



**Maternity,
Paternity, Leave
(Personnel) Policy**
(Included Shared Parental Leave)

Reviewing Member of Staff: Becky Atkin
Date approved by Trustees: May 2024
Next Review: May 2025

This is a Balcarras Trust Policy. All schools in Balcarras Trust are required to follow the guidance set out below.

This document has been written to clarify the situation regarding the following:

- **Maternity leave**
- **Paternity leave**
- **Adoption Leave**
- **Compassionate leave**
- **Leave – dependants**
- **Annual leave**
- **Shared Parental Leave**

Maternity

1. Antenatal

- a) All pregnant staff are entitled to paid time off to attend antenatal appointments. Please confirm your appointment times with your Line Manager or Head of Department giving as much notice as possible. You may be asked for your appointment card. Pregnant staff should follow the same procedure as set out by the school for any absence requests during school time.
- b) Parent craft classes or relaxation classes should be attended out of core working hours wherever possible. Where this is not possible please discuss with your Line Manager or Head of Department giving as much notice as possible.
- c) The School will carry out a health and safety assessment once notified of your pregnancy. If you work in an area where you are exposed to chemicals or are required to lift heavy items it would be beneficial if you notify someone at the School as soon as possible of your pregnancy in order that appropriate steps can be taken to protect you and your unborn child from health and safety risks.

2. Teaching Staff

- a) Regardless of length of service, teachers will be entitled to 26 weeks ordinary maternity leave (OML) and 26 weeks additional maternity leave (AML).
- b) Pay during this time provided you have 1 year's continuous service at Balcarras as at 15 weeks before the expected week of childbirth (EWC): 4 weeks full, 2 weeks @ 90% pay, 12 weeks @ 50% pay plus flat rate maternity pay (SMP), and finally 21 weeks flat rate maternity pay. Refer to HMRC website for up-to-date figures (details available from Finance Office and in the Maternity notes which will be available from your school). This enhanced entitlement is subject to the employee returning to work for at least 13 weeks following maternity leave. If the employee does not return to work for at least 13 weeks following maternity leave the School may request that any maternity pay which exceeds SMP is repaid.
- c) Teaching staff who have more than 26 weeks but less than a year's service at Balcarras by the 11th week before the EWC will be entitled to statutory maternity pay only, which equates to 6 weeks at 90% of salary followed by 33 weeks at the current SMP rate.
- d) Entitlement to SMP provided there has been 26 weeks continuous service preceding the 15th week before the expected week of childbirth (EWC) and have given 28 days notice confirming the commencement date of their maternity leave.
- e) Maternity leave can start any time after the 11th week before the (EWC).
- f) It is a statutory requirement that by the 15th week before the EWC you notify the headteacher of your pregnancy, the date you would like to start your maternity leave and when your baby is due. This should be done by writing formally to the headteacher, making clear the exact date you would like maternity leave to begin. This should be followed up by a conversation with the headteacher to make ensure all dates have been agreed.
- g) By the 15th week before the EWC you must also provide us with a copy of form MATB1 which will be provided to you by your midwife. The MATB1 should be completed and sent to the headteacher, who will forward it to the teacher with designated responsibility for maternity leave. The headteacher will write to confirm the arrangements for maternity pay and state a date for your return to work. You should confirm your acceptance of this or alert the headteacher if your intentions are different.
- h) If you decide to change the dates i.e. return earlier, you must give the school at least 8 weeks notice.

3. Support staff

The arrangements for support staff are as above save for the following:.

- a) Continuous service includes local government and some other organisations – see policy.
- b) Maternity pay for support staff with more than 1 year's continuous service is 6 weeks @ 90% full pay, 12 weeks @ 50% pay plus flat rate maternity pay (providing an intention to return to work for at least 3 months has been declared) and flat rate SMP for a further 21 weeks. This enhanced entitlement is subject to the employee

returning to work for at least 13 weeks following maternity leave. If the employee does not return to work for at least 13 weeks following maternity leave the School may request that any maternity pay which exceeds SMP is repaid.

- c) Support staff who have more than 26 weeks but less than a year's continuous service by the 11th week before the EWC will be entitled to statutory maternity pay only, which equates to 6 weeks at 90% of salary followed by 33 weeks at the current SMP rate.

4. Maternity risk assessment

The line manager should complete a pregnant worker's risk assessment when they are informed of the pregnancy. The risk assessment can be obtained from the member of staff in charge of Health and Safety. The manager should review the risk assessment at reasonable intervals during the pregnancy or if the individual's situation changes. Individuals are still responsible for their safety at work and should advise their manager if there are parts of their work or areas of the workplace that they think might affect their health and safety.

5. Illness before maternity leave starts

In the event of absence for a pregnancy-related illness this will be managed in the same way as other sickness absence. If the absence is at or after the beginning of the fourth week before the expected week of childbirth, this may trigger the start of the maternity leave. The maternity leave would then start on the day after the first day of absence.

6. Support with Workload

- a) You should have a conversation with your Head of Department or Line Manager early on in your pregnancy to discuss workload and stress. Your Head of Department or Line Manager can talk to you about managing workload, adapting working practices to mitigate stress and any support that can be provided.
- b) Heads of Departments and Line Managers should ensure that they have a conversation with any pregnant staff soon after the pregnancy is announced and put in place any reasonable support that can help mitigate concerns.
- c) Section 2 makes clear when you may begin your maternity leave. If you feel that your responsibilities, even with support in place from your Head of Department or Line Manager, are causing significant stress and negatively affecting your health, then you *should consider beginning your* maternity leave sooner and prioritise a healthy pregnancy.

7. Keeping in Touch Days

- a) During the maternity leave period the School may make reasonable contact with you. We will keep you informed of promotion opportunities or information relevant to your job.
- b) During the maternity leave period, by agreement with the School you may do up to ten days' work. These are known as Keeping in Touch days. You will be paid for any Keeping in Touch Days at a rate agreed with the School. The type of work you may carry out will be a matter to be agreed between you and the School, and may include attending training. Keeping in Touch days may not take place within two weeks after the baby is born.
- c) You should contact your Head of Department or Line Manager to discuss mutually suitable dates for your Keeping in Touch days.
- d) Heads of Department and Line Managers should liaise with SMT and enter suitable dates in the school calendar for Keeping in Touch days.
- e) Heads of Department and Line Managers should liaise with The Finance Department, and make sure that all dates are fully agreed and pay arrangements are clear to all. This should all be organised at least two weeks before the Keeping in Touch Day takes place.
- f) Keeping in Touch days are not compulsory and you will not suffer any consequence if you decline the offer of a Keeping in Touch day. Similarly, you do not have a right to Keeping in Touch days and the School is under no obligation to agree to a Keeping in Touch day.

Paternity Leave

8. Teachers and support staff

In order to be eligible for paternity leave you must:

- a) Have or expect to have responsibility for the child's upbringing;
- b) Be the biological father of the child or the mother's husband, civil partner or partner; and
- c) Have 26 weeks continuous service leading into the 15th week before the baby is due.

9. Ordinary Paternity Leave

- a) Staff who are eligible are allowed 2 weeks ordinary paternity leave (OPL).
- b) The pay for OPL will be full pay for the first week and SPP rate (as with SMP rate, please consult the HMRC website for exact figures, which are subject to annual change) for the second week. This can be taken as 1 or 2 weeks. This can be taken together or separately (new legislation from 6th April 2024).
- c) This leave must be completed within 52 weeks of the child's birth. (new legislation from 6th April 2024).
- d) The leave can only start from the date of child's birth and not before.
- e) The member of staff must give notice in writing before the 15th week before the EWC.

- f) If you decide to change the dates of OPL you must give the school at least 28 days' notice.

10. Additional Paternity Leave

- a) If as well as meeting the criteria above:
- i. The baby's mother has been entitled to maternity leave, statutory maternity pay or maternity allowance in respect of the pregnancy; and
 - ii. The baby's mother has returned to work.
- you may be entitled to additional paternity leave (APL).
- b) To claim entitlement to APL you will need to give the School the following information at least 8 weeks before the date on which you would like to start your leave:
- i. Written notice stating the expect week of childbirth, the baby's actual date of birth and the dates on which you would like your APL to start and finish;
 - ii. A signed employee declaration confirming that you are either the biological father of the child or the mother's husband, civil partner or partner, that you have or expect to have responsibility for the child's upbringing and you wish to take APL in order to care for the child, and
 - iii. A written declaration from the child's mother stating her name, address and National Insurance number, the date she intends to return to work, your relationship with the child, that to her knowledge you are the only person exercising an entitlement to APL in respect of the child and that she consents to us processing the information she has provided.
- c) A leave notice, employee declaration and mother declaration form can be obtained from the School Office. You may also be required to provide a copy of the child's birth certificate. Providing false information in order to claim APL will be a disciplinary offence.
- d) APL must be taken as multiples of complete weeks and as one period. The minimum amount of additional paternity leave that can be taken is 2 weeks and the maximum is 26 weeks. APL must be taken in the period beginning 20 weeks after the date the baby is born, and ending 12 months after the baby's date of birth.
- e) We will write to you to confirm the dates of your APL within 28 days of receiving the information above.
- f) You can cancel or vary the start and/or finish dates of your APL by giving us written notice at least 6 weeks before the date you originally intended to start your APL, or if you wish to start your APL earlier than that original start date, at least 6 weeks before the date on which you now wish your APL to start.
- g) If you are unable to give 6 weeks notice you should give the School written notice of your wishes as soon as possible. However, in these circumstances, if we are unable to accommodate your request we may require you to take a period of APL of up to 6 weeks starting on either your original or revised start date.

If you take APL in accordance with this policy, you may be eligible for additional statutory paternity pay. This is subject to the child's mother having returned to work without having taken at least two weeks of their maternity allowance or maternity pay. Your entitlement to additional statutory paternity pay will equate to the number of weeks of expired maternity allowance or maternity pay that remained when the child's mother returned to work. Any pay will be SPP (as with SMP rate, please consult the HMRC website for exact figures, which are subject to annual change).

As with maternity leave, during APL you may do up to 10 Keeping in Touch days.

11. Adoption

- a) To be eligible for this the employee must be the child's adopter and have 26 weeks continuous service by the end of the notification week.
- b) In addition, the employee must have notified the adoption agency that they agree that the child should be placed and, on the date of adoption. Adoptive parents are able to take adoption and paternity leave. It is up to them which partner takes adoption leave and who takes paternity leave – i.e. it is not gender specific.
- c) Up to 52 weeks adoption leave may be taken by the main carer.
- d) Pay for the main carer for adoption leave is 6 weeks at 90% full pay, 12 weeks at 50% pay plus flat rate SMP/SPP, with a further 21 weeks at flat rate SMP/SPP.
- e) Paternity pay for the partner is full pay for the first week of OPL and at flat rate SMP/SPP for the second week. The partner may also be entitled to APL and will be entitled to flat rate SMP/SPP provided the main carer was entitled to either SMP or maternity allowance and has returned to work with some of that entitlement remaining. Entitlement to APL and pay in the case of adoption is subject to the same certification requirements as set out in the Paternity Leave policy.
- f) Where possible 28 days notice of the start of adoption leave should be given.
- g) Start dates for adoption leave can be up to 2 weeks before the date of placement, or the date of placement.
- h) Notification of the intention to take adoption leave (or paternity leave associated with adoption) must be given no more than 7 days after the notice of the placement has been received (or as soon as reasonably practical). Notice must include the date of placement and the type and length of leave to be taken.
- i) For more details about notification and information needed by the School in respect of adoption leave please contact {name}.

These provisions apply to adoption of children within the UK. If you are adopting a child from overseas please contact the School Office for details of the entitlement.

It is appreciated that placement of children can often occur at short notice and it would be helpful if the headteacher was informed of the adoption process in advance so that some preparations can be made.

Discretionary Leave

12. Special leave (compassionate/discretionary)

The need for this type of leave must be discussed with the headteacher – it is entirely at his/her discretion. Each case will be considered, taking into account the needs of the school and approved if appropriate. The following leave will normally be paid:

- a) If there is a dangerous illness or emergency involving a near or dependent relative. This should not exceed 5 days.
- b) Death of a near relative, which includes spouse, mother, father, sister, brother, child – not exceeding 5 days.
- c) Death of in-law not exceeding 3 days.
- d) Moving house – one day.
- e) Wedding of son, daughter, sister or brother – not exceeding one day.
- f) To seek another appointment – not exceeding 2 days at a time (teachers) or 5 days in any one academic year.
- g) To seek another appointment within local government – not exceeding 5 days per annum (support staff).
- h) Approved vocational exams – the period of the exam.
- i) Approved vocational courses – the period of the course.

Exceptional circumstances – 2 days per year at the discretion of the head and governors.

13. Leave Dependants

There is no statutory requirement to pay for this type of leave though the entitlements are mandatory. Balcarras Trust policy is that we will pay for the first day (or first part day) of leave only in these instances, and we will pay for a maximum of two days (or two part days) of such absences in any one academic year.

Dependants include spouse, child, parent and someone who lives in the same household, or someone who reasonably relies on you.

Circumstances in which leave without pay should be granted:

- a) Dependant is ill or gives birth.
- b) To make provision for care of a dependant who is ill or injured.
- c) Death of a dependant.
- d) The unexpected disruption of care of a dependant.
- e) To deal with incidents which involve a child at school.

Annual leave

14. Teachers

Teachers do not have an entitlement to leave as such although the time off during School holidays ensures compliance with the Working Time Regulations. Teachers who work 195 days are entitled to a full year's salary. Staff teaching a full term are entitled to a third of a year's salary.

Supply teachers (short notice teachers) receive a salary based on a daily rate enhanced to include the equivalent of a leave entitlement.

15.Support staff – all year employment

The Working Time Directive gives all employees an entitlement to a minimum of 4 weeks paid leave per year (including bank holidays). Employees within Balcarras have entitlements within their Conditions of Service which exceed this figure. The details vary depending on the type of employment involved. Details of the various circumstances are given below.

All Year Employed:

First 5 years 6.5 weeks

After 5 years 7.5 weeks

Leave runs 1st April - 31st March

The entitlement includes 20 personal days (25 after 5 years), 8 bank holidays and 4.5 locally agreed days – agreed with line manager and usually associated with bank holidays.

Staff commencing work during the course of the leave year receive a pro-rata entitlement based on the proportion of the leave year served.

All holiday time must be agreed with the line manager at least two weeks before the holiday commences.

The Balcarras Trust does allow, provided it is **beneficial to the school**, all year employed support staff to carry over a maximum of five days of leave through to the next holiday year, but only until the end of April. Any support staff member wishing to do this must obtain agreement with their line manager before the end of February.

For all year round support staff:

For the first 5 years of service the holiday entitlement is 24.5 days plus 8 statutory days, this is accrued at a rate of 2.7083 days per month ($32.5/12 \times$ number of months worked). The holiday entitlement rises to 29.5 days plus 8 statutory days after 5 years service and accrued at the rate of 3.125 days per month ($37.5/12 \times$ number of months worked).

Term Time Only Staff

Support staff in this group receive a pro-rata leave entitlement based on the relationship that their working year bears to that of their colleagues who work full year. The calculation is as follows:

This is calculated as: 6.5 (7.5) x $\frac{\text{Weeks worked}}{\text{Working weeks in the year (excluding leave)}}$

This leave entitlement will be built into annual salary payments. Leave must normally be taken when school is not in session and when the individual's working programme allows. Requests for leave during Term time must be referred to the Head Teacher and Governors. It is anticipated that leave will only be granted on this basis in only the most exceptional circumstances.

Casual Support Staff

These are staff employed on a short term/short notice basis and who are paid by claim on an hourly rate.

Under current Balcarras Trust policy such staff are entitled to receive a proportionate leave entitlement to enable the school to comply with the Working Time Regulations and equal treatment rules. This is achieved by paying such staff an enhanced salary to include the leave entitlement. The method used to calculate the holiday pay entitlement is to multiple the hourly rate by 12.07%.

When this policy was reviewed, an equality impact assessment was conducted to ensure any changes did not have an adverse effect under the terms of the Equality Act 2010. Should you have any comments regarding this policy, please contact the school.

Annex 1 Maternity Protocol

When about to take maternity leave, staff should complete the following check list and ensure that each task is completed before maternity leave commences.

Interims and Reports

Look forward in the school calendar and see which interims and reports are due for completion while on maternity cover.

| <i>Tick when completed</i> | |
|----------------------------|---|
| <input type="checkbox"/> | Pupil Data –complete a progress grade, and effort grade and a concern comment (if necessary) for every pupil you teach and ensure this passed on to your Head of Department two weeks before you start your maternity leave. |
| <input type="checkbox"/> | Reports – for reports in the first 6 weeks of maternity leave, complete a paragraph for each pupil that can form the basis of the report, as well as an effort and progress grade. For reports within maternity leave, but more than 6 weeks from when the maternity leave commences, complete two sentences for each pupil that can be added to, and form the basis of a report, as well as an effort and progress grade. Pass all of these to your HoD two weeks before maternity leave commences. |

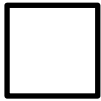
Lessons and Revision

| | |
|--------------------------|--|
| <input type="checkbox"/> | Meet with HoD at least two weeks before maternity leave commences and discuss lesson plans and revision. |
| <input type="checkbox"/> | Make sure to plan with your HoD what form the lessons are going to take when maternity leave commences. It is important that a clear picture of where each class has got to in the Scheme of Work and with any revision. |

Risk assessment

Complete a risk assessment and hand it to the headteacher, to consider any risks and mitigations that may need to be put into place for you to continue to teach your classes before maternity leave commences.

| | |
|--------------------------|--|
| <input type="checkbox"/> | Risk Assessment –complete a risk assessment and hand to headteacher. |
| <input type="checkbox"/> | By the 15th week before the EWC you must also provide us with a copy of form MATB1 which will be provided to you by your midwife |



Read carefully the personnel policy, to ensure you understand all of the details.

It is a statutory requirement that by the 15th week before the EWC you notify the headteacher of your pregnancy, the date you would like to start your maternity leave and when your baby is due.

Shared Parental Leave Policy

Introduction

1. Purpose

This policy is intended to provide guidance on your statutory entitlements and Balcarras Trust's position in respect of shared parental leave and pay.

2. Shared parental leave

You may be eligible for shared parental leave (SPL) if you are having a baby, using a surrogate to have a baby, adopting a child, or fostering a child you are planning to adopt.

Aims

The SPL regime is aimed at enabling eligible parents to choose how to care for their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how best to care for their child.

Definitions

This policy will use the following terms, which for the purpose of this policy shall have the following meanings:

- **parent:** one of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father);
- **partner:** spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew;
- **expected week of childbirth (EWC):** the week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.

Acronyms

SPL – Shared Parental Leave
EWC – Expected Week of Childbirth
SMP - statutory maternity pay
SAL - statutory adoption leave
AA - adoption allowance
MA - periods of maternity allowance
SAP - statutory adoption pay
ShPP - shared parental pay
KIT – Keeping in touch

Eligibility for SPL

- 3. Eligibility general:** Not everyone will meet the criteria to qualify for SPL but even those who are eligible may find that other arrangements are more appropriate to their family plans and circumstances. Parents should give serious consideration to the options available and which will be most beneficial to their situation. If you opt in to the SPL

scheme, you will forgo any remaining rights under Balcarras Trust's maternity or adoption policy.

- 4. Eligibility (birth):** You are entitled to SPL in relation to the birth of a child if:
- you are the child's mother, and share the main responsibility for the care of the child with the child's father (or your partner, if the father is not your partner);
 - you are the child's father and share the main responsibility for the care of the child with the child's mother; or
 - you are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

- 5. Eligibility (adoption):** You are entitled to SPL if:
- an adoption agency has placed a child with you and / or your partner for adoption; and
 - you intend to share the main responsibility for the care of the child with your partner.

- 6. Conditions:** The following conditions must also be fulfilled:
- you have been continuously employed by Balcarras Trust for 26 weeks at the end of the 15th week before the expected week of childbirth (EWC) or the week the adoption agency notifies you that you have been matched with a child for adoption and still be employed by Balcarras Trust in the week before the leave is to be taken; and
 - the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC or the week the adoption agency notifies you that you have been matched with a child for adoption and had average weekly earnings of at least £30 during 13 of those weeks; and
 - you and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP), periods of maternity allowance (MA) or adoption allowance (AA), statutory adoption leave (SAL) or statutory adoption pay (SAP).

- 7. Entitlement:** The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother or the primary adopter on maternity or adoption leave (or the weeks in which the mother or primary adopter has been in receipt of SMP, MA, AA or SAP if the mother or your partner is not entitled to maternity or adoption leave).

- 8. Compulsory maternity or adoption leave:** If you are the mother or primary adopter you cannot start SPL until after the compulsory maternity or adoption leave period, which lasts until two weeks after birth or placement.

- 9. Paternity leave:** If you are the child's father or the mother's partner, or if your partner is claiming SAP, you may be entitled to paternity leave and pay. For further details please refer to Balcarras Trust's Maternity, Paternity and Leave Policy. You should consider using your two weeks' paternity leave before taking SPL. Once you start SPL

you will lose any untaken paternity leave entitlement. SPL entitlement is in addition to your paternity leave entitlement.

Choosing the SPL and pay regime

10.Choosing SPL: Parents who wish to choose the SPL regime will need to comply with the notification requirements which are set out within this policy. We may also require you to provide further evidence of eligibility. The details are provided below but in overview the steps required are:

- step 1: provision of a curtailment notice: bringing maternity or adoption leave (and pay) to an end. See Form 1;
- step 2: provision of an opt-in notice: entitlement and intention to take SPL. See Forms 2a or 2b;
- step 3: provision of the period of leave notice: requesting SPL dates. See Form 3.

11.Consequences of choosing SPL: Parents should familiarise themselves with the consequences of opting in to SPL before making any decisions. Mothers and primary adopters will reduce their own maternity or adoption leave by choosing SPL and may also forgo any right to enhanced maternity or adoption pay accordingly.

Ending maternity or adoption leave

12.Curtailment notice: If you are the child's mother or the primary adopter and are still on maternity or adoption leave, you must give us at least eight weeks' written notice to end your maternity or adoption leave before you can take SPL. The curtailment notice must state the date your maternity or adoption leave will end. You can give the notice before or after you give birth or adoption leave starts, but you must take your two weeks' compulsory maternity or adoption leave.

13.Opt-in to SPL: As explained further below, you must also give us, at the same time as the curtailment notice, a notice to opt-in to the SPL scheme or a written declaration that the child's father or your partner has given his or her employer an opt-in notice and that you have given the necessary declarations in that notice.

14.Other employer: The other parent or your partner may be eligible to take SPL from their employer before your maternity or adoption leave ends, provided you have given the curtailment notice.

15.Revocation: The curtailment notice is usually binding and cannot be revoked. Please do consider your options very carefully before completing a revocation notice (see Form 5) to end your maternity or adoption leave period and notice to opt-in to SPL. You can only revoke a curtailment notice if maternity or adoption leave has not yet ended and one of the following applies:

- if you realise that neither you nor the other parent are in fact eligible for SPL or statutory shared parental pay (ShPP), you can revoke the curtailment notice in writing up to eight weeks after it was given;

- if you gave the curtailment notice before giving birth, you can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
- if the other parent dies.

Opting-in to SPL and pay

16. Opting-in: If you decide to choose the SPL regime, at the same time as providing the curtailment notice you must give Balcarras Trust a written opt-in notice, not less than eight weeks before the date you intend your SPL to start, confirming:

- your name and the name of the other parent or your partner's name;
- if you are the child's mother, the start and end dates of your maternity leave or if you are taking adoption leave, the start and end dates of your adoption leave;
- if you are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or period of MA;
- if your partner is taking adoption leave, the start and end dates of your partner's adoption leave, or if your partner is not entitled to adoption leave, the start and end dates of any SAP or period of AA;
- the total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP, MA, SAL, SAP or AA period taken or to be taken by you or your partner;
- how much of the available SPL will be allocated to you and how much to the other parent or your partner. (You can change the allocation by giving us a further written notice, and you do not have to
- if you are claiming ShPP, the total ShPP available, which is 39 weeks minus the number of weeks of the SMP, MA, SAP or AA period taken (or to be taken);
- how much of that will be allocated to you and how much to the other parent or your partner. (You can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- declarations by you and the other parent or your partner that you meet the statutory conditions for entitlement to SPL and ShPP;
- confirmation by you and the other parent or your partner that you recognise that there is no enhanced ShPP and that any entitlement to enhanced maternity or adoption pay will cease when SPL commences;
- an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as you can about your future intentions. You can talk to us at any time about your proposed plans for SPL prior to issuing us with a formal period of leave notice.

17. Evidence of entitlement

Balcarras Trust has the right to ask you to provide evidence of entitlement within 14 days of receiving your notice opting-in to SPL. You must also provide within 14 days of a request:

- a copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); or
- one or more documents from the adoption agency showing the agency's name and address, and the expected placement date; and
- the name and address of the other parent's, or your partner's, employer (or a declaration that they have no employer); and
- we may also ask the other parent or your partner to provide their consent for us to contact their employer in order to co-ordinate arrangements.

Notification of periods of SPL and providing intended dates

18. Dates: Having opted into the SPL system you will need to give a period of leave notice informing Balcarras Trust of the start and end dates of your leave. This can be given at the same time as your opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of your leave. You must also state in your period of leave notice the dates on which you intend to claim shared parental pay, if applicable.

19. Timing of SPL: If you are the child's father or the mother's partner, or if your partner is taking adoption leave, you will only be able to take SPL once the mother or primary adopter has either:

- returned to work;
- given her employer a curtailment notice to end maternity or adoption leave;
- given her employer a curtailment notice to end her SMP or SAP (if they are entitled to SMP or SAP but not maternity or adoption leave); or
- given a curtailment notice to the Benefits Office to end her MA or AA (if she is not entitled to maternity or adoption leave, SMP or SAP).

20. Periods of leave: You may either request a single continuous block of SPL or alternatively, discontinuous periods of leave.

21. Single leave period: If your period of leave notice gives dates for a single continuous block of SPL you will be entitled to take the leave set out in the notice.

22. Multiple periods of leave: You are able to give up to three period of leave notices.

Requesting discontinuous periods of SPL

23. Discontinuous leave: In general, a period of leave notice should set out a single continuous block of leave. Balcarras Trust may, in some cases, be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least one week) with periods of work in between. It is best to discuss this with the member of senior management who oversees HR in advance of submitting any formal period of leave notices. This will give Balcarras Trust more time to consider the viability of your proposed pattern of leave.

24. Discussion: If we are unable to agree to your request straight away, there will be a two week discussion period which will likely include a meeting with you, where we can consider how and whether the request, or a modified version of it, can be agreed. At the end of that period, we will confirm any agreed arrangements in writing.

25. Refusal: If we have not reached an agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, you will be entitled to one 12 week period of leave). Alternatively, you may:

- choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and tell us within five days of the end of the two week discussion period; or
- withdraw your period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted).

26. Grounds for refusal of discontinuous leave: Balcarras Trust will consider all requests for discontinuous periods of leave but Balcarras Trust is not obliged to agree to these. Balcarras Trust will weigh up the potential benefits to the employee and to Balcarras Trust and with any adverse impact for Balcarras Trust. Each request will be considered on its own facts taking into account factors including the budgetary implications, impact on the continuity of the education of Balcarras Trust's pupils, whether the dates coincide with challenging or busy periods in Balcarras Trust's calendar or with preparation for exams, or may cause staffing or cover concerns. This list is not exhaustive.

Changing the dates or cancelling your SPL

27. Cancellation: You can cancel a period of leave by notifying us in writing at least eight weeks before the start date communicated in the period of leave notice (see Form 4).

28. Change: You can change the dates for a period of leave by giving us at least eight weeks' notice in writing (see Form 4) before the original start date and by communicating the new start date.

29. Born early: You do not need to give eight weeks' notice if you are changing the dates of your SPL because your child has been born earlier than the EWC, where you wanted to start your SPL a certain length of time (but not more than eight weeks) after birth. In such cases please notify us in writing of the change as soon as you can.

30. Notice: A notice to cancel or change a period of leave will count as one of your three period of leave notices, unless:

- the variation is a result of your child being born earlier or later than the EWC or as a result of the child being placed with you earlier or later than the expected placement date;
- the variation is at our request; or
- we agree otherwise.

Shared parental pay (ShPP)

31. General: Eligible employees may be entitled to up to 37 weeks of ShPP, whilst taking SPL. This is reduced by any weeks of SMP, SAP, MA or AA claimed by you, the other parent or your partner. The remainder of your SPL will be unpaid. ShPP is paid at the prescribed rate set by the government for the relevant tax year.

32. Eligibility for ShPP: You will be entitled to ShPP provided you have complied with the notification requirements above, you have been continuously employed by Balcarras Trust for 26 weeks at the end of the 15th week before the EWC, and your average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is only payable during a week where you intend to care for the child.

33. Allocation of ShPP: The opt-in notice should set out how you and your partner or the other parent intend to allocate any entitlement to ShPP between you.

34. Benefits during SPL: Whilst you are absent on SPL, you will continue to be entitled to receive the non-cash benefits provided under your contract of employment. For the avoidance of doubt, non-cash benefits do not include wages or salary.

35. Enhanced shared parental pay: Balcarras Trust does not have a scheme for Enhanced ShPP

Keeping in touch

36. Informal discussion: Before your SPL starts we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave. Unless you request otherwise, you will remain on circulation lists for internal news, job vacancies, training and work-related social events.

37. Shared Parental Leave Keeping In Touch Days (KIT days): You may work (including attending training) for up to 10 KIT days during your SPL without bringing your SPL or ShPP to an end. All the details can be found in the Policy in section 7

38. Before you return: Shortly before you are due to return to work, Balcarras Trust may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This may include updating you on any changes that may have occurred, discussing any necessary training and any changes to working arrangements.

Returning to work

39. Returning early: If you wish to return to work earlier than the end of the period of leave requested you must notify Balcarras Trust in writing of your intention to do so not less than eight weeks before your expected return to work. You will not under any circumstances be allowed to return to work during the two weeks immediately following childbirth or the placement of a child with you. Failure to notify Balcarras Trust of your intention to return early may mean that your return to work is postponed.

40. Returning late: If you wish to return later than the end of your full period of leave, you should either submit a new period of leave notice at least eight weeks before the date you were due to return to work, request unpaid parental leave in accordance with the parental leave policy (giving Balcarras Trust as much notice as possible), or request paid annual leave (if you are entitled to take leave at such a date). If you are unable to return to work due to sickness or injury, this will be treated as sickness absence. In any other case, late return will be treated as unauthorised absence.

41. Return from SPL: You will be employed in the same position upon your return to work from SPL that you occupied before your leave period began. You will be entitled to return on the same terms and conditions as if you had not been absent if your leave period has been 26 weeks or less.

42. Returning after 26 weeks' leave: if your SPL and any maternity, adoption or paternity leave you have taken is more than 26 weeks in total (whether or not taken consecutively) or if you took SPL consecutively with more than four weeks' ordinary parental leave (under Balcarras Trust's parental leave policy), and it is not reasonably practicable for you to return to the same position upon your return to work, you will be redeployed to a job which is suitable and appropriate for you in the circumstances. You will be entitled to return on terms and conditions no less favourable than you would have been entitled to had you not been absent, and with the seniority, pension rights and similar rights as you would have had if the period of employment prior to your SPL period was continuous with the period of employment following it.

Deciding not to return

43. Notification: If you do not intend to return to work, or are unsure whether to return, it is helpful if you raise this with Balcarras Trust as early as possible. If you decide not to return you should give notice of resignation in accordance with your employment

contract. The amount of SPL left to run must be at least equal to your contractual notice period, otherwise you may be required to work for the remainder of the notice period. Once you have given notice, you cannot change your mind without our agreement.

Returning to work part-time

44. Requests: Balcarras Trust will deal with any requests by employees to change their working patterns (such as working part-time) after SPL on a case by case basis. There is no absolute right to insist on working part-time, but we will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of Balcarras Trust. It is helpful if requests are made as early as possible. The procedure for dealing with such requests is set out in our flexible working policy.

Forms

Shared Parental Leave forms

Form 1: curtailment notice: bringing maternity / adoption leave (and pay) to an end

| | | | |
|------|--|------------|--|
| Name | | Department | |
|------|--|------------|--|

I wish to bring my [• ordinary / additional] maternity / adoption leave and maternity / adoption pay (if applicable) to an end to be able to take shared parental leave. I have also:

- completed a form providing an opt-in notice to take shared parental leave; or
- provided a declaration that my partner has provided an opt-in notice to take shared parental leave to his / her employer and consent to the amount of leave that he / she intends to take.

I confirm that the date on which I wish to end my maternity / adoption leave is at least:

- eight weeks after the date of this curtailment notice; and
- two weeks after I have given birth (where appropriate) or two weeks after the child has been placed with me for adoption; and
- one week before what would have been the end of my additional maternity / adoption leave.

I confirm that my entitlement to enhanced maternity / adoption pay will cease when I opt in to shared parental leave.

| | |
|---|--|
| I wish to end my ordinary / additional maternity / adoption leave on: | |
| I wish my maternity / adoption pay period (if applicable) to end on: | |

| | | | |
|--------|--|-------|--|
| Signed | | Dated | |
|--------|--|-------|--|

Notes

This form should be used by members of staff wishing to curtail their maternity / adoption leave in accordance with the shared parental leave policy set out in the Employment Manual. You must provide all information requested in this form.

Full details of the shared parental leave policy are contained in the Employment Manual.

Form 2A: opt-in notice: mother / primary adopter's entitlement and intention to take SPL

| | | | |
|------|--|------------|--|
| Name | | Department | |
|------|--|------------|--|

I wish to provide Balcarras Trust with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and my partner.

Section A: information which must be provided by employee

| | |
|--|--|
| My partner's name is | |
| My maternity / adoption leave [• started / is expected to start] on | |
| My maternity / adoption leave [• ended / is expected to end] on | |
| My [• child's expected week of birth is / child was born on / child is expected to be placed with me / child was placed with me] | |
| The total amount of shared parental leave my partner and I have available is | |
| I intend to take the following number of weeks' shared parental leave | |
| My partner intends to take the following number of weeks' shared parental leave | |
| The total amount of shared parental pay (if applicable) my partner and I have available is | |
| I intend to take the following number of weeks' shared parental pay (if applicable) | |
| My partner intends to take the following number of weeks' shared parental pay (if applicable) | |

Indication of SPL dates (if known)

I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take)

| | |
|------------|--|
| Start Date | |
| End Date | |

Section B: declaration which must be completed by employee

(tick and sign as appropriate)

| | Tick | Sign |
|---|-------------|-------------|
| I [<input type="checkbox"/> satisfy / will satisfy] the following eligibility requirements to take shared parental leave | | |
| I [<input type="checkbox"/> have / will have] 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth or the week the adoption agency notifies me that I have been matched with a child for adoption and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with Balcarras Trust. | | |
| At the date of the child's birth or placement for adoption, I [<input type="checkbox"/> have / will have] the main responsibility, apart from my partner, for the care of the child. | | |
| I am entitled to statutory maternity / adoption leave in respect of the child. | | |
| I have [<input type="checkbox"/> complied with Balcarras Trust's maternity / adoption leave curtailment requirements / returned to work before the end of my statutory maternity / adoption leave period], and will comply with Balcarras Trust's shared parental leave notice and evidence requirements. | | |
| The information that I have provided is true and accurate. | | |
| I will immediately inform Balcarras Trust if I cease to care for the child. | | |

Section C: declaration which must be completed by employee's partner

| | |
|---|--|
| Name | |
| Address | |
| National Insurance number (Please confirm if no National Insurance number) | |

I [satisfy / will satisfy] the following eligibility requirements to enable the mother / primary adopter to take shared parental leave

(all boxes must be ticked)

| | Tick |
|--|-------------|
| I have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth or the week the adoption agency notifies me that I have been matched with a child for adoption. | |
| I have average weekly earnings of at least £30 for any 13 of those 66 weeks. | |
| At the date of the child's birth or placement for adoption, I [<input type="checkbox"/> have / will have] the main responsibility, apart from the mother, for the care of the child. | |
| I am the father of the child, or am married to / the civil partner of / the partner of, the mother / primary adopter. | |
| I consent to the amount of shared parental leave that the mother / primary adopter intends to take. | |
| I consent to Balcarras Trust processing the information provided in this form and contacting my employer for the purposes of verifying this information. | |

| | | | |
|-----------------------------------|--|-------|--|
| Signed (Mother / primary adopter) | | Dated | |
|-----------------------------------|--|-------|--|

| | | | |
|------------------|--|-------|--|
| Signed (Partner) | | Dated | |
|------------------|--|-------|--|

Notes

Balcarras Trust will contact your employer for the purpose of verifying the information provided on this form. Further information about how Balcarras Trust uses Personal Information can be found in Balcarras Trust's Data Protection Policy.

Full details of SPL entitlement are contained in the employment manual.

You should inform your Head of Department of this notice. The form should then be passed to the Assistant Head with responsibility for HR who maintains a central record. Should you cease your employment with Balcarras Trust at any time your record will be sent, upon request, to your new employer.

You must provide all information requested in this form.

If you submit a SPL request form and then subsequently wish to change or cancel the dates, Form 4 should be sent to Assistant Head with responsibility for HR. This is your responsibility.

Form 2B: opt-in notice: partner's entitlement and intention to take SPL

| | | | |
|------|--|------------|--|
| Name | | Department | |
|------|--|------------|--|

I wish to provide Balcarras Trust with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and the mother.

Section A: information which must be provided by employee

| | |
|---|--|
| The mother / primary adopter's name is | |
| The mother's / primary adopter's maternity / adoption leave [• started / is expected to start] on | |
| The mother's / primary adopter's maternity / adoption leave [• ended / is expected to end] on | |
| The mother / primary adopter [• received / is expected to receive] the following periods of [• statutory maternity / adoption pay / maternity / adoption allowance] | |
| My [• child's expected week of birth is / child was born on] | |
| The total amount of shared parental leave the mother and I have available is | |
| I intend to take the following number of weeks' shared parental leave | |
| The mother / primary adopter intends to take the following number of weeks' shared parental leave | |
| The total amount of shared parental pay (if applicable) the mother / primary adopter and I have available is | |
| I intend to take the following number of weeks' shared parental pay (if applicable) | |
| The mother / primary adopter intends to take the following number of weeks' shared parental pay (if applicable) | |

Indication of SPL dates (if known)

I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take)

| | |
|------------|--|
| Start Date | |
| End Date | |

Section B: declaration which must be completed by employee

I declare that I [satisfy / will satisfy] the following eligibility requirements to take shared parental leave

(tick and sign as appropriate)

| | Tick | Sign |
|---|-------------|-------------|
| I [<input type="checkbox"/> have / will have] 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth or the week the adoption agency notifies me that I have been matched with a child for adoption and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with Balcarras Trust. | | |
| At the date of the child's birth or placement for adoption, I [<input type="checkbox"/> have / will have] the main responsibility, apart from the mother / primary adopter, for the care of the child. | | |
| I will comply with Balcarras Trust's shared parental leave notice and evidence requirements. | | |
| The information that I have provided is true and accurate. | | |
| I am the father of the child, or am married to, the civil partner of, or the partner of, the mother / primary adopter. | | |
| I will immediately inform Balcarras Trust if I cease to care for the child or if the child's mother / primary adopter informs me that she has revoked the curtailment of her maternity / adoption leave or pay period. | | |

Section C: declaration which must be completed by the mother / primary adopter

| | |
|---|--|
| Name | |
| Address | |
| National Insurance number (Please confirm if no National Insurance number) | |

I [satisfy / will satisfy] the following eligibility requirements to enable my partner to take shared parental leave:

| | Tick |
|---|-------------|
| I have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth or the week the adoption agency notifies you that you have been matched with a child for adoption. | |
| I have average weekly earnings of at least £30 for any 13 of those 66 weeks. | |
| At the date of the child's birth or placement for adoption, I [<input type="checkbox"/> have / will have] the main responsibility, apart from my partner, for the care of the child. | |
| I am entitled to statutory maternity / adoption leave, statutory maternity / adoption pay or maternity / adoption allowance in respect of the child. | |
| I have [<input type="checkbox"/> curtailed my maternity / adoption leave / returned to work before the end of my statutory maternity / adoption leave period]. | |
| I consent to the amount of shared parental leave that my partner intends to take. | |
| I will immediately inform my partner if I no longer meet the requirements to curtail my maternity / adoption leave (and pay, if applicable). | |
| I consent to Balcarras Trust processing the information provided in this form and contacting my employer for the purposes of verifying this information. | |

| | | | |
|------------------|--|-------|--|
| Signed (Partner) | | Dated | |
|------------------|--|-------|--|

| | | | |
|-----------------------------------|--|-------|--|
| Signed (Mother / primary adopter) | | Dated | |
|-----------------------------------|--|-------|--|

Notes

Balcarras Trust will contact your employer for the purpose of verifying the information provided on this form. Further information about how Balcarras Trust uses Personal Information can be found in Balcarras Trust's Data Protection Policy.

Full details of SPL entitlement are contained in the Employment Manual.

You should inform your Head of Department of this notice. The form should then be passed to the Assistant Head with responsibility for HR who maintains a central record. Should you cease your employment with Balcarras Trust at any time your record will be sent, upon request, to your new employer.

You must provide all information requested in this form.

If you submit a SPL request form and then subsequently wish to change or cancel the dates, Form 4 should be sent Assistant Head with responsibility for HR. This is your responsibility.

Form 3: period of leave notice: requesting SPL dates

| | | | |
|------|--|------------|--|
| Name | | Department | |
|------|--|------------|--|

I confirm that:

I have already submitted an opt-in notice of entitlement and intention; and

the start date of my first period of shared parental leave that I wish to take in this request is at least eight weeks after I have provided this notice.

Please complete either section A or section B.

Section A: please complete if your child has already been born or placed with you for adoption or if you know the exact dates on which you would like to take shared parental leave.

I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take).

| | |
|------------|--|
| Start Date | |
| End Date | |

Section B: please complete if your child has not been born or placed with you for adoption yet and you wish your shared parental leave to start either on the day on which your child is born or placed with you for adoption, or a specified number of days after the day on which your child is born or placed with you for adoption.

| | |
|---|--|
| I wish my shared parental leave to start [• on the day on which my child is born / the following number of days after the date on which my child is born / placed with me for adoption] | |
| I wish my shared parental leave to end the following number of days after the date on which my child is born / placed with me for adoption | |

| | | | |
|--------|--|-------|--|
| Signed | | Dated | |
|--------|--|-------|--|

Notes

You can request to take shared parental leave in one continuous block, or as a number of discontinuous blocks of leave (with Balcarras Trust's agreement). A maximum of three requests for leave can normally be made by each parent.

Apart from in exceptional circumstances, you can submit a period of leave notice or a notice that you have changed your mind about shared parental leave dates on a combined total of three occasions. Balcarras Trust therefore recommends that you and your partner think carefully about your shared parental leave before submitting this form.

You must provide all information requested in this form.

Full details of the shared parental leave policy are contained in the Employment Manual.

Form 4: variation / cancellation of a notice of a period of leave request

| | | | |
|------|--|------------|--|
| Name | | Department | |
|------|--|------------|--|

| | |
|--|-------|
| I previously provided Balcarras Trust with notice of my proposed shared parental leave in a period of leave notice dated | Date: |
|--|-------|

I now wish to amend my shared parental leave request.

I had already notified Balcarras Trust in my period of leave notice or a variation of period of leave notice (if applicable) that I would be taking the following periods of shared parental leave

| | |
|------------|--|
| Start Date | |
| End Date | |

I wish to cancel my period of leave notice.

Variation of leave request

| | |
|---|--|
| I now intend to take shared parental leave on the following dates instead (please include the start and end dates for each period of leave that you now intend to take) | |
| I have already notified Balcarras Trust of the following periods of statutory shared parental pay (if applicable): | |

| | | | |
|--------|--|-------|--|
| Signed | | Dated | |
|--------|--|-------|--|

Notes

This notice cancels or amends a period of shared parental leave that you provided in a previous period of leave notice.

You are able to give three request notices for SPL. A variation notice counts towards your three requests for SPL.

You must provide all information requested in this form.

Full details of the shared parental leave policy are contained in the Employment Manual.

Form 5: revocation notice: revoking a maternity / adoption leave curtailment notice

| | | | |
|------|--|------------|--|
| Name | | Department | |
|------|--|------------|--|

| | |
|---|--|
| Date of maternity / adoption leave curtailment notice | |
| I previously notified you that I wished to end my maternity / adoption leave on | |

I no longer wish to end my maternity / adoption leave and would like to revoke my maternity / adoption leave curtailment notice. I would also like to revoke my maternity / adoption pay period curtailment notice (if applicable).

I wish to withdraw my maternity / adoption leave curtailment notice because:

(please tick one)

| | Tick |
|---|------|
| I have realised that neither the other parent or I are entitled to shared parental leave or statutory shared parental pay and this revocation is within eight weeks of providing my maternity / adoption leave curtailment notice; or | |
| I gave the maternity leave curtailment notice before the birth of my child and I withdraw my maternity leave curtailment notice within six weeks of my child's birth; or | |
| The other parent has died | |

| | | | |
|--------|--|-------|--|
| Signed | | Dated | |
|--------|--|-------|--|

Notes

You must provide all information requested in this form.

Full details of the shared parental leave policy are contained in the Employment Manual.