



London Borough  
of Hounslow

# Family Leave Policy and Guidance for School Based Employees

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## SECTION 1 PURPOSE AND SCOPE

- 1.1 The London Borough of Hounslow and its schools recognise that leave for family reasons can sometimes be a financially challenging time and wants to support all employees and provide them with options which will allow employees to plan ahead as best possible.
- 1.2 The purpose of this policy is to:
- outline the London Borough of Hounslow enhanced provisions in respect of Maternity, Adoption and Paternity pay and leave which are over and above the provisions set out within the Conditions of Service for School teachers in England and Wales (The Burgundy Book) and the NJC for Local Government Services National Agreement on Pay and Conditions of Service (The Green Book).
  - assist with the management of leave for those who are pregnant or, seeking to adopt a child, or planning to take surrogacy, paternity or shared parental leave.
  - provide information about statutory rights.
  - provide information about additional benefits the school provides in addition to its statutory obligations.
- 1.3 The term 'Governing Board' refers to appropriate bodies in all schools, including academies and free schools whose staff are on Teacher or NJC terms and conditions.
- 1.4 These provisions comply with the relevant legislation for maternity leave, adoption, paternity leave and surrogacy leave and it expands this further in line with the London Borough of Hounslow provisions for employees where appropriate.
- 1.5 These provisions apply to all relevant employees regardless of the number of hours worked per week, subject to any qualifying conditions required by statutory regulations.
- 1.6 This policy applies to all teaching employees of the school who are contracted to work under Teacher's Conditions of Service (Burgundy Book) and all non – teaching employees of the school who are covered by NJC for Local Government Services National Agreement on Pay and Conditions of Service (The Green Book).
- 1.7 For the purpose of this policy, employees are as defined in section 230 of the Employment Rights Act 1996 or any substituting or amending legislation.
- 1.8 Employees should **not** undertake other paid employment during the periods for which they are being paid Maternity, Paternity, Adoption or Shared Parental Leave Pay.

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## SECTION 2. MATERNITY LEAVE AND PAY

- 2.1 Under the London Borough of Hounslow Enhanced provision, there is no qualifying service required to take maternity leave or to receive occupational maternity pay.
- 2.2 Entitlement to Statutory Maternity Pay remains subject to the qualifying periods set out by legislation.
- 2.3 A maximum of 52 weeks' maternity leave can be taken.
- 2.4 An employee is entitled to take only one period of maternity leave at a time. This includes cases of multiple births, i.e., twins.
- 2.5 Maternity leave can commence no earlier than the beginning of the 11<sup>th</sup> week before the expected week of childbirth or from the day following childbirth if that is earlier.
- 2.6 An employee is prevented by legislation from carrying out any work (including Keeping In Touch days – see paragraph 2.68 – 2.72) in the **first two weeks after the birth** of their baby (compulsory maternity leave).
- 2.7 Maternity pay **will** start on the day that maternity leave commences.
- 2.8 Tax, national insurance and employee pension contributions are deducted from maternity pay.
- 2.9 Any salary increments which occur while an employee is on maternity leave will affect the amount of statutory or occupational pay received.

### Maternity Allowance

- 2.10 Maternity allowance is a Department for Work and Pensions benefit that **may** be paid to employees who don't qualify for statutory maternity pay. **NB: the receipt of the enhanced Occupational Maternity Pay will disqualify employees from the payment of Maternity Allowance.**
- 2.11 Maternity allowance is paid for up to 39 weeks.
- 2.12 Employees can start to claim the allowance from week 26 of their pregnancy, but the earliest they will receive payment is 11 weeks before the baby is due.
- 2.13 Employees may still qualify if the baby is either:
  - stillborn from the start of the 24th week of pregnancy
  - born alive at any point during the pregnancy.

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## Statutory Maternity Pay

- 2.14 To be eligible for Statutory Maternity Pay (SMP) an employee must have been continuously employed by the school or a local authority for at least 26 weeks into the 15<sup>th</sup> week before the expected week of childbirth (the 'qualifying week') and be earning, before tax, an amount above the Lower Earnings Limit.
- 2.15 SMP is paid as follows:
- First 6 weeks at 90% of average weekly earnings with no upper limit
  - Remainder of the statutory maternity leave period (up to 33 weeks) at the standard rate or a rate equal to 90% of average weekly earnings, whichever is lower.
- 2.16 SMP will be offset against any payment made at the full rate.
- 2.17 An employee will continue to be entitled to statutory maternity pay even if their contract of employment with the school is terminated. This will be dependent upon their employment with the school continuing into the qualifying week.
- 2.18 Where an employee does not meet the eligibility criteria to receive Statutory Maternity Pay, they will still receive 28 weeks full Occupational Maternity Pay as set out below.

## Occupational Maternity Pay – Hounslow Enhanced Provisions

- 2.19 Employees are entitled to Occupational Maternity Pay (OMP) as follows:

Teaching Staff	Support Staff
<p><b>Option 1:</b></p> <p>28 weeks full pay (this includes any Statutory Maternity Pay if employee meets the eligibility criteria)  <b>plus</b>            11 weeks at the standard rate of Statutory Maternity Pay if eligible to receive SMP.</p> <p><b>OR</b></p> <p><b>Option 2:</b></p> <p>14 weeks full pay (this includes any Statutory Maternity Pay where eligible)  <b>plus</b>            28 weeks half pay (this includes any Statutory Maternity Pay where eligible)</p>	<p><b>Option 1:</b></p> <p>28 weeks full pay (this includes any Statutory Maternity Pay if employee meets the eligibility criteria)  <b>plus</b>            11 weeks at the standard rate of Statutory Maternity Pay if eligible to receive SMP.</p> <p><b>OR</b></p> <p><b>Option 2:</b></p> <p>14 weeks full pay (this includes any Statutory Maternity Pay where eligible)  <b>plus</b>            28 weeks half pay (this includes any Statutory Maternity Pay where eligible)</p>

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The subsequent obligation for the employee is to return to their post for at least 13 weeks (this includes periods of school closure). This is a qualifying condition for occupational maternity pay or adoption pay. This requirement may be reduced at the discretion of the school.

Where an employee returns to work on a part time basis the period of employment required to retain occupational maternity pay/ occupational adoption pay is increased proportionally.

*For example, an employee who was full time prior to commencing maternity leave but returns to work on a 0.5 basis would have to work a minimum qualifying period of 26 weeks.*

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*For example, an employee who was full time prior to commencing maternity leave but returns to work on a 0.5 basis would have to work a minimum qualifying period of 26 weeks.*

2.20 If the employee does not return to work having initially declared a wish to retain the right of return, they will be required to refund any OMP payments made after the sixth week of the paid leave. SMP payments do not need to be refunded.

2.21 Where applicable, an employee will continue to accrue annual leave in the normal way.

### Notification of Maternity Leave

2.22 By the end of the 15<sup>th</sup> week (**the qualifying week**) before the expected date of childbirth (or as soon as is reasonably practicable) an employee must provide formal written notification of her pregnancy including the date on which her baby is due and the date on which she would like her maternity leave to start.

2.23 The employee must complete the Maternity Leave and Pay Options form and return this to the Headteacher or relevant line manager along with the MATB1 form. The school is then required to provide copies of this to payroll.

### Acknowledgement of Notification of Intention to take Leave

2.24 Within 28 days of receipt of the notification to the school, the employee will be written to confirming their leave entitlement and informing them of the date on which they are expected to return to work if this leave is taken in full.

### Changing the Date of Leave

2.25 Should an employee wish to bring forward or postpone their leave they must inform their line manager/Headteacher in writing at least 28 days before the new start date or as soon as is reasonably practicable. Payroll must be informed of any change of date at the earliest opportunity.

2.26 Where a baby is born early, the employee must inform the school as soon as is reasonably practicable. The school will then advise payroll of this.

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## Maternity Risk Assessment

- 2.27 The Headteacher/line manager must ensure that a risk assessment of the working environment is carried out to identify any potential risks to a pregnant employee. Any identified risks should be removed, or if this is not possible, alternative temporary working arrangements made.
- 2.28 If it is not possible to alter the employee's working conditions to remove the identified risk, and there is no suitable alternative work available, the employee may be suspended from work on maternity grounds until such time as there is no longer a risk, or they go on maternity leave.
- 2.29 This suspension does not affect an employee's statutory or contractual rights. The employee will be entitled to normal salary and contractual benefits during the suspension unless they have unreasonably refused an offer of suitable alternative employment.

See **Appendix B** for a template risk assessment.

## Pregnancy Related Health and Safety Implications

- 2.30 Where an employee is absent from work with a **pregnancy related illness**, they will receive sick pay in accordance with the sick pay allowance until either they are well enough to return to work or their maternity leave commences.
- 2.31 Pregnancy related illness is excluded from the Schools' Managing Absence and Employee Health Policy, but in line with the general ethos of the policy employees will be supported through their illness and absence from work.
- 2.32 ***Please note: Maternity leave will be automatically triggered by pregnancy related illness in the 4 weeks prior to the expected date of confinement.***
- 2.33 Where an employee is intending to breastfeed at work, the school must carry out a risk assessment to identify any potential risks to the mother or baby and consider the provision of suitable accommodation and facilities. This does not include the provision of nursery or crèche facilities.

See [www.hse.gov.uk](http://www.hse.gov.uk) for more information.

## Provision for Ante-Natal Care

- 2.34 All pregnant employees are entitled to take paid time off work for antenatal care and **are not expected to make this time up.**
- 2.35 Antenatal care may include relaxation and parent craft classes that the employee's doctor or midwife has advised her to attend, in addition to medical examinations.
- 2.36 The employee must produce evidence of appointments if requested to do so by the Headteacher, or relevant line manager.
- 2.37 The employee should endeavour to give the Headteacher or relevant line manager as much notice as possible of antenatal appointments and, **wherever possible**, try to arrange them as close to the start or end of the working day as possible.
- 2.38 The father/secondary parent of the child will also be entitled to take **unpaid** time off to attend antenatal care appointments for two sessions. To arrange this, an appointment card or letter must be presented to the Headteacher or relevant line manager.

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## Stillbirths, Miscarriages and Terminations

- 2.39 In the case of a stillbirth or miscarriage, an employee retains their entitlement to leave and pay if this occurs 24 weeks or more into the pregnancy. A stillbirth or miscarriage prior to this date means that the employee will not have the right to maternity leave or pay. The employee will however, be entitled to sick pay. An employee who gives birth to a live baby is entitled to maternity leave, regardless of the point at which the baby is born. This applies even if the baby only lives for a short period of time.
- 2.40 It is important for managers to be supportive of employee's during this stressful time. If necessary, and if the employee wishes, arrangements can be made for the employee to seek free confidential advice and counselling via the Schools' Employee Assistance Programme.
- 2.41 It is important to note, that women who have had a termination of pregnancy, for whatever reason, may also experience a variety of emotions and require additional support.
- 2.42 Further information and support may be obtained via: [www.sands.org.uk](http://www.sands.org.uk)  
[www.miscarriageassociation.org.uk](http://www.miscarriageassociation.org.uk)

## Premature Birth

- 2.43 If, at any point during their pregnancy, an employee gives birth to a living child, even in cases where a child subsequently passes away, they will be entitled to Maternity Leave, Statutory Maternity Pay or Occupational Maternity Pay in the usual way.
- 2.44 If an employee gives birth prematurely and they had not started their maternity leave, then maternity leave will start on the day **after** the birth. ***There is no flexibility over the start of this leave as it is compulsory to be off work for the first two weeks following childbirth.***
- 2.45 It is important that employees notify the Headteacher or a relevant line manager of the premature birth so that the necessary arrangements can be made by payroll.
- 2.46 A baby is born prematurely if it is born alive before 37 weeks of pregnancy are completed.

## Supporting employees dealing with premature birth

- 2.47 A premature birth is a stressful experience for a new parent and additional support from the school's management will be required. It is therefore important that the line manager acknowledges the birth of the baby and approaches all conversations regarding the situation with compassion and sensitivity.
- 2.8 During this difficult time, those who manage staff are asked to:
- Ensure that employees have provided the documents required to commence their maternity leave payments. In the circumstances the employee may have forgotten. If this is the case remind the employee of the requirements to ensure that statutory and occupational maternity payments can commence as quickly as possible after the birth.
  - Discuss the best method of and regularity of contact with the employee or their nominated representative during this time. It may be that the employee would initially prefer to be left alone, if so this should be respected.
  - Agree with the employee what information they would like to be conveyed to their colleagues about the situation.

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- Understand that parents of premature babies are likely to experience a range of emotions caused by their babies' health; these can include anxiety, depression, isolation, stress and fear.
- Remind the employee of the Employee Assistance Programme which offers free confidential advice and counselling and provide them with the contact details.

## Premature Baby Leave

- 2.49 Premature Baby Leave (PBL) is additional leave the employee receives if a baby is born before 37 weeks of pregnancy.
- 2.50 PBL is calculated for each day between the date of the baby's premature birth and the expected due date.
- 2.51 The period of PBL (the number of days between the baby's date of birth and their due date) will be added to the end of the employee's maternity leave period.

## Premature Baby Pay

- 2.52 Premature Baby Pay (PBP) will be paid at the employee's **full rate of pay** and will be made at the beginning of the maternity leave i.e., at the baby's date of birth, and will coincide with the employee's receipt of Statutory Maternity Pay (SMP).
- 2.53 The PBP will be offset against statutory payments.
- 2.54 Payment of Occupational Maternity Pay (OMP) will not begin until the PBP has ended i.e., the baby's notified due date. Entitlement to PBP/L is not dependent on an employee's entitlement to SMP/OMP.
- 2.55 If an employee has requested to take Shared Parental Leave within 8 weeks of the date of birth of a baby and this changes due to a premature birth, they are not required to provide a further 8 weeks' notice to vary the start of the Shared Parental Leave. Employees should inform the Headteacher as soon as is practicable after the birth of the premature baby and advise them of the updated dates of the Shared Parental Leave.
- 2.56 If a baby is born more than 8 weeks before the due date and the employee has not yet given notice of an intention to take Shared Parental Leave, they should contact the Headteacher and give notice as soon as is practicable to do so of their intention to request and take Shared Parental Leave.

## Smallest Things

- 2.57 [The Smallest Things](http://www.thesmallestthings.org) is a charity that campaigns for premature babies and their families.
- 2.58 Both the school and the London Borough of Hounslow support the aims of the Smallest Things campaign and recognise the special needs of premature babies' parents through the provision of premature baby leave and pay.

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## Annual Leave

### Teachers

- 2.59 Teachers do not have a contractual entitlement to annual leave, but they are entitled to 28 days statutory holiday including bank holidays, under the Working Time (Amendments) Regulations 2007.
- 2.60 The entitlement to statutory holiday is not an additional entitlement on top of the current school closure arrangements.
- 2.61 Any holiday accrued during a period of Maternity/Adoption/Shared Parental Leave must be offset against any periods of school closure as there are more periods of school closure in relation to the number of statutory holidays, hence removing the need for any adjustment to salary.

### Non -Teaching staff

- 2.62 Employees will continue to accrue rights to annual leave during periods of Maternity/Adoption /Paternity/Shared Parental Leave periods and will be able to take day(s) in lieu (pro-rata for part timers) for any Bank Holidays that occur during these periods.
- 2.63 An employee should discuss when their leave can be taken with their line manager before a period of absence begins.
- 2.64 In the case of Non-teaching staff who are employed on term time only contracts, any annual leave accrued during periods of maternity, paternity or adoption leave must be taken during school closure periods.
- 2.65 non-teaching staff who are employed on full time all year-round contracts should where possible take any outstanding accrued annual leave during the leave year within which it has been accrued.
- 2.66 Any remaining accrued annual leave should be taken at the end of the maternity leave period **unless otherwise agreed with the Headteacher prior to the return to work.**

## Keeping in Touch Days

- 2.67 An employee on maternity or adoption leave is able to work for up to **10 days** during their period of leave without losing any maternity or adoption pay and without bringing their leave to an end.
- 2.68 **For record keeping purposes working for part of a day will count as one day.** Work is defined as “any work done under the contract of employment and may include training, or any activity undertaken for the purposes of keeping in touch with the school”.
- 2.69 Such days could include staff or team meetings, occasional days of work etc. and should, **where possible**, be agreed in advance by the line manager and employee before the employee goes on leave.
- 2.70 **Please note: An employee will be paid for the hours actually worked on a KIT Day, even though, for record keeping purposes, any part of a day worked will count as one day.**
- 2.71 KIT days are not compulsory.
- 2.72 KIT days are paid at the employee’s basic contractual pay rate:
- 2.73 Teachers will be paid at a rate of 1/365 of the current annual salary, less any Statutory Maternity Pay or Occupational Maternity Pay.

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2.74 Non-teaching employees will be paid at a rate of 1/260<sup>th</sup> of the current annual salary.

## Reasonable Contact

- 2.75 In addition to the provision for KIT days there may be reasonable contact between the line manager and employee during the employee's leave. This contact does not count as work and does not bring the maternity leave period to an end.
- 2.76 Such contact could include receiving team briefings, in-house magazines, information on departmental or organisational changes, information on job vacancies and training opportunities, phone calls etc.
- 2.77 The level of contact and how it takes place should be agreed by the line manager and the employee before the employee takes their leave.
- 2.78 In some instances, changing circumstances in the school could mean additional contact may be necessary to ensure that adequate involvement and consultation on key issues takes place.

## Returning to Work

- 2.79 An employee who takes the full 52 weeks' maternity or adoption leave entitlement, or from parental leave is expected to return to work on the date previously confirmed to them by HR/payroll unless they notify the School/Headteacher otherwise. If they are unable to return because of sickness or injury the School's Managing Absence and Employee Health policy will apply.
- 2.80 Where an employee returns to work at the end of the first 26 weeks' maternity or adoption leave (ordinary leave) they have the right to return to their **original job on the same terms and conditions** as if they had not been away.
- 2.81 Where an employee returns to work after a period of additional maternity or adoption leave (weeks 27 – 52 of maternity leave) they are entitled to return to their **original job or, if this is not reasonably practical, to a suitable job on terms and conditions of employment at least as favourable as those of the original job.**
- 2.82 On returning to work an employee is entitled to benefit from any salary increases or improvements to terms and conditions which may have been introduced while they were on leave.
- 2.83 Where an employee would like to change the date of their return, they must provide **a minimum of 28 days' notice** of their intention to return to work in writing.

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## Phased Return

- 2.84 An employee may **request** to return to work from maternity or adoption leave on a phased return basis. **Appendix C**. Any request must be made and determined before the employee returns from maternity or adoption leave.
- 2.85 The employee must make their request to their Headteacher who will consider each case taking into account the needs of the business and the employee's wishes. A phased return will **only** be agreed where this can be accommodated within the needs of the service.
- 2.86 Where a phased return is agreed, the terms will be as follows:
- The period of the phased return is a maximum of a term.
  - The revised working hours must be at least 18 hours per week, or at least half of the employee's contracted hours if they are working less than full time.
  - The number of hours worked must increase to the original contractual hours over the course of the term.
- 2.87 During any period of phased return, pay and annual leave entitlement is pro-rated according to the number of hours worked per week.

## Flexible Working

- 2.88 An employee is entitled to **request** flexible working in accordance with the flexible working procedure.
- 2.89 Employees are eligible to make up to **two** statutory requests for flexible working in a 12-month period.
- 2.90 Any request that is made and accepted will be a permanent change to the employee's contractual terms and conditions, unless agreed otherwise. **Please refer to the Flexible Working Policy and Procedure**
- 2.91 A request for flexible working on the return from a period of Maternity or Adoption Leave can be refused if there are sound organisational reasons.

## Resignation

- 2.92 If an employee decides not to exercise their right to return to work following their maternity or adoption leave, they are effectively resigning and must give the required contractual notice, including teacher resignation dates.

## Redundancy

- 2.93 Employees who are away from work due to maternity/adoption leave must be included in any redundancy consultation process and have the right to be offered first refusal for any suitable posts for a protected period.
- 2.94 An employee is protected by statute against being subjected to any detriment and/or dismissal because of pregnancy (or any reason connected with pregnancy) or from taking or intending to take maternity or adoption leave.

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## SECTION 3. ADOPTION LEAVE

- 3.1 Employees who are matched with a child for adoption by an approved adoption agency or are one of a couple who have been jointly matched with a child for adoption, are entitled to adoption leave and pay in accordance with this policy.
- 3.2 Adoption Leave is available if the employee is adopting from the UK or a recognised overseas adoption agency and if you have obtained an adoption certificate. Adoption Leave and Pay is only available for newly matched parents (i.e., not for a stepparent who is adopting a partner's children).
- 3.3 The right to adoption leave and pay is only available to one member of a couple who have had a child placed with them for adoption. Adoptive parents must decide which of them takes this entitlement. The partner of an individual who adopts, or the other member of a couple who are adopting jointly, may qualify for other leave entitlements.
- 3.4 There is no qualifying service required to take Occupational Adoption Leave.
- 3.5 A maximum of 52 weeks' adoption leave can be taken.
- 3.6 An employee is entitled to only one period of adoption leave at a time, irrespective as to whether more than one child is placed.
- 3.7 An employee's adoption leave can start from the date on which the child is expected to be placed with them, or from a specific date up to 14 days before this date.

### Provision for time off to attend Adoption appointments

- 3.8 Prospective adoptive parents have the right to time off for the purpose of having contact with the child or to attend adoption appointments and **will not be expected to make this time up**.
- 3.9 The main adopter will be able to take paid time off for up to five adoption appointments.
- 3.10 The secondary adopter will be entitled to take unpaid time off for up to two appointments.

### Adoption Pay

- 3.11 Adoption pay will commence on the day that the adoption leave commences.
- 3.12 Tax, national insurance and employee pension contributions are deducted from adoption pay.
- 3.13 Any salary increments which occur while an employee is on adoption leave will affect the amount of statutory or occupational pay received.

### Statutory Adoption Pay

- 3.14 To be eligible for Statutory Adoption Pay (SAP) an employee must have at least 26 weeks' continuous service with the school and/or a local authority at the end of the week in which they are notified of being matched with the child for adoption and be earning an amount equal to or above the Lower Earnings Limit.

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3.15 Statutory Adoption Pay (SAP) is paid as follows:

- First 6 weeks at 90% of weekly earnings with no upper limit
- Remainder of the statutory adoption pay period (up to 33 weeks) at the standard rate or a rate equal to 90% of average weekly earnings, whichever is lower.

3.16 The period of SAP remains the same regardless of how many children are placed for adoption as part of the same arrangement.

### Occupational Adoption Pay – Hounslow Enhanced Provisions

3.17 Occupational Adoption Pay (OAP) will be made as follows in line with the London Borough of Hounslow enhanced provisions.

Teaching Staff	Support Staff
<p><b>Option 1:</b> 28 weeks full pay (this includes any Statutory Adoption Pay if employee meets the eligibility criteria) <b>plus</b> 11 weeks at the standard rate of Statutory Adoption Pay if eligible to receive SAP.</p> <p><b>OR</b></p> <p><b>Option 2:</b> 14 weeks full pay (this includes any Adoption Pay where eligible) <b>plus</b> 28 weeks half pay (this includes any Adoption Pay where eligible)</p>	<p><b>Option 1:</b> 28 weeks full pay (this includes any Statutory Adoption Pay if employee meets the eligibility criteria) <b>plus</b> 11 weeks at the standard rate of Statutory Adoption Pay if eligible to receive SAP.</p> <p><b>OR</b></p> <p><b>Option 2:</b> 14 weeks full pay (this includes any Adoption Pay where eligible) <b>plus</b> 28 weeks half pay (this includes any Adoption Pay where eligible)</p>
<p>The subsequent obligation for the employee is to return to their post for at least 13 weeks (this includes periods of school closure). This is a qualifying condition for occupational maternity pay or adoption pay. This requirement may be reduced at the discretion of the school.</p> <p>Where an employee returns to work on a part time basis the period of employment required to retain occupational maternity pay/ occupational adoption pay is increased proportionally.</p>	<p>The subsequent obligation for the employee is to return to their post for at least 13 weeks (this includes periods of school closure). This is a qualifying condition for occupational maternity pay or adoption pay. This requirement may be reduced at the discretion of the school.</p> <p>Where an employee returns to work on a part time basis the period of employment required to retain occupational maternity pay/ occupational adoption pay is increased proportionally.</p>

3.18 If the employee does not return to work having initially declared a wish to retain the right of return, they will be required to refund any OAP payments made after the sixth week of the paid leave. SAP payments do not need to be refunded.

3.19 An employee does not have to repay Statutory Adoption Pay if they do not return to work.

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## Notification of Adoption Leave and Pay.

- 3.20 An employee must provide at least 28 days' written notification to the school as to when they wish their adoption leave to commence and the date on which they expect the child to be placed with them for adoption.
- 3.21 The employee must complete and return the Maternity and Adoption Leave Options Form (**Appendix A**) and attach their matching certificate at least 28 days before the child is due to be placed with them.
- 3.22 In the case of surrogacy adoptions (please see paragraphs 3.26 – 3.30), the employee should attach their parental statutory declaration (or parental order).

## Acknowledgement of Notification of Intention to take Leave.

- 3.23 Within 28 days of receipt of the notification, payroll will write to the employee confirming their leave entitlement and informing them of the date on which they are expected to return to work if this leave is taken in full.

## Changing the Dates of Adoption Leave

- 3.24 Should an employee wish to bring forward or postpone their leave they must inform their line manager in writing at least 28 days before the new start date or as soon as is reasonably practicable. The employee must inform the school of any change of date. The school will then notify payroll.
- 3.25 Where applicable an employee will continue to accrue annual leave whilst on adoption leave in the normal way.

## Surrogacy Leave / Adoption

- 3.26 Where an employee acts as a surrogate mother, all maternity rights apply.
- 3.27 Where an employee becomes the parent of a baby born to a surrogate mother, they, either through Adoption or a Parental Order, will be entitled to Adoption Leave and Pay in accordance with this Policy. This will apply only to surrogate parents for whom a court has made a Parental Order in accordance with s.54 of the Human Fertilisation and Embryology Act 2008 and to parents who intend to make an application for a Parental Order and have completed a parental statutory declaration.
- 3.28 The school will be sympathetic to an employee wishing to take leave to care for the child at or soon after its birth and will therefore allow employees who become the parents of a baby born to a surrogate mother, and who qualify, to take Occupational Adoption Pay and Leave. This is dependent on the employee providing a copy of their parental statutory declaration (or Parental Order) and satisfying the requirements as set out in Section 3.
- 3.29 An employee who fails to provide the necessary documentation may be required to repay the payments made to them as Occupational Adoption Pay.
- 3.30 Surrogate parents can attend a maximum of 2 antenatal appointments, evidence of the appointments must be submitted at the time of requesting the leave of absence.

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## SECTION 4 SHARED PARENTAL LEAVE AND PAY

4.1 Shared Parental Leave (SPL) gives parents greater flexibility in how they care for their child. SPL allows birth mothers to share a portion of maternity leave and pay with their partners to care for children from birth until their first birthday. SPL can also be used by the birth mother alone to allow her to return to work for periods in between periods of SPL or can be used by parents who are adopting or having a baby through surrogacy.

### How Shared Parental Leave Works

- 4.2 The new mother/primary adopter must take two weeks compulsory maternity/adoption leave. This will therefore allow for up to 50 weeks Shared Parental Leave (ShPL) to be shared between both parents. Eligible sets of parents may choose to take ShPL between them, provided that the mother/primary adopter curtails their maternity/adoption leave.
- 4.3 Once maternity or adoption leave has been ended; the mother/primary adoptive parent **cannot** go back on this leave. Should they wish to take further time off work within the remaining 50 weeks available, this must be taken as ShPL.
- 4.4 Unlike maternity/adoption pay which must be taken in one block, ShPL can be taken either in one block, or in shorter continuous periods. Where they are eligible for Shared Parental Pay (ShPP), this will be paid at the current statutory rate only, even in cases where the mother/primary adopter has untaken occupational maternity/adoption pay left to take.
- 4.5 To be eligible for ShPL and ShPP, following the birth or adoption of a child, both parents must:
- Share responsibility for the child at birth/ date of adoption and
  - Meet the work and pay criteria – these are different depending on which parent wants to use the shared parental leave and pay.
- 4.6 It is the responsibility of each of the parents to claim ShPL and ShPP from their respective employers. The employee may share up to 50 weeks of ShPL and up to 37 weeks of ShPP between themselves and their partner.
- 4.7 Both parents are also responsible for demonstrating that they meet the eligibility criteria for ShPL/ShPP to their employers.
- 4.8 Provided that both partners meet the eligibility criteria, they will need to decide how the leave is to be taken between them. The mother/primary adoptive parent must end their maternity/adoption leave early (curtailment) to create ShPL for their partner.
- 4.9 The ShPP and ShPL need to be shared between both partners in the first year after the child is born or placed with the family.
- 4.10 The ShPL can be used to take leave in blocks separated by periods of work or taken it all in one go. The employee may also choose to be off work at the same time together with their partner, or to stagger the leave and pay.
- 4.11 If eligible, the father/partner/secondary adoptive parent may be eligible to take paternity leave within the first 56 days following the birth/placement. If eligible, paternity pay may also be payable for one or two of these weeks. Paternity leave must be taken before the father/partner/second adoptive parent can take ShPL. Once ShPL has been taken, there is no eligibility for paternity leave.
- 4.12 ShPL does not create additional leave for both parents. There is also **no additional entitlement** in the case of multiple births.

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- 4.13 An employee is not eligible for ShPL or ShPP if they started sharing responsibility for the child after they were born/adopted.
- 4.14 If both parents wish to share the ShPL and ShPP, the mother/ primary adopter and their partner must:
- Have been employed continuously by the same employer for at least 26 weeks by the 15<sup>th</sup> week before the EWC end of the week that they were matched with the child.
  - Remain with the same employer whilst the ShPL is taken.
  - Be employees (as per the definition in section 2)
  - Each earn on average £123 per week.
  - If either parent is a 'worker' they may share ShPP but not ShPL. If either parent earns less than £123 per week, they can share ShPL but not ShPP.
- 4.15 To receive ShPP, the mother/ primary adoptive parent must:
- Have average weekly earnings of not less than the lower earnings threshold in the 8 weeks prior to the 15<sup>th</sup> week before the expected week of birth/adoption placement date.
  - Intend to care for the child during each week that ShPP is paid to them.
  - Be absent from work on ShPL during each week that they are being paid ShPP.
  - Receive payment of their regular salary through the PAYE system.
  - Provide notice of their entitlement and intention to take ShPL and receive ShPP at least 8 weeks before the first period of ShPL is to be taken.
  - Their partner must also meet the continuity of employment and earnings test to allow the mother/primary adoptive parent to qualify.
  - Must not be working as a self-employed contractor.
  - ShPP will only be available if the mother/ primary adoptive parent is entitled to receive SMP. If this criterion is not met, they may qualify for ShPL but not ShPP.

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## Making a Request to Take Shared Parental Leave

- 4.16 Shared Parental Leave (ShPL) can be commenced on any day of the week and must be taken in full week blocks. ShPL cannot be taken on separate days.
- 4.17 An employee who wishes to take ShPL must notify the Headteacher in writing of their intention, giving at least 8 weeks' notice, known as the '**curtailment notice**'. The school must then respond to the request in writing no later than **14 days following the date of the request**.
- 4.18 If a mother/ primary adoptive parent returns to work on a date earlier than that stated in the curtailment request, this will not create further ShPP.
- 4.19 If a mother/primary adoptive parent has already received all of their SMP/SAP, but has unpaid maternity/adoption leave remaining, they may still curtail their remaining leave to create ShPL. The ShPL, however, will be unpaid.
- 4.20 If required, a meeting should be held with the employee making a request to take ShPL **within 14 days** of the request being made. ***This is particularly advisable for cases where a request for discontinuous ShPL is to be declined by the school.***
- 4.21 Once a formal request for ShPL has been made and accepted, the amount of ShPL and ShPP for both parents will be calculated by payroll and provided to the employee.
- 4.22 Any subsequent ShPL requests must be made by the employee providing **8 weeks' notice**.
- 4.23 SHPL can be taken using three separate notices to book this leave, provided that the employee remains eligible to do so.

## Giving Notice to take Shared Parental Leave

- 4.24 The mother/ primary adoptive parent will be required to complete the Shared Parental Leave Form (**Appendix D**) when making a request to take ShPL/receive ShPP:
- 4.25 The father/partner/secondary adopter is required to confirm the following information to the school:
  - That they are the second parent.
  - That they confirm that they meet the criteria for the employment and earnings test.
  - That the mother/primary adoptive parent with whom they will be sharing responsibility for care of the child is entitled to Statutory Maternity Pay.
  - That they have given the required notice to their employer to curtail their leave/pay.
  - That at the time of the birth/placement, they will share responsibility for the care of the child with the mother/ main adopter who has requested to take ShPL.
  - That they consent to the mother/ primary adopter's employer receiving this information about themselves.
  - They confirm the number of weeks already taken as maternity/adoption leave by the mother/ primary adoptive parent.

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## Continuous and Discontinuous Shared Parental Leave

- 4.26 When making a request to take ShPL, the employee must specify on their written curtailment whether this will be 'continuous' or 'discontinuous' ShPL (Appendix E).
- 4.27 Continuous ShPL is taken in one block, for example, for 4 weeks or longer.
- 4.28 'Discontinuous' ShPL is taken over a period with breaks in between the leave. For example, the employee would take ShPL, return to work for a period and then take a further spell of ShPL.
- 4.29 Requests for continuous ShPL cannot be declined by the school.
- 4.30 Requests for discontinuous ShPL, **can** be declined by the school if this is due to the exigencies of the service or there are solid business reasons. In such circumstances, the school can request that the employee changes the dates that they wish to take.

## Premature Births

- 4.31 In cases where a birth is eight or more weeks early, an employee wishing to take ShPL is not required to give the required 8 weeks' notice, provided two weeks compulsory maternity leave have been taken. However, as much notice as possible of a request to take ShPL should be given to the school.
- 4.32 In cases of premature births, if an employee changes their ShPL date for this reason, this will not count as one of their three notices to vary ShPL.

## When the employee has more than one employer

- 4.33 In cases where the mother/ primary adoptive parent has more than one employer, they may be eligible for maternity/adoption leave and ShPL from these employers. To take ShPL, the maternity/adoption leave/pay must be curtailed with all employers at the same time to create the ShPL/ShPP.
- 4.34 The number of weeks ShPL created following the curtailment of maternity/adoption leave for all employers is calculated by using the employment which will have the longest absence from work as the reference point.
- 4.35 Example of calculating ShPL when a mother/ primary adopter has more than one employer:

*A mother takes maternity leave from the school, and their second employer. She plans to return to work at the school after 20 weeks' maternity leave. She will return to work with the second employer after 25 weeks. The employment used as the reference point for calculating ShPL will be the 25 weeks' leave being taken from the second employment:*

- 52 weeks maternity leave – 2 weeks' compulsory maternity leave = 50 weeks
- 50 weeks – 25 weeks leave taken from the secondary employment = 25 weeks ShPL created.

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## Working and Maintaining Contact during Shared Parental Leave

- 4.36 The school is entitled to maintain a reasonable level of contact with an employee on maternity, adoption or shared parental leave. The level and frequency of contact should be agreed between the manager and employee before the leave commences.
- 4.37 Both the mother/partner/secondary adoptive parent may work for **up to 20 days each** whilst they are on ShPL. These are known as **'ShPLIT' days**.
- 4.38 ShPLIT days can be taken either as separate days, or in continuous blocks.
- 4.39 If both parents are on ShPL at the same time, they may both take ShPLIT days during the same period of leave.
- 4.40 ShPLIT days are paid at the employee's basic rate of pay. An employee will be paid for the number of hours that they work on a ShPLIT day. This is despite any part of a day worked being logged on the school's payroll/staff attendance systems as a full day for the purpose of record keeping.

## Terms and Conditions of Employment and SHPL

- 4.41 An employee who takes ShPL is entitled to the benefit of their terms and conditions of employment, with the exception of remuneration (wages or salary). This is as per the NJC for Local Government Services National Agreement on Pay and Conditions of Service (The Green Book) and the Conditions of Service for School Teachers in England and Wales (The Burgundy Book).
- 4.42 This includes entitlements in relation to annual leave, the occupational sickness scheme, maternity, and adoption leave and pay and redundancy.
- 4.43 Employees will accrue rights to annual leave and statutory bank holidays during periods of ShPL where appropriate and will be able to take these days in lieu, subject to the agreement of the Headteacher.
- 4.44 Accrued untaken leave will normally be taken at the end of any period of ShPL.
- 4.45 Employees on SHPL will be afforded extra protection from being made redundant. These protections will mirror those for pregnant women or parents on maternity/adoption leave.

## Pensions

- 4.46 For those employees in the Local Government Pension Scheme (LGPS), the school will continue to make employers' pensions contributions during any period of paid ShPL. This will be based on the employee's normal salary, in accordance with the pension scheme rules.
- 4.47 Any employee contributions will be based on the amount of ShPP received. If employees wish to make up any shortfall in their pension contributions, they should contact West Yorkshire Pensions Fund via [www.wypf.org.uk](http://www.wypf.org.uk).
- 4.48 For those employees in the Teacher's Pensions Scheme, SHPL is pensionable provided that the teacher is being paid at least 50% pay or ShPP. Employees should contact Teachers via [www.teacherspensions.co.uk](http://www.teacherspensions.co.uk) if they have queries.

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## Right to Return to Work

- 4.49 Employees are entitled to return to the same job that they had prior to taking ShPL where their total statutory leave (including maternity and adoption leave) does not exceed 26 weeks.
- 4.50 An employee who takes more than 26 weeks statutory leave will be entitled to return to a role **similar** to their previous job with terms and conditions of employment no less favourable.

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## SECTION 5 PATERNITY LEAVE

- 5.1 Paternity Leave is partially a statutory entitlement and partially a local agreement that allows an eligible employee to take up to four weeks' paid leave to care for a new baby or adoptive child and to support the child's mother/ primary carer.
- 5.2 Any absence for premature baby leave will be taken at the time of the birth, and it is expected that the employee will trigger their paternity leave, i.e., combine their Premature Baby Leave (PBL) and paternity leave into one period of absence. In this case PBP (full pay) will be paid to the employee at the beginning of their Paternity Leave period. The period of PBL will be added to the end of their Paternity Leave i.e., after the Occupational and Statutory Paternity Leave entitlement has been exhausted.
- 5.3 In rare cases this arrangement may need to be varied in order to observe the requirement for paternity leave to be taken within 56 days of birth or due date.
- 5.4 Applications for paternity leave must be made on the 'Paternity Form', which can be requested from the school.

### Statutory Paternity Leave (SPL)

- 5.5 Statutory Paternity Leave can be taken as either 1 or 2 weeks' leave. If an employee chooses to take 2 weeks paternity leave, the leave can be taken as individual weeks or together. Employees get the same amount of leave even if they have more than one child (for example, twins).
- 5.6 A week of leave is the same number of days that would normally be worked in a week. For example, if an employee only works on Mondays and Tuesdays, then a week of leave is 2 days.
- 5.7 Paternity Leave cannot start before the birth. It must end within 52 weeks of the birth (or due date if the baby is early).
- 5.8 You must give your employer a minimum of **28 days'** notice if you want to change your start date (where possible).

### Statutory Paternity Pay (SPP)

- 5.9 The statutory weekly rate of Paternity Pay is £184.03, or 90% of your average weekly earnings (whichever is lower).
- 5.10 Paternity Pay will be paid at the normal salary intervals. Tax and National Insurance will be deducted.

### Occupational Paternity Leave – Hounslow Enhanced Provisions

- 5.11 Under the London Borough of Hounslow Paternity Leave arrangements, all employees, whose partners have recently given birth to or adopted a child, are entitled to 4 weeks' Occupational Paternity Leave (OPL).
- 5.12 The first 2 weeks leave must be taken within 56 days of your child's birth or placement. The second 2 weeks leave can be taken at any time within the first year after your child's birth or placement, in agreement with your line manager.
- 5.13 You must take your Paternity Leave in 1 week blocks.

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5.14 To be eligible to take paternity leave an employee must:

- Either be the child's father or be the spouse, partner\* or civil partner (male or female) of the child's mother or be the partner of an individual who is adopting a child, or be a member of a couple adopting jointly where the other member has elected to take adoption leave; and
- Have, or be expected to have, the main responsibility for the child's upbringing (apart from any responsibility of the mother);
- Have submitted the 'Paternity Leave Form' in order to provide formal notification of the date on which they intend to take paternity leave.

**Note:** \* "Partner" in relation to a child's mother, means a person (whether of the same or the opposite sex) who lives with the mother and the child in an enduring family relationship, but is not the mother's father, grandfather, grandmother, sister, brother, aunt or uncle.

## Occupational Paternity Pay – Hounslow Enhanced Provisions

5.15 Paternity Pay is the pay you receive whilst you're off on Paternity Leave.

5.16 Hounslow Paternity Pay is a unique offer, which employees are eligible for from their first day of employment.

5.17 The entitlement is to 4 weeks full pay, which will include any statutory payments.

5.18 Only one period of paternity leave can be taken irrespective of whether more than one child is born as the result of the same pregnancy or is adopted at the same time.

5.19 An employee must provide the Headteacher or relevant line manager with notice of their intention to take paternity leave no later than the end of the 15th week before the week in which the child is expected to be born.

5.20 An employee should give notice by submitting a completed Paternity Leave Form (**Appendix F**) and appropriate supporting documentation.

5.21 The employee must inform their Headteacher or relevant line manager of the date on which the child is actually born / placed for adoption as soon as is reasonably practicable afterwards by providing supporting documentation.

5.22 An employee may change the date on which they intend to start their paternity leave provided they inform their Headteacher of the amended start date at least 28 days before the original date or as soon as is reasonably practicable.

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## SECTION 6 PARENTAL LEAVE

- 6.1 Parental leave is a statutory entitlement to take up to a maximum of 18 weeks' unpaid leave for childcare reasons.
- 6.2 Parental leave taken with a previous employer forms part of the 18 weeks' unpaid parental leave allowance.
- 6.3 An employee may take unpaid parental leave for each of their children, for example, if an employee has two children under the age of 18 they may take 18 weeks' unpaid parental leave in respect of each child.

### Eligibility Criteria

- 6.4 To be eligible to take unpaid parental leave an employee must:
- Be the natural, adoptive, foster, step-parent or grandparent with a significant parenting role of a child aged under 18.
  - Be able to provide proof of the child's date of date, i.e., birth certificate or passport.
  - Be taking leave to care for or to spend some time with their child.
  - Have at least one year's continuous service with the school or a local authority.
- 6.5 Provided the above criteria in paragraph 6.4 are met, an employee may take up to 18 weeks' unpaid parental leave up until the child's 18th birthday.

### Notification of intention to take unpaid parental leave

- 6.6 An employee must complete the parental leave request form (**Appendix G**) to take unpaid parental leave, giving notice of at least 21 days before they wish to take the leave, stating how long they expect the leave to last. This includes giving notification immediately following maternity or adoption leave.
- 6.7 An employee may be required to produce documentary evidence of parenthood or adoption.
- 6.8 Parental leave will not be unreasonably withheld from employees who have not been able to provide the required notice.

### Postponing Parental Leave

- 6.9 The employee's line manager will agree to the employee's request to take unpaid parental leave wherever possible. However, where they feel that the employee's absence from work will cause substantial disruption, they may postpone the leave for up to 3 months.
- 6.10 Before postponing a requested period of unpaid parental leave a manager must first discuss the situation with the employee, agree with them an alternative date for taking the leave and confirm the arrangements in writing within 7 days of the date of the employee's initial request.
- 6.11 An employee taking a period of postponed unpaid parental leave can take the leave in full even if it falls outside the timescale for taking the leave.
- 6.12 Unpaid parental leave cannot be postponed where an employee is taking the leave immediately following maternity leave, adoption leave, surrogacy adoption leave or paternity leave.

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## Timing of Parental Leave

- 6.13 Parental leave must be taken in blocks of one week. The statutory position is that **no more than 4 weeks** in respect of any individual child may be taken during a year.
- 6.14 The School may consider allowing the employee to take the full 18 weeks in one block but this will be at the Headteacher's discretion, taking into account the needs of the school.
- 6.15 Unpaid parental leave cannot be taken as a single day, unless the child has been awarded a disability living allowance.

## Sickness Absence during Parental Leave

- 6.16 Employees who fall sick during a period of unpaid parental leave shall be regarded as being on sick leave if they follow the sickness absence notification procedure. They will be entitled to pay under the sickness scheme and this period will not count towards their unpaid parental leave entitlement provided that a doctor's Fitness for Work note is produced and the employee has followed the correct procedure for reporting sickness.
- 6.17 Statutory annual leave is **not** accrued during unpaid parental leave.

## Right to Return to Work

- 6.18 An employee who takes 4 or fewer weeks' unpaid parental leave is entitled to return to the job in which they were employed before that period of leave began and on the same terms and conditions of employment.
- 6.19 Where an employee takes more than 4 weeks' unpaid parental leave they are entitled to return to their original job or, if this is not reasonably practicable, to a suitable job on terms and conditions of employment at least as favourable as those of the original job.

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## SECTION 7 CARERS LEAVE (Effective from 6 APRIL 2024)

- 7.1 Carer's Leave is a new statutory provision which comes into effect on **6<sup>th</sup> April 2024**.
- 7.2 All London Borough of Hounslow employees will be entitled to **paid** leave to give or arrange care for a 'dependant' who has:
- a physical or mental illness or injury that means they're expected to need care for more than 3 months
  - a disability (as defined in the Equality Act 2010)
  - care needs because of their old age
- 7.3 The dependant does not have to be a family member. It can be anyone who relies on them for care.
- 7.4 Employees are entitled to carer's leave from their first day of employment.
- 7.5 All employment rights are protected during carer's leave.
- 7.6 Employees can take up to **one week** of leave **every 12 months**. A 'week' means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave.
- 7.7 Carer's Leave can either be taken as a whole or as individual full or half days throughout the year.
- 7.8 Employees **MUST** give their employer notice before they want Carer's Leave to start. If the request is for more than one day, the notice period must be at least **twice** as long as the requested leave. For example, if the request is for 2 days, the notice period must be at least 4 days.
- 7.9 The notice period needs to be in full days, even if the request includes half day amounts.
- 7.10 Employees do not need to give evidence of their dependant's care needs.
- 7.11 If employees need to look after someone in an **emergency**, they should be referred to the provisions of the Special Leave Policy.
- 7.12 As an employer, the school cannot refuse a carer's leave request, but you can ask the employee to take it at a different time. You can only do this if the employee's absence would cause serious disruption to the organisation.
- 7.13 In order to delay the request, the school must:
- agree another date within one month of the requested date for the leave
  - put the reason for the delay and new date in writing to the employee within 7 days of the original request, and before the requested start date of the leave
- 7.14 Employees should be asked to complete the Carers Leave Notification Form for the school records. **(Appendix H)**

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## SECTION 8 TERMS AND CONDITIONS OF EMPLOYMENT

- 8.1 Employees are entitled to all contractual benefits, apart from remuneration, during their Maternity, Adoption, Shared Parental Leave and Paternity Leave period.
- 8.2 An employee is entitled to receive non-cash benefits (e.g., use of a bicycle provided via a salary sacrifice scheme) during the maternity or adoption leave period.
- 8.3 The employee's contract of employment remains in force throughout their Maternity, Adoption, Shared Parental Leave and Paternity Leave as follows: -
- The employee is entitled to benefit from the school's implied obligation of trust and confidence.
  - The employee is entitled to receive their contractual notice if their employment is terminated.
  - The employee is entitled to receive a redundancy payment in the event of redundancy.
  - The terms and conditions in the employee's contract of employment relating to disciplinary and grievance procedures will continue to apply.
  - The employee is bound by their implied obligation of good faith to the school.
  - The employee must give the school the notice provided for in their contract if they wish to terminate their employment.

### Continuous Service

- 8.4 The taking of maternity, adoption or parental leave does not constitute a break in service. An employee's service is regarded as continuous for the calculation of annual leave, sickness payment, and redundancy compensation.
- 8.5 Where an employee returns to local government service following a break for maternity reasons, or reasons concerned with caring for children or other dependants, they are entitled, under the terms laid out in the Burgundy Book or under paragraph 14.2 of the Green Book to have previous service taken into account in respect of maternity schemes provided that the break in service does not exceed eight years and that no permanent paid full time employment has intervened.
- 8.6 Under provisions of the Employment Rights Act, employees who transferred under the TUPE Regulations, and subsequently return to local government service, may be entitled to have any continuous service taken into account for maternity and adoption entitlements.

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## SECTION 9 PENSIONS

- 9.1 Where an employee is a member of the Teacher's Pension Scheme or Local Government Pension Scheme, employer pension contributions will continue to be made and employee contributions will continue to be deducted from an employee's maternity, adoption, shared parental or paternity leave pay.
- 9.2 Where an employee takes unpaid parental leave for 30 days or less, pension contributions continue to be made. As a result, there is no break in pensionable service and the employee's pension remains unaffected.
- 9.3 Where an employee takes unpaid parental leave for more than 30 continuous days, pension contributions will be affected.
- 9.4 A Teacher who is intending to take a period of unpaid additional leave should consult the Teachers' Pension Scheme for advice about the possible effects on their pension ([www.teacherspensions.co.uk](http://www.teacherspensions.co.uk)).
- 9.5 Non-Teaching Staff who intend to take a period of unpaid maternity or adoption leave should consult the London Borough of Hounslow's pension administrator: West Yorkshire Pension Fund (WYPF) for advice about the possible effects on their pension. WYPF can be contacted via email at [pensions@wypf.org.uk](mailto:pensions@wypf.org.uk) or by writing to London Borough of Hounslow Pension Fund, West Yorkshire Pension Fund, PO Box 67, Bradford, BD1 1UP.

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## Appendix A - Maternity/Adoption Leave and Pay Options Form

The purpose of this form is to provide the School and Payroll with formal notification of your pregnancy/adoption, the date your baby is due/placed and the date on which you would like your maternity/adoption leave to start. **It is important that you complete the form accurately so that you receive the correct entitlements.**

You must do this at least 15 weeks before your expected due date or at least 28 days before you intend to take Adoption Leave.

For maternity leave, the completed form should be returned with your MATB1 form at least 15 weeks before the day your baby is expected to be born. If taking adoption leave, the completed form should be returned at least 28 days before you intend to take the leave (or as soon as is reasonably practicable) along with a copy of the Adoption matching certificate.

Once submitted, you will be written to within 28 days confirming the details of your Maternity or Adoption Leave and Pay.

For further guidance, please refer to Family Friendly Policy for Schools.

### 1. Personal details

Name	
Payroll Number	
Post	
School	
Employment start date	
Length of continuous service in maintained schools/local government	
Expected week of childbirth	

### 2. Details of the Leave You Wish to Take

#### Maternity Leave

<b><i>I wish to inform you that I am pregnant and intend to take maternity leave as follows:</i></b>	
My last day at work will be:	
I wish to commence my maternity leave on:	
My expected date of childbirth is:	
MATB1 attached	Yes <input type="checkbox"/> No <input type="checkbox"/> <i>Tick relevant box</i>
I intend to return from maternity leave on:	

#### Adoption Leave

<b><i>I wish to inform you that I am adopting a child and intend to take adoption as follows:</i></b>	
My last day at work will be:	
I wish to commence my adoption leave on:	
My expected date of placement is:	
I intend to return from Adoption Leave on:	
I confirm that my partner is not taking adoption leave:	Yes <input type="checkbox"/> No <input type="checkbox"/> <i>Tick relevant box</i>

**Please note that if you have less than 26 weeks' Hounslow service you are not entitled to statutory maternity pay but may be able to claim Maternity Allowance. Payroll will provide you with form SMP1. You should send the form to the Department of Work and Pensions to claim Maternity Allowance (MA). Maternity Allowance is paid for 39 weeks at the lower of a flat weekly rate or a weekly rate equal to 90% of your average earnings, if that is less.**

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### 3. Occupational Maternity/Adoption Pay

The London Borough of Hounslow enhanced occupational maternity/adoption pay gives you the opportunity to choose how you take your Maternity or Adoption Pay.

The two options available are as follows:

- Option 1:**
- 28 weeks full pay (inclusive of any Statutory Pay)
  - 11 weeks at the standard rate of Statutory Maternity Pay

**OR**

- Option 2:**
- 14 weeks full pay (inclusive of any Statutory Pay)
  - 28 weeks half pay (inclusive of any Statutory Pay)

<b>I would like to take my Maternity or Adoption pay (as set out above) as follows:</b>	<b>Option 1</b> <input type="checkbox"/>
	<b>Option 2</b> <input type="checkbox"/>
<b>Confirmation of decision:</b>	<b>I understand that my decision is final and once I have submitted this form, payroll will make arrangements for me to receive my pay as specified above:</b>

If you do not return to work having initially declared a wish to retain the right of return, you will be required to refund any OMP/OAP payments made after the sixth week of the paid leave. Statutory Maternity/Adoption Pay payments do not need to be refunded.

### 4. Declaration

I confirm that I wish to apply for Maternity or Adoption Leave as set out above and that the information I have provided is correct.

<b>Signed:</b>	
<b>Dated:</b>	

<b>For completion by Liberata Staff Only</b>	
<b>Date Received from School</b>	
<b>Date Letter sent to Employee confirming Maternity/Adoption Leave and Pay</b>	
<b>Signed</b>	

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**Appendix B - RISK ASSESSMENT FORM FOR NEW AND EXPECTANT MOTHERS**

<b>School</b>	
<b>Employee Name</b>	
<b>Post Title</b>	
<b>Department (if applicable)</b>	
<b>Employment start date</b>	
<b>Expected date of childbirth</b>	
<b>Date of risk assessment</b>	
<b>Name and job title of person carrying out risk assessment</b>	
<b>Review Date 1</b>	
<b>Review Date 2</b>	

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Risks to new and expectant mothers	Risks identified	Precautions already taken to reduce those risks	Further action necessary (including dates when action will be taken and name of person/people responsible for taking action)
<b>Physical hazards:</b> awkward spaces and workstations Lifting heavy loads Sitting and/or standing for long periods Vibration, noise, radiation			
<b>Chemical hazards:</b> working with hazardous substances (Note a COSHH assessment should already be in place and should be reviewed)			
<b>Biological agents:</b> Infections Follow the adopted Infection Control Procedure at all times			
<b>Working conditions:</b> inadequate facilities (including inadequate rest rooms), excessive working hours unusually stressful work high or low temperatures, lone working working at heights, travelling exposure to violence			
<b>Working with DiShPLay screen equipment</b>  (Note: a DSE assessment should already be in place and should be reviewed)			

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<b>Other identified hazards</b>			
<b>Details of any advice provided by the employee's GP or midwife (written evidence attached)</b>			
<b>Employee's signature</b>			
<b>Date</b>			
<b>Signature of person carrying out risk assessment</b>			
<b>Date</b>			

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## Appendix C – APPLICATION TO RETURN FROM MATERNITY/ADOPTION LEAVE ON A PHASED BASIS

Personal details	
<b>Name:</b>	<b>Payroll number:</b>
<b>School:</b>	
<b>Post:</b>	
<b>Date of intended return from maternity or adoption leave:</b>	

Details of Phased Return request	
Please outline the reason for your request	
What are the current weekly working hours for your post? And what days do you currently work? (i.e., Monday to Friday)	
What weekly hours do you wish to work? (the maximum reduction is to half of your substantive hours)	
What days of the week do you wish to work?	
Over what period do you wish to increase your working hours back to the normal hours for your job (max 3 months)	
Please describe how you think the school can manage the impact of this phased return request:	

Headteacher's Decision	
<input type="checkbox"/> I agree to this phased return request <input type="checkbox"/> I do not agree to this phased return request	
Where the request is not agreed, the reasons are set out below:	
Headteacher's Name:	Date
Headteacher's Signature:	
<b>Please note, the Headteacher's decision is final and there is no right of appeal.</b>	

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## Appendix D - NOTICE OF ENTITLEMENT & INTENTION TO TAKE SHARED PARENTAL LEAVE

This form is to be used by an employee to provide a notice of their entitlement and intention to take shared parental leave. The form also requires completion by the employee's partner.

**You should complete the following sections as appropriate, then ensure that any remaining sections are completed by your partner, as required.**

Section A: To be completed by you, as a Hounslow employee	
Name:	
Job Title:	
School	
Payroll Number	
If you are not an employee of the school, please provide details of your employer	

Section B: Information to be completed by the person taking Maternity Leave or the Primary Carer taking Adoption Leave	
National Insurance number:	
Home Address:	
Maternity or Adoption Leave started/expected to start on:	
Maternity or Adoption Leave expected to end on:	
Child's expected week of birth/date of placement <b>OR</b> date child was born/placed with you:	
The total amount of Shared Parental Leave my partner and I have available is:	
I intend to take the following number of weeks shared parental leave:	
My partner intends to take the following number of weeks shared parental leave:	
I intend to take shared parental leave on the following dates: <b>Please include start and end dates for each period of leave you intend to take.</b>	
The total amount of shared parental pay (if applicable) my partner and I have available is:	
I intend to take the following number of weeks shared parental pay (if applicable):	
My partner intends to take the following number weeks shared parental pay (if applicable)	
I intend to take shared parental pay on the following dates:	

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Section C: Information to be completed by partner	
Name:	
<b>If you are not an employee of the school, please provide details of your employer</b>	
National Insurance number:	
Home Address:	
Partner's Maternity or Adoption Leave started/expected to start on:	
Partner's Maternity or Adoption Leave expected to end on:	
Child's expected week of birth/date of placement OR date child was born/placed with you:	
The total amount of Shared Parental Leave my partner and I have available is:	
I intend to take the following number of weeks' Shared Parental Leave:	
My partner intends to take the following number of weeks' Shared Parental Leave	
I intend to take continuous/discontinuous Shared Parental Leave on the following dates: <b>Please include start and end dates for each period of leave you intend to take.</b>	
The total amount of Shared Parental Pay (if applicable) my partner and I have available is:	
I intend to take the following number of weeks' shared parental pay (if applicable):	
My partner intends to take the following number weeks' Shared Parental Pay (if applicable):	
I intend to take Shared Parental Pay on the following dates:	

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## Section E: Declaration

I confirm that I satisfy/will satisfy the following eligibility requirements to take Shared Parental Leave as follows:

- I have/will have 26 weeks' continuous employment ending with the 15<sup>th</sup> week before the expected week of childbirth and by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the school.
- At the date of the child's birth, I have/will have\* the main responsibility, apart from my partner, for the care of the child
- I am the mother/father\* of the child, or am married to\*, the civil partner\* of, or the partner\* of the mother
- I have complied with the maternity leave curtailment requirements and returned/will return to work before the end of my statutory maternity leave period
- I am entitled to statutory maternity leave in respect of the child
- I have complied with the school's Shared Parental leave notice and evidence requirements.

And that:

- I will immediately inform the School if I cease to care for the child or if the curtailment of maternity leave or pay is revoked
- I consent to the amount of shared parental leave that my partner intends to take
- I will immediately inform my partner if I no longer meet the requirements to curtail my maternity leave and pay
- I consent to the School processing the information provided in this form
- I will immediately inform the organisation if I cease to care for the child
- The information that I have provided is accurate

Signed:

Dated:

## Section F: Declaration for signature by employee's partner

I confirm that I satisfy/will satisfy\* the following eligibility requirements to take shared parental leave:

- I have been employed or been a self employed earner during at least 26 of the 66 weeks immediately before the expected week of childbirth
- I have average weekly earnings of at least £30 for any 13 of those 66 weeks
- At the date of the child's birth, I have/will have\* the main responsibility, apart from my partner, for the care of the child
- I will comply with the organisation's shared parental leave notice and evidence requirements
- I will immediately inform the organisation if I cease to care for the child
- The information that I have provided is accurate

Signed:

Dated:

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## Appendix E - SHARED PARENTAL LEAVE – CURTAILMENT OF MATERNITY/ADOPTION LEAVE

This form is to be used if you would like to end your Maternity or Adoption Leave and Pay early, in order to take Shared Parental Leave.

<b>Name:</b>	
<b>Job Title:</b>	
<b>School:</b>	
<p>I wish to bring my Maternity or Adoption Leave and associated pay to an end for the purpose of taking Shared Parental Leave.</p> <p>I have also completed forms providing <i>(please delete as appropriate)</i>:</p> <ul style="list-style-type: none"> <li>A notice of entitlement and intention to take Shared Parental Leave</li> <li>A declaration that my partner has provided a notice of entitlement and intention to take Shared Parental Leave to their employer and that I consent to the amount of leave they intend to take.</li> </ul> <p>I understand that by submitting this form, my Maternity or Adoption Leave and Pay will end on the date I have stated above.</p>	
<b>I wish to end my Maternity or Adoption Leave on (date):</b>	
<b>Signed:</b>	
<b>Dated:</b>	

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## Appendix F - PATERNITY LEAVE REQUEST FORM

Please use this form to let us know how you'd like to take your paternity leave

Part 1: To be completed by Employee		
Name:		
Job title:		
Date of birth:		
Employee number:		
National Insurance (NI) number:		
Start date at Hounslow:		
Expected date your child is due / date matched for adoption:		
Actual date of the child's birth / placement:		
Please select <b>one</b> of the following:		
<ul style="list-style-type: none"> <li>• I am the child's father; <b>or</b> <input type="checkbox"/></li> <li>• I am the spouse, partner or civil partner of the mother; <b>or</b> <input type="checkbox"/></li> <li>• I am the partner of an individual adopting a child; <b>or</b> <input type="checkbox"/></li> <li>• I am a member of a couple adopting jointly but the other member has elected to take adoption leave <input type="checkbox"/></li> </ul>		
I have or expect to have, the main responsibility for the upbringing of the child (aside from my partner):	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Part 2: Options for Paternity Leave				
At Hounslow, we offer 4 weeks' Paternity Leave to be taken at any time within the first year of your child's birth or placement.				
I'm planning to take this many weeks of Paternity Leave:	1 week <input type="checkbox"/>	2 weeks <input type="checkbox"/>	3 weeks <input type="checkbox"/>	4 weeks <input type="checkbox"/>
I'm planning to take my Paternity Leave on the following dates: <i>(leave must be taken in whole weeks)</i>				

Part 3: Your Declaration	
I confirm that I wish to apply for paternity leave as set out above and that the information I have provided is correct.	
Signed:	
Date:	

Part 4: For Completion by the Headteacher:	
I agree this application for Paternity Leave	
Signed:	
Date:	

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## Appendix G - PARENTAL LEAVE APPLICATION FORM

Please use this form to request a period of Parental Leave.

Part 1: To be completed by Employee	
First name:	
Last name:	
Employee number:	
School:	
Job title:	
I have one year's continuous service with the school:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Start date:	
<p>Are you requesting to take parental leave immediately following a period of Family Leave?:</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If you ticked yes above please indicate the expected the date of birth or placement:</p>	
<p>Please tick as appropriate. I am the child's:</p> <p>A) Natural parent <input type="checkbox"/> Adoptive parent <input type="checkbox"/> Foster parent <input type="checkbox"/> Step-parent <input type="checkbox"/> or B) I am the child's grandparent with a significant parenting role: <input type="checkbox"/></p>	

Child's details	
Child's name:	
Date of birth:	

Parental leave details	
Please declare <b>all previous periods</b> of parental leave taken in relation to above named child.	
Start Date:	End Date:
Start Date:	End Date:
I wish to take parental leave, for the purpose of childcare, to start and end on the following dates ( <i>Parental leave must be taken in blocks of one week, unless the child is in receipt of a disability living allowance</i> )	
Start date:	End Date:

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If you are applying to take more than the statutory 4 weeks' parental leave in one year, please give your reasons:

### Your Declaration

I confirm that I wish to apply for parental leave as set out above and that the information provided is accurate.

I declare I satisfy the eligibility criteria set out in the Parental Leave Policy.

Signature:

Date:

### Part 2: To be completed by Headteacher

Managers are advised to read the Parental Leave Policy before agreeing any period of leave. In determining the request, you should ensure that:

- The eligibility criteria is met
- The total leave requested (inclusive of previous parental leave taken in relation to that child) does not exceed 18 weeks
- The request was submitted at least 21 days before the leave is to be taken

**Please ensure that you advise the school's payroll provider of the agreed dates of parental leave.**

I agree this application for parental leave and have notified the school's payroll provider.

I do not agree this application for parental leave, as it will cause substantial disruption to the school. I have discussed postponement of leave with the employee and the new dates of leave are now \_\_\_\_\_.

***(A request for parental leave, to immediately follow maternity / adoption / surrogacy adoption / paternity leave, cannot be postponed.)***

I do not agree this application for parental leave as it is more than the statutory four weeks per year and cannot be accommodated within the needs of the school.

Name:

Signed:

Date:

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## Appendix H – CARER'S LEAVE NOTIFICATION FORM

Please use this form to notify a period of Carers Leave.

Part 1: To be completed by Employee	
<b>First name:</b>	
<b>Last name:</b>	
<b>Employee number:</b>	
<b>School:</b>	
<b>Job title:</b>	
<b>Start date:</b>	
<b>End date:</b>	
Details of Individual for whom care is being provided	
<b>Name:</b>	
<b>Relationship:</b>	
Your Declaration	
<input type="checkbox"/> I confirm that I wish to take a period of carer's leave as set out above and that the information provided is accurate.	
<b>Signature:</b>	
<b>Date:</b>	
Part 2: To be completed by Headteacher	
Headteachers are advised to read the Family Friendly Leave Policy before agreeing any period of leave. In determining the request, you should ensure that: <ul style="list-style-type: none"> <li>➤ The total leave requested in the last 12 months does not exceed 5 days.</li> <li>➤ The notification form was submitted providing the appropriate notice.</li> </ul> <b>Please ensure that you advise the school's payroll provider of the agreed dates of carer's leave.</b>	
<input type="checkbox"/> I confirm the dates of carer's leave set out above and have notified the school's payroll provider.	
<input type="checkbox"/> I do not confirm the dates of carer's leave notified above, as it will cause substantial disruption to the school. I have discussed postponement of leave with the employee and the new dates of leave are below:	
<b>Start Date:</b>	
<b>End Date:</b>	
<b>Name:</b>	
<b>Signed:</b>	
<b>Date:</b>	

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