutory Maternity Leave

A pregnant woman will normally qualify for 39 weeks statutory maternity pay (SMP) provided that she:

- Has been continuously employed by the Pre-School for at least 26 weeks continuing into the 15th week before the baby is due (the "qualifying week");
- Has an average weekly earnings of not less than the lower earnings limit for National Insurance contributions;
- Is still pregnant at the beginning of the 11th week before the expected week of childbirth, or has had the baby by that time;
- Has provided medical evidence of the date the baby is due at least 21 days before the maternity absence is due to start, by sending in her 'Mat B1'certificate.

The maternity pay period can start any time from the 11th week before the expected week of childbirth and will last for a period of 39 weeks.

SMP consists of 9/10ths of earnings for the first 6 weeks of maternity leave, followed by the current standard rate of SMP for the remaining 33 weeks or 90% of earnings for the full 39 weeks if this is less than the current standard rate of SMP.

7. Maternity Allowance

If the employee is not entitled to SMP because her average weekly earnings are below the lower earnings limit, she may be entitled to maternity allowance, which is paid by the Department of Work and Pensions.

8. Maternity Leave, Sickness Absence and Annual Leave

Maternity leave will not be treated as sickness absence and will not, therefore, be taken into account for the calculation of the period of entitlement to sick pay during absence.

If an employee is absent due to a pregnancy-related illness from the 4th week before the expected week of childbirth, she will be transferred onto statutory maternity leave and will not be entitled to receive sick-

pay/SSP. However, if sickness during pregnancy is not related to the pregnancy itself, an employee will be entitled to receive sick pay/SSP, unless the maternity pay period has already started.

If an employee is unfit to return to work on the expected date of her return from maternity leave, she will be deemed to have returned if a Self Certificate or Fit Note from her doctor is submitted to Pre-School. The provisions of the sick pay scheme shall then apply. Please see 2.7 Staff Sickness and Absence Management Policy.

The period of both paid and unpaid maternity leave, up to a maximum of 52 weeks in total, shall be regarded as service for the purpose of calculating entitlement to leave and shall not affect the annual leave entitlement in the leave year(s) in which the maternity leave falls.

9. Return to Work

Nothing in these Maternity Leave Regulations shall confer on an employee any right to return to work for a period extending beyond the expiry of a fixed-term contract of employment. In these circumstances the employee will be consulted about the renewal or non-renewal of her contract.

An employee returning to work after either ordinary or additional maternity leave does not need to give notice of her return unless she wishes to return early. The Pre-School will assume that the full leave entitlement will be taken unless notified otherwise, and will expect the employee to return to work on the expected return date, as notified to the employee.

If an employee wishes to return before the end of the period of either ordinary or additional maternity leave she is required to give the Pre-School 8 weeks notice before the return date.

10. Ante-Natal Care

Every pregnant employee is entitled to ante-natal care, irrespective of whether or not she qualifies for any other statutory or contractual maternity benefits.

Any pregnant employee who, on the advice of a doctor, a registered midwife or a registered health advisor, has made an appointment for ante-natal care has the right not to be unreasonably refused paid time off work, provided:

- she asks her Pre-school Manager/ Committee Chairman for time off work to keep each appointment (with Pre-School's request that this is at the beginning or end of their shift (or if possible, when they are not due to work) to support the smooth running of the Pre-School), and
- she produces a certificate of pregnancy and an appointment card/other document confirming that the appointment has been made (except for the first appointment).

The intended parents in a surrogacy arrangement who are eligible and intend to apply for a Parental Order are entitled to unpaid time off to accompany the surrogate mother to up to two antenatal appointments. Crick Pre-School requires a declaration stating the time and date of the appointment and confirmation that the time taken off is to attend an antenatal appointment with the expectant mother.

11. Contract of Employment

During the 26 weeks of ordinary maternity leave, all contractual benefits, including the right to return to work after the childbirth, but except for remuneration, will be maintained.

During the period of additional maternity leave the contract of employment continues and the employee is entitled to the benefit of the Pre-School implied obligation to her of trust and confidence, and she is bound by her implied obligation to the Pre-School of good faith.

Pregnant employees will be sent a letter setting out their rights, important dates, etc., and reminded of what they need to do at the appropriate time. These procedures are designed to set out an employee's statutory and contractual rights, and to try and ensure that the employee understands what her obligations are.

However, it should be noted that the Pre-School is entitled, at its discretion, to invoke the disciplinary procedure currently in force if an employee fails without good reason to give the required notice, or to return to work on the expected date.

Paternity Policy

1. Statement of Intent

- 1.1 This policy sets out the statutory rights and responsibilities of employees whose wife, civil partner or partner gives birth to a child and gives details of the arrangements for paternity leave and pay.
- 1.2 Paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take paternity leave where the other adoptive parent has elected to take adoption leave.
- 1.3 Paternity leave will not count towards Shared Parental Leave

2. Ordinary Paternity Leave

- 2.1 In order to be eligible for paternity leave an employee must satisfy the following criteria:

- The employee must be the father of the child or married to: the civil partner or the partner of the child's mother; married to: the civil partner or the partner of the child's adopter, or one of a couple jointly adopting a child; and expect to have responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother

- Have 26 weeks' service at the 15th week before the baby is due to be born, or in respect of an adopted child, the week in which the child's adopter was notified of having been matched with a child
 - The employee may be asked to produce evidence of entitlement to paternity leave by signing a self-certification form declaring that he or she meets the statutory eligibility criteria
- 2.2 Paternity leave is granted in addition to an employee's normal holiday entitlement. Paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of birth but within eight weeks of the expected date of childbirth. Ordinary paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date. In addition, employees who are the father or partner have the right to take unpaid time off work to accompany expectant mothers on up to 2 antenatal appointments.
- 2.3 To qualify for paternity leave, the employee must have, or expect to have, responsibility for the child's upbringing. Thus paternity leave is not available to biological fathers who are not likely to have parental responsibility for their child.

3. Notification – Ordinary Paternity Leave: Birth of a Child

- 3.1 Where an employee wishes to request paternity leave in respect of the birth of a child, he or she must give the following information in writing no later than 15 weeks before the expected week of childbirth:
- a) the expected week of the child's birth
 - b) whether they intend to take one or two weeks' leave; and
 - c) the date on which they want paternity leave to start.
- 3.2 The employee may change the date on which they want their paternity leave to start providing they notify Crick Pre-School of the change at least 28 days before leave was due to start.
- 3.3 If an employee has chosen to start paternity leave on a pre-determined date, and the child is not born on or before that date, the employee must change their choice of date and notify Crick Pre-School of the change as soon as possible.
- 3.4 In all cases, the employee must notify Crick Pre-School as soon as possible after the child's birth, of the date on which the child was born.
- 3.5 If the employee has elected to start paternity leave on the date the child is born and they are at work on that date, leave will start the following day

4. Notification – Ordinary Paternity Leave: Adoption

- 4.1 In the case of an adopted child, the employee must give written notice of their intention to take paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency.
- 4.2 The notice must specify the following:
- a) the date the child is expected to be placed for adoption

- b) the date the employee intends to start paternity leave
 - c) the length of the intended paternity leave period; and
 - d) the date on which the adopter was notified of having been matched with the child
- 4.3 The employee may change the date on which they want their paternity leave to start providing they notify Crick Pre-School of the change at least 28 days before leave was due to start.

5. Ordinary Statutory Paternity Pay

- 5.1 Statutory Paternity Pay is paid for a maximum of 2 weeks. It is paid at a flat rate laid down by statute or 90% of average weekly earning if this is less.
- 5.2 To qualify for paternity pay employees must have average earning at or above the lower earnings limit for the payment of National Insurance contributions.
- 5.3 An employee's average weekly earnings are calculated by taking his average earning over the 8 weeks immediately leading up to the notification week (i.e. 15 weeks before the expected week of childbirth, or the date of placement of the child).
- 5.4 Statutory Paternity Pay will begin at the same time as an employee's paternity leave commences and will be paid on the same date that salary would have been paid and will be subject to deductions for tax, National Insurance and any pension contributions in the usual way.

6. Shared Parental Leave

- 6.1 New regulations on sharing of maternity / adoption leave and pay between parents became applicable from 1st December 2014. The options to use these new Shared Parental Leave rights apply to parents who meet the eligibility criteria, where a baby was born on or after 5 April 2015, or for children who were placed for adoption on or after that date.
- 6.2 An eligible parent is still entitled to take up to 2 weeks Ordinary Paternity Leave and pay, however the previous entitlement to Additional Paternity Leave is no longer available for parents where their baby was born or they received a child for adoption on or after 5 April 2015. This is replaced by the Shared Parental Leave arrangements. For further details please see our policy on Shared Parental Leave.

Adoption Policy

1. Statement of Intent

- 1.1 This policy sets out the statutory rights and responsibilities of employees who are planning to adopt a child and gives details of the arrangements for adoption leave and pay.

2. Entitlements

- 2.1 There are 3 main adoption rights in law:
 - The right to Statutory Adoption Pay (SAP)
 - The right to 26 weeks' adoption leave (ordinary adoption leave)

- The right to a further 26 weeks' leave (additional adoption leave) where the qualifying service period has been met

3. Notification

- 3.1 In order to exercise their right to ordinary adoption leave, an employee must notify Crick Pre-School in writing within 7 days of the date in which they were matched with the child of:
- the date on which they intend to start their adoption leave; and
 - the expected week of the placement
- 3.2 The employee must also provide a matching certificate completed by the adoption agency.
- 3.3 Should the employee change their mind about the date on which they intend to start their ordinary adoption leave, they must advise their line manager of the revised start date at least 28 days before the date in question unless it is not reasonably practical.
- 3.4 Crick Pre-School will formally respond in writing to the employee's notification of their leave plans within 28 days, confirming the date on which they are expected to return to work if they take the full 52-week entitlement to adoption leave.

4. Ordinary Adoption Leave

- 4.1 All qualifying employees, irrespective of their length of service or hours are entitled to 26 weeks adoption leave (ordinary). During this period all contractual terms and conditions are maintained, with the exception of remuneration during weeks 7-26.
- 4.2 All qualifying employees must notify their line manager that they wish to take advantage of the scheme within 7 days of the date in which they were matched with the child.
- 4.3 The leave continues for 26 weeks from the date of commencement

5. Additional Adoption Leave

- 5.1 Irrespective of their length of service or hours, employees are entitled to take up to 26 weeks additional leave. An employee is therefore entitled to take up to 52 weeks adoption leave in total, calculated from the date on which their ordinary adoption leave period begins.

6. Statutory Adoption Pay

- 6.1 Statutory Adoption Pay (SAP) is payable for up to 39 weeks during adoption leave. An employee is entitled to SAP if they:
- have been continuously employed by Crick Pre-School for at least 26 weeks at the end of the week in which they are notified of having been matched with a child;
 - earn more than the National Insurance Lower Earnings limit;
 - have been matched with a child to be placed with them by a UK adoption agency;

- have notified the agency that they agree that the child should be placed with them and the date of the placement;
 - notify their line manager that they wish to take advantage of the scheme within 7 days of the date in which they were matched with the child;
 - employees will be required to provide a matching certificate completed by the adoption agency;
- 6.2 SAP is payable for a maximum period of 39 weeks. This period is called the 'adoption pay period' and can begin from 14 days before the child is placed with the adoptive parent but no earlier. For 39 weeks SAP will be an amount set by the government each year.
- 6.3 For the first six weeks, SAP is paid at the higher rate, which is equivalent to 90% of the employee's average weekly earnings calculated over a specified period. For the purpose of calculating average weekly earnings, shift allowances and overtime payments, are all included.
- 6.4 The standard rate of SAP is paid for the remaining 33 weeks (or less if the employee returns to work sooner). This is paid at the rate set by the Government for the relevant tax year, or 90% of the employee's average weekly earnings if this is lower than the Government's set weekly rate.
- 6.5 If an employee becomes eligible for a pay rise between the start of the original calculation period and the end of their adoption leave (whether ordinary or additional leave), the higher or standard rate of SAP will be recalculated to take account of the pay rise, regardless of whether SAP has already been paid.
- 6.6 Statutory adoption pay is treated as earnings and is therefore subject to PAYE and national insurance deductions
- 6.7 Employees who are not entitled to SAP may be entitled to receive an allowance, payable by the Government

7. Contact during Adoption Leave

- 7.1 Shortly before an employee's adoption leave starts, Crick Pre-School will discuss the arrangements for them to keep in touch during their leave, should they wish to do so. Crick Pre-School reserves the right in any event to maintain reasonable contact with the employee from time to time during their adoption leave. This may be to discuss changes within the organisation e.g. restructure, the employee's plans for return to work, to discuss any special arrangements to made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

8. Keeping-In-Touch Days

- 8.1 An employee can agree to work or to attend training for up to 10 days during either ordinary adoption leave or additional adoption leave, without that work bringing the period of her adoption leave to an end and without a loss of a week's SAP. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.

8.2 Crick Pre-School has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during their adoption leave. Any work taken, including the amount of salary paid for any work done on keeping-in-touch days, will be in line with normal contractual arrangements. Any keeping-in-touch days worked do not extend the period of adoption leave. Once the keeping-in-touch days have been used up, the employee will lose a week's SAP for any week in which they agree to work for Crick Pre-School.

9. Returning to Work

- 9.1 The employee will have been formally advised in writing of the date on which they are expected to return to work if they take their full 52-week entitlement to adoption leave. The employee is expected to return on this date, unless they notify Crick Pre-School otherwise. If they are unable to attend work at the end of their adoption leave due to sickness or injury, Crick Pre-School's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 9.2 While the employee is under no obligation to do so, it would assist Crick Pre-School if they confirmed as soon as convenient during adoption leave that they will be returning to work as expected.
- 9.3 If the employee wishes to return to work earlier than the expected return date, they must give Crick Pre-School at least eight weeks' notice of their date of early return, preferably in writing. If they fail to do so Crick Pre-School may postpone their return to such a date as will give Crick Pre-School eight weeks' notice, provided that this is not later than the expected return date.
- 9.4 If the employee decides not to return to work after adoption leave, they must give notice of resignation as soon as possible and in accordance with the terms of their contract of employment. If the notice period would expire after adoption leave has ended, Crick Pre-School may require the employee to return to work for the remainder of the notice period.

10. Rights on and after Returning to Work

- 10.1 On resuming work after ordinary adoption leave, the employee is entitled to return to the same job as they occupied before commencing adoption leave, on the same terms and conditions of employment as if they had not been absent.
- 10.2 On resuming work after additional adoption leave, again they are entitled to return to the same job as they occupied before commencing adoption leave on the same terms and conditions of employment as if they had not been absent. However, if it is not reasonably practicable for Crick Pre-School to allow the employee to return to the same job, Crick Pre-School may offer the employee suitable alternative work, on terms and conditions that are no less favourable than would have applied if they had not been absent.
- 10.3 An employee who worked full-time prior to adoption leave has no automatic right to return to work on a part-time basis or to make other changes to their working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements.

of the business. If an employee would like this option to be considered, they should write to their line manager setting out her proposals as soon as possible in advance of their return date, so that there is adequate time for full consideration of the request.

- 10.4 Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the adoption leave period.

- 10.5 If the employee decides, during adoption leave, that they do not wish to return to work, they should give written notice of their resignation to Crick Pre-School as soon as possible and in accordance with the terms of their contract of employment.

11. Shared Parental Leave

- 11.1 New regulations on sharing of adoption leave and pay between parents became applicable from 1st December 2014. The options to use these new Shared Parental Leave rights apply to parents who meet the eligibility criteria for children who were placed for adoption on or after that date.

- 11.2 The previous transfer of Adoption Leave arrangements will no longer be applicable for parents where they received a child for adoption on or after 5 April 2015. This is replaced by Shared Parental Leave arrangements. For further details please see our policy on Shared Parental Leave.

12. Exceptional Circumstances

- 12.1 If the date of the adoption placement changes, the employee must discuss the situation with their line manager and give appropriate notice for the change in date.

- 12.2 If an employee plans to start adoption leave at any time before the actual date of placement, they must be sure that the placement will be going ahead on the date agreed before they start their leave. If the placement is delayed for whatever reason and adoption leave has already commenced, they cannot stop and start it again at a later date.

Parental Leave Policy

1. Statement of Intent

- 1.1 The right to unpaid parental leave is a statutory right, introduced by the Employment Relations Act 1999 and the Maternity and Parental Leave Regulations 1999. The right is to 18 weeks unpaid leave for the purpose of caring for a child.

- 1.2 In addition to these rights, new regulations on sharing of maternity / adoption leave and pay between parents are applicable from 1st December 2014. The options to use these new Shared Parental Leave rights will apply to parents who meet the eligibility criteria, where they have a child born or placed for adoption with them on or after 5 April 2015. Further details can be found in the Shared Parental Leave policy.

1.3 The new Shared Parental Leave arrangements are in addition to the Parental Leave rights outlined in this policy.

2. Definitions

2.1 An employee is entitled to up to 18 weeks' unpaid parental leave per child if he/she meets one of the following conditions:

- He/she is the parent of a child who is under eighteen years of age.
- He/she has adopted a child under the age of eighteen.
- He/she has acquired formal parental responsibility for a child who is under eighteen years of age.

2.2 To qualify for parental leave, employees must have completed at least one year's continuous service with Crick Pre-School.

3. Rights during Parental Leave

3.1 Qualifying employees will be entitled to a maximum of 18 weeks unpaid parental leave to be taken up until the child's eighteenth birthday. During parental leave the employee will remain employed although pay will be suspended.

3.2 The right to accrue holiday entitlement will remain in place. Other terms and conditions relating to notice periods, redundancy and disciplinary and grievance procedures will also be protected.

3.3 Employees may not take more than four weeks' unpaid leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when the employee first becomes entitled to parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

4. Conditions of Leave

4.1 Where the employee is the father of the child in respect of whom the leave is to be taken and he requests parental leave to begin when his child is born, his notice must specify the expected week of childbirth and the duration of the period of leave. The employee must give this notice at least 21 calendar days before the expected week of childbirth.

4.2 Where the parental leave is in respect of an adopted child and is to begin on the date of the placement, the employee's notice must be given to Crick Pre-School at least 21 calendar days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of parental leave requested.

5. Evidence

- 5.1 On applying for parental leave, the member of staff must produce a copy of the child's birth certificate. If this does not show proof of parental responsibility the member of staff may also be required to produce further evidence, for example, adoption papers.

6. Notice Period:

- 6.1 A member of staff is required to give their Line Manager at least 21 days notice, in writing, of taking parental leave. This notification must include the dates when the leave is to begin and end. If a member of staff wishes to take leave immediately after the birth of a child/placement of an adopted child he or she should give 21 days notice before the expected week of childbirth/placement.
- 6.2 The employee must give proper notice of the period of leave that he/she proposes to take. This notice must be given to Crick Pre-School at least 21 days before the date on which leave is to start and must specify the dates on which the period of leave is to begin and end.

7. Taking Parental Leave

- 7.1 Parental leave must be taken in blocks of at least one week (except in relation to a child who is disabled). A week is a member of staff's normal working week. Therefore, even if, for example, a member of staff's working week is 5 days, one day taken as parental leave will count as a week of their entitlement. Where a member of staff is normally required under their Contract of Employment to work at varying times in a week or a longer period or to work in some weeks and not others, a week is the total of those periods in a year divided by 52.
- 7.2 A maximum of 4 weeks parental leave may be taken in one year.
- 7.3 Parents of disabled children can take their leave in blocks and multiples of one day rather than one week.

8. Postponement of Parental Leave

- 8.1 Parental leave can be postponed in consultation with the employees line manager in the following circumstances:
- Where more time is needed to make arrangements for covering the member of staff's work.
 - Where there is a peak in the relevant Departmental/Organisation workload.
 - Where the particular member of staff's skills are needed at a particular time and the work cannot easily be covered.
- 8.2 Leave should be postponed for no longer than necessary and in any event no more than 6 months after the commencement of the period originally requested. Notice of postponement will be given to the employee in writing giving the reason for the postponement and the suggested dates for taking the leave.

8.3 Leave cannot be postponed if the leave is to be taken upon the birth of a child or upon the placement of a child for adoption.

9. Return to Work

9.1 On return to work the member of staff who has taken less than 4 consecutive weeks parental leave (and did not follow on immediately from a period of additional maternity or adoption leave) will be guaranteed return to the same post. If the parental leave was more than 4 weeks every effort will be made for the member of staff to return to the same post. If not, the post offered will be similar to the one which the member of staff held before the start of the leave.

10. Record Keeping

10.1 Crick Pre-School will keep a record on a member of staff's personal file of any parental leave which has been taken. Staff will be asked to declare how much (if any) parental leave they have already taken with previous employers.

11. Misuse of The Parental Leave Scheme

11.1 Any misuse of the scheme will be dealt with under the Disciplinary Policy & Procedure.

12. Rights of Staff

12.1 Staff will have the right to address any complaints in respect of the Parental Leave Policy via the Grievance Policy.

Shared Parental Leave Policy

Introduction

Shared Parental Leave (SPL) is a statutory right available to employees who have a new baby or a newly adopted child on or after 5th April 2015. It gives them the option of sharing up to 50 weeks of leave and 39 weeks of pay if they meet the necessary eligibility criteria. The parents can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

Eligibility Criteria

To be eligible for shared parental leave, you (or your partner) must be entitled to maternity / adoption leave, or statutory maternity / adoption pay (or maternity allowance from the Government) and you must share the main responsibility for caring for the child with your partner. In addition, you and your partner will also be required to follow a two-step process to establish eligibility as follows:

Step 1 - Continuity test: if you are seeking to take shared parental leave, one parent / adopter must have worked for the same employer for at least 26 weeks at the end of the 15th week before the week in which the

child is due (or at the week in which an adopter was notified of having been matched with a child or adoption) and they should still be employed in the first week that shared parental leave is to be taken.

The other parent /adopter has to have worked for 26 weeks in the 66 weeks leading up to the due date and have earned above the maternity allowance threshold of £30 a week in 13 of the 66 weeks.

Step 2 - Individual eligibility for pay: To qualify for shared parental **pay** the parent / main adopter must, as well as passing the Continuity test, also have earned an average salary of the National Insurance lower earnings limit or more for the 8 weeks prior to the 15th week before the expected birth / adoption.

If you and your partner meet the eligibility criteria:

- You can effectively “convert” a period of maternity / adoption leave and pay into shared parental leave and pay that can be taken by either parent.
- Your partner can take shared parental leave concurrently with you when you are on maternity leave or shared parental leave.
- Shared parental leave does not have to be taken in a single continuous block, it can be taken in chunks of as little as a week with our agreement.
- When on shared parental leave you will be entitled to the same terms and conditions that would have applied had you been at work, with the exception of pay.
- Shared parental leave may be taken at any time within the period which begins on the date the child is born or date of the adoption placement and ends 52 weeks after that date.

Procedure for Requesting Shared Parental Leave and Pay

Here is how you and your partner should go about opting in to shared parental leave:

1. The mother / main adopter must bring their period of maternity / adoption leave to an end by letting their employer know at least 8 weeks before the date she intends to curtail the leave. NB maternity leave cannot be brought to an end before the end of the two week (four if you work in a factory) compulsory maternity leave period. The balance of maternity leave at that point becomes available for the partner to share as shared parental leave. While this notice of curtailment of maternity / adoption leave can be given before or after the birth / placement, if it is given afterwards, the notice is binding. However, if notice is given before, there is a six-week window after the child's birth / adoption, during which a mother / primary adopter who has previously stated she intends to share her leave can change her mind and decide to remain on leave.
2. Both you and your partner should let your respective employers know in writing that you are eligible for and intend to take shared parental leave. You should also give an indication of how much shared parental leave and pay each parent intends to take and when. As you are one of our employees, please complete the form at Appendix 1.
3. If requested within 14 days of letting us know about your intention to take shared parental leave, you should provide us with a copy of the child's birth certificate, or if this is not yet available, confirmation from your midwife or GP of the date of the child's birth. In the case of adoption you should provide details of the adoption agency, the date you (or your partner) were informed of the adoption match, and

the expected date that the child will be placed with you. You must provide the information requested within 14 days.

4. The information about how and when you and your partner are intending to take shared parental leave is non-binding – you are free to change your minds about how leave and pay are to be allocated between you by letting your employers know of the variation in writing. To do this, please complete the form at Appendix 2. We will need at least 8 weeks notice of each period of leave, and you can submit a total of three requests. That is you can take up to three periods of shared parental leave.
5. If you submit a request for a single continuous period of shared parental leave (e.g. a single block of 12 weeks) this will be granted automatically.
6. If you submit a request for discontinuous leave (e.g. 6 weeks shared parental leave followed by 2 weeks at work followed by another 6 weeks shared parental leave etc.) we may need to discuss with you whether our business can support such a work pattern. If it cannot we will try to agree an alternative arrangement with you, or we may need to refuse the request.
7. We may ask you to stay in touch with work during your shared parental leave. This could be for training purposes, meetings or just to keep generally up to date with the business. You can work for up to 20 days without bringing your period of shared parental leave to an end. Any days worked do not extend your leave period. When you work you will receive your normal rate of pay inclusive of any shared parental pay. You are under no obligation to undertake any work during your shared parental leave period, and we are under no obligation to offer you any work. These 20 days are in addition to the 10 days available during maternity or adoption leave.
8. While on shared parental leave you will continue to accrue your normal holiday entitlement. We may ask you to take some or all of your outstanding holidays prior to commencing your shared parental leave. We may also ask you to take some or all of the holidays you have accrued on shared parental leave at the end of your leave period and prior to returning to work.

This all sounds complex, but it is really quite simple. Here are some **examples** to help clarify how shared parental leave works.

1. *The mother / main adopter ends her leave after 26 weeks, and the balance of the leave and pay - 26 weeks leave and 13 weeks statutory maternity / adoption pay is available to be shared between the parents as they choose. The father takes 10 weeks leave and pay, while the mother returns to work. He then returns to work and the mother takes the remaining 16 weeks leave and 3 weeks pay.*
2. *Baby is born prematurely and the mother immediately commits to taking 27 weeks maternity leave and pay leaving 25 weeks leave and 12 weeks pay to be shared with the father. The father takes 2 weeks paternity leave when baby is born and then immediately takes the 25 weeks leave and 12 weeks pay. Both parents return to work after 27 weeks having used all their shared parental leave.*

3. *The main adopter takes the first 10 weeks adoption leave and pay, and then commits to returning to work at week 22. This then frees up 30 weeks shared parental leave and 17 weeks pay. His partner takes 12 weeks of leave and pay to coincide with weeks 11 to 22 of the main adopters adoption leave so she and the main adopter can look after the child together. She then takes a further 8 weeks' leave and last 5 weeks of pay while the main adopter returns to work. When the partner then goes back to work, the main adopter takes the last 10 week of shared parental leave. In total the main adopter has taken 32 weeks leave and 22 weeks pay while the partner has taken 20 weeks leave and 17 weeks pay.*

Returning to Work from Shared Parental Leave

If you wish to alter your return date from shared parental leave, please ensure you give us notice as follows using the **Notice to Take or Vary a Period of Shared Parental Leave** form at appendix 2:

- If you wish to extend your SPL, at least 8 weeks notice from the originally agreed return date.
- If you wish to shorten your SPL, at least 8 weeks notice from the new return date.

If you return to work after a period of shared parental leave (including any maternity / adoption leave) which was **26 weeks or less**, then you are entitled to return to the same job that you left with terms and conditions no less favourable than would have applied had you not been on leave.

If you return to work from a period of shared parental leave (including any maternity / adoption leave) which was **greater than 26 weeks** we will try to allow you to return to the same job you left. If it is not practicable for you to return to your original job then you will be offered a suitable alternative on terms and conditions no less favourable than would have applied had you not been on leave.

This policy was adopted at a meeting of

Held on

Last reviewed

Date to be reviewed

Signed on behalf of the management committee

Crick Pre-School

13th December 2017

8th December 2021

December 2022

Name of signatory

Role of signatory (e.g. chair/owner)


Amy Ellis

Chair

Appendix 1 – Maternity Policy

NEW AND EXPECTANT MOTHERS

RISK ASSESSMENT

Pre-school Managers should complete this risk assessment in conjunction with the new or expectant mother. This is not necessarily a complete list of risks – there could be others which should be considered.

Physical risks

Is there any regular exposure to shocks, low frequency vibrations or movements? If yes, please detail what can be done to minimise or remove the risk.

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Is there any need for manual handling loads where there is a risk to injury? If yes, please detail what can be done to minimise or remove the risk.

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Are there movements and postures (i.e. standing), travelling – either inside or outside the workplace – mental and physical fatigue, and/or other physical burdens connected with the activity of the expectant mother? If yes, please detail what can be done to minimise or remove the risk.

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Is there significant exposure to ionising radiation, e.g. radioactive contamination? If yes, please detail what can be done to minimise or remove the risk.

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Is there a significant exposure to non-ionising electromagnetic radiation, e.g. extreme overexposure to radio-frequency radiation? If yes, please detail what can be done to minimise or remove the risk.

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Is there exposure to extremes of cold and heat? If yes, please detail what can be done to minimise or remove the risk.

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Biological agents

Is there a risk of exposure of biological agents, e.g. a higher risk of exposure to HIV, hepatitis C, etc than there is from living in the community? If yes, please detail what can be done to minimise or remove the risk.

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Chemical agents

Is there a risk of exposure to chemical agents, e.g. lead, carbon monoxide? If yes, please detail what can be done to minimise or remove the risk.

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Please note that there is no known link between display screen equipment and possible effects on pregnant workers.

Any other risks

Please use this space to list any other identified risks.

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Please detail what can be done to minimise or remove the risks.

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.....

Signed (employee): _____ **Date:** _____

Signed (Pre-school Manager): _____ **Date:** _____

Appendix 1 – Shared Parental Leave

Notice of Entitlement and Intention to Take Shared Parental Leave

(Please read the [Policy on Shared Parental Leave](#))

If you wish to take shared parental leave, then you must submit this form to your manager at least **8 weeks** before the start of the first period of shared parental leave.

In order to calculate the amount of shared parental leave you are eligible for please complete the following.

Basic Details

Employee Name:	
Are you the mother / main adopter of the child or the partner of the mother / main adopter?	
Date on which mother or main adopter commenced (or will commence) maternity / adoption leave:	

Notice of curtailment of maternity / adoption leave

Please complete this if you are the **mother or main adopter**. If on maternity leave, this date must be at least two weeks after the birth of your baby (or four weeks if you are employed in factory work).

I wish my maternity / adoption leave to end on the following date:	
Signed: _____ Date: _____	

Please complete this if you are the **partner** of the mother or main adopter.

I confirm my partner's maternity / adoption leave ended / will end on the following date:	
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Shared Parental Leave Details

Maximum number of weeks of shared parental leave available (52)	
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weeks minus the number of weeks taken according to the above dates)	
Maximum number of weeks of shared parental pay available (39 weeks minus the number of weeks taken according to the above dates)	
Number of weeks of shared parental leave / pay you intend to take	
Number of weeks of shared parental leave / pay the other parent intends to take	

Shared Parental Leave and Pay Dates

Please detail the start and end dates of the shared parental leave/ pay that you intend to take. This should tally with the number of weeks you have indicated above that you will take.	
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The above dates do not constitute a formal binding request at this stage. However if you wish them to do so please indicate "Yes": **Yes / No**

If you indicate "No", then please complete appendix 2 - **Notice to Take or Vary a Period of Shared Parental Leave** for each period of shared leave requested.



Declarations

By the Employee

Please confirm your eligibility by ticking the appropriate boxes below and signing the form

- I am the mother, father or main adopter of the child and will share the care of the child with my partner named below
- I meet the eligibility criteria for shared parental leave

If appropriate:

- I meet the eligibility criteria for shared parental pay
- I am the mother or main adopter and have completed the **notice of curtailment of maternity / adoption leave** section and understand that this is **binding** subject to certain conditions outlined in the policy
- I consent to you retaining and processing the information contained in this form

Signed: _____ Date: _____

By the Employee's Partner

Name	
Address	
Name and Address of Employer	
National Insurance Number	

I confirm that I meet the following criteria for eligibility for shared parental leave:

- I have worked either directly, for an agency or self-employed, for 26 weeks in the 66 weeks leading up to the due date
- I have earned above the maternity allowance threshold of £30 a week in 13 of the 66 weeks
- I consent to your employee taking shared parental leave and shared parental pay as detailed above

If appropriate:

- I am the mother / main adopter and confirm I have curtailed my maternity / adoption leave and pay with my employer (or will have done so by the time your employee takes shared parental leave)
- I consent to you retaining and processing the information contained in this form

Signed: _____ Date: _____

Appendix 2 – Shared Parental Leave

Notice to Take or Vary a Period of Shared Parental Leave

(Please read the **Policy on Maternity, Adoption, Paternity and Parental Leave**)

You should complete this form if you wish to request a period of shared parental leave / pay, or to vary a previously approved period.

You must have previously submitted a **Notice of Entitlement and Intention to Take Shared Parental Leave** (appendix 1) and have had your eligibility for shared parental leave confirmed.

Name of Employee	
Name of Partner	

Requested Shared Parental Leave / Pay Dates

Start date	End date	Number of weeks leave	Number of weeks pay (if applicable)

Request to Vary Previously Requested Parental Leave / Pay Dates

Previously Approved Start date	Previously Approved End date	Detail the change you would like to request



We confirm that we agree to the request / variation outlined above.

Signed: (Employee) _____ Date: _____

Signed: (Employee's Partner) _____ Date: _____