



## **FAMILY LEAVE POLICY**

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### **Vision**

Loreto College is centred in God, rooted in Christ and animated by the spirit of Mary Ward, the founder of the institute of the Blessed Virgin Mary. Our vision is that it will be an educational community where each person has the experience of being loved and valued as a sacred individual created by a loving God; a community where students enjoy an enriching and liberating education that helps them grow into the fullness of life and empowers them to be people of courage who are alive to the needs of humanity and committed to making a better world.

### **Introduction**

The College aims to be an educational community which gives expression to the core values of Mary Ward – freedom, justice, sincerity, truth, joy, excellence and internationality. Loreto College has the highest expectations of personal, academic and professional excellence.

The College is committed to supporting employees in understanding the choices available to them when planning for the birth or adoption of a child. The College will be mindful, not only of its legal responsibilities but of its mission and core values. The College will endeavour to act at all times with justice, compassion and respect for the dignity and worth of the individual, whilst recognising its duty of care to all staff and students.

### **Policy Statement**

This document sets out the College policy on employees' entitlement to Family Leave (maternity, adoption, paternity and shared parental leave) and gives employees direction and procedural guidance which is relevant to their period of Family Leave. The policy includes the statutory rights and responsibilities of employees who are adopting a child, are pregnant or have recently given birth and gives details of the arrangements for pre-placement or antenatal appointments, pregnancy related illness and pay.

The procedure is published as part of the College's staffing policies and is designed to uphold and safeguard the high standard maintained by College staff.

The purpose of this policy is to promote a fair, reasonable, non-discriminatory and consistent approach to the management of Family Leave throughout the College and recognises that there are occasions where discretion and flexibility need to be exercised. As part of the application of this policy, the College will collect, process and store data in accordance with our Data Protection Policy.

### **Statutory Guidance**

The following guidance has been taken into consideration in drafting this policy:

- Additional Paternity Leave Regulations 2010
- The Maternity and Parental Leave and Paternity and Adoption Leave (Amendments 2006)
- Employment Act 2002
- Sex Discrimination Act 1975
- The Work and Families Act 2006
- The Shared Parental Leave Regulations 2014

### Scope and Purpose

The Governing Body recognises that staff may wish to start or extend their family and in doing so will require time off work both in the preparations for and after the arrival of a new child. This policy has been established to ensure that staff are aware of the choices available to them with regards to managing this time. The Governing Body believes it is important to support employees who are new parents (including adoptive parents) and provides both paid and unpaid leave in this respect.

The College recognises that, from time to time, employees may have questions or concerns relating to their adoption or maternity rights. It is the College's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible.

### Definitions

The following definitions are used in this policy:

- **Expected week of childbirth (EWC)** – the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth
- **Qualifying week** – the 15<sup>th</sup> week before the expected week of childbirth

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## **Maternity Leave**

### **Notification of Pregnancy**

On becoming pregnant, an employee should notify their line manager and HR Manager as soon as possible to ensure that any health and safety implications within their working environment can be considered.

By the end of the qualifying week, or as soon as reasonably practicable after the qualifying week, the employee is required to inform the HR Manager in writing of:

- The fact that they are pregnant
- Their expected week of childbirth
- The date on which they intend to start their maternity leave

Upon providing this information, a meeting will be scheduled with the HR Manager to discuss details such as options around maternity pay.

The employee must provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. This is issued after 20 weeks of pregnancy. The form must contain either the doctor's name and address or the midwife's name and registration number.

The employee is permitted to bring forward their maternity leave start date, provided that they advise the College in writing at least 28 days before the new start date, or if that is not possible, as soon as reasonably practicable. The employee may also postpone their maternity leave start date, provided that they advise the College in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

The College 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 their full 52-week entitlement to maternity leave.

### **Time off for Antenatal Care**

Once an employee has advised the College that they are pregnant, they will be entitled to take reasonable paid time off work to attend antenatal appointments as advised by their doctor, registered midwife or registered health visitor.

In order to be entitled to take time off for antenatal care, except in the case of the first appointment, the employee should produce evidence of the appointment, such as a medical certificate or appointment card if requested to do so. The request for leave should be submitted in line with the Leave of Absence procedure outlined in the Work Life Balance Policy.

Antenatal care may include relaxation and parent craft classes that the employee's doctor, midwife or health visitor has advised her to attend, in addition to medical examinations.

The employee should endeavour to give their line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

### **Health and Safety**

The College has a duty of care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding. The College will provide the employee with information as to any risks identified in the risk assessment. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out their normal job duties, the College will take such steps as are reasonably necessary to avoid those risks, such as altering the employee's working conditions. In some cases, this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

If it is not possible for the College to alter the employee's working conditions to remove the risks to their health and there is no suitable alternative work available to offer them on a temporary basis, the College may suspend them from work on maternity grounds until such time as there are no longer any risks to their health. This may be for the remainder of their pregnancy until the commencement of their maternity leave. If an employee is suspended in these circumstances, their employment will continue during the period of the suspension and it does not in any way affect their statutory or contractual employment and maternity rights. The employee will be entitled to their normal salary and contractual benefits during the period of their suspension, unless they have unreasonably refused an offer of suitable alternative employment.

### **Sickness absence**

If an employee is absent from work during pregnancy owing to sickness, they will receive normal statutory or contractual sick pay in the same manner as they would during any other sickness absence provided that they had not yet begun ordinary maternity leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before their expected week of childbirth, their maternity leave will start automatically.

### **Maternity Leave**

All pregnant employees are entitled to take up to 26 weeks' ordinary maternity leave and up to 26 weeks' additional maternity leave, making a total of 52 weeks. This is regardless of the number of hours they work or their length of service. Additional maternity leave begins on the day after ordinary maternity leave ends.

Ordinary maternity leave can start at any time after the beginning of the 11<sup>th</sup> week before the employee's expected week of childbirth (unless their child is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever date is the earlier of:

- the employee's chosen start date;
- the day after the employee gives birth; or
- the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.

If the employee gives birth before their maternity leave was due to start, they must notify the HR Manager as soon as reasonably practicable.

The law obliges all employees to take a minimum of two weeks' maternity leave immediately after the birth of the child.

### **Ordinary Maternity Leave**

During the period of ordinary maternity leave, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. Contractual annual leave entitlement will continue to accrue; and pension contributions will continue to be made provided that the employee is receiving Statutory Maternity Pay (SMP).

Salary will be replaced by Occupational/Statutory Maternity Pay if the employee is eligible to receive it.

### **Additional Maternity Leave**

During the period of additional maternity leave, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. Contractual annual leave entitlement will continue to accrue.

Salary will be replaced by Statutory Maternity Pay (SMP) for the first 13 weeks of additional maternity leave if the employee is eligible to receive it. The remaining 13 weeks of additional maternity leave are unpaid.

Pension contributions will continue to be made during the period when the employee is receiving SMP but not during any period of unpaid additional maternity leave.

### **Statutory Maternity Pay (SMP)**

Payment for employee's with less than 1 year's continuous service at the beginning of the 11<sup>th</sup> week before the EWC will be their entitlement to Statutory Maternity Pay.

Statutory Maternity Pay is payable for up to 39 weeks during maternity leave. An employee is entitled to SMP if:

- that have been continuously employed by the College for at least 26 weeks at the end of the qualifying week and she is still employed during that week;
- their average weekly earnings in the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date are not less than the lower earnings limit for national insurance contributions;
- they are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth);
- they provide a MAT B1 form stating their expected week of childbirth; and
- they give the College proper notification of their pregnancy in accordance with the rules set out above.

For the first six weeks, SMP is paid at the higher rate, which is equivalent to 90% of the employee's average weekly earnings calculated over the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date.

The standard rate of SMP is paid for the remaining 33 weeks (or less if the employee returns to work sooner). This is paid at a rate set by the Government for the relevant tax year, or 90% of the employee's average weekly earnings calculated over the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date if this is lower than the Government's set weekly rate.

### **Occupational & Statutory Maternity Pay**

Employees with at least 1 years' continuous service at the beginning of the 11<sup>th</sup> week before the EWC will be entitled to Occupational/Statutory Maternity Pay if:

- their average weekly earnings in the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date are not less than the lower earnings limit for national insurance contributions;
- they are still pregnant 11 weeks before the start of the expected week of childbirth (or have already given birth);
- they provide a MAT B1 form stating their expected week of childbirth; and
- they gives the College proper notification of their pregnancy in accordance with the rules set out above.

Occupational/SMP is paid as follows:

- for the first 4 weeks of absence – full pay with deduction of Statutory Maternity Pay and of any other additions which might accrue.
- for each of the next 2 weeks of absence – 90% of a week's salary with the deduction of Statutory Maternity Pay and of any other additions which might accrue.
- for each of the next 12 weeks of absence – half pay without deduction of Statutory Maternity Pay, except to the extent to which the combined pay and allowances may exceed full pay.
- for each of the next 21 weeks of absence – Statutory Maternity Pay.
- for any remaining absence up to the date of return – without pay.

Occupational/Statutory Maternity Pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Payment of Occupational/SMP cannot start prior to the 11<sup>th</sup> week before the employee's expected week of childbirth.

Occupational/Statutory Maternity Pay can start from any day of the week in accordance with the date the employee starts their maternity leave.

Employees who are not entitled to SMP may be entitled to receive maternity allowance payable by the Government.

### **Contact during Maternity Leave**

Shortly before an employee's maternity leave starts, the College will discuss the arrangements for them to keep in touch during their leave. The College reserves the right in any event to maintain reasonable contact with the employee from time to time during their maternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

### **Keeping-in-touch days**

Except during the first two weeks after childbirth, an employee can agree to work for the College (or to attend training) for up to 10 days during either ordinary maternity leave or additional maternity leave without that work bringing the period of their maternity leave to an end and without loss of a week's SMP. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes and the employee will receive 1 full day's pay.

The College has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during their maternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between the College and the employee. Any keeping-in-touch days worked do not extend the period of maternity leave. Once the keeping-in-touch days have been used up, the employee will lose a week's SMP for any week in which they agree to work for the College.

### **Returning to work**

The employee will have been formally advised in writing by the College of the date on which they are expected to return to work if they take their full 52-week entitlement to maternity leave. The employee is expected to return on this date, unless they notify the College otherwise. If they are unable to attend work at the end of their maternity leave due to sickness or injury, the College's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While the employee is under no obligation to do so, it would assist the College if they confirm as soon as convenient during their maternity leave that they will be returning to work as expected.

If the employee wishes to return to work earlier than the expected return date, they must give the College at least eight weeks' notice of their date of early return, preferably in writing. If they fail to do so, the College may postpone their return to such a date as will give the College eight weeks' notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after maternity 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 maternity leave has ended, the College may require the employee to return to work for the remainder of the notice period. Failure to submit contractual notice if not returning to work will mean that the half pay entitlement as referred to above will be claimed back by the College.

### **Adoptive Parent Leave**

A member of staff should inform their line manager and the HR Manager that they are going through the process to adopt a child at the earliest opportunity. This will enable planning for their absence as soon as possible. Upon advising the College that they are going through the process to adopt a child, a meeting will be scheduled with the HR Manager to discuss details such as options around Adoption pay. The member of staff must keep their line manager and the HR Manager informed of progress and likely timescales

Adoption leave and pay will be available to:

- Individuals who adopt
- One member of a couple where a couple jointly adopt
- One of the intended parents in a surrogacy case. Where a child is born to a surrogate, the intended parents can become the child's legal parents by applying for a parental order. One of the intended parents must be the biological parent of the child, the child must live with the intended parents and the parental order application must be made when the child is between 6 weeks and 6 months old.
- An approved prospective adopter who looks after a child as part of a 'fostering to adopt' arrangement, where they have been notified of a child's placement.

The partner (regardless of gender / gender identity) of an individual listed above may be entitled to paternity leave and pay. Adopters are eligible to curtail their adoption leave early and share the remaining leave and pay with their partner, in line with the Shared Parental Leave procedure.

### **Eligibility**

Members of staff who have been newly matched with a child for adoption by an approved adoption agency and have agreed to take the child or who are, or expect to be, the parents of a child under a parental order in a surrogacy arrangement. Additionally, approved prospective adopters who look after a child as part of a 'fostering to adopt' arrangement where they have been notified of a child's placement. The College may ask for documentation to evidence this.

### **Occupational and Statutory Adoption Pay**

To qualify for paid leave, a member of staff must have 26 weeks' continuous service with the College by the 'Qualifying Week' (beginning on Sunday) in which they are:

- Notified of being matched with a child within the UK for adoption, or
- In which official notification was received of a child from overseas, or
- Since their employment commenced (whichever is the latter)

### **Statutory Adoption Pay (SAP)**

SAP is a state benefit for employees on adoption leave, the conditions for which and the amount of which are determined by the Government but is paid by the employer.

- The first 6 weeks of Adoption Leave are paid at 90% of the individual's average earnings
- Thereafter, employees receive the Standard Rate, or 90% of average earnings if this is less, for 33 weeks.

Average earnings are calculated based on earnings over the eight-week period ending with the week in which they are notified of being matched with the child for adoption. SAP may start on any day of the week.

To qualify, a member of staff must have:

- Completed at least 26 weeks of continuous service with the College by the qualifying week, and
- Have average earnings above the lower earnings limit for National Insurance contributions purposes during the eight-week period ending with the week in which they are notified of being matched with the child for adoption, and
- Have followed the application procedures set out in this policy.

### **Occupational Adoption Pay (OAP)**

OAP is provided by the College to give enhanced benefits to staff who intend to return to work after Adoption Leave. This will include any payments of SAP or SAP alone whichever is greater.

Employees are entitled to 52 weeks' leave comprising of:

- Full pay for four weeks during the period of Ordinary Adoption Leave
- Two weeks paid at 90% of the employee's earnings
- Twelve weeks at half pay
- Twenty-one weeks at Standard Adoption Pay or 90% of average weekly earnings if this is less
- The remaining leave will be unpaid

To qualify for Adoptive Parent Leave, employees must have 26 weeks' continuous service to the College. Only one parent will be permitted to take adoptive leave and that parent must be the primary carer of the newly placed child (the other parent will be eligible to take paternity leave). Adoptive leave can be taken both before and immediately after the adoption.

To qualify a member of staff must have completed at least twenty six weeks of continuous service with the College by the Qualifying Week and have followed the procedure set out in this policy.

#### **Time off Prior to Adoption**

The main adopter will be entitled to take paid leave for up to five adoption appointments where these are arranged by, or at the request of, the adoption agency for the purpose of having contact with the child or for any other purpose connected with the adoption.

For such appointments the member of staff must complete a leave of absence form as outlined in the Work Life Balance Policy and provide documentation giving details of the appointment date and time.

#### **Contact during Adoption Leave**

Shortly before an employee's Adoption leave starts, the College will discuss the arrangements with them for keeping in touch during their leave. The College reserves the right in any event to maintain reasonable contact with the employee from time to time during the Adoption leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

#### **Keeping-in-touch days**

An employee can agree to work for the College (or to attend training) for up to 10 days during their Adoption Leave without that work bringing this to an end and without 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 and the employee will receive 1 full day's pay.

The College 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 undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between the College and the employee. 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 the College.

#### **Returning to work**

The employee will have been formally advised in writing by the College of the date on which they are expected to return to work if they take the full 52-week entitlement to Adoption leave. The employee is expected to return on this date, unless they notify the College otherwise. If they are unable to attend work at the end of the Adoption Leave due to sickness or injury, the College's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.



While the employee is under no obligation to do so, it would assist the College if they confirm as soon as convenient during their Adoption Leave that they will be returning to work as expected.

If the employee wishes to return to work earlier than the expected return date, they must give the College at least eight weeks' notice of the date of early return, preferably in writing. If they fail to do so, the College may postpone the return to such a date as will give the College eight weeks' notice, provided that this is not later than the expected return date.

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 her contract of employment. If the notice period would expire after Adoption leave has ended, the College may require the employee to return to work for the remainder of the notice period. Failure to submit contractual notice if not returning to work will mean that the half pay entitlement as referred to above will be claimed back by the College.

### **Paternity/Partner Leave**

#### **Eligibility**

To qualify for Paternity/Partner Leave, employees must have 26 weeks' continuous service by the 15<sup>th</sup> week before the date the child is expected.

This applies to:

- The spouse of the mother of the newly born child
- Long term partner of the mother of the newly born child
- Mothers and Fathers of a newly placed adopted child/children

#### **Leave Entitlement**

Eligible employees will be entitled to five working days of paid leave and five working days of Statutory Paternity Pay.

Leave will be allowed within two months of the expected week of childbirth or actual date of childbirth / placement of child. The College may request provision of documentary evidence of the birth of the child such as a birth certificate or MAT B1 form.

Paternity/Partner Leave cannot be taken in addition to Maternity Support Leave

#### **Notification**

Employees must notify their line manager and the HR Manager at the earliest opportunity of their intention to take Paternity/Partner Leave. This must be submitted using the 'Request for Paternity/Partner Leave' form. This can be found in **Appendix 1** or is available under the HR forms section on MyLoreto.

### **Maternity Support Leave**

#### **Eligibility**

Eligible employees must have 26 weeks' continuous service by the 15<sup>th</sup> week before the date the child is expected. This applies to employees who are the designated nominated carer of the mother. E.g. a close relative or friend.

#### **Leave Entitlement**

Eligible employees will be entitled to five working days of paid leave.

Leave will be allowed within two months of the expected week of childbirth or actual date of childbirth. The College may request provision of documentary evidence of the birth of the child such as a birth certificate or MAT B1 form.

An employee who leaves the service of the College within three months from the last day of Maternity Support Leave will be requested to reimburse all of the pay received during that period.

### **Notification**

Employees must notify their line manager and the HR Manager of their intention to take Maternity Support Leave by the 15<sup>th</sup> week before the expected week of childbirth.

This must be submitted using the 'Request for Maternity Support Leave' form. This can be found in **Appendix 2** or is available under the HR forms section on MyLoreto.

### **Shared Parental Leave**

Shared Parental Leave (SPL) can give parents more flexibility in how they share the care of their child in the first year following birth or adoption. It applies to birth parents, adoptive parents and same sex parents. Parents are able to share a pot of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after their child.

Staff will continue to be entitled to 52 weeks of Maternity Leave and 39 weeks of maternity pay in accordance with the Maternity Leave procedure and the Statutory Maternity Pay scheme.

If they choose to do so, a mother can end their maternity leave early and can opt to take the remaining leave and pay entitlement with the child's father or their partner as Shared Parental Leave instead of Maternity Leave. In order to do so both parties must meet the qualifying requirements.

Shared Parental Leave entitlement is additional to Paternity Leave entitlement. Paid Paternity Leave of two weeks will still be available in accordance with the Paternity Leave procedure. Staff are advised to take Paternity Leave before starting SPL, as once SPL begins, any untaken paternity leave entitlement is lost.

### **Leave Entitlement**

The total amount of SPL available is 52 weeks:

- Less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of statutory maternity pay (SMP) or maternity allowance (MA) if she is not entitled to maternity leave, or
- Less the weeks spent on adoption leave (or the weeks in which the adopter has been in receipt of statutory adoption pay)

The mother cannot start SPL until after the two weeks of compulsory maternity leave following the birth of the child. An adopter or the parental order parent in surrogacy must take at least two weeks of adoption leave before it can be curtailed.

The remaining unused maternity/adoption leave and pay entitlement can be taken as SPL by either parent up to a maximum of 50 weeks.

Parents can take their SPL at the same time as each other or at different times. All SPL must be taken before the child's first birthday or one year after the placement date in the case of adoption.

### **Eligibility**

Staff will qualify for Shared Parental Leave if A, B, C, D and E below are satisfied:

- A. The child's mother/main adopter must be entitled to maternity/adoption leave (or to statutory maternity/adoption pay or maternity allowance if they are not a member of staff), and have curtailed their maternity/adoption leave/pay before they have taken their full entitlement.
- B. Responsibility for care of the child:
  - The member of staff is the child's mother, and shares main responsibility for the care of the child with the child's father / other parent, or
  - Is the child's father and shares the main responsibility for the care of the child with the child's mother or other parent,
  - Is the mother's partner and shares the main responsibility for the care of the child with the mother / other parent, or
  - Is the adopter and shares the main responsibility for the care of the child with their partner
- C. Staff must have worked for the College for at least 26 weeks at the Qualifying Week and be still employed in the week before any Shared Parental Leave is to be taken.
- D. The other parent must have worked (in an employed or self-employed capacity) in Great Britain in at least 26 of the 66 weeks before the EWC/date of placement. In 13 of those weeks they must have earned average weekly earnings of at least £30 a week and have paid wither class 1 or class 2 national insurance contributions in those weeks (or hold an exemption certificate for those weeks).
- E. The member of staff and the other parent must give the necessary statutory notices and declarations via the Shared Parental Leave Notification Form found in **Appendix 3** and available on the HR forms section of MyLoreto. Including notice to end any maternity / adoption leave, SMP/SAP or MA periods.

### **Shared Parental Pay (ShPP) Entitlement**

Shared Parental Pay (ShPP) is only available if the mother/main adopter was entitled to statutory maternity pay (SMP) or statutory adoption pay (SAP) or maternity allowance (MA). If a mother/main adopter does not qualify for SMP, SAP or MA, then the parents may qualify for shared parental leave, but they cannot qualify for ShPP.

Statutory Shared Parental Pay (ShPP) is a State benefit for parents on SPL, the conditions for which and the amount of which are determined by the Government but it is paid by the employer at a standard rate set by the Government each year.

To qualify:

- The mother/main adopter must qualify for SMP, SAP or MA, and
- Must qualify for SPL, and
- Must have average earnings at or above the lower earnings limit for National Insurance contributions in the 8 weeks before the qualifying week.

The maximum amount available to share will be 39 weeks less any weeks in which SMP, SAP or MA has been paid. As both parents share the remaining entitlement, any ShPP that received by the other parent will be counted towards the entitlement to ShPP.

### **Occupational Shared Parental Pay (OShPP)**

OShPP is provided by the College to give enhanced benefits to staff who intend to return to work after SPL. This may be paid to either parent who is a member of staff of the College. To qualify, staff must first qualify for Statutory Parental Pay as outlined in this policy.

OShPP is paid at the following rates and will include payment of ShPP minus any amount paid as OMP or OAP:

- Full pay for four weeks
- Two weeks paid at 90% of the employee's earnings

- Twelve weeks at half pay
- Twenty-one weeks at Statutory Shared Parental Pay or 90% of average weekly earnings if this is less
- The remaining leave will be unpaid

### **Notification of Shared Parental Leave**

The child's mother or main adopter must complete the relevant section on the Shared Parental Leave Notification Form. This can be found in **Appendix 3** or is available under the HR forms section of MyLoreto. Giving their line manager and the HR Manager at least 8 weeks' written notice to end their maternity/adoption leave, before they can take SPL. The notice must state the date the maternity leave will end.

Notice may be given before or after the birth, but maternity leave cannot end until at least two weeks after birth. The mother's partner / other adopter may be eligible to take SPL from their employer before maternity leave ends, provided the curtailment notice has been submitted via the Shared Parental Leave Notification form.

The curtailment notice is binding and cannot usually be revoked. A curtailment notice can only be revoked if maternity leave has not yet ended and if one of the following applies:

- the member of staff realises that neither parent is in fact eligible for SPL or ShPP, in which case the curtailment notice can be revoked in writing up to 8 weeks after it was given; or
- curtailment notice was provided before giving birth, in which case it can be revoked in writing up to 8 weeks after it was given, or up to 6 weeks after birth, whichever is later; or
- the partner / other parent has died.

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

Shortly before an employee's SPL starts, the College will discuss the arrangements with them for keeping in touch during their leave. The College reserves the right in any event to maintain reasonable contact with the employee from time to time during the SPL. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

### **Keeping-in-Touch Days**

Members of staff can work up to 20 days during SPL without bringing it to an end or extending the period of SPL. These are called 'shared parental leave in touch' (SPLIT) days. These days are in addition to the 10 'keeping in touch' (KIT) days already available to those on maternity or adoption leave.

SPLIT days are optional. They must be agreed in advance by both the member of staff and the manager. SPLIT days will be accommodated where possible. Any work carried out on a SPLIT day shall constitute a day's work for these purposes and the employee will receive 1 full day's pay.

The College has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during their SPL. Any SPLIT days worked do not extend the period of SPL. Once the SPLIT days have been used up, the employee will lose a week's ShPP for any week in which they agree to work for the College.

### **Returning to work**

The employee will have been formally advised in writing by the College of the date on which they are expected to return to work if they take the full entitlement to SPL. The employee is expected to return on this date, unless they notify the College otherwise. If they are unable to attend work at the end of the SPL due to sickness or injury, the College's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

While the employee is under no obligation to do so, it would assist the College if they confirm as soon as convenient during their SPL that they will be returning to work as expected.

If the employee wishes to return to work earlier than the expected return date, they must give the College at least eight weeks' notice of the date of early return, preferably in writing. If they fail to do so, the College may postpone the return to such a date as will give the College eight weeks' notice, provided that this is not later than the expected return date.

If the employee decides not to return to work after SPL, they must give notice of resignation as soon as possible and in accordance with the terms of her contract of employment. If the notice period would expire after the SPL has ended, the College may require the employee to return to work for the remainder of the notice period. Failure to submit contractual notice if not returning to work will mean that the half pay entitlement as referred to above will be claimed back by the College.

#### **Related Policies and Procedures**

- Work Life Balance Policy
- Equality and Diversity Policy for Staff
- Health and Safety Policy
- Attendance Management Policy
- Data Protection Policy GDPR



## Appendix 1

### Notification of Paternity/Partner Leave

Please complete all sections of this form and submit to the Human Resources Manager

- This form is for staff to notify of an upcoming period of Ordinary Paternity/Partner Leave.
- Leave can be taken as one continuous block or **either one or two weeks**, after the date of birth or adoption of a child
- Before completing this form, please read the Paternity/Partner Leave section of the Family Leave Policy.
- Please complete this form by the 15<sup>th</sup> week before the expected week of childbirth or 7 days after the notification of a match with a child by the adoption agency.

Name	
Department	
Job Title	

### Key Dates

Anticipated date of birth (i.e. due date – this can be found on your partner's MAT B1 form). Of if adopting, date of placement of child/actual date of birth	
Date you wish to start your Ordinary Paternity Leave	
Date of return to work	

If the child is born early, rights of entitlement will not be affected but the subsequent dates on which leave may begin, finish or be taken may change. Please contact the HR Manager as soon as possible if your anticipated dates change.

### I confirm the following:

- I am the child's biological father or spouse, partner, civil partner of the mother or person adopting the child, or one of a couple who have jointly adopted a child or intended surrogate parent entering into a legal surrogacy arrangement.
- I have or expect to have main responsibility (shared with the above) for the child's upbringing.
- I am making the application to take time off work to support the mother/person adopting the child or to care for the child.

Signature of employee: .....

Date: .....

## Appendix 2

### Notification of Maternity Support Leave

Please complete all sections of this form and submit to the Human Resources Manager



- This form is for staff to notify of an upcoming period of Maternity Support Leave.
- Leave must be taken of one continuous block of 5 working days.
- Before completing this form, please read the Maternity Support Leave section of the Family Leave Policy.
- Please complete this form by the 15<sup>th</sup> week before the expected week of childbirth

Name	
Department	
Job Title	

### Key Dates

Anticipated date of birth (i.e. due date – this can be found on the expectant mother's MAT B1 form)	
Date you wish to start your Maternity Support Leave	
Date of return to work	

If the child is born early, rights of entitlement will not be effected but the subsequent dates on which leave may begin, finish or be taken may change. Please contact the HR Manager as soon as possible if your anticipated dates change.

I confirm the following:

- I am the designated nominated carer of the expectant mother
- I understand that if I leave the service of the College within three months from the last day of Maternity Support Leave I will be requested to reimburse all of the pay received during that period.

Signature of employee: .....

Date: .....



### Appendix 3 Notification of Shared Parental Leave

Please complete all sections of this form and submit to the Human Resources Manager

- This form is for staff to provide notification of an upcoming period of Shared Parental Leave.
- Before completing this form, please read the Shared Parental Leave section of the Family Leave Policy.
- Please complete and submit this form at least 8 weeks prior to the date that you wish the Shared Parental Leave to start.

#### Your details

Name	
Department	
Job Title	

#### Your partner's details

Name	
Employer (Name and Address)	
NI Number	

#### Your leave dates

Start date	End date	No. Weeks
Total Number of Weeks:		

Please note: the combined amount of shared parental pay cannot exceed 37 weeks (**not including** compulsory 2 weeks' maternity/adoption leave period).

confirm the following:

- I wish to exercise my right to take Shared Parental Leave
- The information provided above is correct
- I can confirm I will curtail my maternity/adoption leave as per the above dates as I will be sharing leave with my partner

Signature of employee: .....

Date: .....

Signature of employee's partner: .....

Date: .....