



# GMAT POLICIES

## *Family Policy*

**Greater Manchester Academies Trust**

# Revision Information

<b>This document has been approved for operation within</b>	All Trust Establishments
<b>Date of last review</b>	September 2021
<b>Date of next review</b>	September 2024
<b>Review Period</b>	Every three years
<b>Date of Trustee Approval</b>	
<b>Status</b>	
<b>Person Responsible for Policy</b>	
<b>Owner</b>	Greater Manchester Academies Trust
<b>Signature of Approval</b>	

<b>Review Date</b>	<b>Changes Made</b>	<b>By Whom</b>

*With you...for you...about you...*

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## Maternity

All pregnant employees are entitled to a period of 26 weeks' ordinary maternity leave (OML) and 26 weeks' additional maternity leave (AML), making one year in total. This entitlement is regardless of the length of continuous service.

Women can start maternity leave any time from the 11th week before the baby is due, provided they give at least 28 days' notice in writing (wherever reasonably practicable):

- that they are pregnant
- of the expected week of childbirth (EWC)
- of the start date of maternity leave (which can be varied by the employee, provided that the new date is notified at least 28 days before whichever is the earlier of the old intended date and the new intended date)

The employee will be required to produce a certificate from a registered medical practitioner or a registered midwife stating the EWC. This certificate is known as a MAT B1 and is available from the 20th week before the EWC.

They can work up until the birth itself unless absent from work with a pregnancy related illness in which case they cannot work beyond the fourth week before the expected week of childbirth.

The Maternity (Compulsory Leave) Regulations 1994 stipulate a minimum period of maternity leave for all women of two weeks after the date of the birth. This means that the employee cannot return to work until at least two weeks after the actual date of the birth.

The contract of employment continues through both the ordinary and additional maternity leave. This does not include normal remuneration but does include the accrual of annual leave.

### Notification

The employee must be written to, by the Trust, within 28 days of receipt of the initial notification, stating the date on which she is expected to return from maternity leave if the full entitlement is taken. It is important that these dates are included even where the employee has proposed an earlier date for returning. There is no further notification required by management or the employee.

### Return to Work

The employee will have been formally notified in writing of the date on which she is expected to return to work if she takes her full 52 week entitlement to maternity leave.

The employee is expected to return on this date unless she notifies the Trust otherwise.

If the employee wishes to return earlier than the expected return date, she must give the Trust at least 21 days' notice of her new return date.

Employees are not required to state in advance that they intend to return to work following maternity leave unless they are claiming Occupational Maternity Pay (see later section).

## Statutory Maternity Leave and Pay

### Introduction

Statutory Maternity Pay (SMP) is treated as pay and is subject to the usual deductions for NI, Income Tax and the Local Government Pension Scheme and/or Teacher Pensions

SMP is payable for a period of up to 39 weeks – known as the Maternity Pay Period (MPP).

### Who is Eligible for SMP?

A woman must satisfy all the following criteria in order to qualify for SMP:

- be continuously employed by Greater Manchester Academies Trust for at least 26 weeks\* continuing into the Qualifying Week (15th week before the expected week of childbirth). This must include at least one day in the qualifying week
- have average weekly earnings of not less than the lower earnings limit for the payment of NI contributions
- must still be pregnant at the 11th week before the EWC or have given birth by that time
- must have ceased working for the employer wholly or partly because of pregnancy or childbirth
- must have given notice of the date her MPP is due to start at least 28 days beforehand

\* An employee can satisfy the continuous employment rule even if she has been employed only for short spells during the 26 week period. If a temporary or casual employee does not work any particular week because they were not offered work, as opposed to turning down the offer of work, continuity of service is not broken (for the purposes of SMP only).

### Who is Not Eligible for SMP?

A woman who falls into any one of these categories will not be entitled to SMP:

- if she is not continuously employed for at least 26 weeks into the QW
- if her average weekly earnings are below the LEL
- if she fails to comply with the notification provisions
- if she is in legal custody at any time in the maternity pay period

If for any of the above reasons an employee is not entitled to SMP, the Finance Team at the Trust will have their Payroll Provider Service complete form SMP1 and give it to the employee. This must be done within seven days of deciding the employee is not entitled to SMP so that she may then claim the Maternity Allowance direct from the Department of Work and Pensions.

If the employee does not agree with the decision not to pay her SMP she can ask the Adjudication Officer for a formal decision. The Adjudication Officer is independent and works from a local Department of Work and Pensions. There is also a right of appeal for both the employer and employee against the decision of the Adjudication Officer.

## Payment of SMP

SMP is payable for a period of up to 39 weeks' even if the employee does not intend to return to work after the baby is born. This "Maternity Pay Period" (MPP) effectively starts when a woman starts her maternity leave and ceases at the end of the 39 weeks or when she returns to work, whichever is the earlier. The earliest an employee can start her maternity leave is the 11th week before the EWC. The employee can work up to the birth if she wishes in which case the maternity pay period will start from the day after the birth.

The first six weeks of the MPP are paid at the higher rate of 90% of average weekly earnings followed by the lower rate for 33 weeks. In the unlikely event that the lower rate of SMP is greater than 90% of average earnings, the lower amount should be paid throughout the maternity pay period.

SMP is payable on a daily basis and is regarded as taxable earnings. If an employee who is entitled to SMP leaves or is dismissed after the start of the qualifying period, SMP will still be paid. If this situation arises before she has given notice of when she wishes her maternity leave to start, SMP will commence on the later of:

- the 11th week before the expected week of childbirth
- the start of the week after employment ends

If the employee starts work for a new employer after the baby is born but before the end of the MPP the SMP must end. However, if she starts work for a new employer before her baby is born, GMAT by law is still liable to pay SMP until the end of the Maternity Pay Period.

### Example:

#### Calculating whether an employee is entitled to SMP

- Baby is due Wednesday 8th December
- Expected week of childbirth is Sunday 5th December
- Earliest her maternity leave can start is the eleventh week before the EWC – 20th Sept
- Qualifying week (start of 15th week before EWC) is week commencing 23rd August
- Latest employment start date with Greater Manchester Academies Trust is therefore 22<sup>nd</sup> February (i.e. 26 weeks prior to QW)

## Maternity Allowance

Maternity Allowance (MA) is claimed direct from the Department of Work and Pensions by an employee who is not eligible for SMP. MA can be paid for up to 39 weeks and is normally equivalent to the rate for SMP although this can vary dependent upon the contributions made by the employee.

It is worth noting that MA is a National Insurance (NI) benefit and employees must have paid NI contributions for at least 26 weeks out of the last 66 weeks. Employees do not pay NI contributions if they earn less than the lower earnings limit (LEL). If an employee is therefore not eligible for SMP because her earnings are below the LEL, it is unlikely that she will be eligible for MA either, unless perhaps her earnings fluctuate.

If an employee is not eligible for MA she can claim benefit if she has paid NI contributions for at least 26 weeks out of the last two years. This is made up of a total of eight weeks' benefit, (six weeks before the birth and two weeks after the birth).

### **Working During the Maternity Pay Period – 'Keeping In Touch' Days**

An employee is entitled to work for up to 10 days during her maternity leave period (excluding compulsory maternity leave i.e. the 2 week period immediately after the baby is born) without that work bringing her maternity leave to an end and without loss of a week's Statutory Maternity Pay.

These are known as 'Keeping in Touch Days' (KIT), and can include work activities such as training or any other activity undertaken to assist you in keeping in touch with the workplace, such as attending conferences, appraisals or team meetings.

Any work carried out during maternity leave will count towards a keeping in touch day. Once the 10 keeping in touch days have been used up, the employee will lose a week's SMP for any day in which she works during maternity leave.

Please note that any keeping in touch days worked do not extend the period of maternity leave and the employee will be expected to return at the end

The employee is under no obligation to work during her maternity leave and should not suffer any detriment by refusing to work, nor does she have any right to undertake work and each request will be judged on its own merit in agreement with the line manager. However, as the purpose of keeping in touch days is to assist the employee in their return to work it is unlikely that a request would be refused.

Employees will continue to receive their SMP payment for the week in which they work; in addition they will be paid at their normal contractual rate of pay for any work undertaken during the keeping in touch days.

SMP will not be offset against any payment for attending a 'keeping in touch' day except where the total payment exceeds normal contractual pay. This principle will also apply to employees in receipt of the Trust's Occupational Maternity Pay (see later section).

### **What if Baby is Born Early?**

If the employee's baby is born before the maternity pay period is due to start, the MPP will be the period of 39 weeks beginning from the day following the date of birth.

If this happens before the employee has notified you of the start date of her MPP, she must, if reasonably practicable, notify you within 28 days of the date the baby was born.

The continuous employment rule for qualifying for payment of SMP is satisfied if the baby is born before or during the qualifying week AND the employee would have completed 26 weeks' employment into the qualifying week if the baby had not been born early.

If the baby is born early but the MPP has started, or is born after the EWC then the maternity pay period is not affected.

### **Stillbirths**

Even if the baby survives for only an instant it is a live birth not a stillbirth. If the baby is stillborn before the 24th week of the pregnancy, i.e. earlier than the 16th week before the expected week of childbirth, SMP is not payable. In such circumstances a decision should be made regarding the payment of sick pay instead.

If the baby is stillborn after the 24th week of pregnancy, the employee is entitled to the same SMP she would have got if the baby had been born alive.

### **Previous Pregnancy**

If an employee previously had a period of statutory maternity leave or absence and resumed work afterwards, all weeks between the date when she was first absent and the date she resumed work count towards her period of continuous employment.

## **Occupational Maternity Pay (OMP)**

### **Introduction**

Greater Manchester Academies Trust wants its employees to benefit from a more generous maternity provision.

Eligibility for occupational maternity pay is assessed at the 11th week before the EWC (not the 15th week which is when eligibility for SMP is assessed). In addition, eligibility for occupational maternity pay is regardless of the level of earnings or hours of work.

All employees with one year's continuous service at Greater Manchester Academies Trust, at the 11th week before the EWC are entitled to the occupational maternity pay (OMP).

### **Payment of OMP**

An employee who is entitled to occupational maternity pay will for the first six weeks of absence receive 9/10 of a week's pay, offset against payment made by way of SMP or Maternity Allowance.

An employee who declares in writing that she intends to return to work will, for the subsequent 12 weeks, be paid half a week's pay without deduction except by the extent to which the combined pay and SMP (or Maternity Allowance and /or other allowances, if the employee is not eligible for SMP) exceeds full pay. Consequently the employee cannot actually receive more than her normal pay.

The 12 weeks' half pay can be claimed back if the employee does not return to GMAT for a period of at least 13 weeks after the maternity leave. However SMP is not refundable.

For employees not intending to return to work, payments during the subsequent 33 weeks shall be SMP.

As with SMP, the earliest that OMP can commence is the 11th week before the EWC. (NB For the remaining 21 weeks the employee shall be entitled to SMP only i.e. 39 weeks maternity pay in total).



## A Useful Summary of maternity Pay Entitlements at GMAT

Criteria		Maternity Pay
Continuous Service	Earnings	
0 – 26 weeks at 15th week before EWC	Any	No SMP or OMP
26 weeks – 1 year at 15th week before EWC	Below LEL	No SMP or OMP
26 weeks – 1 year at 15th week before EWC	Above LEL	SMP (6 weeks at 90% of earnings followed by 33 weeks at SMP rate)
1 year or more at 11th week before EWC	Below LEL	No SMP OMP (6 weeks at 90% of earnings followed by 12 weeks at 50 % of earnings)
1 year or more at 11th week before EWC	Above LEL	SMP + OMP (6 weeks at 90% of earnings, then 12 weeks at 50% of earnings plus SMP, then 21 weeks of SMP)

### Notes:

Relevant Continuous Service is with Greater Manchester Academies Trust only for entitlement to both SMP & OMP

OMP: Occupational Maternity Pay

LEL: Lower Earnings Limit

SMP: Statutory Maternity Pay

### Calculation of Average Earning

#### Calculation of Average Weekly Earnings for SMP

An employee's average weekly earnings must be calculated in order to decide if SMP is payable. This will normally be undertaken by the Finance and Admin Team in conjunction with the payroll provider.

This involves adding the gross earnings together over the eight weeks up to and including the last pay day before the end of the qualifying week. Any payment, which is treated as earnings for NI contribution purposes, e.g. Statutory Sick Pay, must be counted. This will also include for example acting up payments made during the eight week period.

#### Calculation of a Week's Pay for OMP

The Trust defines the term 'a week's pay' for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, as the amount payable by the Trust to the employee under the current contract of employment for working

her normal hours in a week. (It would be unusual but where there was no normal working hours, a week's pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, i.e. before the commencement of OMP. This period will exclude any week in which no remuneration was earned).

## Maternity and Sickness

### Relationship of Statutory Sick Pay with Maternity Pay

Sickness absence that occurs prior to the fourth week before the EWC will attract SSP and occupational sick pay (subject to eligibility).

Employees who are absent through sickness after the fourth week before the EWC can only be entitled to SSP if the sickness is non-pregnancy related. In such circumstances the maternity pay period will start as notified or from the day following the date of birth, whichever is the earlier.

However if the sickness is pregnancy related and occurs on or after the start of the fourth week before the week the baby is due, the maternity pay period will start on either the:

- day following the first day of that absence if the employee has worked or been entitled to SSP for a reason not connected with her pregnancy, in that week, or
- Sunday of the first week of absence if the employee has not worked in the week or been entitled to SSP in that week e.g. temporary/casual employee.

However if the employee then becomes fit enough to return to work before the birth, she can do so and will then lose one week's SMP for each week or part-week worked. Weeks lost in this way are at the lower rate first.

If you are unsure whether or not an illness is pregnancy related advice should be sought from a GP or management may ask the opinion of their occupational health provider.

An employee who is entitled to SMP or Maternity Allowance cannot get SSP for at least 39 weeks starting with the start of the week she is first entitled to the SMP or Maternity Allowance.

### Sickness Monitoring

The Trust will maintain records of pregnant employees' sickness in line with other employees. However no action will be taken under the sickness monitoring procedures in respect of any pregnancy related illness during pregnancy.

## Shared Parental Leave

Shared Parental Leave (SPL) is a new legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015.

It provides both parents with the opportunity to consider the best arrangement to care for their child during the child's first year.

The amount of leave available is calculated using the mother's entitlement to maternity or the primary adopters entitlement to adoption leave, which allows them to take up to 52 weeks' leave.

A woman will remain entitled to take maternity leave. However, an eligible mother may now choose to reduce her maternity leave early and opt in to SPL.

A birth mother must take at least two weeks maternity leave following the birth of a child but can otherwise choose to end her maternity leave at any stage.

If they reduce their maternity/adoption leave entitlement then they and/or their partner may 'opt-in' to the SPL system and take any remaining weeks as SPL. This means for example, that the father could begin to take SPL while the mother is still on maternity leave.

SPL enables parents to share the caring responsibilities evenly or have one parent taking the main caring role, depending on their preferences and circumstances. Unlike maternity/adoption leave, eligible employees can stop and start their SPL and return to work between periods of leave with each eligible parent able to submit three notices booking periods of leave.

Employers and employees will find that having early conversations regarding leave intentions will be beneficial, enabling them both to be clear regarding the entitlement, what leave arrangements are being considered and how any leave will be accommodated.

For further details see the Shared Parental Leave section of this Family Policies document.

## Maternity and Annual Leave

The level of entitlement and practical arrangements regarding annual leave are different between support staff and teaching staff at the Trust and this difference translates through to the maternity scheme also.

### Teaching Staff

At Greater Manchester Academies Trust teaching staff are not required to attend work for 50 days per year, as part of their contract of employment and corresponding salary; this 50 day period consists of 28 days of statutory leave entitlement and 22 days on non-attendance days.

Only the statutory leave entitlement is referred to during maternity leave for the purposes of calculating if any leave is owed on the employee's return from maternity.

Teachers are contractually required to be available to work during term time, and their statutory leave forms part of normal holidays during Academy closure periods. The "leave year" is defined as 1 September – 31 August.

A teacher's entitlement to statutory leave is not affected by maternity leave, paid or unpaid.

A teacher who takes maternity leave must be able to take the 28 days statutory annual leave at a time outside of her ordinary and additional maternity leave.

This entitlement will be offset by any period of Academy closure that has taken place in the leave year in question, i.e. both before and after the maternity leave period.

The Trust will advise the Teacher prior to commencing her maternity leave, that she has a statutory entitlement to 28 days leave and that this should be taken either before or after the maternity leave period during Academy closure periods. The Finance and Admin Team will calculate how much leave the teacher will accrue during their proposed maternity leave period; and this information can then be factored into the decision of when to start and finish the maternity leave. It is common practice to utilise any leave days owed just before or after the actual maternity leave.

On her return from maternity leave, a teacher must be allowed to take any outstanding leave during term time during that leave year if there are insufficient Academy closures to accommodate her leave in that leave year.

Where the return from maternity leave is so close to the end of the leave year that there is not enough time to take all her annual leave entitlement, a teacher must be allowed to carry over any balance of her leave to the following leave year. A teacher will be required to take this during the remaining periods of Academy closure after the 28 days' annual leave for that leave year has been accommodated, i.e. on one of the other non-teaching days.

A teacher cannot receive payment in lieu of untaken annual leave unless she does not return to her job following maternity leave. This will be calculated on a pro rata basis for the leave year in question. However, it should be noted that a teacher who does not return to her job may be required to refund any OMP paid - this may be offset by payments due in respect of holiday pay.

## **Support Staff**

Support staff accrue annual leave and bank holidays during their maternity leave. The employee must however normally take such leave within the annual leave year that it is accrued, i.e. 1 September to 31 August.

The Trust will calculate how much leave an employee will accrue during her maternity leave provided that management has sufficient notice of her intentions this should be done in good time to give her a number of options. Depending on the timing of her maternity leave in relation to the annual leave year, an employee may choose to take her annual leave before she starts her maternity leave. Alternatively, provided she gives sufficient notice, she could start her maternity leave earlier than she anticipated and fit her annual leave in after she returns. Finally, a woman may decide to return before the end of her maternity leave so that she can take her remaining annual leave before the end of the annual leave year; substituting the week of no pay with weeks of paid annual leave.

Where an employee is unable to take her annual leave before she starts her maternity leave due to the early birth of her child or pregnancy related sickness absence, or where maternity leave is close to or overlaps with the end of the annual leave year to the extent that she cannot take all of her annual leave, an exception should be made to carry over policies to allow her to take the leave that she would otherwise lose in the next year.

## **Pensions**

During any ordinary maternity leave or paid additional maternity leave, the employee will pay normal contribution rate on whatever pay they receive. If they are on less than your normal pay, or even not paid, their membership still builds up as usual. So there is no effect on their pension benefits.

However, during periods of unpaid additional maternity leave the employee will only pay contributions if they choose to. They have 30 days from returning to decide and the cost is their normal contribution rate of the last pay they received. If they choose not to, they will not build up any membership for this period, and this will affect their pension benefits in the long term.

For further advice speak to the Pensions Officer at Manchester City Council who act as administrator for the Trust's pension schemes.

## Other Employee Rights

### Right to Return to Work

Following maternity leave an employee is entitled to return to the job in which she was employed under her original contract of employment and on terms no less favourable than those that would have been applicable to her had she not been absent. "Job" for this purpose means the nature of the work, which she is employed to do and the capacity and place in which she is so employed. Special conditions apply if redundancy or re-organisation has taken place during her leave.

### Return before the end of the Maternity Pay Period

The minimum period of maternity leave for all women is two weeks after the date of birth. This means that the employee cannot return to work until at least two weeks after the actual date of birth.

An employee who wishes to return to work before the end of her OML or AML must inform the Trust and give the Finance and Admin Team (and the payroll provider) 21 days advance notice.

Where the employee fails to give the correct notice, the Trust may postpone the employee's return to work until the 21 days have elapsed, or until the end of the maternity leave entitlement, whichever is shorter.

### Leaving the Trust during Pregnancy

If the pregnant employee resigns, or is dismissed after the start of the 15th week before the EWC, she is entitled to be paid SMP for 39 weeks (assuming she qualifies for it). However, she will not be entitled to Occupational Maternity Pay beyond her finish date.

### Ante-natal Care

There is a statutory right for all pregnant employees to paid time off to attend ante-natal care appointments. This right arises where an employee has been advised to make such

appointments by a registered medical practitioner, midwife or health visitor. After the first appointment, the employee can be required to produce evidence of appointments.

Ante-natal care is not defined in the legislation. It does however include ante-natal relaxation classes and parent classes where these have been recommended by a doctor, midwife or health visitor.

### **Right to Request Flexible Working**

The Trust will give full consideration to any request to work part time, flexibly or on a job share basis following maternity. All employees can formally request flexible working arrangements please see the Flexible Working Policy.

## **Glossary of Maternity Abbreviations and Terms**

### **OML: Ordinary Maternity Leave**

All pregnant employees are entitled to OML. The length of the leave is 26 weeks.

### **AML: Additional Maternity Leave**

Begins at the end of OML and runs for a further 26 weeks, all pregnant employees are entitled to AML regardless of length of service.

### **SMP: Statutory Maternity Pay**

This is the maternity pay funded in the main by the government through national insurance. The amount is updated annually.

### **OMP: Occupational Maternity Pay**

This is the maternity pay paid by the Trust

### **EDC: Expected Date of Childbirth**

This is the day on which the baby is expected to be born.

### **EWC: Expected Week of Childbirth**

This is the week during which the baby is expected to be born starting on the Sunday before.

### **QW: Qualifying Week**

This is the week used in deciding whether the employee qualifies for maternity benefits. The qualifying week differs depending on whether you are calculating SMP or occupational benefits. The QW is the 15th week before the expected week of childbirth (EWC) when assessing entitlement to SMP, but is the 11th week before the EWC when assessing entitlement to the Trust's scheme.

### **MPP: Maternity Pay Period**

This is the period during which Statutory Maternity Pay is paid. The employee can choose when to start her MPP but it cannot start any earlier than the 11th week before the EWC.

### **LEL: Lower Earnings Limit**

The figure for the Lower Earnings Limit is set by the DSS and relates to the payment of national insurance and to the eligibility for SMP. Women who earn below the LEL do not qualify for SMP.

**MAT B1:**

This is the maternity certificate, which normally provides medical evidence on when the baby is due. A doctor or midwife must sign the certificate no earlier than twenty weeks before the EWC. This must be given to the employer by the end of the third week of what would be the MPP and the employer cannot pay SMP until the certificate is received.

**MATERNITY ALLOWANCE:**

This is paid by the DWP to qualifying women where the woman is not eligible for SMP. It is based on the woman's recent employment and earnings record.

**KITS: KEEPING IN TOUCH DAYS**

The employee is entitled to attend work for up to 10 days for the purpose of Keeping in Touch.

## Paternity Leave

### Ante-natal Appointments

Fathers and partners (whether of a different sex or same sex) have the entitlement to take unpaid time off work to accompany expectant mothers, up to two ante-natal appointments. This right arises where the expectant mother has been advised to make such appointments by a registered medical practitioner, midwife or health visitor.

The time off is capped at six and a half (6.5) hours for each appointment and there is no qualifying length of service before employees can take up this statutory entitlement. The employee will not be asked to produce evidence of the antenatal appointments, such as an appointment card.

**Adoption**

The secondary adopter (whether of a different sex or same sex) is entitled to take unpaid time off for up to two adoption appointments:

### Paternity Leave

**Who Is Eligible To Take Ordinary Paternity Leave?**

An employee who has 26 weeks continuous service at Greater Manchester Academies Trust at the 15th week before the Expected Week of Childbirth (EWC) or the week in which 'a match is made' in the case of adoption, and is either:

- A male employee who is the biological father of the child and will have responsibility for the child's upbringing
- An employee (male or female) who is the partner or civil partner of the child's mother and expects to have responsibility for the child's upbringing

- An employee (male or female) who is adopting a child with their 'partner'
- An employee (male or female) who is the 'partner' of someone adopting a child on their own

A partner is defined as “a person (whether of a different sex or same sex) who lives with the mother and the child in an enduring family relationship”. In all cases the employee must have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child’s mother.

### **Who Is Not Eligible?**

- A relative of the mother of the child, i.e. her mother, father, brother, sister, aunt, uncle or grandparent.
- The biological father if he is not expecting to have responsibility for the upbringing of the child.

### **Leave Entitlement**

The employee can take either one week’s leave or two consecutive weeks’ leave. The employee is not permitted to take part weeks they have to be taken as whole weeks.

The Paternity Leave must be taken after the birth of the child and within the first 8 weeks of the child’s life or within the first 8 weeks of placement if an adoption.

The leave can start on:

- the date the child is born (or placed); or
- from a specified date after the birth (or placement)

The leave can start on any day of the week and then runs on a rolling basis through the Paternity Leave, for the one or two week period.

### **Statutory Paternity Pay**

One or two week(s) at SPP rate (or 90% of normal earnings whichever is less).

Where an employee’s earnings are lower than the LEL they will not be eligible for Statutory Paternity Pay.

### **GMAT Enhanced Pay**

Where an employee has 1 year or more continuous service at GMAT at 11th week before EWC the Trust will provide an enhanced Paternity Pay package of:

- one week on full pay; plus
- one week at SPP rate (or 90% of normal earnings whichever is less)

### **Notifications**

The employee wishing to take Paternity Leave must notify their manager of their intention at a minimum by the end of the 15th week before the EWC.



If the Paternity Leave is related to an adoption then notification must be within the 7 days of being told a 'match' has been made with a child. This must include the date the child is expected to be placed, the intended start date of the Paternity Leave and the length of the intended leave and the date on which the adopter was notified of having been matched with the child.

The employee will be required to complete an Inland Revenue Form SC3 if a birth child or an SC4 if an adopted child the forms are available from the Finance and Admin Team. The forms require information on the EWC or the date of the adoption placement, the length of leave requested off, the date the leave is to start and a signed declaration concerning the employee's relationship to the child.

The start of the leave can be varied. Where an employee has notified management that they wish to take paternity leave from the birth of the child they will be able to do so whether or not the child is born on the expected date. Employees who have given a fixed start date however, and later wish to change the date of the leave must give 28 days notice.

After receiving a request for Paternity Leave the manager must inform the Finance and Admin Team who will write to the employee within 28 days (where possible) to confirm the date of the leave.

### **Returning Early From Paternity Leave**

If an employee requests to return early the decision to allow an early return would be at the Principal's discretion.

*Please note that the term 'birth' in this guidance relates to the live birth of a child, or a still-birth after a pregnancy lasting 24 weeks*

### **Shared Parental Leave**

Shared Parental Leave (SPL) is a new legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015.

It provides both parents with the opportunity to consider the best arrangement to care for their child during the child's first year.

The amount of leave available is calculated using the mother's entitlement to maternity or the primary adopters entitlement to adoption leave, which allows them to take up to 52 weeks' leave.

The mother or primary adopter will remain entitled to take maternity/adoption leave, and the father or partner remains entitled to paternity leave.

However, an eligible mother or adopter may now choose to reduce their maternity/adoption leave early and opt in to SPL and share the remaining leave (and pay that they would have received) with the father or partner, including taking leave and pay at the same time, for example, the father could begin to take SPL while the mother is still on maternity leave.

SPL enables parents to share the caring responsibilities evenly or have one parent taking the main caring role, depending on their preferences and circumstances. Unlike maternity/adoption leave, eligible employees can stop and start their SPL and return to work between periods of leave with each eligible parent able to submit three notices booking periods of leave.

Employers and employees will find that having early conversations regarding leave intentions will be beneficial, enabling them both to be clear regarding the entitlement, what leave arrangements are being considered and how any leave will be accommodated.

For further details see the Shared Parental Leave section of this Family Policies document.

## Other Information

### **Contractual position**

During the period of paternity leave, the employee's contract of employment continues in force and he/she is entitled to receive all his/her contractual benefits, except for normal salary.

Pension contributions will continue to be made during any period when the employee is receiving paternity pay. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had he/she not gone on paternity leave.

The employee accrues annual leave and bank holidays during their paternity leave.

### **Contact During additional paternity leave**

Shortly before an employee's additional paternity leave starts, the manager will discuss the arrangements for him/her to keep in touch during his/her leave, should he/she wish to do so.

The Trust reserves the right in any event to maintain reasonable contact with the employee from time to time during his/her paternity 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 his/her return to work or simply to update him/her on developments at work during his/her absence.

### **Rights on and after return to work**

On resuming work after paternity leave, the employee is entitled to return to the same job as he/she occupied before commencing paternity leave on the same terms and conditions of employment as if he/she had not been absent. "Job" for this purpose means the nature of the work, which he/she is employed to do and the capacity and place in which he/she is so employed.

## Adoption

## Adoption Leave

There is only one period of leave per adoption regardless of the number of children placed. Throughout the document where we refer to the child this therefore equally means the children, if more than one child is being adopted.

Where a couple are jointly adopting a child, they must decide which one of them will take adoption leave as the “primary adopter” (the main carer) and which one will take paternity leave and shared parental leave (subject to eligibility).

### Who is eligible?

Any male or female employee, from day one with Greater Manchester Academies Trust assuming the role of ‘main carer’ or ‘primary adopter’.

If the employee is not to be the main carer they will be eligible for paternity leave (see Paternity Leave Scheme).

An employee adopting a child from abroad is also eligible for adoption leave and pay but under different guidance. Please refer to the Trust’s Finance and Admin Team for further information.

### Who may be eligible to take adoption leave?

An employee who is adopting a blood relative may be eligible to take Adoption Leave, if they are formally adopting the child/children through an approved agency and have supporting documentation that satisfies Inland Revenue’s criteria.

It may also extend to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for and intend to apply for a Parental Order for the child born through that arrangement.

### Who is not eligible to take adoption leave?

An employee is not eligible to take adoption leave if they are a step-parent adopting a partner’s child, or adopting through an agency that is not recognised in the United Kingdom (i.e. a private adoption).

### Leave Entitlement

The qualifying employee is entitled to a maximum of 52 weeks off in total, broken down into:

- 26 weeks of Ordinary Adoption Leave (OAL)
- 26 weeks of Additional Adoption Leave (AAL)

The employee can take any portion of the 52 weeks.

The earliest the leave can start is 14 days before the ‘placement’ of the adoptive child. The latest day it can start is the date the child is placed.

The adoption leave can start on any day of the week and the leave then runs on a rolling basis through the adoption leave entitlement.

### **Adoption Meetings**

The primary adopter will be able to take paid time off for up to five adoption appointments. The secondary adopter (their spouse or partner) will be entitled to take unpaid time off for up to two appointments.

The adoption leave cannot be used to attend training sessions or court in relation to the adoption. For these instances the employee should make a request for time off to the Principal.

### **Statutory Adoption Pay**

The rate of statutory adoption pay (SAP) is the same regardless of the age of the child, up to 18 years old.

Employees who qualify for statutory adoption leave will also qualify for adoption pay provided that their average weekly earnings are not less than the lower earnings limit (LEL).

SAP is payable for a period of up to 39 weeks even if the employee does not intend to return to work after the adoption. This "Adoption Pay Period" (APP) effectively starts when the primary adopter starts their adoption leave and ceases at the end of the 39 weeks or when she/he returns to work, whichever is the earlier.

The first six weeks of the APP are paid at the higher rate of 90% of average weekly earnings followed by the lower rate for 33 weeks. In the unlikely event that the lower rate of SAP is greater than 90% of average earnings, the lower amount should be paid throughout the adoption pay period. SAP is payable on a daily basis and is regarded as taxable earnings.

The other 13 weeks of additional adoption leave is at no pay.

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

Greater Manchester Academies Trust wants its employees to benefit from a more generous adoption provision; one which mirrors the maternity scheme.

Eligibility for occupational adoption pay is assessed at the week 'the match is made'. In addition, eligibility for occupational adoption pay is regardless of the level of earnings or hours of work.

All employees with one year's continuous service at Greater Manchester Academies Trust, at the week the match is made are entitled to the occupational adoption pay (OAP).

### **Payment of OAP**

An employee who is entitled to occupational adoption pay will for the first six weeks of absence receive 9/10 of a week's pay, offset against payment made by way of SAP.

An employee who declares in writing that she/he intends to return to work will, for the subsequent 12 weeks, be paid half a week's pay without deduction except by the extent to which the combined pay and SAP exceeds full pay. Consequently the employee cannot actually receive more than her/his normal pay.

The 12 weeks' half pay can be claimed back if the employee does not return to GMAT for a period of at least 13 weeks after the adoption leave. However SAP is not refundable.

For employees not intending to return to work, payments during the subsequent 33 weeks shall be SAP.

For the remaining 21 weeks the employee shall be entitled to SAP only i.e. 39 weeks adoption pay in total.

All adoption leave payments are subject to normal salary deductions.

### **Notification**

The employee wishing to take adoption leave must notify their manager of their intention within 7 days of being told a 'match' has been made with a child.

Ideally the notification should be at least 28 days before the 'placement date', if practical. If this is not practical the leave will start on the date the child is placed.

The employee will be required to produce the Matching Certificate, which is issued by the local authority or adoption agency (similar to a MAT B1 form) and must inform their manager:

- the expected date of the child's placement
- when they want the adoption leave to begin

After receiving the above information the manager must notify the Finance and Admin Team who will write to the employee within 28 days to inform them of when the additional adoption leave period will end, i.e. when they are expected back to work. If the employee has given a specific return date the Trust will confirm this in the letter.

The start of the leave can be varied following notification to the employer. This should be at least 28 days before the date of the new start date wanted. If this is not possible managers will have to exercise appropriate discretion. If the employee does vary their start date a revised letter from the Trust must be issued within 28 days.

### **Shared Parental Leave**

Shared Parental Leave (SPL) is a new legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015.

It provides both parents with the opportunity to consider the best arrangement to care for their child during the child's first year.

The amount of leave available is calculated using the mother's entitlement to maternity or the primary adopters entitlement to adoption leave, which allows them to take up to 52 weeks' leave.

The primary adopter will remain entitled to take adoption leave. However, an eligible primary adopter may now choose to reduce their adoption leave early and opt in to SPL.

The primary adopter can end their adoption leave once they have taken adoption leave for a minimum of two weeks.

If they reduce their maternity/adoption leave entitlement then they and/or their partner may 'opt-in' to the SPL system and take any remaining weeks as SPL. This means for example, that the father could begin to take SPL while the mother is still on maternity leave.

SPL enables parents to share the caring responsibilities evenly or have one parent taking the main caring role, depending on their preferences and circumstances. Unlike maternity/adoption leave, eligible employees can stop and start their SPL and return to work between periods of leave with each eligible parent able to submit three notices booking periods of leave.

Employers and employees will find that having early conversations regarding leave intentions will be beneficial, enabling them both to be clear regarding the entitlement, what leave arrangements are being considered and how any leave will be accommodated.

For further details see the Shared Parental Leave section of this Family Policies document.

## Adoption and Annual Leave

The level of entitlement and practical arrangements regarding annual leave are different between support and teaching staff at the Trust and this difference translates through to the adoption scheme also.

### Teaching Staff

At Greater Manchester Academies Trust teaching staff are not required to attend work for 50 days per year, as part of their contract of employment and corresponding salary; this 50 day period consists of 28 days of statutory leave entitlement and 22 days on non-attendance days.

Only the statutory leave entitlement is referred to during adoption leave for the purposes of calculating if any leave is owed on the employee's return from the adoption leave.

Teachers are contractually required to be available to work during term time, and their statutory leave forms part of normal holidays during Academy closure periods. The "leave year" is defined as 1 September – 31 August.

A teacher's entitlement to statutory leave is not affected by adoption leave, paid or unpaid.

A teacher who takes adoption leave must be able to take the 28 days statutory annual leave at a time outside of her/his ordinary and additional adoption leave.

This entitlement will be offset by any period of Academy closure that has taken place in the leave year in question, i.e. both before and after the adoption leave period.

The Trust will advise the Teacher prior to commencing her/his adoption leave, that she/he has a statutory entitlement to 28 days leave and that this should be taken either before or after the adoption leave period during Academy closure periods. The Finance and Admin Team will calculate how much leave the teacher will accrue during their proposed adoption leave period; and this information can then be factored into the decision of when to start and finish the adoption leave. It is common practice to utilise any leave days owed just before or after the actual adoption leave.

On her/his return from maternity leave, a teacher must be allowed to take any outstanding leave during term time during that leave year if there are insufficient Academy closures to accommodate her/his leave in that leave year.

Where the return from adoption leave is so close to the end of the leave year that there is not enough time to take all her/his annual leave entitlement, a teacher must be allowed to carry over any balance of her/his leave to the following leave year. A teacher will be required to take this during the remaining periods of Academy closure after the 28 days' annual leave for that leave year has been accommodated, i.e. on one of the other support days.

A teacher cannot receive payment in lieu of untaken annual leave unless she/he does not return to her job following adoption leave. This will be calculated on a pro rata basis for the leave year in question. However, it should be noted that a teacher who does not return to her/his job may be required to refund any OAP paid - this may be offset by payments due in respect of holiday pay.

## **Support Staff**

Support staff accrue annual leave and bank holidays during their adoption leave.

The employee must however normally take such leave within the annual leave year that it is accrued, i.e. 1 September to 31 August.

The Trust will calculate how much leave an employee will accrue during her/his adoption leave provided that management has sufficient notice of her intentions this should be done in good time to give her/him a number of options. Depending on the timing of her/his adoption leave in relation to the annual leave year, an employee may choose to take her/his annual leave before she starts her/his adoption leave. Alternatively, an employee may decide to return before the end of her/his adoption leave so that she/he can take the remaining annual leave before the end of the annual leave year; substituting the weeks of no pay with weeks of paid annual leave.

Where an employee is unable to take her/his annual leave as the adoption leave is close to or overlaps with the end of the annual leave year to the extent that she/he cannot take all of her/his annual leave, an exception should be made to carry over policies to allow her/him to take the annual leave, that she/he would otherwise lose, into the next year.

## **Pensions**

During any ordinary adoption leave or paid additional adoption leave, the employee will pay normal contribution rate on whatever pay they receive. If they are on less than your normal pay, or even not paid, their membership still builds up as usual. So there is no effect on their pension benefits.

However, during periods of unpaid additional adoption leave the employee will only pay contributions if they choose to. They have 30 days from returning to decide and the cost is their normal contribution rate of the last pay they received. If they choose not to, they will not build up any membership for this period, and this will affect their pension benefits in the long term.

For further advice speak to the Pensions Officer at Manchester City Council who act as administrator for the Trust's pension schemes.

## Other Information

### **Contractual position**

During the period of adoption leave, the employee's contract of employment continues in force and he/she is entitled to receive all his/her contractual benefits, except for salary. In particular, any benefits in kind and contractual annual leave entitlement will continue to accrue.

### **Working during Adoption Leave - Keeping In Touch Days**

An employee may undertake up to 10 days' work ('keeping in touch' days) during the adoption leave, without bringing their leave to an end and without losing any SAP. Working for part of a day will count as one day i.e. if the employee works for 2 hours, they will receive payment for 2 hours work (please see below regarding the payment terms), but this will count as 1 full 'keeping in touch' day.

The purpose of these days is to help the employee keep in touch with any workplace developments, for example training, staff briefings etc.

Working these days must be by agreement with the line manager. There is no requirement for the employee to undertake work; nor is there any requirement for the Trust to provide work.

If an employee wishes to undertake these KIT days and their line manager is in agreement, activity for these days will need to be agreed. Work undertaken during adoption leave may include training, attending meetings or any activity carried out for the purposes of keeping in touch with the workplace.

If an employee carries out some work under this provision, the period of adoption leave will not be extended.

SAP will be received for the week in which the employee works. In addition, pay will be received for work undertaken under the contract of employment. Payment will be made at the normal contractual hourly rate of pay. SAP for the day will not be offset against any pay due, unless the total payment exceeds normal contractual pay.



Line managers must notify the Finance and Admin Team of the name of the employee, the date the employee has undertaken the work and the numbers of hours worked. They will record these details, to monitor the number of KIT days undertaken and ensure that the maximum 10-day limit is not exceeded. They will also ensure that the appropriate payment(s) is made.

### **Contact during Adoption Leave**

The employer has the right to make “reasonable contact” with an employee during their adoption leave. Such contact might be to keep an employee informed of any developments at Academy that might impact upon them when they return, any special events, job vacancies and training opportunities, in addition to well wishes on the adoption.

Such contact would not constitute “work” as defined above and would not therefore count towards the 10 days.

### **Returning Early From Adoption Leave**

If the employee wishes to return from adoption leave early during the or OAL or AAL period they must give at least 21 days notice in writing of the date on which they intend to return.

### **Returning to Work**

Following Adoption leave an employee is entitled to return to the job in which she/he was employed under her/his original contract of employment and on terms and conditions no less favourable than those that would have been applicable to her/him had she/he not been absent. “Job” for this purpose means the nature of the work, which she/he is employed to do and the capacity and place in which she/he is so employed.

### **Right to Request Flexible working**

The Trust will give full consideration to any request to work part time, flexibly or on a job share basis following adoption leave. All employees can formally request flexible working arrangements please see the Flexible Working Policy.

### **What If The Adoption Fails?**

Where after starting their leave, an employee is notified that the child will not be placed, or after the child is placed, the child dies or is returned to the adoption agency, the employee will not be entitled to full adoption leave. In this situation the adoption leave will end 8 weeks after the end of the week that the disruption occurred. There is no extension of AAL if the above occurs with less than 8 weeks to go.

## **Shared Parental Leave**

### **What is Shared Parental Leave?**

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay.

This section sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).

Greater Manchester Academies Trust recognises that, from time to time, employees may have questions or concerns relating to their shared parental rights. GMAT wants to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees should clarify the relevant procedures with a member of the Finance and Admin and/or their line manager, to ensure that they are followed.

### **Who is eligible for Shared Parental Leave?**

SPL can only be used by two people:

1. The mother/adopter and
2. One of the following:
  - a) the father of the child (in the case of birth) or
  - b) the spouse, civil partner or partner of the child's mother/ adopter

Both parents must share the main responsibility for the care of the child at the time of the birth or placement for adoption.

Additionally an employee seeking to take SPL must satisfy each of the following criteria:

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- the employee must still be working for GMAT at the start of each period of SPL;
- the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date to have worked for at least 26 weeks and earned an average of at least £30 a week in any 13 of those weeks (this is correct as of 2015 but may change annually);
- the employee must correctly notify the Trust of their entitlement and provide evidence as required.

### **Shared Parental Leave Entitlement**

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If

they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

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

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

SPL can commence as follows:

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

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

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

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

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

### **Notification of an entitlement to Shared Parental Leave**

An employee entitled and intending to take SPL must give the Trust notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL.

Part of the eligibility criteria requires the employee to provide the Trust with correct notification. Notification must be in writing and requires each of the following:

- the name of the employee;
- the name of the other partner (father/partner/spouse);
- the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;

- the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- the amount of SPL the employee and their partner each intend to take
- a non-binding indication of when the employee expects to take the leave.

The employee must provide the Trust with a signed declaration stating:

- that they meet, or will meet, the eligibility conditions and are entitled to take SPL;
- that the information they have given is accurate;
- if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
- that should they cease to be eligible they will immediately inform the Trust

The employee must provide a signed declaration from their partner confirming:

- their name, address and national insurance number (or a declaration that they do not have a national insurance number);
- that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
- that they satisfy the 'employment and earnings test' (see "Who is eligible for Shared Parental Leave?" above), and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
- that they consent to the amount of SPL that the employee intends to take;
- that they consent to the Trust processing the information contained in the declaration form; and
- (in the case whether the partner is the mother/adopter) that they will immediately inform their partner (the employee) should they cease to satisfy the eligibility conditions.

### **Requesting further evidence of eligibility**

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

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

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

### **Discussions regarding Shared Parental Leave**

An employee considering SPL is encouraged to arrange an informal discussion with their line manager as early as possible regarding their potential entitlement, to talk about their plans and to enable the Trust to support the individual's request.

The line manager may upon receiving a 'notification of entitlement' to take SPL seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement.

### **Meeting on receipt of leave booking notice**

Upon receiving a 'leave booking notice' a member of SLT will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can, without further discussion, be approved in the terms stated in the employee's notice booking leave, a meeting may not be necessary.

Where a meeting is arranged it should take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible.

At the meeting the employee may, if they wish, be accompanied by a workplace colleague or trade union representative.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Trust, and what the outcome may be if no agreement is reached.

### **Booking Shared Parental Leave**

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

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

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

The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

### **Continuous leave notifications**

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

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

An employee may submit up to three separate notifications for continuous periods of leave.

### **Discontinuous leave notifications**

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

Where there is concern over accommodating the notification, the member of SLT or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the Trust (see discussions regarding SPL above).

Greater Manchester Academies Trust will give careful consideration to a discontinuous leave notification but has the right to refuse it.

If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

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

Once the line manager receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and the Trust against any adverse impact to the students and the operation of the Trust.

Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

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

If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block.

If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

## Variations to arranged Shared Parental Leave

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise their line manager in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the line manager requesting it be changed and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the line manager.

## Statutory Shared Parental Pay (ShPP)

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

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

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

- the mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- the employee must intend to care for the child during the week in which ShPP is payable;
- the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- the employee must remain in continuous employment until the first week of ShPP has begun;
- the employee must give proper notification in accordance with the rules set out below.

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

In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:

- the start and end dates of any maternity/adoption pay or maternity allowance;



- the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform their line manager should they cease to be eligible.

It must be accompanied by a signed declaration from the employee's partner confirming:

- their agreement to the employee claiming ShPP and for the Trust to process any ShPP payments to the employee;
- (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

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

## Annual Leave and SPL

SPL is granted in addition to an employee's normal annual holiday entitlement and the employee accrues annual leave and bank holidays during their SPL.

The employee must however normally take such leave within the annual leave year that it is accrued, i.e. 1 September to 31 August.

The Trust will calculate how much leave an employee will accrue during their SPL (depending on whether they are a teacher or support staff) and provided there has been sufficient notice of their intentions this should be done in good time to give the employee a number of options. The employee may decide to return before the end of their SPL so that they can take their remaining annual leave before the end of the annual leave year; substituting the week of no pay with weeks of paid annual leave.

Where an employee is unable to take their annual leave before they start the SPL, or where SPL is close to or overlaps with the end of the annual leave year to the extent that the employee cannot take all of their annual leave, an exception should be made to carry over policies to allow the employee to take the leave that they would otherwise lose in the next year.

## Pension

Pension contributions will continue to be made during any period when the employee is receiving ShPP. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had they not gone on SPL.

During periods of unpaid SPL the employee will only pay contributions if they choose to. They have 30 days from returning to decide and the cost is their normal contribution rate of the



last pay they received. If they choose not to, they will not build up any membership for this period, and this will affect their pension benefits.

## Other Information

### **Contractual position**

During the period of shared parental leave, the employee's contract of employment continues in force, except for normal salary.

### **Contact during shared parental leave**

Shortly before an employee's SPL starts, the line manager will discuss the arrangements for the employee to keep in touch during the leave, should the employee wish to do so.

The Trust reserves the right in any event to maintain reasonable contact with the employee from time to time during their 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 the employee on developments at work during their absence.

### **"Shared Parental Leave In Touch" days**

An employee can agree to work (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week.

These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

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

The employee is under no obligation to work during their SPL and should not suffer any detriment by refusing to work, nor do they have any right to request or undertake work and each request will be judged on its own merit in agreement with the line manager. However, as the purpose of keeping in touch days is to assist the employee in their return to work it is unlikely that a request would be refused.

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

The employee will have been formally advised in writing of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify their line manager otherwise. If they are unable to attend work due to sickness or injury, the

Trust's normal arrangements for sickness absence and pay will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

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

### **Rights on and after return to work**

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

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

## **Additional Arrangements for Family Support**

### **Parental Leave**

Parental leave is a statutory right to take unpaid time off work to look after a child or make arrangements for the child's welfare. Parents can use it to spend more time with children and strike a better balance between their work and family commitments. The right also applies to adoptive parents.

#### **Who is Eligible?**

An employee who has one year's continuous service by the time the parental leave is taken is entitled to 18 weeks' unpaid leave. In order to qualify for this leave, the employee must be able to show that they have parental responsibility for a child under the age of 18, and that the leave is being taken for the purpose of caring for the child. It covers:

- The mother of the child
- The father of the child if married to the mother at the time of the birth or if unmarried, is registered as the child's father
- A step parent who has acquired parental responsibility for their spouse or civil partner's child by means of an agreement with the child's natural parents
- A guardian appointed under Section 5 of the Children Act 1989
- Adoptive parents (from the date of placement of the child)

There is no requirement for the parent to live with the child as long as he or she has parental responsibility.

### **Birth or adoption of more than one child**

In the case of multiple births or the adoption of more than one child as part of the same placement, the employee has the right to take parental leave in respect of each child. Therefore in the event of twins being born, each parent would be entitled to take a total of 36 weeks' parental leave up to the twins 18th birthday.

### **Definition of a week**

A week is defined as follows:

- Where an employee's working pattern does not vary, a week is the period which he/she normally works
- Where the working pattern normally varies from week to week or over a longer period, or if the employee is normally required to work in some weeks and not others, a week is the total of all periods in which he/she works, divided by 52

### **Leave Entitlement**

The maximum amount of parental leave that may be taken in any one year is 4 weeks.

Employees may only take 4 weeks' parental leave for each child during a particular year, beginning on the date upon which the employee becomes entitled to the qualification period. Employees can only take parental leave in blocks or multiples of a week. If the employee takes leave for a shorter period than a week it shall be counted as a week's leave.

The parents of a disabled child may take parental leave in multiples or blocks of a single day.

If the employee meets the qualifying conditions and gives the required notice, the employee is entitled to take the leave. It cannot be refused, see postponement. leave.

### **Notification**

In general an employee is required to give at least 21 days notice, specifying when the leave is to begin and end.

If the leave is to be taken by a father immediately after a child is born the notice must specify the expected week of childbirth, the amount of parental leave to be taken and be given at least 21 days before the beginning of the expected week of childbirth (see also paternity leave).

If leave is to be taken immediately after a child is placed for adoption the notice must specify the expected week of placement, the amount of parental leave to be taken and be given at least 21 days before the expected week of placement, or as soon as is reasonably practical (see also Paternity leave and Adoption Leave).

Evidence of employee responsibilities

The employer may request reasonable evidence, which may take the form of:

- Sight of the child's birth certificate in order to ascertain the child's age;
- Sight of a certificate of adoption
- Evidence of the child's entitlement to a Disability Living Allowance in relation to a disabled child; or
- Signed declaration from the employee that the purpose of the leave is to care for the child

### **Postponement of leave**

The Trust has the power to postpone leave for up to six months if it can be demonstrated that to take the leave at a particular time would be "unduly disruptive". An example of this would be leave taken during the run up to and sitting of exams. However if the leave is to be taken immediately after a child is born or placed for adoption (subject to the notice provision) the Trust may not postpone the leave.

If the postponement is to be enacted, the Trust will notify the employee, in writing, within seven days of the request for leave, stating the reason for the postponement. In addition, the Trust will agree to grant the leave within a period of six months and suggest, in writing, the date upon which the leave may taken after consulting with the employee. If an agreement cannot be reached after consultation the Trust will determine the appropriate dates.

If the postponement takes the leave past the child's 18th birthday, the leave can be taken after the birthday.

### **New Employees to the Trust**

Parental Leave applies to each child and not an individual employee's job.

A new employee to the Trust must be continuously employed for one year before they can take parental leave and the parental leave they took at their previous employer must be deducted. E.g. the employee spent 10 weeks of their 18 week entitlement at their last employer, so after one year's service they have 8 weeks to take at GMAT, if eligible, i.e. the child does not pass the age of eighteen.

### **Time off for Family Emergencies**

Also referred to as time off for dependants, this is a statutory right allowing employees to take reasonable unpaid time off work\* to deal with certain unexpected or sudden emergencies and to make any necessary longer term arrangements. The emergency must involve a dependant of the employee.

\*In some circumstances, the Trust has paid time off for certain situations referred to as Carers and Bereavement leave. This is covered later in this section.

### **Qualifying for time off for family emergencies**

The right to unpaid\* time off described in the following paragraphs applies to all employees, including employees on fixed-term and temporary contracts but not casual staff, agency workers or consultants. Employees are entitled to this right from day one of starting their job.

### **Circumstances under which an employee can take time off:**

The right enables employees to take action which is necessary:

- 1) If a dependant falls ill, or has been injured or assaulted
- 2) When a dependant is having a baby
- 3) To make longer term care arrangements for a dependant who is ill or injured
- 4) To deal with the death of a dependant
- 5) To deal with unexpected disruption or breakdown of care arrangements for a dependant
- 6) To deal with an unexpected incident involving the employee's child during Academy hours

The illness or injury need not necessarily be serious or life-threatening, and would include both mental and physical illness. The illness or injury may be a result of a deterioration of an existing condition; for example, a dependant may be suffering from a nervous condition; he or she may not require full time care but there may be occasions when his or her condition deteriorates, and his or her partner or parent needs to take time off work.

In cases where a dependant has been assaulted and there has been no injury, the right to time off also applies where the dependant is distressed; for example, where a dependant is a victim of a mugging incident but has not been physically hurt, the employee should be able to take time off work to comfort or help the victim.

### **Definition of Dependant**

A dependant is the husband, wife or partner, child or parent of the employee. It also includes someone who lives in the same household as a member of the family. For example, this could be an elderly aunt or grandparent who lives in the household. It does not include tenants or boarders living in the family home, or someone who lives in the household as an employee, such as a live-in nanny.

In cases of illness, injury or where care arrangements break down, a dependant may also be someone who reasonably relies on the employee for assistance. This may be where the employee is the primary carer or is the only person who can help in an emergency; for example, an aunt who lives nearby who the employee looks after outside work falls ill unexpectedly, or an elderly neighbour living alone who falls and breaks a leg.

### **Unexpected unavailability of child-minder**

Unpaid time off can be taken under this right in the unexpected absence of the normal carer of the dependant; for example a child-minder or homecare worker may fail to turn up as arranged.

### **Child involved in a school incident**

An employee can take unpaid time off to deal with a serious incident involving his/her child during Academy hours. For example, if the child has been involved in a fight, is distressed, has been injured on a school trip or is being suspended from school.

## **Longer term care arrangements**

Where a dependant needs to be cared for because of an illness or injury, the employee can take time off work to arrange alternative longer term care arrangements. This might mean making arrangements to employ a temporary carer or taking a sick child to stay with relatives.

## **Entitlement for both parents to take time off**

There may be times when both parents want to take time off work under this right and it may be reasonable, or even necessary, for them to do so.

A common sense approach will be adopted depending on the circumstances of the situation.

Both parents may need to take time off if their child has had a serious accident, but it is unlikely to be necessary for both parents to be absent from work if their child-minder fails to turn up.

## **Notification**

It is not necessary to give the notice in writing.

Employees need to tell their line manager as soon as practicable, the reason for their absence and how long they expect to be away from work.

There may be exceptional circumstances where an employee returns to work before it was possible to contact the line manager but he/she should still tell the manager the reason for the absence on returning.

## **Evidence**

There is no statutory requirement for employees to produce evidence, either of the actual incident or their relationship to a dependant for requests for unpaid leave.

However, employees who take time off for reasons other than those stated above, or make fraudulent claims in relation to their time off will be subject to disciplinary action.

## **Paid Special leave for Family Support**

The Trust will give paid time off in the following circumstances to an employee with at least 26 weeks continuous service at Greater Manchester Academies Trust.

The Trust aims to support employees with paid time off to deal with unexpected and emergency situations with the reasonable expectation that the employee will make every effort to return to work as soon as possible.

## **Carers Leave**

Where a close relative falls ill, either very suddenly or progressively to the extent that they rely entirely on the employee for daily care and living needs e.g. very sick child, very sick relative or terminally ill relative.

Up to 5 days paid special leave per year can be agreed by the Principal to allow the employee to provide immediate care for the dependant relative and to make arrangements for the future care of the dependant relative.

The illness of the relative must be covered by the production of a Doctor's sickness certificate on request.

When considering such requests, the Principal will take account of the availability of other carers within the family unit and the amount of uncommitted holiday entitlement held by the employee making the request.

The time off can be supplemented by unpaid leave where appropriate.

## **Bereavement Leave**

Following the bereavement of a dependant, an employee can take unpaid time off to make funeral arrangements, as well as to attend a funeral. If the funeral is overseas, then the Trust and the employee will need to agree a length of absence, which is reasonable in the circumstances.

However the Trust will give paid time off in cases of bereavement as follows.

The Principal can agree up to 5 days paid bereavement leave following the death of a close relative.

The following guidance is offered in relation to the amount of leave agreed but it is emphasised that each case will be considered on its merits, taking account of factors such as the existence of other relatives to assist with funeral arrangements, the closeness of the family member and relationship (e.g. employee raised by the grandmother) and the circumstances of the bereavement etc.

In the case of a close relative:

- Up to 1 day might be agreed to attend the funeral of an aunt, uncle, cousin, brother/sister-in-law, spouse's/partner's close relative.
- Up to 2 days paid leave might be agreed in the event of the death of a brother, sister, grandchild, grandparent (this might include the funeral).
- Up to 5 days paid leave might be granted in the event of the death of an immediate relative e.g. mother, father, husband, wife, partner, son or daughter (including step children)

Any requests for paid bereavement leave will need to be agreed by the Principal, usually in advance of the time off being taken. The Principal will consider requests for paid bereavement leave taking account of the particular circumstances of the request and the amount of annual leave the employee has available.