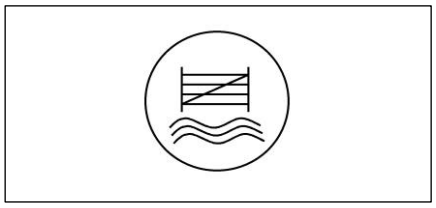
‘



Maternity, Paternity, Parental and Adoption Leave Schemes

Date Last Updated	Confirmed Current
June 2025	
November 2025 - shared parental leave - must be shared within the first year. Entitlement is a total of 52 weeks of Maternity and Shared parental leave.	

FOREWORD

This document has been the subject of formal negotiation and consultation with the recognised Trade Unions and Professional Associations. I am pleased to confirm that the guidance and related material were agreed and adopted by the Schools' Joint Consultative Committee.

The Neonatal Care (Leave and Pay) Act is due to come into force on 6th April 2025 and will apply to families whose baby is born on or a child is placed with them for adoption on or after 6th April 2025. This document has been updated to reflect the statutory entitlements introduced as follows:

- The entitlement applies if the baby receives or received neonatal care within 28 days of birth for a continuous period of 7 days or more.
- Employees will be able to take one weeks leave for each 7 days that the baby receives neonatal care, up to a maximum of 12 weeks.
- The leave must be taken within 68 weeks of birth.
- Neonatal care leave is an entitlement for both parents and is additional to other family friendly leave such as maternity or paternity leave.
- Neonatal care leave is a day one right.
- Employees with 26 weeks continuous service will be entitled to receive statutory neonatal care pay.

The document is recommended to the Governing Boards of all Maintained Schools where the Local Authority is the employer and to the Governing Boards of those Academies, Aided and Foundation Schools which purchase the Schools' HR Advisory Service from Derbyshire County Council.

Any remaining copies of the former guidance should be destroyed/deleted to avoid confusion.

June 2025

Contents

1	**Introduction**
1.1	Scope
1.2	Risk assessment
1.3	Protection from Redundancy - Pregnancy and Family Leave
2.	**Maternity Leave**
2.1	Notes on maternity leave
2.2	Sickness
2.3	Annual leave and bank holiday – support staff
2.4	Annual leave and bank holiday – teachers
2.5	Time off for Antenatal care
3.	**Maternity Pay**
3.1	Maternity Pay – Benefits, statutory maternity pay (SMP)
3.2	Notes on maternity pay
3.3	Maternity Allowance/Non-qualification for SMP
3.4	Pensions
3.5	Application for Maternity leave
4.	**Returning to work**
4.1	After the birth
4.2	Right to return
4.3	Failure to return
4.4	Protection against detriment or dismissal
4.5	Interruption of work (i.e., Industrial Action)
4.6	Keeping in Touch days (KIT Days)
	Maternity leave plan
	Notification of maternity model letter
5.	**Adoption, Fostering and Surrogacy**
5.1	Leave entitlement for Adoption
5.2	Pay
5.3	Applying for Adoption Leave
5.3.1	Notes on Adoption leave
5.4	Keeping in Touch (KIT) Days
5.5	Return to work
5.6	Pensions
5.7	Leave for Foster Caring
5.8	Surrogacy
	Notification of adoption model letter
	Maternity leave/Adoption leave Flowchart
6.	**Paternity Leave**
6.1	Ordinary Paternity Leave
6.2	Notification of Ordinary Paternity Leave

6.3	Ordinary Statutory Paternity Pay
	Paternity Leave Application Form
	Payroll procedure for processing Paternity leave for Teachers
7.	**Unpaid Parental Leave**
7.1	Eligibility
7.2	Notes on unpaid Parental leave
7.3	Applying for unpaid Parental Leave
	Unpaid Parental Leave Application Form
8.	**Neonatal Care Leave**
8.1	Entitlement Neonatal Care Leave
8.2	Neonatal Care Leave
8.3	Neonatal Care Pay
8.4	Applying for Neonatal Leave and Pay
8.5	Impact on maternity leave and other types of family leave
8.6	Returning to work after Neonatal Care Leave
	Neonatal Care Leave and Pay Application
9.	**Parental Bereavement Leave**
9.1	Entitlement to Parental Bereavement Leave
9.2	Notice period
9.3	Parental Bereavement Pay
10.	**Shared Parental Leave**
10.1	What is Shared Parental Leave?
10.2	How Will Shared Parental Leave Operate?
10.3	Continuous and Discontinuous SPL
10.4	Eligibility
11.	**Shared Parental Leave Guidance for Headteachers and Governing Bodies**
11.1	Notice requirements
11.2	What notice must employees give if they intend to take Shared Parental Leave?
11.3	Can I refuse a request to take Shared Parental Leave?
11.4	Can I insist on evidence that an employee is entitled to Shared Parental Leave?
11.5	Can an employee take Shared Parental Leave if their partner is self-employed?
11.6	Can same sex couples take Shared Parental Leave?
11.7	Can employees on Shared Parental Leave take Keeping in Touch days?

11.8	Do employees receive statutory pay while on SPL? Model letters: Shared Parental Leave request to discuss leave booking Shared Parental Leave: Refusal of a discontinuous leave booking Confirmation of Shared Parental Leave booking
12.	**Employee Guidance on Shared Parental Leave**
12.1	Eligibility – Shared Parental Leave
12.2	Eligibility – Shared Parental Pay
12.3	Will SPL work for you?
12.4	How much leave and pay am I entitled to and when can I take it?
12.5	What happens to my pension when on Shared Parental Leave?
12.6	How do I apply? Notice of Entitlement and Intention to take Shared Parental Leave and Pay Maternity/Adoption Leave Curtailment Notice Letter
Model Letters	• Maternity leave plan • Notification of maternity model letter • Notification of adoption model letter • Paternity Leave Application Form • Payroll procedure for processing Paternity leave • Unpaid Parental Leave Application Form • Shared Parental Leave request to discuss leave booking • Shared Parental Leave: Refusal of a discontinuous leave booking • Confirmation of Shared Parental Leave booking • Notice of Entitlement and Intention to take Shared Parental Leave and Pay • Maternity/Adoption Leave Curtailment Notice Letter • Neonatal Care and Leave application form

1. INTRODUCTION

A good employer recognises the value of its employees and aims to retain the skills and experience of employees in the workforce who have caring, as well as work, responsibilities. In addition, there are statutory duties placed on the employer. These guidelines reflect current legislation, recent case law and how instances of teachers' accrual of annual leave should be accommodated. The statutory rights fall into the following areas:

- Maternity Leave
- Maternity Benefits
- Time off for Antenatal Care
- Protection against detriment or dismissal
- Paternity Leave & pay
- Parental Leave
- Adoption Leave

1.1. Scope

These procedures apply to all employees of the school who qualify.

1.2. Risk Assessment

The Management of Health and Safety at Work Regulations 1999 requires risk assessments to be undertaken for all pregnant employees to identify if any hazards exist within the workplace that could affect them or their baby.

Where unacceptable hazards are found, corrective action will be taken wherever possible to protect the pregnant employee. If this is not possible further or other measures may be required. All pregnant employees should receive a copy of the Risk Assessment form within 14 days of notification to the Headteacher of the impending birth. Schools purchasing the traded service can obtain a risk assessment form from the Health, Safety & Wellbeing section of S4S. It is important that employees inform the Headteacher as soon as they become aware that they are pregnant so that a risk assessment can be carried out for them. Any concerns regarding their routine should be discussed immediately with their Headteacher.

Upon notification of an employee being pregnant they should be informed of the flexible working application form in the Leave of Absence policy. Full guidance on applying for flexible working can be found in the Authorised Leave of Absence Policy.

The Risk Assessment form can be found on the Health, Safety & Wellbeing section of S4S.

- Provision should be made to allow the pregnant employee to take rest periods when possible.

- Follow any advice given to the pregnant employee by her GP, midwife, or any other appropriate medical adviser.

- The pregnant employee should keep school management informed of any changes to her condition or that of her unborn child.

- Review the risk assessment periodically throughout the pregnancy and for six months after the birth, in particular, if there is a significant change in the health and condition of the pregnant worker or her unborn child.

- The risk assessment should remain in place for six months following the birth.

1.3 Protection from Redundancy - Pregnancy and Family Leave

Employees who are absent on maternity leave or one of the other statutory family leave reasons have the right to return to the same job they had before they left. Where no post is available, they must be offered **any** suitable alternative vacancy if one exists. They do not need to apply for it. Please see the Redundancy and Restructure policy for more information.

2. MATERNITY LEAVE

All employees, regardless of hours of work or length of service are entitled to ***52 weeks'*** statutory maternity leave comprising 26 weeks ordinary maternity leave (OML) and 26 weeks additional maternity leave (AML). Please see section 10 onwards for information on Shared Parental Leave.

2.1. Notes on Maternity Leave

- Maternity leave can start on any day.

- The earliest date is 11 weeks (at 29 weeks pregnant) prior to the expected week of childbirth (EWC). The 'expected week of childbirth' (EWC) means the week starting on a Sunday during which you are expected to give birth.

- The latest date maternity leave commences is the day after the birth if the baby is born earlier than expected.

- If the employee is sick and absent from work with a pregnancy related illness within 4 weeks before the baby is due, maternity leave will commence automatically on the day after the first day of absence.

- There is 2 weeks' compulsory maternity leave for all employees immediately following the birth.

- In the unfortunate event of a stillbirth, the employee is entitled to the full provisions of the maternity leave scheme, if this has occurred after 24 weeks of pregnancy. If earlier, then the Governors may grant time off under the provision of the Special Leave Scheme. Support may be provided through an Employee Counselling Service. Schools may purchase this service separately.

2.2. Sickness

Any period of Maternity Leave is not sick leave and will not be taken into account when calculating sick leave entitlements. If an employee is absent due to sickness, other than pregnancy related, the normal sickness provisions will apply. Providing the employee complies with the normal sickness scheme provisions which apply to their post, the employee's absence will then be treated like that of any other employee who is unable to attend work due to sickness.

2.3. Annual Leave and Bank Holidays – Support Staff

Employees who have an annual leave entitlement accrue bank holidays and annual leave during maternity leave and can either carry it forward or use it for a paid period of deferral to return to work. Employees should discuss how and when they will take their annual leave entitlement.

Employees who are employed term-time only are paid the proportional amount of annual leave with their salary each month and this forms part of their maternity pay calculation. There is therefore no accrual of annual leave during their period of maternity leave.

2.4. Annual Leave and Bank Holidays – Teachers

Teachers do not have a 'contractual' entitlement to annual leave; they do however have a 'statutory' right under the Working Time Regulations to minimum leave entitlements. The leave year for teachers would be from 1 September until 31 August. This entitlement is 28 days (5.6 weeks and is inclusive of Bank Holidays).

This is not an entitlement to annual leave on top of the current school closure arrangements. Local Authorities have been advised by the 'Local Government Employers' that:

- A teacher who takes maternity leave must be able to take the 28 days statutory annual leave **outside of her maternity leave.**

- This annual leave **can be offset** by any period of school closure during the leave year in question, i.e., both before and after the maternity leave period.

- Teachers are advised prior to commencing maternity leave of the entitlement to 28 days' annual leave to be taken either before or after the maternity leave, during school closure periods. On her return from maternity leave, outstanding leave can be taken in term time during that leave year if there are insufficient school closures to accommodate her leave in that year. As the leave year in Derbyshire runs from 1 September to 31 August a teacher returning from leave prior to the end of the leave year will be able to take their leave during the summer school closure, in view of this it is not anticipated any teacher will take leave during term time.

- Where return from maternity leave is so close to the end of the leave year that there is not enough time to take all her annual leave, it can be carried forward to the

following leave year and be taken during the remaining periods of school closure, after the 28 days' annual leave for that year has been accommodated.

Pay in lieu of annual leave not taken can only be made where employment terminates, i.e., usually only if a teacher does not return to her job following maternity leave (pay in lieu would be based on Annual Leave Entitlement for the proportion of the year worked minus the 'annual leave' – school closure periods – taken that year prior to the termination date).

2.5. Time Off for Antenatal Care

All pregnant employees are entitled to paid time off for antenatal care, including relaxation classes, 'parent craft' classes and medical examinations.

An employee can be requested to show a certificate from a registered medical practitioner or midwife confirming the pregnancy and an appointment card.

3. MATERNITY PAY

3.1. Maternity Pay – Up to a maximum of 39 weeks (9 months), dependent upon eligibility for Statutory Maternity Pay (SMP) and Occupational Maternity Pay (OMP).

- This is SMP of 6 weeks at 90% of earnings.
  In the case of teachers, they will be paid full pay for the first 4 weeks of maternity leave and 2 weeks at 90% pay if they meet the service requirements for occupational maternity pay.

- + 12 weeks (weeks 7 to 18) at half pay OMP plus SMP (providing this does not exceed normal full pay).

- + 21 weeks at SMP (weeks 19 to 39).

The eligibility for occupational maternity pay is dependent on being employed in local government service for 52 weeks by the Sunday of the 11th week before the expected week of childbirth (at week 29 of the pregnancy they have been employed for 1 year or more).

The 12 weeks' half pay is paid if the employee is returning to work for at least 3 months (13 weeks). This period applies even if a full-time employee successfully applies for a reduction to part-time working on their return. If an employee is unsure whether they intend to return to work, they can opt to have the half pay frozen and paid later.

Eligibility for SMP is dependent on being employed continuously for at least 26 weeks (6 months) by the 15th week before the expected week of childbirth (week 25) and the employee must earn, on average, at least equal to the lower earnings limit for National Insurance purposes 8 weeks prior to this date (between weeks 17 to 25).

Notes on Maternity Pay

Childcare Vouchers

- Maternity pay will be reduced if childcare vouchers are used during this period. Details relating to childcare vouchers are available through the HR Services traded payroll team. Childcare vouchers offer national insurance and tax deductions from your childcare costs.

Pay Award

- Both statutory and occupational payments are recalculated to reflect pay awards where necessary.

Low Income

- Employees on a low income may also qualify for a SureStart Maternity grant. Form SF100 SureStart is available from the Jobcentre Plus and this grant may be claimed from week 29 of the pregnancy or no later than 3 months after the child's birth. (A SureStart Maternity grant is available if they are expecting their first child, or they are expecting a multiple birth and already have children in the family.)

Where an employee has more than one contract, Occupational Maternity Pay will be paid on the aggregated earnings of the contracts. In the case of Statutory Maternity Pay (SMP) this will be aggregated only if pay is aggregated on the contracts. If pay is made separately on each contract, then entitlement to SMP will be determined on each contract.

3.2. Maternity Allowance/Non-Qualification for SMP

Employees not eligible to receive SMP may be entitled to claim Maternity Allowance (MA) from the Department for Work and Pensions (DWP), through Job Centre Plus:

- The 12 weeks' half pay OMP (weeks 7 to 18) will be paid in addition to any Maternity Allowance, provided it does not exceed full pay. The first 6 weeks' pay is less Maternity Allowance.

The LA will provide a form, SMPI, to submit to Job Centre Plus, confirming the reason why SMP is not payable.

3.3. Pensions

The Employer will pay pension contributions throughout Ordinary Maternity Leave (OML) whether an employee received any pay or not.

Members of the local government pension scheme will pay contributions on any pay or allowances received (up to 39 weeks of SMP)

An employee will pay contributions based on her actual pay. If she does not qualify for SMP and receives no pay, then no contributions will be payable.

This period of service counts as reckonable for pension purposes. If the employee has any unpaid Additional Maternity Leave, it will not be reckonable for pension purposes.

Employees can opt to pay arrears of contributions for this period of unpaid leave to count but they would need to arrange this within 30 days of their return to work.

3.4. Application for Maternity Leave

(See Flowchart)

- The employee must inform the Headteacher as soon as possible that they are pregnant, and the Headteacher will carry out a risk assessment. On S4S there is a form available from the Health, Safety & Welfare section and advice is available to schools purchasing the Derbyshire County Council's Health, Safety & Welfare traded service.

  The Headteacher may request support from Occupational Health.

- The employee must notify the Headteacher in writing when the baby is due and when they wish to commence maternity leave (see Maternity Plan). This should be as early as possible but by the end of the 15th week before the expected week of childbirth (qualifying week) at the latest (week 25). The employee will also need to submit a MAT B1 (issued at Ante-natal clinic at approximately week 26) to the Headteacher.

- Headteachers need to send the MATB1 and an adjustment form to HR Services traded payroll team (where the school purchases HR traded payroll services from the authority) and a response will be sent to the employee within 28 days, informing them when they are due back at work. The employee must return the slip on this letter to confirm if the half pay is to be paid or not.

- Prior to commencement, the employee should discuss and agree with the Headteacher the type and frequency of contact they prefer while on maternity leave. For instance, the Headteacher may wish to contact the employee to inform her of training opportunities, significant developments, promotional opportunities, and vacancies that occur.

4. RETURNING TO WORK

4.1. After the Birth

The baby's birth needs to be registered within 42 days of the birth at a register office. Employees can then claim Child Benefit and the claim should be made within 3 months of the birth.

The employee has the right to return to their existing post after taking ordinary maternity leave (up to 26 weeks).

- Prior to going on maternity leave, there is no longer a requirement for an employee to advise if and when she is returning to work. However, the employee may wish to discuss her intentions during routine contact.

- The employee can opt to return to work earlier than planned from maternity leave, but she will need to provide a minimum of 21 days' notice[1] and ideally provide as much notice as possible. The employee cannot return to work within 2 weeks of giving birth.

Only when an employee wants to come back to work **before** the end of the ***26 weeks*** ordinary maternity leave (OML), should she advise her Headteacher, **3 *weeks*** prior to early return.

In the case of Additional Maternity Leave, (AML), which starts at the end of OML for *up to* ***26 weeks*** a Headteacher can write **21 days** before the end of OML asking for confirmation of the child's date of birth and asking whether she intends to return to work after AML. Employees have the right to return to their original job after taking AML unless this is not reasonably practicable. In which case, the employee will be offered suitable alternative employment on no less favourable terms than the original post.

4.2. Right to Return

If a redundancy situation exists and the employee is unable to return to work, a suitable alternative vacancy, where one exists, will be offered. If a re-organisation has taken place, this might necessitate a change in job to the one occupied prior to maternity leave. During maternity leave employees will be made aware of any potential changes which may affect their working arrangements.

The employee has the right to request flexible working. Every consideration will be given to flexible working arrangements and support facilities, subject to service delivery needs. In certain circumstances, there may be a need to offer a suitable alternative post or duties in the same school. Governors should be aware that a refusal to allow flexible working following a return from maternity leave may result in a claim of indirect sexual discrimination. There is a right to appeal if the initial request is refused. (Procedure and forms for requesting flexible working are located in the Authorised Leave of Absence Policy).

In any of the above situations, the position, location, terms and conditions of the alternative post should be no less favourable than prior to maternity leave.

If the employee is still breastfeeding when she returns to work, she will need to notify the Headteacher, who will carry out a risk assessment and discuss appropriate arrangements with her.

4.3. Failure to Return

As the contract of employment continues throughout the maternity leave the contract can only be terminated by dismissal or resignation. It is important that an employee is aware of the date on which she must return and the consequence of failing to do so. Any failure to return is an unauthorised absence and should be dealt with as such.

---

[1] Legislation has extended this notice period to 8 weeks but in accordance with the National Conditions of Service for Local Government employees and Conditions of service for schoolteachers in England and Wales this remains at 21 days.

An employee may postpone her return to work after the end of maternity leave through sickness for up to 7 days by self-certification. A medical certificate will be needed thereafter.

4.4. Protection against Detriment or Dismissal

- Any dismissal or selection for redundancy relating to a pregnancy is automatically unfair.

- It is unlawful for an employee to suffer detrimental treatment at work throughout pregnancy, i.e., from notification to the end of the leave period.

- Any employee dismissed during pregnancy, or on maternity leave, will be entitled to receive written reasons for dismissal.

4.5. Interruption of Work — (i.e., Industrial Action)

An employee may delay her return to work in a situation where because of industrial action or some other reason work is interrupted - she may instead return when work resumes or as soon as reasonably practicable thereafter.

In circumstances where a return to work date has **not** been notified by an employee she may return, by giving at least **7** days written notice. Such notice must be received no more than 14 days after the cessation of the industrial action.

4.6. Keeping in Touch Days (KIT Days)

Where employees and employers agree, a woman on maternity leave can go into work for up to 10 days without losing her right to maternity leave or a week's statutory pay. The employee remains on maternity leave during this period.

Payment should be made based on the existing rate of pay, for the number of hours worked. Any hours worked in a day during an employee's maternity leave period will count as a whole KIT day, up to 10 days maximum. Please inform HR Services Traded Payroll team of any KIT days including dates and times worked via Traded@derbyshire.gov.uk

If a woman works more than 10 KIT days, they are deemed to have returned to work and therefore lose their right to SMP for any week in which they have worked under their contract.

LETTER FOR EMPLOYEE TAKING MATERNITY LEAVE

An employee may use a model letter to advise their Headteacher that they are pregnant. They should keep a copy of this letter and give one to their Headteacher.

THE EMPLOYEE SHOULD USE THE ATTACHED MATERNITY LEAVE PLAN TO NOTIFY THEIR HEADTEACHER ABOUT THEIR PLANS REGARDING THEIR MATERNITY LEAVE. NOTIFICATION MUST BE AT LEAST 15 WEEKS BEFORE

THEIR EXPECTED WEEK OF CHILDBIRTH.

5. ADOPTION, FOSTERING AND SURROGACY

5.1. Leave Entitlement for Adoption (see 5.7 for fostering)

- Time off to attend appointments (if these cannot be accommodated outside the employee's normal working pattern).
- 52 weeks adoption leave. This is defined as 26 weeks ordinary adoption leave and 26 weeks additional adoption leave. Accrued annual leave and bank holidays may be taken before adoption leave commences.

There is no requirement for a period of qualifying service for adoption leave.

In order to qualify for adoption leave the employee must:

- be the only partner/civil partner/same sex partner taking adoption leave.
- be newly matched with a child for adoption and by an approved adoption agency.

Please see Section 10 onwards for information on Shared Parental Leave.

5.2. Pay - Statutory Adoption Pay (SAP) for 39 weeks (9 months), dependent upon eligibility for SAP and Occupational Adoption Pay (OAP)

- This is 6 weeks at 90% of earnings. Teachers are paid 4 weeks at full pay and 2 weeks at 90% of earnings.

- + 12 weeks (weeks 7 to 18) at half pay OAP plus SAP (providing this does not exceed normal full pay).

  The 12 weeks OAP half pay is paid if the employee is returning to work for at least 3 months and can be spread over a longer period if requested.

  The eligibility for 12 weeks occupational adoption pay at half pay is dependent on being employed in local government service for 52 weeks. When the employee commences adoption leave, they will have been employed for 1 year or more.

- + 21 weeks at SAP (weeks 19 to 39).

  Eligibility for SAP is dependent on being employed continuously in local government service for at least 26 weeks (6 months) and the employee must earn, on average, at least equal to the lower earnings limit for National Insurance purposes.

5.3. Applying for Adoption Leave (See Flowchart)

- The employee must inform the Headteacher as soon as possible that they are adopting a child.

- The employee must notify the Headteacher in writing (see model letter) when the child will be placed and the date they have chosen for the adoption leave to

commence (they are required to provide a copy of the matching certificate). The original documentation will need to be sent to the HR Services traded payroll team (for purchasing schools)

- Following the receipt of the notification letter the employee will receive a written acknowledgement within 28 days informing them when they are due back at work from the HR Services. The employee is entitled to 52 weeks adoption leave. The employee must return the slip from the letter to confirm adoption pay arrangements during their adoption leave to the HR Services traded payroll team (for schools purchasing the HR Traded Payroll Service)

5.3.1. Notes on Adoption Leave

- Prior to commencing adoption leave the headteacher should discuss and agree with the employee the type and frequency of contact he/she prefers whilst on adoption leave. The headteacher may wish to contact the employee to inform them of any training opportunities, significant work developments, any relevant promotional opportunities or job vacancies that may occur during the absence.

- No notice is required if the employee intends to return to work at the end of the full adoption leave period.

- The employee can opt to return to work earlier than planned from adoption leave but will need to provide a minimum of 21 days' notice but ideally provide as much notice as possible.

5.4. Keeping in Touch (KIT) days

- By mutual agreement the employee can work for 10 days during adoption leave though they are not obliged to do so.

- They will receive payment for the number of hours worked without it affecting the SAP or adoption leave entitlement. Please inform HR Services Traded Payroll team of any KIT days including dates and times worked via traded@derbyshire.gov.uk

- The employee will remain on adoption leave during this period.

- The payment rate will be the existing rate of pay. The employee will only be paid for the time worked. If they attend work for 1 hour this will count as 1 KIT day.

5.5. Return to work

- The employee will be able to return to their existing post after taking ordinary adoption leave.

- If they also take additional adoption leave, they have the right to return to their original job unless this is not reasonably practicable. Then the employee will be offered suitable alternative employment on terms no less favourable than the original post.

- The employee has the right to request flexible working. The request will be fully considered by the Governing Board and the employee will be notified regarding the decision.

5.6. Pensions

The Employer will pay pension contributions throughout Ordinary Adoption Leave (OAL) whether or not an employee received any pay.

Members of the local government pension scheme will pay contributions on any pay or allowances received (up to 39 weeks of SAP)

An employee will pay contributions based on their actual pay. If they do not qualify for SAP and they receive no pay, then no contributions will be payable.

This period of service counts as reckonable for pension purposes. If the employee has any unpaid Additional Adoption Leave, it will not be reckonable for pension purposes. Employees can opt to pay arrears of contributions in order for this period of unpaid leave to count but they would need to arrange this within 30 days of their return to work.

LETTER FOR EMPLOYEE TAKING ADOPTION LEAVE

An employee may use a model letter to advise the Headteacher that they are adopting. They should keep a copy of this letter and give one to their Headteacher.

5.7. Foster Caring

If an employee is a foster carer they may apply for a maximum of 5 days paid leave and 5 days unpaid leave in any rolling 12 month period (pro-rata for part time employees).

This leave is for activities essential to foster caring, e.g., training, introductory meetings, and promotional events. The leave allocation is in total and not per child.

5.8. Surrogacy

In 2014 the government passed legislation to give intended parent(s) (IP's) in a surrogacy arrangement the right to adoption leave and pay. However, these rights are only available if the IP(s) intend to apply for a parental order in respect of the child within 6 months of the birth and they expect that order to be granted. If an employee is an IP and wishes to apply for adoption leave they must provide a statutory declaration that they will apply for a parental order for the child with their spouse or partner and expect that order to be granted. In addition to the right to adoption leave and pay, IP(s) also have a right to unpaid time off to attend up to 2 ante-natal appointments with the surrogate if she is agreeable.

MATERNITY LEAVE/ADOPTION LEAVE FLOWCHART

MATERNITY

Employee to inform the Headteacher at least 15 weeks (week 25) before the expected week of childbirth
(See model letter)

Risk Assessment completed

Employee sends MATB1 form (provided by midwife approx. week 26) and maternity plan and returns to Headteacher.

Headteacher sends adjustment form & MATB1 to HR Services traded payroll team.

The HR Services traded payroll team writes to employee to request confirmation of maternity pay arrangements

ADOPTION

Employee to inform the Headteacher as soon as possible that they are adopting a child

(See model letter)

Employee to provide a copy of Adoption Matching Certificate to Headteacher.

Headteacher sends adjustment form and Adoption Matching Certificate to HR services traded payroll team.

The HR Services traded payroll team writes to employee to request confirmation of adoption pay arrangements

Employee starts maternity/adoption leave – able to work 10 keeping in touch (KIT) days as agreed with school

Employee provides a minimum of 21 days' notice if returning to work before the full maternity/ adoption period expires

6. PATERNITY LEAVE

6.1. Ordinary Paternity Leave (OPL)

To qualify for paternity leave:

- The employee should be having or expecting to have the main responsibility (apart from any responsibility of the mother/co-adopter) for the child's upbringing **and**
- Be the biological father of the child OR the mother's husband OR partner/civil partner/same sex partner
- Have 26 weeks continuous service ending with the 15th week before the baby is due.

They are entitled to:

- 10 days' ordinary paternity leave, (pro rata for part time employees) regardless of the number of children born as a result of the same pregnancy.
- 5 half days with pay to ante natal appointments (e.g., relaxation classes, exercise, and parent craft classes)

Employees may take either the two-week paternity leave entitlement as two separate one-week block or one two-weeks' block.

The Local Authority have agreed leave arrangements for parental responsibilities as part of its locally agreed conditions of service. The local agreement for the provision of Ordinary Paternity Pay enhances the statutory minimum to a maximum of 10 days normal pay, pro rata for part time employees for both support staff and teaching staff.

Ordinary paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. In respect of an adoptive child, the employee must have 26 weeks' continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption.

Ordinary paternity leave is granted in addition to an employee's normal annual holiday entitlement. Ordinary paternity leave must be taken within 52 weeks of the birth (or, if the baby is born early, within the period from the actual date of birth up to 52 weeks after the first day of the expected week of birth) or within the placement date for adoptive parents. Ordinary paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days, or weeks, after that date.

The employee has the right to return to their existing post.

Please see Section 10 onwards for information on Shared Parental Leave.

6.2. Notification of Ordinary Paternity Leave

Where an employee wishes to request ordinary paternity leave, they must give the

Headteacher the proposed dates of absence in writing at least 28 days before the expected date on which the baby is due, or as soon as is reasonably practicable. The employee should complete the Paternity Leave Application form

The employee should complete Form SC3 (from HMRC website), or in the case of adoptive parents, a Form SC4 (from HMRC website), and give this to the Headteacher. For schools purchasing the HR Traded Payroll and Recruitment Service this should be forwarded to HR Services Traded payroll team.

If employees subsequently wish to change the timing of the ordinary paternity leave, they must give 28 days' written notice of the new dates. Employees must also, if requested, complete and sign a self-certificate declaring that they are entitled to ordinary paternity leave and ordinary statutory paternity pay prior to the 15th week (week 25) before the expected date on which the baby is due.

6.3. Ordinary Statutory Paternity Pay

For schools purchasing the HR Traded Payroll and Recruitment Service, please send the application form for Paternity Leave and Form SC3 (HMRC) to HR Services traded payroll team and a check will be made on the employee's service and level of earnings to calculate the correct level of payment.

Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

Statutory paternity pay can start from any day of the week in accordance with the date the employee starts their paternity leave.

'Where employees do not take OPL in a block of at least 1 week, they may be entitled to occupational pay but no statutory payment. These days, which are less than a week's block are not eligible for Statutory Paternity Pay but may be paid under the Authorised Leave of Absence policy.'

For those schools purchasing the HR Traded Payroll and Recruitment Service the payroll procedure for processing paternity leave for Teachers is available.

7. UNPAID PARENTAL LEAVE

7.1. Eligibility

Eligible employees can take unpaid parental leave to look after their child's welfare.

- The employee must have one year's continuous service when leave commences **and**
- be a named parent on the child's birth certificate OR named on the child's adoption certificate OR have legal parental responsibility for a child under 18 years old and
- the purpose of requesting the leave is to care for a child.

Unpaid Parental Leave Entitlement

- 18 weeks' unpaid parental leave (pro rata for part time employees, to match an individual's working week) for each child before the child's 18th birthday for each child. If the child is adopted, until the 18th anniversary of their placement with you or until their 18th birthday, whichever comes first.

  Please see Section 10 onwards for information on Shared Parental Leave.

7.2. Notes on Unpaid Parental Leave

- Any time taken as unpaid parental leave will be treated as continuous service – annual leave and all other contractual terms and benefits will accrue during this period.

- An employee is entitled to a maximum of 4 weeks unpaid parental leave per calendar year.

- Leave can be taken as a single block OR as a number of shorter periods if agreed by the Headteacher. Leave should be taken as whole weeks unless **their child is disabled.**

- The School may postpone parental leave up to 3 months for operational purposes and will provide the reasons for the postponement in writing together with the agreed revised commencement and end dates. Postponement will not be possible if it follows maternity leave, paternity leave or adoption leave.

- The employee has the right to return to their existing post. Their employment rights are protected during parental leave.

- If the employee falls ill during a period of parental leave and gives the School relevant notification and documentation, they will be entitled to pay under the sickness scheme (where applicable) and this period will not count towards the parental leave entitlement.

7.3. Applying for Unpaid Parental Leave

- Requests should be discussed with the Headteacher providing at least 21 days' notice of any proposed days of absence, with a copy of the relevant documentation (either the birth certificate, adoption certificate or proof of disability allowance). The employee needs to complete the Parental Leave Application Form submitting the completed form to the Headteacher. For schools purchasing the HR Traded Payroll and Recruitment Services, the documentation should be sent to the HR Services traded payroll team via traded@derbyshire.gov.uk

8. NEONATAL CARE LEAVE

All Employees are entitled to take neonatal care leave to support them if their baby is receiving or has received neonatal care.

The Social Security Contributions and Benefits Act 1992 defines neonatal care as:

- medical care received in a hospital;
- medical care received in any other place following discharge from an inpatient stay in hospital. The care must be under the direction of a consultant and includes ongoing monitoring and visits to the child by healthcare professionals;
- palliative or end-of-life care.

8.1 Entitlement to Neonatal Care Leave

Entitlement to neonatal care leave applies to both parents of babies born on or after 6 April 2025.

To be entitled to neonatal care leave the baby must be admitted to neonatal care within the first 28 days of birth and must remain in neonatal care for at least 7 continuous days. The first period of 7 days begins with the day after the day the baby first receives neonatal care.

Neonatal care leave is a day one right, regardless of length of service.

To qualify for neonatal care leave the employee, at the date of the child's birth must be:

- The child's parent
- the partner* of the child's mother who has the main responsibility (apart from any responsibility of the mother) for the upbringing of the child
- an intended parent** of the child, the person has or expects to have responsibility for the upbringing of the child (surrogacy arrangements)
- the child's adopter or prospective adopter***
- the child's overseas adopter
- the partner of the child's adopter or prospective adopter and at the time the child is placed with the adopter or prospective adopter, the person has or expects to have the main responsibility (apart from any responsibility of their partner) for the upbringing of the child
- the partner of the child's overseas adopter and at the time of the child's entry into Great Britain, the person has or expects to have the main responsibility (apart from any responsibility of their partner) for the upbringing of the child.

*Partner is defined as someone who lives with the mother or adopter of the child in an enduring family relationship with them, but who is not a relative, i.e., child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

**Intended parent is the person who on the day of the child's birth has applied or intends to apply for a parental order within 6 months of the date of birth.

***Prospective adopter is the person with whom the child has been placed for adoption by a local authority in a "foster to adopt" arrangement.

Neonatal care leave must be taken to provide care for the baby.

8.2 Neonatal Care Leave

The length of neonatal care leave entitlement depends upon how long the child receives neonatal care.

The leave entitlement will be one week for every period of 7 days that the child is in receipt of neonatal care without interruption.

The employee will be able to take up to a maximum of 12 weeks of leave. There is a minimum entitlement of one week.

If more than one child born as a result of the same pregnancy requires neonatal care the maximum entitlement remains 12 weeks.

The leave can start on any day after the child has received seven days of uninterrupted neonatal care. For adoption this is the first 7 days after the adoption placement date.

The seven days are counted from the day after the neonatal care started.

Neonatal leave must be taken within 68 weeks of the child's date of birth or date of placement in cases of adoption.

For overseas adoptions, the leave needs to be taken before the end of the 68 weeks from the date the child enters Great Britain.

There are two tiers of neonatal leave. The tier will depend on when the leave is taken.

Tier 1 period

Tier 1 period begins with the day the child starts receiving neonatal care and ends on the 7th day after the day the child stops receiving neonatal care.

An employee taking Tier 1 neonatal care leave can take it in one continuous block or a number of non-continuous blocks of a minimum of one week at a time.

Tier 2 period

Tier 2 period is the period of time after the Tier 1 period has ended and within 68 weeks of the child's date of birth. If an employee takes neonatal care leave during the Tier 2 period, they must take the leave in one continuous block.

The notice requirement for taking neonatal care leave differs depending on whether the leave requested falls under the Tier 1 or Tier 2 period.

8.3 Neonatal Care Pay

Statutory neonatal care pay will be paid during the neonatal care leave period, provided that the employee:

- has at least 26 weeks' continuous employment with the employer at the end of the relevant week*
- earns, on average at least equal to the lower earnings limit for National Insurance purposes 8 weeks at the end of the relevant week
- remains in continuous employment from the end of the 'relevant week' (or from the child's birth if they were born before the relevant week)
- has complied with the relevant notice where possible and is able to provide the declarations as set out in this policy; and
- has confirmed when they wish to start receiving statutory neonatal care pay. The neonatal care leave and pay application form should be used for this purpose.

*Relevant week means the 15th week before the expected week of childbirth if the employee is entitled to statutory maternity or paternity pay.

If an employee is entitled to statutory adoption pay, the relevant week is the week in which they are notified of being matched with a child for adoption.

In all other cases, it means the week before the neonatal care begins.

The rate of statutory neonatal care pay is set by the Government for the relevant tax year, or at 90% of your average weekly earnings (whichever is lower). The statutory rates can be reviewed on the government website GOV.UK.

8.4 Applying for Neonatal Leave and Pay

The employee will need to formally submit their request for neonatal leave and pay in writing to the Headteacher within the stated notice periods below where possible.

They can do this by using the application form for neonatal care leave and pay.

By applying for neonatal care leave and pay the employee must declare that they meet the eligibility conditions and are the person who has cared or intends to care for the child during the weeks to which the application relates.

The authorised form will need to be sent to: traded@derbyshire.gov.uk

An employee must give notice stating the week/s when they require their leave and pay (if applicable) as follows.

Tier 1

They should notify the Headteacher before their first day of absence in that week where practically possible. Notice must be given within 28 days of the first day of your child's neonatal care.

Tier 2

For a single week of neonatal care leave notice must be given no later than 15 days before the first day they wish their leave to start.

For two or more consecutive weeks of neonatal care leave notice must be given no later than 28 days before the first day that they wish the leave to start.

The ~~s~~school recognises this is likely to be a challenging time and in cases where it is not reasonably practicable to give notice in accordance with the periods stated above, notice must be given as soon as possible.

Changing neonatal care leave plans

An employee must provide notice where possible if they intend to change their neonatal care leave plans as follows:

Tier 1

Where they have given notice to start neonatal leave before the child has stopped receiving neonatal care, they must inform the headteacher in writing. The Headteacher will inform traded@derbyshire.gov.uk of the date that the neonatal care ends, as soon as possible after that date.

Tier 2

Where they have submitted a notice of intention and entitlement to take neonatal care leave during the tier 2 period but wish to withdraw the original notice, they must do this in writing to their line manager as follows;

For leave of a single week a notice of withdrawal must be given no later than 15 days before the first day of the week of when the original leave was requested.

For leave of two or more consecutive weeks a notice of withdrawal must be given no later than 28 days before the first day of the week of when the original leave was requested.

In cases where it is not possible for the employee to meet the notice requirements, the school may accept later notice.

8.5 Impact on maternity leave and other types of family leave

An employee is entitled to take neonatal care leave in addition to any other statutory leave that they may be entitled to, including maternity, adoption, paternity, ordinary parental, parental bereavement and shared parental leave.

If they have already started a period of statutory leave, but subsequently become eligible for neonatal care leave, they can take the neonatal care leave after completing the other statutory leave, provided that your neonatal care leave is taken within 68 weeks of the child's birth.

Maternity leave cannot be paused or restarted. Neonatal care leave for the mother of the child cannot be taken during a period of maternity leave and must be taken when the maternity leave ends. The provision of neonatal leave and pay enables the mother to take additional time off at the end of their maternity leave period.

The interaction with other types of statutory parental leave (shared parental leave and paternity) with neonatal leave is more flexible:

If a period of neonatal care leave during the Tier 1 period has started but the employee needs to begin another type of statutory leave, their neonatal care leave will be temporarily paused immediately before the other statutory leave begins. The remaining weeks of your neonatal care leave can be resumed in one of two ways:

- if they are still within the Tier 1 period - immediately after the end of the other period of statutory leave: or
- if they have transitioned into the Tier 2 period - immediately after any other neonatal care leave taken during the Tier 2 period.

Neonatal care leave cannot be taken in the Tier 2 period if, at the time of giving notice, the employee is aware that the leave will overlap with another type of statutory leave.

8.6 Returning to work after neonatal care leave

An employee has the right to return to their existing post if they are returning to work from a period of isolated neonatal care leave.

If they return to work from a period of neonatal care leave that follows on immediately from another period of statutory leave (such as maternity, adoption, paternity, parental bereavement or shared parental leave) and the total time on leave is more than 26 weeks, they have the right to return to their existing post unless this is not reasonably practicable. In that case, they will be offered suitable alternative employment on terms no less favourable than their existing post.

The same applies if they have taken neonatal care leave consecutively with a single period of more than four weeks of ordinary parental leave.

9. PARENTAL BEREAVEMENT LEAVE

The Parental Bereavement (Leave and Pay) Act 2018 provides an entitlement for bereaved parents of a child to be absent from work for up to two weeks. Parental Bereavement Pay is payable for a maximum of two weeks, at full normal pay, regardless of service and earnings.

9.1 Entitlement to Parental Bereavement Leave

Employees who are primary carers for a deceased child under the age of 18 are entitled to parental bereavement leave. This is a day one right, i.e., there is no service requirement for parental bereavement leave.

This entitlement is available to any employee with parental responsibility for the child, for example:

- Birth parent.
- Adoptive parent.

- Legal guardian.
- Current foster parents (not short term).

This entitlement also applies to those parents who suffer a still birth 24 weeks or more into pregnancy, in which case the employee will be entitled to their full maternity leave and pay plus paid parental bereavement leave which can be taken the end of the maternity leave.

Bereaved parents will be able to take the leave as one block of two weeks or two blocks of one week. The leave may be taken up to 56 weeks following the death of the child.

This entitlement does not affect other leave entitlements as it is an additional entitlement.

9.2 Notice period

There is no notice period required for leave taken immediately following the bereavement. There is no requirement to provide evidence as informal notification will suffice, although at some point employees will be required to provide a written declaration that they are entitled to parental bereavement leave / pay. Headteachers should contact their HR provider for advice prior to contacting the employee.

Specifically, employees are **not** required to provide either a copy of the death certificate or medical evidence.

For leave taken after the initial bereavement, one week's notice will be required.

10. SHARED PARENTAL LEAVE

Introduction

An entitlement to Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) is available and replaces Additional Paternity Leave and Pay which was previously available to fathers**.**

This section explains what Shared Parental Leave (SPL) is and provides guidance for employees to help them decide whether SPL would work for them, and how it can be used alongside or instead of traditional maternity or adoption leave. It also provides School leaders with the information they need when considering requests for SPL.

10.1. What is Shared Parental Leave?

Shared Parental Leave allows parents more flexibility over how they share childcare during the first year of their child's life. It is generated when a mother (or adopter) ends their maternity or adoption leave early, so that the remaining period of leave can be shared. As long as their partner is also eligible, they can share the leave between them and choose how much of the leave each can take. They can choose to take leave at the same time as each other and return to work in between periods of leave if they wish.

Key Points

- Employed mothers will continue to be entitled to 52 weeks of maternity leave and 39 weeks of statutory maternity pay or maternity allowance.
- An eligible mother can opt to end her maternity leave, and with her partner, or the child's father opts for shared parental leave instead.
- As long as they both meet the qualifying requirements* they can choose how to divide their shared parental leave and pay.
- Adopters or parents using a surrogate have broadly the same rights as other parents to SPL and pay. For more information go to GOV.UK website
- Pay and leave needs to be shared in the first year after the child is born or placed with the family.
  in minimum blocks of one week.
- Employees may be entitled to SPL and Statutory Shared Parental Pay if they meet the eligibility requirements.
- Employees must give 8 weeks' notice of their intention to commence SPL.
- The scheme is based on the declarations from both parents about their eligibility and the consent of the other parent to take the leave.

10.2. How Will Shared Parental Leave Operate?

Each eligible parent can give their employer up to three separate notices to book or vary leave. Each notice can be for a block of leave, or for a pattern of 'discontinuous' leave, involving different periods of leave. Employers are not obliged to agree to discontinuous periods of leave but must agree to requests for continuous SPL.

Where both parents meet the continuity of employment test*, they will both be able to make use of the SPL entitlement. However, even if only one parent meets the criteria, a family may still be able to utilise SPL. For example, a self-employed parent could not take SPL, but may pass the employment and earnings test, allowing the other parent to qualify, and allowing for greater flexibility in how they take their leave.

Up to 50 weeks SPL can be shared between parents as the first two weeks following the child's birth are reserved solely for the mother and are compulsory maternity leave. However, this does not prevent the mother's partner beginning their SPL at any time following the child's birth, (although there is still an entitlement to two weeks paid paternity leave). Parents may choose to take SPL at the same time as each other, or separately.

10.3. Continuous and Discontinuous SPL

SPL does not have to be taken in one continuous block; employees can return to work and then take a further period of shared parental leave. If an employee gives their employer a notice requesting discontinuous blocks of leave, the employer has the option to refuse this request. In this case the employee must then either:

- Take the leave requested in one block.
- Withdraw the request; or
- Agree alternative dates with the employer.

An employee can submit up to three separate notices requesting periods of leave. In effect this can enable an employee to take three separate blocks of leave without the employer being able to refuse this, provided that the notice provisions have been adhered to.

** These terms are defined in the section on eligibility see 10.4 below*

10.4. ELIGIBILITY

The right of one parent to take leave is not only dependent on them satisfying the eligibility criteria but is also dependent on their partner satisfying certain conditions, as detailed below.

ELIGIBILITY	
A mother will be eligible for SPL if she meets the following criteria:	***The father of a child, or the partner of a child's mother will be eligible for SPL if they meet the following criteria:**
Has 26 weeks' continuous employment by the end of the 15th week before the expected week of childbirth and remains in continuous employment with that employer until the week before any period of shared parental leave that she takes;	Has 26 weeks' continuous employment by the end of the 15th week before the expected week of childbirth and remains in continuous employment with that employer until the week before any period of shared parental leave that he or she takes;
Has the main responsibility for the care of the child at the date of the birth (apart from the responsibility of her partner or the child's father);	Has the main responsibility for the care of the child at the date of the birth (apart from the responsibility of the mother);
Is entitled to statutory maternity leave;	
Has curtailed her statutory maternity leave by giving the relevant notice, or returned to work before the end of the maternity leave period; and	
Has complied with the relevant notice and evidence requirements.	Has complied with the relevant notice and evidence requirements.
EMPLOYMENT & EARNINGS TEST	
In addition, the mother's partner must:	**In addition, the child's mother must:**
Have been employed or self-employed during at least 26 of the 66 weeks before the expected week of childbirth;	Have been employed or self-employed during at least 26 of the 66 weeks before the expected week of childbirth;
Have weekly earnings of at least the minimum defined by gov.uk for any 13 of those 66 weeks: and	Have average weekly earnings of at least the minimum defined by gov.uk for any 13 of those 66 weeks;
Have the main responsibility for the child at the date of the birth (apart from the responsibility of the mother).	Have the main responsibility for the child at the date of the birth (apart from the responsibility of the employee).

	Be entitled to Statutory Maternity Leave, Statutory Maternity Pay or Maternity Allowance in respect of the child; and have curtailed her Statutory Maternity Leave, or if she is not entitled to Statutory Maternity Leave, curtailed her Statutory Maternity Pay or Maternity Allowance.

*An employee does not have to be the father of a child to be eligible to take SPL alongside the child's mother, if he or she has, or expects to have, the main responsibility for the care of the child alongside the mother and is not an immediate family member

11. SHARED PARENTAL LEAVE GUIDANCE FOR HEADTEACHERS AND GOVERNING BODIES

11.1 Notice Requirements

An eligible employee must give at least eight weeks' notice of intention to take SPL. They can choose to take SPL at any time before the child's first birthday or before the first anniversary of the adoption placement.

11.1. What notice must employees give if they intend to take Shared Parental Leave?

There are a number of different notices that employees must give before they can take SPL.

Before either parent can take SPL, the mother must provide a leave curtailment notice, to bring her maternity leave to an end and this must be provided at least eight weeks before the start of the first period of SPL taken by either of the parents.

The employee, whether the mother or her partner, must give his or her Headteacher a notice of entitlement and intention to take SPL not less than eight weeks before the start of his or her first period of SPL The appropriate notice and declarations are detailed in Section 11.6 'How to Apply'.

Each employee taking SPL must give their manager a period of leave notice, setting out the start and end dates of the period or periods of leave requested, at least eight weeks prior to each period of SPL.

11.2. Can I refuse a request for Shared Parental Leave?

If your employee requests a 'period of leave notice' requesting discontinuous periods of SPL, you can refuse the request and require the employee to either withdraw the request, or to take the leave in a continuous block.

However, you should note that an employee has the right to take up to three separate blocks of SPL, provided they submit a separate notice for each period of leave and give

eight weeks' notice for each period. You can refuse a request for discontinuous SPL only if it is requested in the same notice.

An employee who submits a 'period of leave notice' requesting one continuous block of leave must be allowed to take the leave on the dates requested.

If a request for discontinuous leave is refused the employee can withdraw the notice or agree alternative dates with the employer. If he or she has not done either within two weeks of the date of the notice, the employee can either withdraw the notice at that point or take the total amount of leave requested on the leave notice as a continuous period of leave. The employee can choose a start date for the continuous period of leave that is no less than eight weeks from the start date of the leave notice.

Template letters to use if you need to discuss or refuse requests for discontinuous SPL are available to download. A Template letter to agree the shared parental leave request is also available. Please inform HR Services Traded payroll team of the dates of the shared parental leave taken via traded@derbyshire.gov.uk

11.3. Can I insist on evidence that an employee is entitled to Shared Parental Leave?

When an employee applies to take SPL, they are required to complete a notice of entitlement and intention to take SPL. This requires them to provide details of the child's expected date of birth and their partner's details.

Generally, it is expected that these declarations will be relied upon, provided that eligibility requirements are met, and it is not required to check, for example, the earnings and employment history of the employee's partner.

However, false declaration that an employee is entitled to SPL and/or pay could be treated as a disciplinary issue.

11.4. Can an employee take Shared Parental Leave if their partner is self-employed?

Yes. An employee may be eligible to take SPL if their partner is self-employed, as long as the partner meets the relevant requirements relating to employment and earnings. See 11.1 'Eligibility'.

11.5. Can same sex couples take Shared Parental Leave?

Yes. An employee can take SPL with their spouse, civil partner, or partner. Partner is defined as someone who lives with the employee in an enduring family relationship but is not an immediate family member.

11.6 Can employees on Shared Parental Leave take Keeping in Touch days?

Yes, employers and employees can agree up to 20 Shared Parental Leave in Touch (SPLIT) days during shared parental leave without bringing the leave to an end. Both parents have up to 20 SPLIT days each, which can be taken as single days or in blocks

of days. This is in addition to the 10 keeping in touch (KIT) days available to the mother or primary adopted during maternity leave or adoption leave.

11.7. Do employees receive statutory pay while on Shared Parental Leave?

Yes, up to 37 weeks statutory shared parental pay is available for parents to share between them while on shared parental leave. Similar provisions apply for parents taking shared parental leave in an adoption situation.

Statutory shared parental pay will be paid at a flat rate as determined by gov.uk or 90% of the employee's normal earnings if this is less). Unlike SMP, there is no provision for employees to be paid 90% of their earnings for the first six weeks of their statutory shared parental pay period where this is higher than the statutory rate. Therefore, if an employee who is receiving SMP at the higher rate of 90% of their earnings switches to statutory shared parental pay within the first six weeks of their SMP period, they will move to the lower rate immediately.

12. EMPLOYEE GUIDANCE ON SHARED PARENTAL LEAVE

12.1 Eligibility – Shared Parental Leave

If you wish to take SPL and/or pay, you must check your eligibility and provide a 'notice of entitlement'* at least eight weeks before each period of leave. In addition, you must provide a declaration from your partner confirming your eligibility and agreeing to take shared /parental leave and/or pay.

You:
To qualify for SPL you must meet the following requirements:

- You must share care of the child with either:
  - Your husband or wife, civil partner, or joint adopter.
  - The child's other parent.
  - Your partner (if they live with you and the child).
- You or your partner must be eligible for maternity pay or leave and have given notice to curtail it.
- You must have been continuously employed for at least 26 weeks by the end of the 15th week before the due date (or the date you are matched with your adopted child).
- Be employed by the same employer whilst you take SPL.

Your Partner:
To qualify for SPL, your partner must meet the following requirements:

- During the 66 weeks before the baby is born, they must have worked for at least 26 weeks (not necessarily consecutively).
- They must have earned the minimum defined by gov.uk on average in 13 of those 66 weeks.
- They may have been employed, self-employed or an agency worker.

Before requesting SPL, you are requested to discuss your intentions informally with your Headteacher or line manager, as appropriate to your situation.

12.2 Eligibility – Shared Parental Pay

Statutory Shared Parental Pay (ShPP) will be created where an eligible mother or adopter chooses to bring their maternity or adoption pay or maternity allowance to an end early. The untaken maternity or adoption pay, or maternity allowance will become available as statutory shared parental pay – up to a maximum of 37 weeks.

You will qualify for Shared Parental Pay if one of the following applies:

- You qualify for Statutory Maternity Pay or Statutory Adoption Pay.
- You qualify for Statutory Paternity Pay and have a partner who qualifies for Statutory Maternity Pay or Maternity Allowance or Statutory Adoption Pay.

Before requesting Shared Parental Pay, you may want to discuss your intentions informally with your manager. Shared Parental Pay is requested by completing the Notice of Entitlement and returning it to your Headteacher.

You can use the gov.uk tool to check your entitlement to pay and leave when you have a child.

12.3 Will Shared Parental Leave work for you?

Not everyone will meet the criteria to qualify for SPL, but even those who do will need to consider whether other arrangements will suit them better. Things you might want to consider when deciding on which option is best for you include:

- Whether one or both parents qualify and how you would like to share the care of your child.
- Whether the mother wants to reduce her maternity / adoption leave.
- Is there an entitlement to enhanced maternity / adoption / paternity / SPL pay and would reducing the mother's maternity leave impact on this.
- What other options are available (such as flexible working requests, annual leave, parental leave) and how these could work alongside SPL.
- The wider financial implications, e.g., pay and pensions.

Even if you don't choose SPL in the first instance, you can opt in at a later date if you are still eligible, as long as you provide the correct notice and take the leave within 12 months of your child's birth.

12.4. How Much Leave and Pay Am I Entitled to And When Can I Take It?

The amount of SPL and pay depends on how much maternity or adoption leave has already been used up. SPL is 52 weeks minus the number of weeks already taken as maternity leave. (The first two weeks being compulsory maternity leave).

Statutory Shared Parental Pay is 39 weeks minus the number of weeks of statutory maternity (or adoption) pay or maternity allowance taken by the mother or adopter. ShPP is paid at the rate as determined by gov.uk a week or 90% of your average weekly earnings, whichever is lower.

12.5. What Happens to My Pension Whilst on Shared Parental Leave?

If you are a member of the local government pension scheme, whilst on paid shared parental leave, you will pay pension contributions on any pensionable pay received. If on unpaid shared parental leave, you will not automatically build up pension benefits as you will not be contributing. However, you can elect to buy back the lost pension. You should do this within 30 days of returning to work in order to benefit from the Shared Cost Additional Pension contribution contract, i.e., the Council will pay some of your contributions for you. Please see the link to the Pension Scheme for more details. If you are a Teacher you should consider the impact of any shared parental leave in relation to the Teachers' Pension Scheme

12.6 How Do I Apply?

Before applying, you should note that SPL can only be used when the mother has:

- Already returned to work, **or**
- Given notice to their employer that reduces their maternity / adoption leave and confirms when it will end by completing a maternity curtailment notice).

If the mother is not entitled to maternity / adoption leave (e.g., she may be self-employed), they must have ended, or given notice to reduce their maternity/adoption pay period or maternity allowance period for their partner to be eligible for SPL. If you wish to apply for SPL, you must provide a notice of entitlement.

You will need to include the following information:

- The names of the mother and the partner.
- The start and end date of any statutory maternity / adoption leave taken or to be taken by the mother.
- The total amount of SPL available to be taken.
- The child's expected week of birth, actual date of birth, or date of placement. (If the notice is submitted prior to the birth then the date of birth must be provided as soon as reasonably practicable).
- How much SPL the mother and partner each intend to take.
- An indication as to when they intend to take SPL, (this is non-binding). This must be accompanied by a signed declaration from both the mother and partner confirming the following.
- A signed declaration that:

- you will be sharing responsibility for the care of the child,
- the mother has given notice to end her maternity entitlement,
- you meet the continuity of employment test,
- the information you have given is accurate.
- should you cease to be eligible you will inform the Headteacher immediately.

Your partner must also supply a signed declaration stating the following information:

- Their name, address, and National Insurance number.
- They are the father, mother of the child, or partner of the child's mother.
- They meet the criteria for the employment and earnings test.

- If they are the mother, that they are entitled to statutory maternity leave, statutory maternity pay or maternity allowance, and that they have given notice to end that leave and pay / allowance.
- That at the time of the birth or placement they shared the responsibility for the care of the child with the employee seeking to take SPL.
- They consent to the amount of leave and pay that you are seeking to take.
- They consent to the employer receiving this declaration to process the information contained within it.
- In the case of the mother, that she will immediately inform the partner should the mother cease to satisfy the eligibility criteria.

SCHOOL

EMPLOYEE'S MATERNITY LEAVE PLAN

1.	I am pregnant and my baby is due in the week beginning (expected week of childbirth): Date…….	Employees should notify the school at least 15 weeks before the expected week of childbirth when they intend to start maternity leave.
2	As you requested, I have attached a MAT B1 certificate confirming this	Please obtain a certificate from your doctor or a midwife giving the expected week of childbirth.
3(a)	*I intend to take Ordinary Maternity Leave* ***Yes/No*** *(delete as appropriate)*	*Ordinary Maternity Leave lasts for 26 weeks.*
3(b)	*I also intend to take my full SMP entitlement (39 weeks maternity leave)* ***Yes/No*** *(delete as appropriate)*	Ordinary maternity leave lasts for 26 weeks, and additional maternity leave lasts for 26 weeks.
3(c)	*I also intend to take Additional Maternity Leave: (52 weeks maternity leave in all)* ***Yes/No*** *(delete as appropriate)*	*Additional Maternity Leave runs from the end of Ordinary Maternity Leave for a further 26 weeks.*
	Return to work **Yes/No/Defer Decision** (delete as appropriate)	

In order to qualify for 12 weeks' additional half pay employees must have one year's service at the Qualifying Week (11th week before expected week of birth) and must return to work for 3 months*****.

Please note, you will be asked to choose 1 from the following options:

a) at present I intend to return to work – please pay me my 12 weeks' half pay which I will repay if I subsequently do not return to work

b) at present I do not intend to return after the birth of my child – please withhold my 12 weeks' half pay

c) at present I do not know/I do not wish to tell you whether I am returning to work – please retain my 12 weeks' half pay which will become payable should I return to work for 3 months or more

School: ……

Date

Dear ……

I am writing to tell you that I am expecting a baby, and it is due on ……

At present I intend to take maternity leave from …… and I expect/do not expect* to return to work after the baby is born. Please send me all relevant information.

If my circumstances change, I will let you know.

Please arrange for a risk assessment to take place as soon as possible.

Yours sincerely

Name of Employee

* Please delete as applicable

Date

Dear ……

Employee Number:
School:

I wish to inform you that I have been matched with a child for the purpose of adoption and I enclose for your information the Matching Certificate issued by the adoption agency.

The date the child is due to be placed with me is …… and I therefore wish to take adoption leave with effect from ……

I intend to take ……. weeks' adoption leave, however, should I decide to return to work earlier I will write to you again giving you at least 21 days' notice of this and the date I wish to return.

Yours sincerely

Name of Employee

Submit completed form to the Headteacher who will forward to HR Services Traded Payroll Team where appropriate. Please send to: traded@derbyshire.gov.uk

PATERNITY LEAVE APPLICATION FORM (OPL)	
Name	
Employee Number	
School	
Dates requested	
The date the baby is due to be born/ placed on/OR if the child has been born/placed, the actual date of birth/placement	
The start date of the mother's/ co-adopter's Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay	
The purpose in requesting leave is to care for the child	**YES/NO* (please delete)**
Signature	
Date	
Headteacher Approved/Not Approved*	
Signature	
Date	

- **Please enclose form SC3 from HMRC. In the case of adoptive parents a form SC4 from HMRC and a copy of the matching certificate.**
- **If the dates change, please inform your Headteacher as soon as possible.**

Submit completed form to the Headteacher who will forward to HR Services Traded Payroll Team where appropriate.

Payroll procedure for processing Paternity leave for Teachers:

- If the Teacher is claiming Statutory Paternity Pay (SPP) they **must** claim either 7 calendar days or 14 calendar days.
- Paternity leave may start on any day of the week providing it is after the baby is born.
- Paternity leave must finish within 52 weeks of the child's birth (or due date if the baby is early) but there are different rules for adoption.
- Employees must meet the eligibility criteria detailed on the HMRC website.
- Employee needs to complete an SC3 form (obtained from HMRC website) detailing the date of birth of the baby and this form which should be sent to the HR Services Traded payroll team for processing. (SC4 when adopting a child).
- If the Paternity leave goes across a Bank Holiday or into the school holidays it is included in the 7 or 14 calendar days.
- Where Schools have access to SAP they should input the absence in 'PA30 – Maintain HR Master Data' using 'wage type 0253 – 'Paternity leave full week' for any absence of between 7 and 14 calendar days.
- If the Teacher is requesting less than a week's paternity leave, they will not be eligible for Statutory Paternity Pay and will not need to complete an SC3 form. If individual days are being requested this should instead be considered as authorised leave and falls into the normal approval process that schools, follow for such requests. Schools should input the absence in 'PA30 – Maintain HR Master Data' using wage type 0406 – special leave.
- Please note that if the School does **NOT** adopt the revised Ordinary Paternity Pay entitlement for Teachers that you should notify the HR Services Traded payroll team by emailing traded@derbyshire.gov.uk each time a paternity leave absence is recorded to ensure the appropriate payment is made.
- Academies should record the absence on their absence return and forward to the HR Services in their usual manner along with a copy of the SC3 form. In addition, please email traded@derbyshire.gov.uk if the Academy does NOT adopt the revised Ordinary Paternity Pay entitlement for Teachers each time a paternity leave absence is recorded to ensure the appropriate payment is made.
- If you have any queries regarding this process, please contact the Services Traded Team on 01629 535117 selecting option 2 or via email traded@derbyshire.gov.uk

UNPAID PARENTAL LEAVE APPLICATION FORM

Name	
Employee Number	
School	
Child's Name (if known)	
Dates requested	
Dates of any previous parental leave taken (current or previous employer)	
The date the baby is due to be born/ placed on, OR if the child has been born/placed, the actual date of birth/placement	
I am named on the child's birth certificate, OR I have, or expect to have, parental responsibility under the Children Act 1989 OR I am an adoptive parent, foster parent or a spouse or partner/civil partner/same sex partner of any of the above who is living with the child	**YES/NO* (please delete)**
The purpose in requesting leave is to care for the child or make arrangements for the child's welfare	**YES/NO* (please delete)**
Signature	
Date	
Headteacher Approved/Not Approved*	
Signature	
Date	

Please enclose relevant documentation, a copy of the birth certificate/adoption certificate.

Submit completed form to HR Services Traded Payroll Team.

Headteacher

School

Date

Dear ……

Shared Parental Leave request to discuss leave booking

Thank you for submitting your notice to take a period of shared parental leave (SPL) that was given on dd/mm/yyyy.

[OR]

Thank you for your notice to vary a previously submitted period of shared parental leave (SPL) request that was given on dd/mm/yyyy.

You have indicated that you would like to take leave on the following dates: *[insert dates submitted on the period of leave notice]*

I would like to arrange a convenient time to discuss your notification with you.

I therefore suggest a meeting at **[location]** on **[date]** at **[time]**. You can bring a trade union representative or work colleague to the meeting, and you should make the appropriate arrangements if you wish to do that.

Please could you contact me to confirm whether you are able to attend the meeting suggested above or, if not, to suggest an alternative time and date.

Please do not hesitate to contact me if you have any questions in the meantime.

Yours sincerely

Headteacher

Headteacher

School

Date

Dear ……..

Shared Parental Leave: Refusal of a discontinuous leave booking

Thank you for submitting your notice to take a period of shared parental leave (SPL) that was given on dd/mm/yyyy. You have indicated that you would like to take leave on the following dates:

[Insert dates submitted on the period of leave notice]

Having given the proposal thorough consideration, I regret I am unable to agree to the pattern of discontinuous leave that you requested.

I discussed alternative options with you, but agreement to an alternative pattern of leave has not been reached because *[insert reasons why the pattern of leave requested cannot be accommodated]*.

Given that we have not reached agreement, you have the following options:

- To take the discontinuous periods of leave requested in one continuous block, beginning on the original start date.
- To take the continuous block of leave starting on a new date. The new start date cannot be sooner than eight weeks from the date you submitted your original SPL notification.
- To withdraw your leave request at any time within the next 15 days. If the request is withdrawn in these circumstances, it will not count as one of your three requests to book SPL. You can then take some more time to consider your leave options and resubmit your request at a later date.

Please confirm your decision to me in writing within the next 15 days.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please speak to me or HR Services.

Yours sincerely

Headteacher

cc: HR Services Traded Payroll Team

Headteacher

School

Date

Dear ……

Confirmation of Shared Parental Leave booking

Thank you for your notice to take Shared Parental Leave commencing on dd/mm/yyyy.

I can confirm that the school has agreed to your Shared Parental Leave request. You will be away from work on Shared Parental Leave from …… to ……..

[If leave is discontinuous then please amend as needed]

You are expected to return to work on the first working day after your leave period ends.

If you wish to vary or reduce the leave that you have booked, you must give at least eight weeks' notice before any amended dates occur. A notice to vary your booked leave will count as a new notice thereby reducing your entitlement to make three statutory notifications by a further one.

Should you have any questions about the content of this letter, please do not hesitate to contact me.

Yours sincerely

Headteacher

cc: HR Services Traded Payroll Team

Notice of Entitlement and Intention to take Shared Parental Leave and Pay

How to complete this form:

- **Both parents/adopters must complete and sign this form, whether they both work for the School or not.**
- **Where both parents work for the School/*Derbyshire County Council, they must both fill in their own form to give to their Headteacher and then tick the box at the end of the form.**
- **Once completed, return this form to your Headteacher who will discuss leave arrangements. Once agreement has been reached, the form should be sent to** HR Services Traded Team, traded@derbyshire.gov.uk – for schools purchasing the council's HR/Payroll services

---

To qualify for Statutory Shared Parental Leave (SPL) you must:

- Be an employee
- Have a partner with whom you share the main responsibility for the care of the child
- Meet the duration of employment test
- Have a partner who meets an employment and earnings test.

To qualify for Statutory Shared Parental Pay (ShPP) you must:

- Be an employee or an agency worker
- Have a partner with whom you share the main responsibility for the care of the child
- The mother must have qualified for SMP or Maternity Allowance
- You must meet the duration of employment test and have normal weekly earnings of at least the Lower Earnings Limit for a fixed period
- You have a partner that meets an employment and earnings test.

At least 8 weeks' notice must be given to the Council of any SPL or ShPP that the employee will take.

As an employee of School/*Derbyshire County Council, I confirm that I wish to book Shared Parental Leave.

Shared Parental Pay:

If both parents are School/*Derbyshire County Council Employees, please tick here _____

Please give this form to your line manager, asking for a meeting to discuss your leave requirements.

*delete as applicable

Section 1 – Mother

Name (whether School/DCC employee or not)	
Mother's employer's name (if not School/DCC please provide employer address as well)	
Payroll Number	
Headteacher/Line Manager	
Maternity/Adoption leave start date (or will start)	
Date Statutory Maternity/Adoption pay started (or will start)	
Child's actual/expected date of Birth *or* date of placement for adoption	
Total number of weeks of SPL entitled to (the mother will be informed of Maternity Leave entitlement after she submits her MATB1)	
Total number of weeks of Shared Parental Pay entitled to	
Date from which mother intends to end Maternity Leave, and start SPL	
Total number of weeks SPL mother intends to take	
Dates expected to take SPL (all SPL must have start and end dates)	Block 1 start ___/___/___ end ___/___/___
	Block 2 start ___/___/___ end ___/___/___
	Block 3 start ___/___/___ end ___/___/___

Section 1 – Father/Partner/Civil Partner/Adopter

Name (whether School/DCC employee or not)	
Partner's employer's name (if not School/DCC please provide employer address as well)	
Payroll Number	
Headteacher/Line Manager	
Maternity/Adoption leave start date (or will start)	
Date Statutory Maternity/Adoption pay started (or will start)	
Child's actual/expected date of Birth *or* date of placement for adoption	
Total number of weeks of SPL entitled to (the mother will be informed of Maternity Leave entitlement after she submits her MATB1)	
Total number of weeks of Shared Parental Pay entitled to	
Date from which mother intends to end Maternity Leave, and start SPL	
Total number of weeks SPL partner intends to take	
Dates expected to take SPL (all SPL must have start and end dates)	Block 1 start ___/___/___ end ___/___/___
	Block 2 start ___/___/___ end ___/___/___
	Block 3 start ___/___/___ end ___/___/___

Section 2 – The Declarations

Mother's declaration:

I declare that

- I meet, or will meet the eligibility conditions and am entitled to take SPL and/or ShPP;
- that the information I have given is accurate
- I am the mother/adopter
- If my circumstances change and cease to be eligible for SPL and/or ShPP, I will immediately inform the School/*Council.

_____

Mother's Signature Date

Partner's Declaration:

I declare that

- I am the father of the child, spouse, civil partner, or partner of the mother/adopter (please circle)
- I satisfy the 'employment and earnings test' and at the date of the child's birth (or placement for adoption) will have main responsibility for the child, along with the mother
- I consent to the amount of SPL and/or ShPP that the mother/partner/adopter intends to take
- I consent to the School/*Council processing the information contained in the declaration form
- If I cease to satisfy the eligibility conditions, I will immediately inform the School/*Council.

_____

Partner's Signature Date

*delete as applicable

Date

Dear Headteacher

Maternity/Adoption Leave Curtailment Notice Letter

I am writing to let you know that I want to bring my Maternity/Adoption Leave to an end early.

I am currently on Maternity/Adoption leave which commenced on dd/mm/yyyy and wish to give notice to end my leave on dd/mm/yyyy to enable me to start Shared Parental Leave. My child was born/placed on dd/mm/yyyy.

Or

I will be taking a period of Maternity/Adoption leave from dd/mm/yyyy and intend to return to work on dd/mm/yyyy to enable me to start Shared Parental Leave. The expected week of birth/date of placement is dd/mm/yyyy.

I understand that my leave will end on that date and that normally it will not be possible for me to revoke this notice once it has been given.

I have given this letter to my manager providing at least 8 weeks' notice of when I want my leave to commence.

I enclose with this letter either (delete as appropriate)

1) A Maternity/Adoption Leave Curtailment Notice

2) Notice of Entitlement and Intention to take Shared Parental Leave

Yours sincerely

Name of Employee

Neonatal Care Leave and Pay Application Form	
Name	
Employee Number	
School	
Relationship to child	
Expected week of Childbirth	
Child's date of birth	
If you are the adopter of the child or partner of the child's adopter please provide: the date your child was placed for adoption and the date you were notified of having been matched for adoption with the child 'matching week'	
If you are adopting from overseas or are the partner of the overseas adopter, please provide the date your child entered Great Britain	
Date(s) in which your child has been in neonatal care (please specify end date)	
Number of days your child was in neonatal care (You are entitled to neonatal leave for every week (i.e., seven days) that your baby was in neonatal This is for a minimum of one week and up to a maximum of 12 weeks).	
Start and End date of Neonatal care leave requested (Leave in Tier 1 may be taken in a number of non-continuous blocks of a minimum of one week at a time and leave in Tier 2 must be taken in one continuous block).	
I intend to take neonatal care pay on the following dates (if applicable):	
Please state if neonatal care is in addition to any other forms of parental leave, i.e., Maternity Leave, Paternity, Adoption Leave	

I confirm that I am entitled to Neonatal Leave as defined under the Neonatal Care (Leave and pay) Act 2023. Please tick here if applicable ☐

I confirm that I meet the eligibility requirements for Neonatal Pay. Please tick here if applicable ☐

Neonatal Care is defined as

- medical care received in a hospital;
- medical care received in any other place following discharge from an inpatient stay in hospital. The care must be under the direction of a consultant and includes ongoing monitoring and visits to the child by healthcare professionals
- palliative or end-of-life care

Any medical care which does not fall within the definition above will not qualify, nor will any medical care which does not begin within the first **28 days** of the baby's birth.

Employee's Signature	
Date	
Headteacher	
Approved/Not Approved*	
Signature	
Date	

Submit completed form to the Headteacher who will forward to HR Services Traded Payroll Team where appropriate traded@derbyshire.gov.uk