

All Hampstead Hill School Policies are always to be read and considered in conjunction with Equal Opportunities, Race Equality and Inclusion Policies. This Policy of Hampstead Hill School applies to all sections of the school including the Early Years Foundation Stage.

Hampstead Hill School

Family Friendly Policies



Maternity Leave and Pay

The rights, rules and procedures outlined in this section apply to those pregnant employees whose expected week of childbirth (EWCs) begin on or after 5th October 2008, regardless of when the baby is actually born.

1. Notification

You must notify the School that you are pregnant, the expected date of the baby's birth and the intended start date of your maternity leave no later than the end of the 15th week before your EWC, unless this is not reasonably practicable. You will be able to change your mind about when you start maternity leave providing you give at least 28 days written notice, where reasonably practicable. If this is not reasonably practicable, i.e. your doctor/midwife advises against you continuing to work, then shorter notice can be given.

In response the School will, within 28 days, respond in writing notifying you of the date on which your ordinary maternity leave period ends or, if you are entitled to both ordinary and additional maternity leave, of the date on which your additional maternity leave will end.

2. Antenatal Care

You are entitled to reasonable time off for antenatal care without loss of pay irrespective of length of service or hours worked. The School is entitled to ask you to produce documentation showing that the appointment has been made and – except for the first appointment – produce a certificate to show that you are pregnant. Failing to do this may result in you not being paid for time off for antenatal clinics.

3. Maternity Leave

Maternity leave refers to the time off, either paid or unpaid, which you are entitled to around the time of the birth. You must notify the School of the date of the birth of the child as soon as is reasonably practical. There are three types of maternity leave: Compulsory, Ordinary and Additional.

Maternity leave will normally commence on the date notified by yourself. However:

- If childbirth occurs before the notified date then the Maternity Leave will commence on the date of childbirth. Childbirth is defined as, 'the birth of a living child or the birth of a child, whether living or dead, after 24 weeks of pregnancy.

OR

- If you are absent after the beginning of the fourth week before the expected date of childbirth for reasons connected with the pregnancy, the School may decide that you have commenced your maternity leave from that date.
- If you are absent after the beginning of the sixth week before the expected date of childbirth for reasons not connected with the pregnancy, maternity leave will not automatically commence and you will continue to receive statutory sick pay until you notify the School of the commencement of your maternity leave or you give birth.

Compulsory Leave

You cannot return to work for at least two weeks after the birth.

Ordinary Maternity Leave

You are entitled to 26 weeks maternity leave, whatever your length of service. Ordinary maternity leave may begin at any time on or after the beginning of the 11th week before your EWC.

Additional Maternity Leave

You are entitled to additional maternity leave, whatever your length of service. This starts after the end of Ordinary Maternity Leave and continues for a further 26 weeks.

Return to Work / Resignation

You do not have to give notice of your return from maternity leave unless you choose to return early. If you return early you must give at least 8 weeks notice. If you want to return to work earlier than the end of your maternity leave, and this notice has not been given, the School may postpone the leave to such date which does give eight weeks notice provided that is not later than the end of the maternity leave period.

If you do not intend to return to work following Maternity Leave, you must provide written notice of your resignation, giving your contractual notice.

If you are unable to return to work after maternity leave due to sickness you must notify the School. If you do this you will be deemed to have exercised your right to return from maternity leave and be placed on sick leave. You will then be entitled to School or Statutory Sick Pay. Otherwise you will be absent without leave, and may be subject to the School's disciplinary procedure.

4. Contractual Rights

All contractual terms, except those concerning benefits and remuneration, are continued throughout maternity leave. You will be entitled to accrue statutory holiday during your maternity leave. You will also still be bound by duties of trust and confidentiality.

Ordinary Leave - You have the right to continue in your current job when you return to work after ordinary leave.

Additional Leave – you have the right to return to the same job after additional leave. However this has wider definitions and refers to job title, rather than specific duties. If it is not practicable to keep the specific position open for the whole period of extended leave a suitable alternative must be offered. This must be comparable as regards duties, terms and conditions, pay and location.

Protection from Dismissal - It is automatically unfair to dismiss anyone, for any reason relating to their pregnancy / maternity during the period from first notification of pregnancy to the employer through until their return from maternity leave. There is no minimum service qualification and no exception for a woman who is incapable of doing her normal work due to pregnancy.

Dismissals for the usual reasons of redundancy, capability or conduct are still possible. However the reasons for dismissal must be provided in a written statement and the correct procedures followed.

5. Statutory Maternity Pay

In order to be eligible for Statutory Maternity Pay (SMP) you must:-

- have earned at least the lower National Insurance (NI) earning limit for the eight weeks up to the calculation date.

AND

- have at least 26 weeks continuous employment with the school extending into the 15th week before the EWC.
- provide the school with confirmation of the pregnancy – a form MATB1 will be issued by your midwife or GP.
- give 28 days' notice of the date from which you want to start SMP.

Statutory Maternity Pay is payable for a minimum of 39 weeks:

- 6 weeks at higher rate – 90% of basic pay
- 33 weeks at lower rate – £138.18 as at April 2014 (or 90% of basic pay whichever is the lower)

Statutory Maternity Pay cannot be paid prior to the 11th week before the expected week of confinement.

SMP is treated as earnings and so is subject to deductions for tax and National Insurance contributions.

5.1 Maternity Allowance

If you are not eligible for Statutory Maternity Leave, you will still be entitled to Maternity Allowance from the Department for Work and Pensions (DWP) providing you earn the minimum weekly amount

required. This is a contribution based State Benefit payable for 39 weeks, starting (at your choice) between the 11th and 4th week before the baby is due. The School will complete and give you the DWP form SMP1 (an explanation of why SMP is not payable). This will help you to claim any Maternity Allowance that is due to you.

To qualify for Maternity Allowance you must have paid National Insurance contributions for at least 26 weeks of the 66 weeks ending at the end of the 15th week before the EWC. Your National Insurance (N.I.) contributions could have been either Class 1 (as an employee) or Class 2 (as self-employed).

The time for which Maternity Allowance is paid is basically the same as for SMP – i.e. up to 39 weeks,

If you are not eligible for either Statutory Maternity Pay or Maternity Allowance you may still be eligible for incapacity benefit.

6. Keeping in Touch (KIT) Days

You and the School can make reasonable contact from time to time during a maternity leave period without bringing your statutory maternity period to an end.

Whilst on maternity leave you can work for the School for 10 days by mutual agreement without losing SMP. Important points to note include the following:

- You can go in for one hour or a whole day. This will still be a Keeping in Touch (KIT) day,
- the decision to undertake a KIT day must be made by agreement between you and the School,
- the KIT day will not bring your maternity leave period to an end,
- the School has no right to demand that any such KIT work is undertaken and you have no right to undertake such work,
- during KIT days employees can actually carry out work for you. This could be normal day-to-day work or could, for example, be attending a conference, undertaking training or attending a team meeting.

Payment for KIT Days.

How much payment you will receive for KIT days will be agreed between you and the school before attending work.

PATERNITY LEAVE & PAY

You will only be entitled to Statutory Paternity Leave (SPL) if:

It is taken for the specific purpose of caring for a newborn child and supporting the mother, or for the purpose of caring for a child newly-placed for adoption and supporting the adoptive parent.

AND

You have a relationship with the newborn child or the child newly-placed for adoption and with the mother or adoptive parent ('relationship' is defined by the Paternity and Adoption Leave Regulations 2002 and the Paternity and Adoption Leave Regulations (amendment) 2008). Paternity leave also applies to partnerships of the same sex.

AND

You have been employed by the School for at least 26 weeks by the 15th week before the expected week of childbirth, or, in the case of adoption leave, by the week in which an approved match with the child is made. A match occurs when an approved adoption agency matches an adopter with a child.

1. Paternity Leave

To qualify for statutory paternity leave (SPL) you must notify the school, in writing, no later than the end of the 15th week before the expected week of childbirth (EWC) - or as soon as is reasonably practicable - of:

- the expected date of the baby's birth
- whether you wish to take one week's or two weeks leave
- when you want your SPL to start

Eligible employees can choose to take a single block of either one week's or two weeks statutory paternity leave (SPL). They cannot take it as odd days or as two separate weeks.

The duration of SPL remains the same regardless of the number of children resulting from a single pregnancy.

You can take the Paternity Leave in two ways: either as a single week, or as 2 weeks consecutively. You cannot take it as odd days or as two separate weeks. It must be taken within a 56 day period, commencing either

- On the actual date of the baby's birth (whether earlier or later than expected).
- On a date - as the employee has notified to you - falling a specified number of days after the actual birth date (whether earlier or later than expected).
- On a date - as the employee has notified to you - falling after the first day of the expected week of childbirth (EWC). If the baby is born later than this date, they must delay their leave until the date of the actual birth.

You are required to give 15 weeks notice to the School of your intention to take leave unless this is not reasonably practicable, and at least 28 days notice of the actual dates of such leave. You may change the dates of paternity leave provided that you give the School written notice of the required change, whether to the date on which you require the leave to commence, or to its length (for example if you had given notice to take 2 weeks consecutively and then decides to take 1 single week). The notice must be at least 28 days notice before the new leave date.

You are required to give the School a self-certificate of entitlement to leave, stating, your name, the expected week of the child's birth (EWC) or, if birth has already occurred, the actual date of birth and the length of the period of leave required and the date from which leave is requested.

You must declare your eligibility for SSP by completing form SC3 at least 28 days before you want SSP to start (or as soon as is reasonably practical).

If you are seeking Paternity Leave following an adoption, the leave may be taken within 56 days beginning on the date in which the child is placed with the adopter, or at a later date if agreed as long as it is taken within 56 days of the placement date.

A father cannot take paternity leave if he decides to take adoption leave.

2. Paternity Pay

To be eligible for Statutory Paternity Pay (SPP) during your absence from work on paternity leave you must have average weekly earnings equal to or greater than the current Lower Earnings Limit (LEL) for National Insurance contributions purposes.

You must have completed 26 weeks continuous service as at the qualification week (15 weeks before the expected week of childbirth or, in the case of adoptive paternity pay, the week in which an approved match is made) to be eligible for paternity pay.

Statutory Paternity Pay will be the same as the lower rate for statutory maternity pay, i.e. £138.18 per week (as at April 2014), or 90% of the average weekly earnings.

3. Contractual Rights

Any employee qualifying for paternity leave will be entitled to retain the benefit of their terms and conditions of employment (with the exception of contractual remuneration) and will be entitled to return to work.

4. Evidence of entitlement

You may be asked to produce evidence that:

- you are the parent of a child
- you have parental responsibility for the child
- the child is below the age at which the right to parental leave ceases
- in the case of a disabled child, the child is entitled to disability living allowance

This evidence could be:

- the child's birth certificate
- papers confirming a child's adoption or the date of placement for adoption
- in the case of a disabled child, a record of disability living allowance award for the child

Adoption Leave and Pay

To qualify for paid Adoption Leave you must:

Be newly-matched with a child for adoption by an approved adoption agency

AND

Have worked continuously for the School for 26 weeks leading into the week in which you are notified of being matched with a child for adoption (the 'matching week').

Where a couple are adopting jointly, they can choose who will take SAL and who (regardless of gender) will take Statutory Paternity Leave (SPL). They cannot both take SAL or SPL.

You may not take adoption leave if you adopt your partner's children. The only form of leave available in these circumstances (and subject to certain qualifications) would be unpaid parental leave.

1. Notification Procedure

You must inform the School of your intention to take adoption leave within 7 days of having been notified by the adoption agency that you have been matched with a child for adoption, unless this is not reasonably practicable. You must provide documentary evidence in the form of a signed and dated "matching certificate" provided by the adoption agency.

You need to tell the School when the child is expected to be placed with you and when you want to start your adoption leave. You can change the date on which you want the leave to start, provided you give the School notice in writing, at least 28 days in advance unless this is not practicable.

You must tell the School at least 28 days in advance of the date you expect any payment of statutory adoption pay to start unless this is not reasonably practicable.

The School will, within 28 days of receiving your notice, write to you stating the date you are expected to return from adoption leave.

2. Adoption Leave

Adoption leave is split into two kinds of leave: 26 weeks ordinary adoption leave, immediately followed by 26 weeks additional adoption leave, giving a total of up to 52 weeks.

3. Adoption Pay

If you qualify for Adoption Leave you will be entitled to statutory adoption pay (SAP) from the School provided you have been working continuously for the School for at least 26 weeks into the matching week.

Statutory Adoption Pay is payable for a minimum of 39 weeks at the same rate as standard Statutory Maternity Pay (SMP), which is £138.18 as at April 2014, (or 90% of basic pay whichever is the lower).

Adopters whose average weekly earnings are below the lower earnings limit for National Insurance contributions will not qualify for SAP, but may qualify for other financial support and benefits.

4. Return to Work

If the placement is not a success or the child dies during a period of adoption leave, the adoption leave will continue for a further 8 weeks from the event in question.

Like maternity leave, you are required to give at least 8 weeks notice of the date on which you intend to return to work, if it is earlier than the end of the additional adoption leave period. No notice is required if you intend to return at the end of the full adoption leave period.

If you do not intend to return to work following Adoption Leave, you must provide written notice of your resignation, giving your contractual notice.

If you are unable to return to work after adoption leave due to sickness you must notify the School. If you do this you will be deemed to have exercised your right to return from adoption leave and be placed on sick leave. You will then be entitled to School or statutory sick pay. Otherwise you will be absent without leave, and may be subject to the School's disciplinary procedure.

5. Contractual Rights

During the ordinary adoption leave period all contractual rights and benefits with the exception of remuneration continue to accrue; and during the additional adoption leave period, the contract remains in existence but there is no right to remuneration or other contractual benefits unless the School so specifies.

PARENTAL LEAVE

If you are the parent of a child under the age of five (or of a disabled child under the age of 18,) and have been continuously employed by the School for one year or more, you have the legal right to take up to 13 weeks unpaid parental leave until the child's fifth birthday. In the case of a disabled child, you will be entitled to up to 18 weeks parental leave. The same rights extends to adoptive parents, save that the parental leave may be taken until the fifth anniversary of adoption or the child's 18th birthday, whichever occurs sooner.

If you qualify for parental leave, you will be entitled to 13 weeks leave in respect of each individual child. (18 weeks in respect of a disabled child)

1. Notification

If you wish to request parental leave you must give at least 21 days notice to your Manager or Director, specifying the dates on which you intend to commence leave and when you will return to work.

In general such requests for leave will be granted but should the operation of the School be unduly disrupted, leave may be postponed. In the case of a postponement the School will, within 7 days, give you written notice stating the reasons for it and specifying the dates between which leave may be taken, which will be within six months of the dates requested. You will be entitled to take leave of the same length as the period requested.

However, such leave cannot be postponed if you are the father awaiting the birth of your child, and have given 21 days notice that you intend to start parental leave as soon as the baby is born. Similarly, leave cannot be postponed where an employee has given 21 days notice to start leave on the date a child is placed with them for adoption.

2. Minimum periods of leave

You may only take Parental Leave in blocks of one week (this rule does not apply to the parents of a disabled child).

3. Maximum annual leave allowance

You may not take more than four weeks leave in respect of each individual child during a year. (A year is the period of 12 months starting with the date on which you first became entitled to take parental leave in respect of that child.) Note that parental leave cannot be added to annual vacation if it results in leave totalling more than four weeks at any time.

Flexible Working

If you are a parent of a child under the age of 17 (or under the age of 18 years if the child is disabled), or if you are the carer of an adult in need of care and you have been employed by the School for at least 26 weeks continuous service, you may **request** more flexible working conditions, to enable you to care for the child, in terms of: the hours you are required to work, the times you are required to work, or your place of work.

1. Request Procedure

In order to request flexible working you must put in a written request to the School. The request must state:

- that you have or expect to have, responsibility
 - for the upbringing of the child (and you are either the mother, father, adopter, guardian, special guardian or foster parent; or, married to or the partner of the child's mother, father, adopter, guardian, special guardian or foster parent)
 - OR
 - for caring for an adult and you are the spouse, partner, civil partner or relative of that adult or you are not the spouse, partner, civil partner or a relative but lives at the same address as that adult
- the change applied for
- that the application is being made under the statutory right to request flexible working
- if and when any previous application was made
- the date on which it is proposed the change should become effective
- the effect, if any, you think the change would have on the School
- how, in your opinion, any such effect might be dealt with
- the age of the child - if the application is made to care for a child
- or, if you are the carer of an adult, your relationship to that adult
- The application should also be dated.

Upon receipt of such a request the School will:

- set up a meeting with you to discuss the application within 28 days from the date of the application
- give their decision within 14 days of that meeting.

You have the right to be accompanied at any meetings by a trade union official or colleague, who will have the right to paid time off for that purpose.

2. Appeal / Refusal to Grant Request for Flexible Working

If an application requesting flexible working is refused, the School will set out reasons for their refusal. You have the right to appeal against the School's decision within 14 days of being notified of that decision.

You may make a number of requests for flexible working, but you must wait 12 months from the date on which your last application was made before making any further requests.

The School will only refuse a request on one of the following grounds (or any other such grounds as the Secretary of State may specify):

- The additional costs involved will impose a burden.
- Agreeing to the request will have a detrimental effect on its ability to meet client demand.
- The School is unable to re-organise work among existing staff.
- The School is unable to recruit additional staff.
- Agreeing to the request will have a detrimental impact on quality or performance.
- There is insufficient work during the periods you propose to work.
- The School has planned structural changes.

The School, will however, consider each request on its own merits in light of its current business requirements:

- Planned structural changes.
- The burden of additional costs.
- A detrimental impact on quality.
- The inability to recruit additional staff.
- A detrimental impact on performance.
- The inability to reorganise work among existing staff.
- A detrimental effect on ability to meet customer demand.
- Lack of work during the periods the employee proposes to work.

TIME OFF FOR DEPENDANTS

You have the right to take a reasonable amount of leave (unpaid) to deal with incidents involving a 'dependant'.

Dependant is defined as an employee's spouse, partner, parent, child, or someone who lives as part of the family, but not the employee's tenant, lodger or boarder. It also includes any person who reasonably relies on the employee for care, e.g. an elderly neighbour.

You can take leave when a dependant:

- Falls ill, or is injured or assaulted
- Goes into labour

You can also take leave when you need to:

- Make longer-term care arrangement for a dependant who is ill or injured;
- To cope when the arrangements for caring for a dependant unexpectedly break down;
- Arrange a dependant's funeral;
- To deal with an unexpected incident involving a child during school hours, or on a school trip.

Illness in this context includes both mental illness and injury.

The right is to take time off to deal with 'sudden or unexpected' events and to make appropriate longer term arrangements. It does not entitle employees to take time off in order to personally provide care, i.e. for a sick child, beyond the reasonable amount necessary to enable them to deal with the immediate crisis. In these circumstances employees should consider the use of other rights (e.g. parental or annual leave) to cover longer-term arrangements.

If you need to take time off for dependants you should, as soon as reasonably practicable, inform the School of the reason for your absence and for how long your absence is expected to continue. The School is aware that it may in some exceptional circumstances be reasonable for an employee to inform the School on their return to work where it was not practicable to make contact earlier.

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Signed: