

MATERNITY, PATERNITY, ADOPTION & SHARED PARENTAL LEAVE POLICY

Issued: August 2016
Reviewed: July 2022
Updated: March 2023
Next Review Due: July 2025

Contents

Heading	Page number
Introduction	4
Maternity leave	
Maternity Leave and Pay Definitions	4
Eligibility	4
Ante-Natal Care	4
Duties During Pregnancy	4
Statutory Maternity Pay (SMP)	5
Occupational Maternity Pay (OMP)	5
Maternity Pay Period	7
Maternity Leave	8
Performance Management/Pay Progression	8
Return to Work	8
Annual Leave	9
Miscarriage, Stillbirth and Parental Bereavement Leave	9
Flexible Working Arrangements	9
Contact During Maternity Leave	10
Keeping in Touch Days	10
Paternity Leave	
Paternity Leave and Pay	10
Ordinary Paternity Leave (OPL)	11
Additional Paternity Leave (APL)	11
Paternity Pay	11
Adoption Leave	
Adoption Leave	12
Shared Parental Leave	
What is Shared Parental Leave?	13
Who is eligible for Shared Parental Leave?	13
The Shared Parental Leave Entitlement	14

Notifying the Trust of an Entitlement to Shared Parental Leave	15
Requesting Further Evidence of Eligibility	15
Fraudulent Claims	16
Discussions Regarding Shared Parental Leave	16
Booking Shared Parental Leave	17
Continuous Leave Notifications	17
Discontinuous Leave Notifications	17
Responding to a Shared Parental Leave Notification	18
Variations to Arranged Shared Parental Leave	18
Statutory Shared Parental Pay (ShPP)	18
Terms and Conditions During Shared Parental Leave	19
Annual Leave	20
Contact During Shared Parental Leave	20
Shared Parental Leave in Touch Days	20
Returning to Work after Shared Parental Leave	20
Special Circumstances and Further Information	21
Appendices	
Appendix 1 - Conducting a Risk Assessment for New/Expectant Mothers – a Guide for Headteachers/Principals	22
Appendix 2 - Shared Parental Leave Form	24

As part of our focus on diversity and inclusion, BDAT pledges that our policies will seek to promote equality, fairness, and respect for all staff and students. Our policies reflect the BDAT values of inclusion, compassion, aspiration, resilience, and excellence. By working closely with a range of stakeholders, such as our school, union, and HR colleagues, we have ensured that BDAT's policies do not unlawfully discriminate against anybody.

Introduction

This policy has been provided as a Trust level resource for BDAT and does not form part of an employee's terms and conditions of employment. This policy applies to all BDAT employees alongside the NJC (Green Book) Conditions of Service for Support staff and the Burgundy Book (Conditions of Service for School Teachers in England and Wales), for Teaching staff.

The purpose of this policy is to provide details about entitlements to leave and pay for the following circumstances: maternity leave, paternity leave, adoption, parental leave.

This policy has been implemented following consultation with the recognised trade unions and any subsequent amendments or review will be subject to the same process.

Maternity Leave and Pay

- (a) Continuous periods of service as defined by statute law, the burgundy book and green book shall be deemed to qualify as service with the Board for the purposes of maternity pay and maternity leave.*
- (b) Childbirth means the live birth of a child, or a still birth after a pregnancy lasting at least 24 weeks.*
- (c) If a premature birth and death occur prior to 24 weeks and the birth is registered, then this is also classed as childbirth.*

Eligibility

All staff employed by BDAT who are pregnant are entitled to maternity leave regardless of length of service or hours worked each week. Benefits will vary depending on service, hours or pay.

Ante-natal care

All staff members who are pregnant, regardless of their length of service, or hours of work, are entitled to reasonable time off with pay for ante-natal appointments made on the advice of a registered medical practitioner, midwife or health visitor. The Line Manager should be notified of the pregnancy as soon as it has been confirmed, and the date and time of any ante-natal appointments.

Duties during pregnancy

Once informed in writing of an employee's pregnancy, an individual Maternity Risk Assessment will be carried out, in consultation with the employee, to identify any risk to the employee or the baby's health. A template is at Appendix A. Regular health and safety discussions will be carried out between

the employee and their line manager until maternity leave commences. All staff members who are pregnant, regardless of their length of service or hours of work, are entitled to be offered alternative duties if at any time during their pregnancy if they become unable for health and safety reasons for them to continue to perform some or all of the duties for which they are employed. If alternative work is not available, they may be suspended on full pay for as long as they are unable to perform their duties. Medical evidence that they are unable to perform their duties will normally be required.

Statutory Maternity Pay (SMP)

- (i) All staff members who have been continuously employed by the Board for 26 weeks at the beginning of the 15th week before the expected week of confinement (EWC) are entitled to statutory maternity pay, provided they earn the minimum amount specified by law (which is subject to review annually).
- (ii) The rate of SMP is 90% of average weekly earnings for the first 6 weeks, followed by a rate equivalent to the current rate of Statutory Sick Pay (which is subject to review annually) for a further period of up to 33 weeks. SMP is not payable before the employee has ceased work because of pregnancy or after she has returned to work.
- (iii) To qualify for the right to maternity pay, the employee must notify the line manager, in writing, that she is pregnant and of the expected week of childbirth and produce the Mat B1 Certificate signed by a doctor or registered midwife confirming the expected week of childbirth. The employee must also by the 15th week (notification week) before the EWC, give, in writing, the date when she intends to take leave.
- (iv) If an employee does not qualify for SMP, please request a form SMP1 from the HR Manager/School Business Manager detailing the reasons why. This should be taken to the local Jobcentre Plus Office as it is likely that they will be entitled to either Maternity Allowance or Incapacity Benefit. For further details of any state benefits, contact their local Jobcentre Plus or <https://find-your-nearest-jobcentre.dwp.gov.uk/>

Occupational Maternity Pay (OMP)

Occupational Maternity Pay (OMP) is available to employees who have completed at least one year's continuous service at the 11th week before the EWC and who confirm in writing their intention to return to work after maternity leave.

Non-teaching staff

For non-teaching staff, staff entitled to OMP will receive half pay plus SMP for a further 12 weeks. However, half pay plus SMP cannot exceed full pay.

Therefore, non-teaching staff who qualify for OMP will be entitled to receive:

- For the first six weeks of leave, they will be entitled to 9/10ths (90%) of their week's pay
- If the employee has declared their intention to return to work, they will be entitled to 12 weeks of leave at half pay (or alternative equivalent arrangement – see above) plus the lower rate SMP which is paid at the lower of:
- 90% of average weekly earnings, or

- the statutory rate set by government as long as the total maternity pay does not exceed full pay.

Teaching staff

For teaching staff OMP is paid on the understanding that the employee will return to their job for at least 13 weeks (or longer equivalent period if they return on fewer hours than they were previously working) excluding any period of unpaid parental leave.

A teacher who qualifies for OMP will be entitled to receive:

- Full pay for the first four weeks of leave (off-set against SMP)
- Two weeks paid at 9/10ths (90%) of their week's pay (off-set against SMP)
- If the employee has declared their intention to return to work, they will be entitled to 12 weeks of leave at half pay (or alternative equivalent arrangement – see above) plus the lower rate SMP which is paid at the lower of:
 - 90% of average weekly earnings, or
 - the statutory rate set by government as long as the total maternity pay does not exceed full pay.

The twelve week's half pay is generally paid between weeks 7 and 18 on top of SMP, without any deduction of SMP. However, half pay plus SMP cannot exceed full pay.

Where an employee has multiple posts, the OMP applies on all of their established posts at the time they are going on maternity leave.

The Statutory and Occupational Maternity Pay provisions for both support and teaching staff are summarised in the table below:

Teaching Staff:

	First 4 weeks	Next 2 weeks	Next 12 weeks	Next 21 weeks	Next 13 weeks
At least 1 year's continuous service at the 11 th week before EWC (with one or more Local Authorities) and <i>at least</i> 26 weeks' continuous service with BDAT by the end of the 15 th week before EWC	Full pay (inclusive of SMP)	90% of a week's pay (inclusive of SMP)	Half pay plus SMP (capped at normal salary)	SMP	No pay
At least 1 year's continuous service at the beginning of the 11 th week before EWC (with one or more Local Authorities) but <i>less</i> than 26 weeks' continuous service with BDAT by the end of the 15 th week before EWC	Full pay (inclusive of SMP)	90% of a week's pay (inclusive of SMP)	Half pay plus MA if eligible (capped at normal salary)	MA if eligible	No Pay
Less than 1 year's continuous service at the beginning of the	Higher Rate SMP (6 weeks)	Lower Rate SMP (33 weeks)		No Pay	

11 th week before the EWC (with one or more Local Authorities) and <i>at least</i> 26 weeks' continuous employment with BDAT			
Less than 1 year's continuous service at the beginning of the 11 th week before the EWC (with one or more Local Authorities) and <i>less than</i> 26 weeks' continuous employment with BDAT by the end of the 15 th week before EWC	Statutory Maternity Allowance (MA) may be payable, dependent on National insurance contributions. Maximum 52 weeks leave		

Support Staff:

	First 6 weeks	Next 12 weeks	Next 21 weeks	Next 13 weeks
At least 1 years continuous service at the beginning of the 11 th week before the EWC (and intends to return)	90% of a week's pay (offset against SMP or MA)	Standard rate of SMP (if eligible) plus half pay (capped at normal salary)	Standard rate of SMP (if eligible)	No Pay
At least 26 weeks continuous service at the end of the 15 th week before the EWC	90% of a week's pay (offset against SMP or MA)	Standard rate of SMP (if eligible)		No Pay
Less than 26 weeks' continuous service at the beginning if the 11 th week before EWC	Statutory Maternity Allowance (MA) may be payable, dependent on National insurance contributions. (Maximum 52 weeks' leave)			

Maternity Pay Period

The following applies both to BDAT maternity pay and to SMP.

- (i) Staff members can choose within limits when they wish their maternity pay period to begin. It can begin at any time from the beginning of the 11th week before the ECW until the date the child is born. It will begin automatically if the employee is absent from work because of her pregnancy at any time after the beginning of the fourth week before the ECW (see 5.6 (iii) below).
- (ii) Maternity pay will be paid monthly at the same time and in the same way as the normal salary.

Maternity Leave

- (i) All women in employment have the right to 52 weeks statutory maternity leave. The leave is broken into two parts:
 - (a) 'Ordinary' Maternity Leave (26 weeks): there are no service qualifications for maternity leave, but the employee should give notice to the Line Manager of her intention to take leave at the 15th week (notification week) before the EWC. An employee is allowed to adjust the start of her maternity leave as long as she gives 4 weeks' notice.
 - (b) 'Additional' Maternity Leave (26 weeks): this continues ordinary maternity leave. The right of return is to the same job, but if this is not practicable, then a similar job, with no less favourable terms and conditions will be offered.
- (ii) The maternity leave period begins either on the date when the employee notifies the Line Manager she wishes it to begin (which can be no earlier than the beginning of the 11th week before the week the baby is due) or on the first day the employee is absent from work for a pregnancy related reason during the last 4 weeks before the baby is due.
- (iii) During the maternity leave period, the contract of employment remains in existence and the employee is entitled to her benefits under the terms of her contract of employment except for remuneration/pay.
- (iv) To qualify for the right to maternity leave, the employee must give to the BDAT written notice that she is pregnant and of the expected week of childbirth and produce the Mat B1 Certificate signed by a doctor or registered midwife confirming the expected week of childbirth. The employee must also give in the written notice the date when she intends the maternity leave to begin. At least 28 days' notice must be given or as much notice as possible if 28 days' notice cannot be given. The employee must also give 28 days' notice if she wants to make any changes to the agreed start of her leave. Alternatively, if the maternity leave period begins automatically because of absence from work for a pregnancy related reason, the employee must notify the Line Manager of this fact as soon as possible.
- (v) BDAT will always consider cases of hardship and the Line Manager is available to give help and assistance in cases of uncertainty or difficulty.

Performance Management/Pay Progression

Any discussions around performance management/pay progression should take maternity leave into account. Objectives may need to be adjusted and pay progression should be awarded as if the absence did not take place. It may be appropriate to complete any review prior to an employee starting maternity leave.

Return to Work

- (i) The date is agreed before maternity leave starts. BDAT will write to the employee within 28 days of receiving the application for maternity leave, stating the return to work date. The right of return, from 'ordinary' maternity leave, is to the same job on the same terms and conditions.

If the employee chooses to take additional maternity leave (up to 26 weeks), then she still has the right to return to the same job on the same terms and conditions, but if it is not practical to keep her job open, then she has the right to return to a suitable alternative job.

- (ii) The maternity leave period can last for up to 52 weeks. The employee may, if she wishes, return before the end of the 26 weeks ordinary leave or the full 52 weeks, provided that she has given the Board at least eight weeks written notice of her intention to do so. However, she may not return to work from her maternity leave in the period of two weeks beginning with the birth of her baby and the maternity leave period may be extended accordingly.
- (iii) The employee may change their mind after the baby is born about how much leave they take. Notice of change should be given in accordance with the provisions of the Burgundy Book (Teachers) or Green Book (Support Staff)
- (iv) Before returning to work, an employee should let the Trust know in writing that they are breastfeeding. A risk assessment should be completed in consultation with them and consider whether there are any specific risks to them for as long as they are breastfeeding. Employers are legally required to provide a space for mothers who are breastfeeding to lie down and rest if they need to; HSE guidance states that toilets are not a suitable space for this.

Annual leave

An employee continues to accrue all their paid annual leave (including bank holidays where applicable) while on maternity leave.

Miscarriage, Stillbirth and Parental Bereavement Leave

In the tragic circumstances where a stillbirth occurs after 24 weeks, this is treated as childbirth, and an employee is entitled to maternity leave and other rights. A miscarriage or stillbirth prior to this stage is treated as sickness and therefore the sickness absence policy arrangements for that employee will apply. However, if a premature birth and death occur prior to 24 weeks and the birth is registered, then this is also classed as childbirth and again maternity and other rights would be applicable.

Parental Bereavement Leave and Pay Act gives all employed parents a day-one right to two weeks' leave if they lose a child under the age of 18 or suffer a stillbirth from 24 weeks of pregnancy. The leave is a day-one right, but employees must have 26 weeks of service at the time of the bereavement. Parental bereavement leave can be taken as a single block, or as two separate weeks and employed parents will have a window of 56 weeks to use the entitlement, which is intended to cover the first anniversary of the death. This leave will be at full pay.

Flexible Working Arrangements

Employees have the legal right to make a request for changes to hours of work, days of work or place of work providing:

- they have been employed by the Trust for at least 26 weeks by they submit the request, and
- they have not made a request for flexible work in the last 12 months (whether it was granted or refused).

Employees are still employed during maternity, paternity, or periods of parental leave, so any weeks of leave count towards their continuous employment.

Contact During Maternity Leave

During maternity leave, an employer may make reasonable contact with an employee, and in the same way, an employee may contact her employer. Before an employee goes on maternity leave, the line manager should have a meeting with them to talk about how they would like to stay in touch.

While on maternity leave, the employee should be kept informed about:

- any jobs that are being advertised
- any promotion opportunities
- if they are planning redundancies or reorganisation

The line manager and employee can also agree what other things to keep the employee updated about, for example, staff bulletins or information about staff social events.

Keeping in Touch Days

- (i) Keeping in touch can help to make it easier for both employee and employer when it becomes time to return.
- (ii) The employee is not obliged to do any work or attend any events during maternity leave but if both employer and employee agree, she can do up to 10 days work during her maternity leave. These are known as 'Keeping in Touch Days'. They are not limited to the employee's usual job – they could be used for training or other events. It may be helpful for the employee to use some 'Keeping in Touch Days' to ease her return to work, although, she still cannot work during the first two weeks after the birth.
- (iii) Both employer and employee must agree which days will be worked and what that work will be.
- (iv) The employee cannot be required to take up 'Keeping in Touch Days' and the employer may not be able to offer them. The employee cannot be penalised for refusing to take up a 'Keeping in Touch Day'.
- (v) If an employee is not in receipt of BDAT Maternity Pay, then arrangements will be made to ensure that they receive their normal rate of pay for any such days.

Paternity Leave and Pay

The father or pregnant woman's partner has the right to unpaid time off work to go to two antenatal appointments (capped at 6.5 hours per appointment). Although the employer is not entitled to request evidence of these appointments, but they can ask for a declaration from employees confirming their relationship with the mother and details about appointments. It is at the Trust's discretion to allow additional time off work for more than two antenatal appointments.

Ordinary Paternity Leave (OPL)

- (i) To qualify for Statutory Paternity Leave, staff members must have been continuously employed for 26 weeks by the BDAT at the 15th week before the child's estimated week of children ('EWC'), i.e. at notification week and remain in employment with the BDAT up to the birth of the child.
- (ii) Paternity leave must be completed within 56 days of the birth and is for a maximum of two weeks. Staff members may not take leave in single days and must choose whether to take one- or two-weeks' leave.
- (iii) Staff members must notify the Line Manager during the 15th week before the EWC that they intend to take paternity leave and tell the Line Manager when the baby is due. Employees are not obliged to give a precise date when they want to take the leave, instead they must be able to give a general time, for example "from the day of the birth" or "one week after the birth".
- (iv) Staff members must intend, at the start of the paternity pay period, to care for the child or support the mother.

Additional Paternity Leave (APL)

- (i) The right to APL will only apply to fathers of children born on or after 3 April 2011. New mothers will have the choice to transfer up to 26 weeks' leave to the 'father' should they wish to do so, which can be taken by the father once the mother has 'returned to work'.
- (ii) The employee must give his employer a minimum of eight weeks' notice of his intention to take APL, and also complete a declaration which includes 'leave notice' specifying the week of the EWC and the dates the father has chosen for their period of leave, and an 'employee declaration' confirming he will help care for the child.
- (iii) APL must be taken in a continuous block. It should start no earlier than 20 weeks after the child is born and end no later than the child's first birthday.
- (iv) Staff members must have been continuously employed by the employer for at least 26 weeks ending with the week immediately prior to the 14th week before the EWC and remain employed until the week before taking APL.
- (v) The mother must be entitled to maternity leave, SMP or maternity allowance.

Paternity Pay

- (i) To qualify for Statutory Paternity Pay, staff members must have been continuously employed for 26 weeks by BDAT at the 15th week before the EWC, i.e. at notification week and remain in employment with the Board up to the birth of the child. They must earn the minimum amount specified by law (which changes from time to time).

- (ii) The employee must give the Line Manager 28 days' notice of the start of his paternity leave and pay and complete a certificate confirming that he is in a relationship with the child's mother. The Inland Revenue has provided a form, SC3.
- (iii) If the employee's partner is adopting a child, and they are asking for statutory adoption pay and leave, then they must also have been employed for 26 weeks before the week in which the matching certificate is issued and remain employed by BDAT until the child starts living with the adopter.
- (iv) This is given for one or two weeks at the same rate as the flat rate of SMP, or 90% normal earnings if these are less than the standard rate of statutory paternity pay.

Adoption Leave

The rules for adoption are different depending on whether the child is adopted from the UK or overseas. The following guidance applies to UK adoptions; for advice or information relating to arrangements for overseas adoption, please contact the Line Manager. An eligible employee has the right to 52 weeks statutory adoption leave and 39 weeks' pay. The leave is broken into two parts:

- (i) 'Ordinary' Leave (26 weeks): the right of return, from 'ordinary' adoption leave, is to the same job, on the same terms and conditions.
- (ii) 'Additional' Leave (26 weeks): this continues ordinary adoption leave. The right of return is to the same job, but if this is not practicable, then a similar job, with no less favourable terms and conditions will be offered.

Adoption leave and pay are not available when one partner formally adopts the child of the other partner.

To be eligible for statutory adoption leave or pay, staff members must have 26 weeks' service with the BDAT before the week in which the matching certificate is issued. A matching certificate is issued by an approved adoption agency confirming that the individual has been matched with a child for adoption. The employee should notify the Line Manager no more than seven days after they are matched for placement of when they intend to take leave and the date the child is expected for placement. If the employee cannot meet this deadline, they should contact the Line Manager as soon as possible.

If an employee qualifies for adoption leave, they are entitled to time off work to attend adoption appointments after they have been matched with a child. In the case of joint adopters, the primary adopter is entitled to paid time off to attend five adoption appointments and the secondary adopter is entitled to unpaid time off for two appointments.

Either one of the couple may take the equivalent of statutory maternity leave and pay, and the other, the equivalent of statutory paternity pay and leave.

- (i) There are no additional rights if more than one child is adopted.

- (ii) If the employee is taking statutory adoption leave, they may choose to start leave on the day the child is placed with them for adoption or at a predetermined date not earlier than 14 days before the expected date of placement and no later than the expected date of placement. They should discuss this with the Line Manager the date with him/her. On receipt of the employee's request, the Line Manager will then write to the employee confirming the date on which leave will start and the expected date of return from ordinary or additional adoption leave. If the employee wishes to return to work earlier than the agreed date, they must give the BDAT eight weeks' notice.

Shared Parental Leave

What is Shared Parental Leave?

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible staff have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay. This policy sets out the statutory rights and responsibilities of staff who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).

The Trust recognises that, from time to time, staff may have questions or concerns relating to their shared parental rights. It is the Trust's policy to encourage open discussion with staff to ensure that questions and problems can be resolved as quickly as possible. Staff should clarify the relevant procedures with Fusion HR to ensure that they are followed.

Who is eligible for Shared Parental Leave?

SPL can only be used by two people:

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

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

Additionally, a staff member seeking to take SPL must satisfy each of the following criteria:

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- the staff member must still be working for the Trust at the start of each period of SPL;
- the staff member must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;

- the staff member's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks;
- the staff member must correctly notify the Trust of their entitlement and provide evidence as required.

The Shared Parental Leave entitlement

Eligible staff may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement, then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

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

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

SPL can commence as follows:

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

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

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

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

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

Notifying the Trust of an entitlement to Shared Parental Leave

A staff member entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL.

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

- the name of the staff member;
- the name of the other parent;
- the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
- the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the staff member was notified of having been matched with the child and the date of placement for adoption;
- the amount of SPL the staff member and their partner each intend to take
- a non-binding indication of when the staff member expects to take the leave.

The staff member must provide the Trust with a signed declaration stating:

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

The staff member must provide the Trust with a signed declaration from their partner confirming:

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

Requesting further evidence of eligibility

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

- the name and address of the partner's employer (where the staff member's partner is no longer employed or is self-employed their contact details must be given instead)

- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to SPL, the staff member must produce this information within 14 days of the employer's request.

Fraudulent claims

The Trust can, where there is a suspicion that fraudulent information may have been provided or where the Trust has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual Trust investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

Discussions regarding Shared Parental Leave

A staff member considering/taking SPL is encouraged to contact the SBM to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the Trust to support the individual.

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

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

Where a meeting is arranged it should take place in private and be arranged in advance. If the initial date is problematic, then another date will be arranged if possible. If an alternative date cannot be arranged, then the meeting may be held over the telephone.

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

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

Booking Shared Parental Leave

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

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

[Allowing a staff member to submit three notifications to book/vary leave is the statutory minimum and employers may find it preferable to specify a higher/unlimited number of notifications]

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

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

Continuous leave notifications

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

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

A staff member may submit up to three separate notifications for continuous periods of leave.

Discontinuous leave notifications

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

Where there is concern over accommodating the notification, the Trust or the staff member may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the staff member and the Trust (see "Discussions regarding Shared Parental Leave" above).

The Trust will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the staff member can either withdraw it within 15 days of giving it or can take the leave in a single continuous block.

Responding to a Shared Parental Leave notification

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

All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the staff member and to the Trust against any adverse impact to the business.

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

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

If a discontinuous leave pattern is refused then the staff member may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the staff member chooses to take the leave in a single continuous block, the staff member has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the staff member does not choose a start date, then the leave will begin on the first leave date requested in the original notification.

Variations to arranged Shared Parental Leave

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

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

Statutory Shared Parental Pay (ShPP)

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

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

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

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

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

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

- the start and end dates of any maternity/adoption pay or maternity allowance;
- the total amount of ShPP available, the amount of ShPP the staff member and their partner each intend to claim, and a non-binding indication of when the staff member expects to claim ShPP;
- a signed declaration from the staff member confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the Trust should they cease to be eligible.

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

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

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

Terms and conditions during Shared Parental Leave

During the period of SPL, the staff member's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind (such as use of a car, laptop, mobile phone and gym membership) will continue and contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the staff member is receiving ShPP but not during any period of unpaid SPL. Staff member contributions will be based on actual pay,

while the Trust's contributions will be based on the salary that the staff member would have received had they not been taking SPL.

Annual Leave

SPL is granted in addition to a staff member's normal annual holiday entitlement. Staff are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years the staff member should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the staff member's holiday year.

Contact during Shared Parental Leave

Before a staff member's SPL begins, the Trust will discuss the arrangements for them to keep in touch during their leave. The Trust reserves the right in any event to maintain reasonable contact with the staff member from time to time during their SPL. This may be to discuss the staff member's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

Shared Parental Leave in Touch days

A staff member can agree to work for the Trust (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The Trust has no right to require the staff member to carry out any work and is under no obligation to offer the staff member any work during the staff member's SPL. Any work undertaken is a matter for agreement between the Trust and the staff member. A staff member taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the staff member is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

A staff member, with the agreement of the Trust, may use SPLIT days to work part of a week during SPL. The Trust and the staff member may use SPLIT days to effect a gradual return to work by the staff member towards the end of a long period of SPL or to trial a possible flexible working pattern.

Returning to work after Shared Parental Leave

The staff member will have been formally advised in writing by the Trust of the end date of any period of SPL. The staff member is expected to return on the next working day after this date, unless they notify the Trust otherwise. If they are unable to attend work due to sickness or injury, the Trust's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the staff member wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the Trust at least eight weeks' notice of their date of early return. This will count as one of the staff member's notifications. If they have already used their

three notifications to book and/or vary leave then the Trust does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

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

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

If the staff member also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the staff member's right to return and the staff member will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the staff member will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

Special Circumstances and further information

In certain situations a staff member's rights and requirements regarding SPL and ShPP may change. In these circumstances the Trust will abide by any statutory obligations and a staff member should refer to the documents listed below and/or clarify any issues or queries with HR.

Law relating to this document:

- The Shared Parental Leave Regulations 2014 (updated 2020)
- The Shared Parental Pay (General) Regulations 2014 (updated 2020)
- The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014
- Employment Rights Act 1996
- Child and Families Act 2014
- Equality Act 2010
- Coronavirus Job Retention Scheme 2020

APPENDIX 1

CONDUCTING A RISK ASSESSMENT FOR NEW / EXPECTANT MOTHERS – A GUIDE FOR HEAD TEACHERS/PRINCIPALS

Steps to take when conducting a risk assessment for new /expectant mothers

Step 1	Read through the employee or volunteer's job description
Step 2	Arrange a suitable time to meet with employee or volunteer. In the case of an expectant mother, this should be as soon as possible after you receive written notification of the employee's pregnancy.
Step 3	Using the guidance on workplace hazards and the risks they pose to new and expectant mothers, assess all aspects of the role with the employee and the risks associated with each of the items listed.
Step 4	Document the findings on the Risk Assessment Form for Maternity-related Risks. The list is not exhaustive and if you identify other risks you should use the blank rows on the form to record them. Make sure a copy of the completed form is kept as a record on the employee's personal file. Give the employee a copy of the completed form if it is requested.
Step 5	Take appropriate action where significant risks are identified. Consult your HR Advisor if you need to consider finding alternative work. If you need further advice on identifying or making adaptations for risks identified, contact your HR Advisor or occupational health as appropriate.
Step 6	Review the assessment at appropriate intervals, particularly if there is a change in either the employee's circumstances or the work environment and also when the employee returns to work after maternity leave.

Avoiding Exposure of New / Expectant Mothers to Risks in the Workplace

When a hazard has been identified by the risk assessment that could pose a risk to the health and/or safety of a new and/or expectant mother and/or her baby, it will need to be considered what action should be taken to ensure the risk is either avoided or, where this is not possible, reduced to the lowest acceptable level.

The options may include:-

- Removing the hazard;
- Removing the employee from the hazard to prevent any exposure to it;
- Reducing or removing the effect of the associated risk.

Examples of Adjustments to avoid or reduce risks

- Temporarily adjusting working hours / working conditions so as to avoid exposure to a risk or reduce the effects of a risk;
- Temporarily assigning some duties to other employees (e.g.: manual handling duties) or providing aids to help with some duties;
- If it is necessary to make adjustments, this should be discussed with the employee and asked whether she feels the changes are suitable.

Any changes to an existing employment contract – for example, changes in hours, should be agreed with the employee and then confirmed in writing. Please contact HR Support Services Team for further advice.

Specific considerations for Teachers

- Are there clean and comfortable facilities for the employee or volunteer to rest and where appropriate, breastfeed or express and store milk? Is there somewhere that they can lie down, if necessary?
- Has the employee or volunteer been offered extra assistance with lifting for the duration of the pregnancy?
- Has it been identified that the employee or volunteer is at particular risk of assault, either by students or members of the public? If so, have measures been taken to eliminate that risk?
- If there is a possibility that the employee or volunteer has been exposed to the rubella virus, chickenpox, measles or Slapped cheek disease (Parvovirus) in the early months of pregnancy, has she been advised to consult her doctor? If the doctor so advises, the employee is entitled to remain absent from the academy on full pay until the danger has passed. Teachers in this situation may, however, be required to teach in another academy where there is no such risk.
- Have arrangements been made for the employee or volunteer to have more frequent toilet breaks, if necessary?
- Have risks associated with farm visits, in particular contact with sheep, been assessed?
- Have particular risks associated with the teaching of PE been addressed?
- Have risks associated with crowded corridors been assessed?
- Where the employee or volunteer is working until shortly before the birth, has the issue of fatigue been addressed, particularly in the context of playground duties, academy visits and after-school meetings?
- Have risks associated with assisting or leading swimming lessons been assessed?

Where adjustments to the role cannot be made

Where it is not possible to make changes that would avoid the risk, or the risk cannot be reduced to an acceptable level, suitable alternative work options should be considered.

Where there is no suitable alternative work available, consideration should be given to suspending the employee or volunteer from work for as long as necessary to protect her health and safety and/or the health and safety of her baby.

In all circumstances where alternative employment or medical suspension is being considered, a HR Advisor should be contacted for advice.

IDENTIFYING WORKPLACE HAZARDS

The following gives a list of some possible workplace hazards and their associated risks, along with suggested suitable avoidance measures. The list is not exhaustive and there may be other hazards to consider. Please contact your HR or Occupational Health Advisor for more information.

Use this form to help you complete the actual risk assessment form.

Hazard	Risk	Avoidance Measure
Shocks, vibration or movement	Regular exposure may increase risk of miscarriage. May be increased risk of premature birth or low birth weight. Breastfeeding mothers are at no greater risk than other workers.	Avoid work likely to involve uncomfortable whole body vibration or where abdomen is exposed to shocks or jolts.
Lifting, moving and handling of loads	Pregnant workers or volunteers are especially at risk as hormonal changes can affect ligaments and postural problems may increase as pregnancy progresses. There are possible risks for those who have recently given birth, especially after a Caesarean section because there are limitations lifting and carrying activities. Breastfeeding mothers are at no greater risk than other workers	Varies according to circumstances. Alter tasks to reduce risks, or address specific needs of the individual or provide aids to reduce risks. Consider assigning some duties to other employees. Offer assistance with lifting.
Noise	No specific risk but prolonged exposure to high noise levels may lead to increased blood pressure and tiredness. There is no evidence of noise affecting who have recently given birth or who are breastfeeding.	Pregnant women should avoid working in noisy environments for prolonged periods.
Ionising Radiation (X Rays etc)	If nursing mothers work with radioactive liquids or dust, these can cause exposure of the child, particularly through contamination of the mother's skin. Significant exposure to ionising radiation can be harmful to the foetus. Also there may be a risk to the foetus from significant amounts of radioactive contamination breathed in or ingested by the mother and transferred across the placenta.	Pregnant women should avoid exposure to ionising radiation where possible.
Non-ionising Electromagnetic Radiation (PC Screens)	Pregnant women are at no greater risk than other workers. Radio frequency radiation (within current recommendations) is not known to cause harm to the foetus or the mother.	Avoidance measures are unlikely to be required.

Hazard	Risk	Avoidance Measure
Extremes of Heat or Cold	When pregnant, women tolerate heat less well and may more readily faint or be liable to heat stress. Breastfeeding may be impaired by dehydration. No specific problems from working in extreme cold.	Avoid exposure to periods of prolonged heat. If a pregnant woman does have to work in a hot environment, rest facilities and access to refreshments should be provided.
Fatigue and Stress	Fatigue is associated with miscarriage, premature birth and low birth weight. Excessive physical or mental pressure may cause anxiety, stress and raised blood pressure. Standing for long periods can cause dizziness, faintness and fatigue. It can also increase chances of premature birth or miscarriage. Sitting for long periods increases the chance of thrombosis.	<p>Ensure that hours, volume and pacing of work are not excessive and that, where possible, workers have some control over how their work is organised.</p> <p>Provide seating where appropriate and ensure that the woman is not expected to stand or sit in one position for long periods of time. Provide regular rest breaks.</p> <p>Provide clean and comfortable facilities for rest and, where appropriate, breastfeed or express and store milk. Is there somewhere to lie down?</p> <p>Ensure regular toilet breaks are available.</p> <p>Review playground/break duties, visits, attendance at after school meetings.</p>
Hazardous Substances / infection risks and chemicals	<p>Listeria In pregnant women it may terminate the pregnancy or damage the foetus.</p> <p>Biological Agents eg Hepatitis B, HIV, herpes, tuberculosis, chicken pox, typhoid If infected during pregnancy, the unborn child can be affected. For most workers, the risk of infection is not higher whilst at the academy than in the community although the exposure may be higher in a academy environment.</p> <p>Chemical Agents eg Pesticides, benzene, mercury, lead</p>	<p>Ensure that food and personal hygiene guidance and precautions are provided.</p> <p>Consider hygiene measures or vaccinations. If there is a high risk of exposure to a highly infectious agent, the worker should avoid exposure completely.</p> <p>Please contact Health and Safety if there is likely to be exposure to chemical agents whilst at the Academy.</p> <p>Please contact Health and Safety if there is likely to be exposure to carbon monoxide.</p>

Hazard	Risk	Avoidance Measure
	Organic mercury compounds could have adverse effects on the foetus, slow the growth of the unborn baby, disrupt the nervous system and cause the mother to be poisoned. Carbon Monoxide Carbon monoxide readily crosses the placenta and can result in the foetus being starved of oxygen, both the level and duration of exposure are important factors in assessing the risk.	
Contact with virus	If there is a possibility that the pregnant woman may be exposed to the rubella virus, chickenpox, measles or Slapped Cheek Disease (Parvovirus) in the early months of pregnancy there is the potential for harm to the unborn child.	Early warning where possible. Inform pregnant woman of any outbreaks in the academy. Consult with doctor. Consider redeployment to an academy without the risk,
School trips	Consider risks associated with farm visits, in particular sheep, and swimming trips.	Risk assessments to be undertaken
Ergonomics	Workplace design, layout of workstation and design of work equipment may affect the safety of pregnant workers. Hormonal changes during and shortly after pregnancy can affect ligaments and increase risk of injury.	Consider effects of pregnancy on the body e.g. increase in size/problems with reach/ability to bend or stretch. Regular workstation assessments should be conducted and consideration of any aids required as appropriate. Consider particular risks associated with teaching PE/swimming and carry out risk assessment.
Violence	Potential miscarriage or premature birth.	Risk assessments should be made. Teachers are normally considered to be high risk. Consider restriction to some duties/team working/personal alarms etc as appropriate.

Hazard	Risk	Avoidance Measure
Working at Heights	Because of the risk of fainting and high blood pressure, it is hazardous for pregnant women to work at heights.	Avoid climbing up and down ladders and stepladders where possible.
Evacuation of Premises	Pregnant women may find it more difficult to evacuate premises due to mobility issues or congestion of exit routes	Re-assess building evacuation procedures for the employee's circumstances. Consider assigning another individual responsibility for assisting a pregnant employee in building evacuation.

RISK ASSESSMENT - PREGNANCY/UP TO 6 MONTHS FROM RETURN TO WORK/NURSING MOTHER

Employee/volunteer name:

Assessor:

Employee/volunteer is pregnant/during 6 months from RTW/a nursing mother*

Date assessment carried out:

* Delete as applicable

HAZARD/TOPIC	RISK IDENTIFIED	SIGNIFICANT		FURTHER ACTION REQUIRED/NOTES
		YES	NO	
Shocks, vibration or movement				
Lifting, moving and handling of loads				
Noise				
Ionising Radiation (X Rays etc)				
Non-ionising Electromagnetic Radiation (Display Screen Equipment)				

Extremes of Heat or Cold (see guidance https://www.gov.uk/workplace-temperatures)				
HAZARD/TOPIC	RISK IDENTIFIED	SIGNIFICANT		FURTHER ACTION REQUIRED/NOTES
		YES	NO	
Fatigue and Stress				
Hazardous Substances / infection risks and chemicals				
Ergonomics				
Violence				
Working at Heights				
Evacuation of Premises				

Signed:..... Head Teacher/Principal (or representative)

Signed: (Employee)

ASSESSOR GUIDANCE NOTES

The risk assessment form should be used as soon as an employee or volunteer tells you that she is pregnant and/or on return to work from maternity leave, particularly where she is breastfeeding. The risk assessment process should be used for employees and volunteers from the date they tell you they are pregnant up until 6 months from the date they return to work or until they stop breastfeeding, whichever is later.

The risk assessment should be reviewed periodically together with the employee or volunteer to ensure that any changes will be noted and actions taken to reduce the risks as appropriate.

To complete the risk assessment – read through each hazard and risk with the employee or volunteer and consider which if any are relevant in relation to her job role. Where any possible hazard and risks are identified, you should consider what adaptations can be made to mitigate as much as possible any risk. For example, Movement/Posture – Long periods of standing – statutory obligation to provide rest facilities – discuss when and how they can be accessed. Using the guidance sheet will help you in determining whether there is a risk. A copy of this completed form should be retained on the employee's personal file and a copy given to the employee.

If you should experience any problems in carrying out the risk assessment or you want more advice, you should contact your HR or H&S Advisor and in certain cases it may be helpful to involve the trade union representative..

APPENDIX 2 - Shared parental leave form

Use this form to opt into the shared parental leave scheme following the birth of a child. A separate form is available for adoptive parents.

If you are the child's mother, you must also submit a signed curtailment notice to bring your maternity leave entitlement to an end.

It may be useful to discuss this form, in particular dates in sections B and C with your manager before completing this form.

Section A: Basic information		
<p>Guidance notes. Shared parental leave may be shared between a child's mother and either the child's father or the person who, at the date of the child's birth, is her partner. Both parties must expect to share the main responsibility for the child's upbringing.</p> <p>"Partner" means the mother's spouse, civil partner, or other person living with her in an enduring family relationship, but who is not her sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.</p>		
A1	Staff member's name	
A2	I am the child's mother*/child's father*/mother's partner* (*delete as appropriate)	
A3	Child's expected week of birth	
A4	Child's actual date of birth (if known)	
A5	Child's place of birth (if known)	
A6	Child's name (if known)	
Section B: Maternity leave, statutory maternity pay or maternity allowance		
<p>Guidance notes. If you are the mother, please give your maternity leave (ML) dates below. If you are still on ML you must also submit a maternity leave curtailment notice to bring your ML to an end.</p> <p>If you are the child's father or the mother's partner, please give the mother's ML dates. If she is not entitled to statutory ML (for example, because she is an agency worker, self-employed or unemployed), give the dates she started and ended (or will end) her statutory maternity pay</p>		

(SMP) or maternity allowance (MA) period as applicable. She must give her employer notice to curtail her ML or SMP period or give notice to the Department for Work and Pensions to curtail her MA period as appropriate.

B1	ML / SMP / MA start date	
B2	ML / SMP / MA end date	
B3	Total ML / SMP / MA (weeks)	

Section C: Shared parental leave

Guidance notes. The total shared parental leave (SPL) available is 52 weeks minus the mother's ML, SMP, or MA period (see B3).

The first period of shared parental leave cannot start until at least two weeks after the child is born and at least eight weeks after you submit this opt-in notice.

C1	Total SPL available (whole weeks).	
C2	Number of whole weeks' SPL intended to be taken by you.	
C3	Number of whole weeks' SPL intended to be taken by the person you will share SPL with.	
C4	Indication of dates you would like to take shared parental leave.	
C5	<p>The dates in C4 will be treated as a non-binding until a period of leave notice is given.</p> <p>If you want to treat this notice as a period of leave notice to take SPL on the dates given in C4 tick here.</p> <p>.....</p>	

Section D: Statutory shared parental pay

Guidance notes. The total statutory shared parental pay (SSPP) available is 39 weeks minus the mother's SMP or MA period (see B3).

D1	Total SSPP available (whole weeks).	
----	-------------------------------------	--

D2	Number of whole weeks' SSPP intended to be taken by child's mother.	
D3	Number of whole weeks' SSPP intended to be taken by child's father/mother's partner.	
D4	Indication of dates you would like to take SSPP.	
D5	<p>The dates in D4 will be treated as a non-binding until a notice to take SSPP is given.</p> <p>If you want to treat this notice as a notice to take SSPP on the dates given in D4 tick here.</p>
Section E: Staff member's declaration		
<p>Guidance notes. "Child" means the child referred to in Section A.</p> <p>"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.</p>		
<p>I am the child's mother and I am entitled to statutory ML. I have submitted a curtailment of maternity leave notice (or will submit it before the person I am sharing SPL with takes SPL and at least eight weeks before the first date on which I intend to take SPL).*</p> <p>or</p> <p>I am the child's father or the child's mother's partner.*</p> <p>(*delete one as applicable.)</p> <p>I had at least 26 weeks' continuous employment at the end of the 15th week before the expected week of childbirth (EWC) and have remained continuously employed since then.</p> <p>My normal weekly earnings in the eight-week period ending with the 15th week before the EWC were not less than the lower earnings limit (£151.20 (2020)). (delete if not applicable)</p> <p>I expect to share the main responsibility for the care of the child with the person who has completed Section F.</p> <p>I intend to care for the child during each week that I am on shared parental leave and receiving SSPP.</p>		

I will immediately inform Human Resources if I cease to care for the child, or to otherwise satisfy the conditions for entitlement to shared parental leave or SSPP.

The information I have given in this notice is accurate.

Signed

Date

Section F: Declaration by person taking shared parental leave with staff member

Guidance notes. "The staff member" and "the child" are the staff member and child referred to in Section A.

If the staff member is the child's mother, you must be the child's father or the mother's partner.

If the staff member is not the child's mother, you must be the child's mother.

"Partner" means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

Name	
Address	
National Insurance number	
You employer's name and address (if employed) or your business address if self-employed.	

I am the mother of the child and I am (or was) entitled to ML, SMP or MA. I have curtailed my ML, SMP or MA, or will have done so by the time your staff member starts parental leave.*

or

I am the child's father.*

or

I am the partner of the child's mother.*

(*delete as applicable)

I expect to share the main responsibility for the care of the child with your staff member.

I have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the EWC.

My average weekly earnings are at least £30, taking the 13 highest-earning weeks in the 66 weeks immediately before the EWC.

I consent to your staff member taking shared parental leave and claiming SSPP as set out in this notice and will immediately inform them if I cease to satisfy any of the conditions in this declaration.

I consent to the information in this declaration being used for the purposes of administering shared parental leave and pay.

Signed

Date