

**FAMILY LEAVE**

**TOOLKIT**

Contents

[**Maternity and Adoption** 5](#_Toc61941590)

[Notification of Pregnancy 5](#_Toc61941591)

[Maternity cover 6](#_Toc61941592)

[Handover plan 7](#_Toc61941593)

[Stakeholder communication 8](#_Toc61941594)

[Keeping in touch during maternity leave 9](#_Toc61941595)

[Return-to-work planning 11](#_Toc61941596)

[Breastfeeding 13](#_Toc61941597)

[Childcare support 13](#_Toc61941598)

[Unforeseen Circumstances 14](#_Toc61941599)

[**Other Family Leave** 16](#_Toc61941600)

[**Statutory Paternity Leave** 16](#_Toc61941601)

[**Maternity Support Leave** 18](#_Toc61941602)

[**Shared Parental Leave and Ordinary Parental Leave** 18](#_Toc61941603)

[**Dependants Leave** 19](#_Toc61941604)

[**Statutory Parental Bereavement Leave** 19](#_Toc61941605)

[**LETTERS & FORMS** 20](#_Toc61941606)

[Appendix 1 - Maternity - Checklist for Employee 20](#_Toc61941607)

[Appendix 2 - Application for Maternity Leave Form 21](#_Toc61941608)

[Appendix 3 - APPLICATION FOR MATERNITY SUPPORT LEAVE 23](#_Toc61941609)

[Appendix 4 - Paternity Leave Application Form 24](#_Toc61941610)

[Appendix 5 – Shared Paternity Leave Template Letters and Forms 26](#_Toc61941611)

**Introduction**

Lincolnshire County Council (LCC) recognises and values its diverse workforce. In seeking to recruit, motivate and retain employees, LCC actively supports policies which support maternity, adoption, paternity and parental leave. This policy sets out employees' rights in relation to pay, time off and rights to return to work in these circumstances.

This policy is also applicable to employees adopting through a 'foster to adopt' programme, and employees having a child through a surrogacy arrangement.

Where the Head Teacher is referenced, it may be appropriate in some instances to substitute this for the employee's line manager where this is relevant/appropriate.

The key entitlements that managers should remember are:

* **Statutory Maternity Leave** (SML): Women can take up to 52 weeks of SML. It is made up of Ordinary Maternity Leave (the first 26 weeks) and Additional Maternity Leave (weeks 27 to 52). SML is not compulsory apart from the first two weeks after the baby is born. Whilst on SML women can claim:
  + **Statutory Maternity Pay** (SMP): It is paid for up to 39 weeks and is 90 per cent of the employee's average weekly earnings (before tax) for the first six weeks followed by the lower of the relevant Government set amount at the time, or 90 per cent of their average weekly earnings, which is paid for the next 33 weeks.
  + **Maternity Allowance:** It is payable by the government and applies to those employees who do not qualify for SMP.
* **Enhanced maternity pay (Occupational Maternity Pay - OMP):** The amount the School offers for maternity pay arrangements over and above the statutory entitlements if the qualifying criteria are met. Entitlements are different for Teaching and Non-Teaching employees.
  + The Family Leave Policy confirms these arrangements.
* **Statutory Adoption Leave** (SAL): When adopting a child, either from the UK or overseas, or potentially through surrogacy, Statutory Adoption Leave (SAL) and Pay (SAP) will generally apply instead of maternity. These pay and leave entitlements mirror the maternity pay and leave, however, there are differences regarding when adoption leave will start and what the employee has to do to confirm it to the School, based on when and how the adoption or surrogacy is taking place. A woman who acts as a surrogate, is entitled to statutory maternity pay and leave.
* **Shared Parental Leave** (ShPL): This enables parents having a baby or adopting a child to share up to 50 weeks of leave and up to 37 weeks of pay. ShPL is paid at the lower rate of SMP (i.e the government confirmed amount at the time, per week) or 90 per cent of the employee's average weekly earnings, whichever is lower.
* **Paternity Leave and Pay**: Paternity Leave is a period of either one or two consecutive weeks that fathers or partners can take off from work to care for their baby or child. The statutory weekly rate of Paternity Pay is the government confirmed amount at the time, or 90 per cent of the employee's average weekly earnings (whichever is lower).
* **Parental leave**: This is unpaid. It can be taken for up to 18 weeks to look after a child up to their 18th birthday. Only up to four weeks for each child in a year can be taken.
* **Time off for dependants**: Employees are allowed time off to deal with emergency situations (e.g. childcare arrangements have fallen through at the last minute) involving a dependant. A dependant could be a spouse, partner, child, grandchild, parent, or someone who depends on the employee for care. There is no set amount of time in the legislation that can be requested by the employee to deal with emergency situations although it should to be exercised in a reasonable manner, which usually equates to one or two days.
* **Working Flexibly**: Employees are entitled to make a request for flexible working. Flexible working can include a wide range of options, such as reduction of hours, job-sharing, working from home, working compressed hours, flexitime or term-time working.

# **Maternity and Adoption**

There are many ways for families to grow, and there is no one way that is any more 'the norm' over others. Expanding or starting a family via pregnancy, adoption (from within the UK or from overseas), fostering to adopt, and surrogacy are common ways for families to bring children into their lives. Parents can be of same sex, living together, married, in civil partnerships – we are a diverse society and recognise that the structure and make up of a family unit is varied. The provisions for leave and pay for families apply equally, and are only dependant on the specific criteria required for each benefit.

This section sets out how Head Teachers / managers can support employees transitioning from pregnancy to maternity leave and return to work from maternity leave. The arrangements to support an employee through these stages, can equally apply to employees adopting, and managers should approach adoption in the same way, with the same level of attention and planning. In all cases, managers should adopt a collaborative, flexible and supportive management style.

## Notification of Pregnancy

A pregnant employee is required to notify you of her pregnancy, the date she wishes to start her ordinary maternity leave and the expected week of childbirth, no later than the end of the 15th week before the week in which her baby is due, known as "the qualifying week". Managers that build a supportive and inclusive workplace culture can encourage employees to announce their pregnancy early, if they wish to, giving them more time to plan for and manage the transition from pregnancy to maternity leave.

Managers should:

* notify the employee of her maternity rights and specify what information we require from her, for example written confirmation of her intention to take maternity leave;
* remind the employee of where to find the Family Leave Policy;
* make arrangements to conduct the appropriate health and safety risk assessment as a matter of priority;
* agree a date with the employee for collaborative discussion of: arrangements for the annual leave that she will accrue before and during maternity leave(for Term Time Only employees the expectation would be that annual leave is taken in the school holidays before and/or after maternity leave); the responsibilities and tasks of ensuring a smooth handover prior to her departure; arrangements for contact during maternity leave; and what support you will offer on her return to work following maternity leave;
* identify key dates to assist with planning of the process, including the expected week of childbirth, dates of antenatal appointments, and maternity leave dates;
* ascertain if the employee has any specific concerns regarding her pregnancy or medical issues that she wishes to discuss;
* remind the employee of any other relevant policies, for now or at a later date, for example, the Working Flexibly Policy;
* give the employee information about our employee support networks, for example, the Counselling and Wellbeing Hub, and any relevant professional or other external organisations;

The employee can change her maternity leave start date provided that she gives at least 28 days' notice (21 days – Teaching Staff) before the original maternity start date. You may need to be flexible about this notice period if, in particular, there are medical issues that are affecting the employee's ability to work productively.

Managers should make a note of discussions with the employee, including agreements about practical arrangements or actions required. This enables both the manager and the employee to have a record of what they have agreed, which will help the parties to achieve a smooth transition and minimise the possibility of misunderstandings.

## Maternity cover

There are different options for considering how to deal with an employee's workload while she is on maternity leave, including:

* temporary one-to-one replacement with a seconded internal resource, a colleague "acting up", or a temporary external resource, for example a fixed-term employee or consultant;
* dispersing the employee's role throughout the team; and
* postponement of the employee's activities until she returns from maternity leave. Whilst this is likely to rarely occur, it may be appropriate for non-critical project work.

Managers who decide to recruit a replacement for the role will need to follow the standard recruitment procedures in accordance with the Recruitment Policy and associated processes.

The most suitable option of how to manage the role whilst the employee is on maternity leave will depend on the employee's role, availability of resources and cost. For you to make a decision, work with the employee and review the job description. Take on board the employees' feedback about how they manage the role, and carry out a form of job analysis, including considering the following:

* key tasks within the role and their frequency, for example daily, weekly, monthly or annual;
* the criticality of each task;
* the skills and knowledge required to perform each task;
* whether or not each task is location- or time-dependent;
* how long each task takes;
* who else is involved in performing each task;
* the upstream and downstream processes (the processes that feed into the job and those that are dependent on the outputs from the job) and the key contacts and stakeholders;
* whether or not anyone else in the team or elsewhere in the School has the skills and knowledge required to perform each task.

It is good practice for the manager to involve the employee in this process and discussion of maternity cover options. Involving the employee early on in the process will help to reinforce a sense of trust, belonging and loyalty and increase her confidence about how her work will be managed. It will also help the manager to identify the most suitable maternity cover option, because the employee has the working day-to-day knowledge of the role. Managers should inform the employee how you plan to cover their role whilst on maternity leave, as soon as possible after a decision is made.

## Handover plan

Once a manager has made arrangements to cover an employee's workload while she is on maternity leave, the manager will need to make arrangements for a handover of work, so that the role can continue to function with the minimum of interruption. Having prior notice of an intention to take maternity leave gives managers the opportunity to do this, and this should be done in a planned and structured way.

Involving the departing employee early on in the handover process will:

* increase her sense of control over her work and confidence to return following maternity leave;
* reinforce the bonds of trust and loyalty with her line manager and team; and
* allow her to provide confidence to stakeholders that her work is covered.

The timing of the handover will depend on how the employee's workload will be covered. Different elements of the role and relationships may require different amounts of focus and time, depending on the level of skill required to perform the task, and the frequency and criticality of each task.

It is good practice to have a period of overlap between the maternity cover's start date and the employee's final day at work before her maternity leave. This period can:

* build the confidence of the individual who will be performing the temporary responsibilities;
* build the confidence of the pregnant employee, as it allows her to verify that her duties will be covered adequately; and
* enable the maternity cover to understand the subtle nuances of the role.

A period of part-time working can benefit the team, because there is less risk of unplanned absences and because the employee's health and performance are more likely to be maintained during the last few weeks of her pregnancy. In addition, it enables the maternity cover to take on responsibility in a phased manner, which can help to prevent stress.

A handover plan can cover:

* the activities that are to be handed over;
* the activities that are to be postponed until the expectant employee returns to work following maternity leave;
* the order in which the activities will be handed over;
* who will perform each activity while the employee is on maternity leave;
* when and where the handover will take place;
* the skills, resources and tools required to perform each task;
* the outcomes or objectives for each element of the role;
* time constraints for each element of the role;
* how the achievements will be measured;
* the criticality of each activity;
* any legal compliance requirements of the role;
* the key stakeholders and how these relationships will be handed over, for example via a face- to-face meeting or telephone call
* a contingency plan in case of premature birth or health issues.

The handover plan should form the basis of a reinduction plan for when the employee returns from maternity leave.

## Stakeholder communication

The process of pregnancy, maternity leave and return to work following maternity leave represents a transition for the expectant employee. It also represents a change for the team and the stakeholders outside the team who either provide an input to or benefit from the outputs from the employee's work. Although the employee's colleagues may be delighted at her pregnancy, they may also have questions about the impact that it might have on their own work. If the pregnant employee has a 'customer-facing' role, the pupils and parents with whom she works might be concerned about the ability to meet their needs while she is on maternity leave. Head Teachers / managers that plan how it will communicate with relevant stakeholders can minimise disruption for them and pave the way for a smooth transition to maternity leave.

The discussion of job content provides a good starting point for identifying relationships and stakeholders with whom the Head Teacher / manager should communicate. The Head Teacher / manager should consider:

* who has influence over how the employee's job is done; and
* on whom the outcome of the job impacts.

The pregnant employee should feel free to introduce her maternity cover personally to key stakeholders and, if maternity cover is not being appointed, explain how the work will be covered. This demonstrates the School's professionalism and wish to maintain a strong relationship with key stakeholders. Key stakeholders might include immediate team members, school leadership team, pupils, parents and the Governing Body and this communication should take place early on in the process.

The announcement of the employee's pregnancy could affect her relationships with stakeholders. Whether or not it will have an effect will depend on the unconscious bias of the stakeholders. For example, they might deliberately or inadvertently exclude her from key meetings or decisions, or not give her the opportunities that she might otherwise have been given. It is a Head Teacher's / manager's responsibility to ensure this is not permitted to happen and if aware that it is, takes action to stop it and to support the employee. Exclusion of the pregnant employee based on assumptions will erode the employee's trust in and loyalty to the organisation and her colleagues, and could be discriminatory. Head Teachers / manager are expected to spread awareness of School policies and that we will not permit any form of discriminatory behaviour from any stakeholders.

Whatever the level of the employee's involvement with arrangements for covering her workload and whatever the nature of the stakeholder, the Head Teacher / manager should take a role in communicating the arrangements for cover, to show the organisation's support for the employee and to exhibit its confidence about the arrangements for cover. Communication with stakeholders should take place only after the employee knows what the arrangements are.

## Keeping in touch during maternity leave

It is good practice for Head Teachers / line managers to keep in touch with the employee during her maternity leave. There are a number of objectives for keeping in touch:

* keeping in touch can encourage the employee to maintain practical and emotional ties with the organisation, giving her motivation to return to work;
* keeping in touch can help to maintain the employee's professional knowledge and skills, enabling a shorter learning curve on her return to work;
* regular communication with the employee is likely to remind the employee's line manager that she is an important member of staff and encourage them to prepare for the employee's return in a timely manner;
* if the employee feels comfortable approaching the Head Teacher / her line manager during maternity leave, she will be encouraged to convey questions or concerns to them;
* keeping in touch can facilitate flexible working discussions. If the employee wants to return to work on a different basis, she should be encouraged to make a request to work flexibly in good time before returning to work. The Head Teacher / line manager can also discuss the subject during informal catch-up during the employee's maternity leave, and can send the employee the Working Flexibly policy, or direct her to where it is available.

The Head Teacher / line manager and employee should develop a plan for keeping in touch prior to the start of maternity leave. Employees have different preferences about their ideal level of contact, so the Head Teacher / line manager should establish the employee's preference before her maternity leave. The Head Teacher / line manager and employee should agree:

* how often they will communicate with each other;
* the method(s) for keeping in touch, for example via email, letter or telephone;
* who will initiate contact; and
* the purpose of the communication.

As a minimum, Head Teachers / line managers should inform employees on maternity leave of things that affect their role or career progression, including:

* organisational changes;
* changes to practices and policies; and
* information on vacancies;
* changes to personnel in the team, including new staff, promotions;
* general update on what is happening in the School;
* and of course, most importantly, keeping in touch is an opportunity to ask the employee how she and the family are doing. If there are any difficulties, it is an opportunity to provide any support.

Keeping lines of communication open can encourage the employee to provide as much notice as possible if her circumstances change, resulting in an earlier or later return to work, and will help the Head Teacher / line manager to understand and support the employee's plans for flexible working or breastfeeding on her return to work.

**Keeping-in-touch days** **(KIT)** are a useful vehicle for employees to keep in touch with the School and their team. An employee may work for up to 10 days during maternity leave without it having an impact on maternity pay or leave. There is no obligation on the employee to do so: keeping-in-touch days should take place only if the manager and employee agree that they should.

Keeping-in-touch days are useful for:

* updating or refreshing the employee's knowledge and skills, if she is invited to training sessions and continuous professional development events;
* engaging the employee in major organisational change discussions, if she is invited to meetings or other forums in which such issues are discussed;
* finalising the employee's return-to-work plan;
* ensuring that the logistics are in place for the employee's return to work, for example that she has access to building security codes, IT upgrades and passwords;
* ensuring that the employee is up to speed with any changes in standard operating procedures, policies and practices or new ways of working; and
* maintaining or re-establishing the employee's relationships with key stakeholders .

The employee might wish to take advantage of keeping-in-touch days to have a phased return to work, in the form of a short period of part-time working. A phased start has been shown to help foster a smooth return to work and shorten the employee's learning curve. Therefore, Head Teachers / managers should adopt a flexible approach if this is something that the employee wishes to do.

## Return-to-work planning

The organisation is likely to go through a number of changes during the employee's absence on maternity leave. On her return from maternity leave, the employee's knowledge and skills and her relationships with stakeholders may need to be refreshed or updated. In addition, there will be a period of adjustment while the employee builds a new routine and achieves work- life balance, and it is important that managers allow for this period of adjustment.

A return-to-work plan enables the returning employee to get back up to speed and become productive as quickly as possible, and helps her to establish a routine to balance commitments at home and work. There is no requirement for a Head Teacher / manager to create a formal return to work plan, however, any arrangements made can be noted and confirmed to the employee so you are both clear on what you have agreed.

Any return-to-work plan can, in essence, be a reversal of the handover plan, refined to take account of changes that have occurred at work during the employee's maternity leave and any changes to the employee's working pattern.

Planning return to work can take account of:

* **Keeping-in-touch days:** The manager and employee could use keeping-in-touch days to refresh, maintain or build on the employee's professional knowledge and skills, rebuild her relationships with stakeholders, and help the employee get up to speed on changes;
* **A phased return to work:** The employee could be reintroduced to work on a gradual basis, through keeping-in-touch days or for All Year Round employees by taking annual leave that she has accrued during maternity leave. Neither the manager nor the employee is obliged to agree to this, but research shows that both parties benefit from a phased return;
* **Support for the employee:** It is common for an employee returning from maternity leave to need some support whilst they are adjusting to new arrangements and balancing work requirements with home needs. A return-to-work plan can help the employee rebuild her confidence. Managers can reassure employees that they will be given time to get back to full performance, that they will be supported.
* **Working Flexibly:** The process of developing a return-to-work plan is an opportunity for a discussion on flexible working between the employee and Head Teacher / manager. They should work together to develop a balance between maximising the employee's performance and achieving the optimum work-life balance for her.
* **Logistics:** this can include the arrangements that are required to enable the employee to be fully functioning on her return, for example ensuring that building access, IT access and passwords are up to date.
* **A personal welcome back from the employee's line manager:** The line manager should set up a meeting with the employee on her return to work, to welcome her back personally and to update her on changes to operating procedures, processes and practices.
* **Identification of how and when stakeholders will be informed about the employees return.**
* **1 to 1's:** A manager should plan reviews to take place with the employee from when they return, to ensure they are settling back in and to provide any support that is needed.
* **Health and safety:** Managers will need to review the employee's role and duties and address any health and safety risks that are revealed.
* **Handover**: A return-to-work plan should identify how the handover back to the employee will take place.

Before the employee returns to work from maternity leave, Head Teachers / managers should ensure that the logistics are in place for her to start work on the first day of her return. The employee will feel valued and confident if you have prepared for her return. Head Teachers / Managers should:

* confirm the employee's date of return with her;
* confirm the employee's date of return to payroll;
* confirm the employee's date of return to appropriate stakeholders, including those who will be handing responsibilities back to the employee;
* confirm with the employee any changes to her working hours or pattern and put in place the arrangements required to action this, for example informing payroll;
* ensure that the employee has access to appropriate buildings and rooms;
* update time and attendance systems;
* arrange for the employee's workstation and appropriate tools to be available;
* ensure that the employee's IT passwords and systems access are available;
* consider if arrangements could be made for a car or bike parking space, if required; and
* confirm with the employee what her requirements are for breastfeeding or expressing milk, and ensuring that appropriate resources are available.

During the employee's first few days and weeks back at work, Head Teachers / managers should focus on rebuilding the employee's confidence, refreshing her knowledge and skills and rebuilding her relationships with stakeholders. Arrange for any relevant training for the returning employee to help her deal with the competing demands of work and family.

The returning employee may experience feelings of guilt or loss at leaving her child to return to work. It is important that the employee's decision to return to work is the right one for her, and that she feels valued and welcomed back. Head Teachers / Managers should welcome the employee back, and have regular check-ins to ensure she is settling back in.

It is also quite common for the employee to experience stress or anxiety during her first few days back at work. A supportive management style with close supervision to reinforce the employee's self-confidence will help the employee. However, if the employee is feeling confident and in control, a more collaborative or achievement-focused management style will be more suitable. The Head Teacher / manager should take time to consider the appropriate management style as this will help the employee to focus and build up her responsibilities more quickly.

Head Teachers / Managers also need to manage the transition of the maternity cover employee, and should:

* manage transparently the expectations of the maternity cover during recruitment;
* emphasise the temporary nature of the role or additional responsibilities during handover; and
* ensure that the maternity cover knows that the employee has a right to return to her role following maternity leave.

## Breastfeeding

Managers may be asked to support an employee who wishes to breastfeed or express milk when they return, and this should be actively supported. To assist with this, managers will need to identify a clean, private room for women who want to express breast milk at work, for example a meeting room with a lockable door and privacy blinds. The room should have an electrical socket. Employees should be advised they can store milk in fridges in the offices.

Head Teachers / managers and employees might feel awkward discussing the subject of breastfeeding, which they may feel is a private or family concern. However, if this is of importance to the employee, they will be grateful to the manager for asking if they wish to do this and need facilities making available.

## Childcare support

For employees to be available for work and work free from concerns about their child's wellbeing, it is essential that they have access to reliable and high-quality childcare. Concerns about childcare are ranked consistently high in working parent surveys - it is estimated that 80% of non-scheduled absence for working parents is due to a breakdown in childcare arrangements.

Finding the right childcare can be difficult and expensive for employees and managers should be supportive of any attempts employees are making to secure appropriate childcare.

**Adoption (UK or Overseas; Fostering to Adopt, Surrogacy**

Adoption leave and pay mirror those of maternity leave and pay, however, there are different requirements concerning when adoption leave starts and how the School needs to be notified. Dates concerning when a child is matched to a family, and how that process takes place requires different notification and commencement dates for leave. Similarly, the notification and timings concerning adoption from overseas differs from when adopting in the UK; fostering to adopt differs also as the child is already with the family, and therefore placement and matching processes differ; and having a child through surrogacy arrangements also require different processes to be followed. The **Family Leave Polic**y provides clarity on these and must be referred to for accurate entitlements and processes.

If a School employee is acting as a surrogate for someone else, they will be entitled to maternity leave and pay as any other mother.

All the arrangements covered in the maternity section above, in terms of handover, cover whilst an employee is on adoption leave, return to work plans, keeping in touch days, etc, apply equally to an employee adopting a child and should therefore be approached in the same way, with the same level of attention and planning.

## Unforeseen Circumstances

A number of unforeseen circumstances can occur during maternity leave and Head Teachers / managers may need to adapt plans and expectations if any of these occur.

**Premature birth**

Approximately 5% of children in the UK are born on their due date, 80% are born between 38 and 42 weeks' gestation and 8% are born prematurely. The term "premature" refers to babies born at less than 37 weeks' gestation.

Premature babies can arrive with little warning. This can cause considerable distress and shock to the parents. Premature babies may need additional medical support and care if their vital organs have not fully developed. If a premature birth occurs, it will assist the parents if the manager makes arrangements to pay maternity pay to the employee as quickly as possible. It is also helpful for manages to remind employees of sources of support, for example, the Counselling and Wellbeing Hub.

If an employee gives birth prematurely, her ordinary maternity leave begins on the day following the one on which childbirth occurred.

**An employee who gives birth to a live baby is entitled to maternity leave, regardless of the point at which the baby is born. This applies even if the baby lives for only a short period of time.**

**The birth of a severely ill or disabled child**

A baby may be born who needs to spend time in a special care baby unit. Most will quickly grow into healthy children. However, a prolonged illness can be emotionally and physically draining for parents, and the experience of having their baby spend time in a special care neonatal unit can be very disorientating. Some children are born with a disability or severe illness. For some, this may develop or become apparent as they grow. Many parents with disabled children want to continue working and find that this is emotionally and financially beneficial.

A Head Teacher / manager can support an employee who has a disabled or sick child in a number of ways, including:

* letting the employee know that she is a valued and respected colleague, through informal communication from the Head Teacher / her line manager and;
* adopt a supportive and flexible management style, but recognising when the employee may want some privacy and respecting that;
* work with the employee to establish a flexible working pattern that will support the business objectives and her childcare needs;
* providing information on sources of support, for example the Counselling and Wellbeing Hub

**Stillbirths and miscarriages**

In the UK, around 4,000 babies (approximately 0.4%) are stillborn each year and, according to the charity [Tommy's](https://www.tommys.org/), one pregnant woman in four experiences a miscarriage.

If a baby is born dead before the end of the 24th week of pregnancy, it is a miscarriage. If a baby is born dead after the 24th week of pregnancy, it is a stillbirth. An employee who has a miscarriage is not entitled to statutory maternity benefits. An employee who has a stillbirth is entitled to the statutory maternity benefits that she would have had if her baby had been born alive.

While an employee who has experienced a miscarriage is not entitled to statutory maternity benefits, Head Teachers / managers still need to manage the employee sensitively. Miscarriage at any time can be an emotionally traumatic experience. Miscarriage after the employee has announced her pregnancy can be even more difficult because of the public nature of the loss. Head Teachers / Managers should be supportive and apply a flexible management approach as the employee progresses through the different stages of grief, which can include shock and denial, guilt and pain, anger, depression, acceptance. The process and its duration are unique to each individual, and the line manager should discuss with the employee how she would like to be supported. Some employees may find it helpful to throw themselves into work, while others may need a more supportive management style and time away from the workplace to grieve. Head Teachers / Managers can remind the employee of the provisions we have for compassionate leave. This could give the employee space to come to terms with her loss. This may also be needed for the partner involved, who will also be grieving and will need to be supported in the same way.

**Post-natal depression**

New mothers can feel isolated and distressed about going back to work. This can be triggered by a number of things, including post-natal depression. This tends to develop in the first four to six weeks after childbirth, however, in some cases it may take several months to develop.

Common symptoms of post-natal depression include: persistent sad, anxious or empty moods; sleeping too little, early morning awakening, or oversleeping; reduced appetite and weight loss, or increased appetite and weight gain; restlessness and irritability; persistent physical symptoms that do not respond to treatment (such as headaches, chronic pain or digestive disorders); difficulty concentrating, remembering or making decisions; fatigue or loss of energy; feeling guilty, hopeless or worthless; thoughts of suicide or death; and loss of interest in activities once enjoyed.

Post-natal depression is an illness and it can be treated, but the employee's recovery will be faster with support. As with other forms of depression, post-natal depression is likely to be a disability under the Equality Act 2010.

**Encouraging employees to return to work following maternity leave**

Some mothers do not return to work after maternity leave. There are various reasons for this, but Head Teachers / managers can do a number of things to ensure mothers know they will be welcomed back:

* develop a culture that supports working parents;
* ensure employees are aware of the policies and practices in place we have to support working parents and carers;
* foster an environment whereby employees feel comfortable about contacting managers during maternity leave and vice versa. If an employee feels concerned about reconciling the conflicts between home and family life, it will help if she feels confident about contacting her line manager to address problems early on.

# **Other Family Leave**

In addition to maternity and adoption leave, there are a number of additional leave entitlements for parents that are detailed in the Schools Family Leave Policy, and the Schools Leave and Time Off Policy.

# **Statutory Paternity Leave**

Statutory paternity leave is available to the biological father of a child, or the spouse, civil partner, or partner of the child's mother, and is a person who will share parenting responsibility for the child. To qualify for paternity leave, an employee must fulfil criteria in relation to length of service and in relation to their relationship with, and responsibility for, the child, as detailed in the Schools Family Leave Policy.

Some other points for Head Teachers / managers to remember:

**Premature births**

The calculation of the 26 weeks' service required for eligibility for statutory paternity leave and pay is based on the expected week of birth rather than the actual date of birth. Therefore, the employee is not disadvantaged if the child is born before the expected date and the employee did not have 26 weeks' service by the end of the 15th week before the actual date of birth.

**Miscarriage and stillbirth**

Where the child is miscarried in the first 24 weeks of pregnancy, the employee will not qualify for paternity leave. If a stillbirth occurs after the 24th week of pregnancy, or the child is born alive at any time but lives only for a short time, the employee will still qualify for paternity leave and pay if they would otherwise have been eligible to take it.

**Dates of Paternity Leave**

Head Teachers / Managers cannot compel an employee to postpone the leave period for business reasons, for example if the leave falls at a particularly busy time for the School, or when other employees are away. Head Teachers / Managers may discuss the requested dates with the employee to explore any flexibility, but the employee's statutory right to take paternity leave at their chosen time remains, regardless of school demands. Head Teachers / Managers may therefore need to take action to minimise the impact of the absence. This could include engaging temporary or agency workers.

**Working during the paternity leave period**

While in receipt of statutory paternity pay, employees cannot receive wages for work done for the same employer at the same time. For longer periods of family-related leave such as maternity leave and adoption leave, employees can work up to 10 keeping-in-touch days during the leave period (and up to 20 days during shared parental leave). There is no provision for keeping-in-touch days during paternity leave, due to the relatively short duration of the leave period.

The employee can work for a different employer during the statutory paternity pay period as long as they are not entitled to receive statutory paternity pay from that employer. For example, where the employee has two part-time jobs and has sufficient earnings in relation to Employer A to qualify for statutory paternity pay, but not in relation to Employer B, they could continue to work for Employer B while receiving statutory paternity leave and pay from Employer A.

**Contractual terms**

The Paternity and Adoption Leave Regulations 2002 provide that the employee is entitled to the benefit of the terms and conditions of employment that would have applied if they had not been absent due to paternity leave. Therefore, contractual terms of employment remain unaffected by paternity leave. Continuity of employment remains unbroken and continuous service continues to accrue during paternity leave. All contractual benefits and terms and conditions other than pay continue during the period of leave. This includes accrual of annual leave entitlement, as well as any other benefits such as pension contributions.

# **Maternity Support Leave**

Under NJC conditions Maternity Support Leave is a minimum entitlement of a week’s paid leave for the child’s father / partner/ or a nominated carer of an expectant mother at or around the time of the birth. Maternity Support Leave also applies in cases of adoption, where the employee requesting Maternity Support Leave meets the same criteria as that for a birth. These provisions do not apply to teaching staff.

In normal circumstances, paid leave to provide maternity support may be granted for up to one week in any 12 month period. All arrangements for Maternity Support Leave will need to be agreed between the employee and the Head Teacher / their line manager. The employee will be expected to provide as much notice as possible to the Head Teacher / their manager prior to taking leave. Employees will be asked to complete the application form for Maternity Support Leave. The form will need to be countersigned by the mother/adoptive parent nominating the employee requesting Maternity Support Leave as the prime provider of care. Head Teachers / managers may request evidence of the birth or adoption to be provided, for example, a copy of the MATB1 (Maternity Certificate).

Employees who are entitled to Maternity Support Leave through conditions of service and who also qualify for Paternity Leave, will be entitled to:

• one week’s Maternity Support Leave at full pay; and

• one week’s Ordinary Paternity Leave at SPP rates.

NB: Maternity Support leave is separate from parental leave, and is pro rata for part timers.

# **Shared Parental Leave and Ordinary Parental Leave**

Shared Parental Leave was introduced as a way to give partners more time to bond with their babies, and to share the responsibility of early child care, and to enable the person that gave birth or the primary adopter to return to work sooner if that was their choice. Instead of the traditional 52 weeks of maternity leave to the mother / primary adopter, and two weeks of paternity leave to the partner, new parents can now share up to 50 weeks leave between them. The co-ordination and logistics of operating this can be complex, so it is important for managers and employees to refer to the detail in the Family Leave Policy, and take advice from HR concerning how this works.

In addition to Shared Parental Leave which focuses on time off in the first year of the child's birth, **Ordinary Parental Leave** provides an opportunity for parents to take additional time off each year up to the 18th birthday of their child. Again, detail of this is provided in the Family Leave Policy, which sets out the entitlements and benefits.

# **Dependants Leave**

It is recognised that for many people who have caring responsibilities of children, older family members, or other dependants, it can sometimes be hard to juggle work commitments, and the needs of these dependants. This particularly applies where employees have put arrangements in place for caring for their dependants, and at the last minute, these arrangements either fall through or employees are let down. We want our employees to understand that if this happens, we are there to support and the provisions of the Dependants Leave entitlement can apply. Head Teachers / line managers should guide employees to the School **Leave and Time Off Policy** if this occurs.

# **Statutory Parental Bereavement Leave**

Employees that suffer the death of a child are entitled to Parental Bereavement Leave. This provision applies to employees who have suffered the loss of a child, i.e. under the age of 18, including those who have suffered a stillbirth after 24 weeks of pregnancy. Whatever the employees' length of service, they can take parental bereavement leave if they meet the qualifying criteria, as detailed in the School **Leave and Time Off Policy**.

For each child who has passed away, a bereaved parent can take 1 or 2 weeks' parental bereavement leave. This leave is not available as individual days. They are able to take the leave as:

* a single block of two weeks; or
* two separate blocks of one week at different times.

The leave must be taken within 56 weeks of the date of the death of the child. Informal notification, such as a phone call, is sufficient to take parental bereavement leave.

If they intend to take parental bereavement leave within the first 56 days after the child's death, they can take the leave straightaway without having to give notice. If the parents decide to take it at a later date, they need to give at least one week's notice.

Parental bereavement leave is on full pay.

# **LETTERS & FORMS**

Below are examples of forms and checklists to support employees eligible for different categories of family leave.

## Appendix 1 - Maternity - Checklist for Employee

|  |  |
| --- | --- |
| **WHEN** | **ACTION REQUIRED** |
| As soon as you know you are pregnant | Tell your Manager and discuss your intentions: to return, to defer the decision or not to return |
| After 20 weeks pregnant | Ask your Doctor or midwife for a maternity certificate (Form MATB1) showing when the baby is due. **This must be the original MATB1** |
| During or before the 15th week before the EWC (Expected week of childbirth) | Complete the appropriate **Application for Maternity Leave form** confirming when you intend to commence maternity leave. Within 28 days Payroll will acknowledge this in writing |
| After 29 weeks pregnant | Commence maternity leave if you have chosen to do so |
| During maternity leave | If you wish to return early (before 52 weeks) then 8 weeks' notice is required in writing to your Manager (21 days' notice - Teaching staff). |
| 52 weeks from the beginning of the week in which maternity leave started | Latest time by which you have a right to return to your job. |

## Appendix 2 - Application for Maternity Leave Form

|  |  |
| --- | --- |
| Name of employee: |  |
| School: |  |
| Date of commencement of employment: |  |
| I wish to inform you that I am pregnant and I intend to take maternity leave as follows: | |
| My last day of work will be on: |  |
| I will start my maternity leave on: |  |
| My expected date of childbirth is: |  |
| I enclose my MAT B1/medical certificate issued by my doctor/midwife/recognised medical practitioner confirming when my baby is due. | |
| I believe that I am entitled to statutory maternity pay.\*  I intend to return to work after my maternity leave.\*  I do not intend to return to work after my maternity leave and I therefore confirm that I wish to resign from my employment with the organisation and leave on the last day prior to the commencement of my maternity leave.\*  (\*delete as appropriate) | |
| **Occupational Maternity Pay (OMP)**  You are only entitled to OMP if you have more than one year's continuous service by the 11th week before the birth of your baby.   |  |  | | --- | --- | | **Payments of Occupational Maternity Pay cover an 18 week period** | | | Teachers | The first 4 weeks at 100% Pay and a final 12 weeks at 50% Pay | | Local Government | The first 6 weeks at 90% P and the final 12 weeks at 50% Pay | | However, the 12 weeks at 50% Pay is dependant on you returning to work after maternity leave for at least 13 weeks (pro-rata) for Teachers) or 3 months for Local Government employees. The 12 weeks can either be paid during the maternity leave period or as a lump sum payment when you have completed 13 weeks/3 months on your return. If you have the 12 weeks paid during maternity leave and you do not return to work (or complete 13 weeks/3 months work) then this will need to be repaid | | | |
| **Please indicate your choice of Occupational Maternity Payment below**  Please pay me the first 6 weeks of OMP only\*  Please pay me the first 6 weeks and the 12 weeks at 50% OMP\*  Please pay me the first 6 weeks of OMP and the 12 weeks 50% as a lump sum payment when I have completed 13 weeks (or pro-rata)/3 months work on my return.\*  (\*delete as appropriate) | |
| Signed: |  |
| Dated: |  |
| To qualify for maternity leave, you must return this form by no later than the end of the 15th week prior to your expected week of childbirth.  Your maternity leave may begin from the eleventh week before your expected week of childbirth.  Lincolnshire County Council treats personal data collected while managing your maternity leave and pay in accordance with its Data Protection Policy. Information about how your data is used and the basis for processing your data is provided in the Employee Privacy Notice. | |

**Maternity Return to Work form/ Keeping In Touch (KIT) Days Form**

********

## Appendix 3 - APPLICATION FOR MATERNITY SUPPORT LEAVE

|  |  |  |
| --- | --- | --- |
| Application For Maternity Support Leave | | |
| The husband/partner*,* or nominated carer of an expectant mother/adoptive parent is entitled to one week’s leave (pro-rata for staff working less than full-time) with pay at or around the time of the birth/the child is placed with the adoptive parents.  A nominated carer is the person nominated by the mother/adoptive parent as her/the primary provider of support at or around the time of birth/adoption and may be a relative or someone who has a caring relationship with the mother/adoptive parent and/or child.  Requests for this leave should be made on this form by School employees and should be countersigned by the mother/adoptive parent. Evidence of the birth of the child/the date the child placed with adoptive parents may be requested your manager.  **Request For Maternity Support Leave** | | |
| Name (in full): |  | |
| School: |  | |
| Job Title: |  | |
| Payroll No: |  | |
| Dates Requested: | From: | To: |
| Signed (Employee): |  | |
| I nominate…………………………………….as my nominated carer for Maternity Support Leave, as set out above. | | |
| Name: |  | |
| Address: |  | |
| Date of Birth of Child/Date child placed with adoptive parents: |  | |
| Place of Birth: |  | |
| Signature (Mother)/(Adoptive Parent): |  | |
| Approved (Head Teacher ): |  | |

## Appendix 4 - Paternity Leave Application Form

You can use this form to request paternity leave (and statutory paternity pay (SPP) if applicable) to take time off work to help care for a child or support the child’s mother or adopter. Before completing this form, you should first check that you are eligible to make a paternity leave request. For further information, please refer to the Family Leave Policy, or speak to your Head Teacher / manager.

It will help us to process your request if you provide as much information as you can about your request. Once you have completed the form, return it to your Head Teacher / manager, and keep a copy for your own records.

|  |  |
| --- | --- |
| Employee: |  |
| Date the child is due to be born: |  |
| If the child has already been born, please give the actual date of birth: |  |
| In the case of an adopted child, give the date the adoption agency told you about matching you with the child: |  |
| In the case of an adopted child, the expected date of placement for the child (or, if the child is already with you, please give the actual date of placement): |  |

I would like my paternity leave (and SPP if applicable) to start on the date the child is born or placed for adoption:  Yes  No

If no, what date would you like your paternity leave (SPP if applicable) to start on: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do you wish to take one week or two-week paternity leave:  One week  Two weeks

**Natural and non-adopted children**

Please tick here if the following declaration applies to you

I would like to take paternity leave and to receive SPP if I qualify for it. I confirm that I meet each of the eligibility criteria as follows:

* I have, or will have, responsibility for the child’s upbringing
* I am either the biological father of the child, or I am married to or in a civil partnership with the child’s mother, or I am living with the child’s mother in an enduring family relationship but am not an immediate relative of the mother
* I am making this request for time off work to care for the child or to support the child’s mother
* By the 15th week before the expected week of childbirth, I will have worked continuously as an employee of the School for 26 weeks

**Adopted children**

Please tick here if the following declaration applies to you

I would like to take paternity leave and to receive SPP if I qualify for it. I confirm that I meet each of the eligibility criteria as follows:

* I have, or will have, responsibility for the child’s upbringing
* I am adopting the child jointly with my spouse/partner and I want to receive paternity leave and SPP not adoption leave and statutory adoption pay, or I am married to or in a civil partnership with the person adopting the child, or I am living with the person adopting the child in an enduring family relationship but am not an immediate relative of the adopter
* I am making this request for time off work to care for the child or to support the person adopting the child/the primary adopter
* By the week the adoption agency matched me/the adopter with the child, I will/have worked continuously as an employee of the school for 26 weeks

Declaration

I declare the above information to be correct.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(Employee)*

## Appendix 5 – Shared Paternal Leave Template Letters and Forms

**Shared Paternal Leave: Form 1**

|  |  |
| --- | --- |
| **Shared Parental Leave: Maternity / Adoption Leave Curtailment Notice** | |
| **Name of employee:** |  |
| **Employee Number:** |  |
| **Job title:** |  |
| I wish to bring my maternity leave / adoption leave and maternity / adoption pay to an end to be able to take shared parental leave.  I have also completed:  Form 2 - a notice of entitlement and intention to take shared parental leave - mother  or  Form 3 –a notice of entitlement and intention to take shared parental leave – partner | |
| I wish to end my maternity / adoption leave on: |  |
| I wish my maternity / adoption pay period (if applicable) to end on: |  |
| **Signed:** |  |
| **Dated:** |  |
| **Manager’s Name:** |  |
| **Manager’s Job Title:** |  |
| **Manager’s Signature:** |  |
| **Notes**  Please think very carefully before you submit this form. Once the form is submitted, you can withdraw your maternity / adoption leave curtailment notice only in limited circumstances.  The date on which you end your maternity / adoption leave must be at least:   * eight weeks after the date on which you provide this notice to the Council; * two weeks after you give birth / placement; and * one week before what would have been the end of your additional maternity / adoption leave.   **Once the form is completed by both the employee and line manager it should be sent to Payroll.** | |

**Shared Paternal Leave: Form 2**

|  |  |
| --- | --- |
| **Shared Parental Leave: Notice of Entitlement and Intention (mother / adopter)** | |
| **Name of employee:** |  |
| **Employee Number:** |  |
| **Job title:** |  |
| **Manager’s Name:** |  |
| **Manager’s Job Title:** |  |
| **Manager’s Signature:** |  |
| I wish to provide the Council with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and my partner. | |
| **Section A: Information to be Provided by Employee** | |
| My partner's name is: |  |
| **My maternity / adoption leave started / is expected to start on:** |  |
| **My maternity / adoption leave ended / is expected to end on:** |  |
| **My child's expected week of birth is /child was born on / child was placed on:** |  |
| **The total amount of shared parental leave my partner and I have available is:** |  |
| **I intend to take the following number of weeks' shared parental leave:** |  |
| **My partner intends to take the following number of weeks' shared parental leave:** |  |
| **I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take):** |  |
| **The total amount of shared parental pay (if applicable) my partner and I have available is:** |  |
| **I intend to take the following number of weeks' shared parental pay (if applicable):** |  |
| **My partner intends to take the following number of weeks' shared parental pay (if applicable):** |  |
| **I intend to take shared parental pay on the following dates (if applicable):** |  |
| **Section B: Employee Declaration** | |
| **I satisfy / will satisfy the following eligibility requirements to take shared parental leave:** | |
| * I have/will have 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth / child’s placement and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the organisation. | |
| * At the date of the child's birth / placement, I have / will have the main responsibility, apart from my partner, for the care of the child. | |
| * I am entitled to statutory maternity / adoption leave in respect of the child. | |
| * I have complied with the Council’s maternity / adoption leave curtailment requirements (SPL Form 1) / returned to work before the end of my statutory maternity / adoption leave period, and will comply with the Council's shared parental leave notice and evidence requirements. | |
| **The information that I have provided is accurate** | |
| **I will immediately inform the Council if I cease to care for the child** | |
| **Section C: Declaration to be completed by Employee's Partner** | |
| **My name is:** |  |
| **My address is:** |  |
| **My national insurance number is / I do not have a national insurance number:** |  |
| **I satisfy / will satisfy the following eligibility requirements to enable the mother to take shared parental leave:** | |
| * I have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth / child’s placement. | |
| * I have average weekly earnings of at least £30 for any 13 of those 66 weeks. | |
| * At the date of the child's birth / placement, I have / will have the main responsibility, apart from the mother, for the care of the child. | |
| * **I am the father of the child, or am married to, the civil partner of, or the partner of, the mother.** | |
| * **I consent to the amount of shared parental leave that the mother intends to take.** | |
| * **I consent to Lincolnshire County Council processing the information provided in this form.** | |
| **Section D: Signatures** | |
| **Signed (mother / adopter):** |  |
| **Dated (mother / adopter):** |  |
| **Signed (partner):** |  |
| **Dated (partner):** |  |
| **Notes**  The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this notice. Shared parental leave must be taken in blocks of at least one week.  This notice is to allow the Council to check that you are entitled to shared parental leave and to provide the organisation with an initial indication of the shared parental leave pattern that you wish to take. The notice is not binding and you must give the Council a period of leave notice at least eight weeks before the first period of shared parental leave in that notice that you wish to take. Any periods of shared parental leave that you indicate in this notice can be changed at a later date by giving the Council a variation notice.  **Once the form is completed by the employee, their partner and line manager it should be sent to Payroll.** | |

**Shared Paternal Leave: Form 3**

|  |  |
| --- | --- |
| **Shared Parental Leave: Notice of Entitlement and Intention (partner)** | |
| **Name of employee:** |  |
| **Employee Number:** |  |
| **Job title:** |  |
| **Manager’s Name:** |  |
| **Manager’s Job Title:** |  |
| **Manager’s Signature:** |  |
| I wish to provide the Council with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and the mother / adopter. | |
| **Section A: Information to be Provided by Employee** | |
| The mother / adopter's name is: |  |
| **The** mother / adopter's **maternity / adoption leave started / is expected to start on:** |  |
| **The** mother / adopter's **maternity / adoption leave ended / is expected to end on:** |  |
| **The** mother / adopter **received / is expected to receive the following periods of statutory maternity pay / maternity allowance / adoption pay:** |  |
| **My child's expected week of birth is/child was born on / child’s placement:** |  |
| **The total amount of shared parental leave the** mother / adopter **and I have available is:** |  |
| **I intend to take the following number of weeks' shared parental leave:** |  |
| **The** mother / adopter **intends to take the following number of weeks' shared parental leave:** |  |
| **I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take):** |  |
| **The total amount of shared parental pay (if applicable) the** mother / adopter **and I have available is:** |  |
| **I intend to take the following number of weeks shared parental pay (if applicable):** |  |
| **The** mother / adopter **intends to take the following number of weeks' shared parental pay (if applicable):** |  |
| **I intend to take shared parental pay on the following dates (if applicable):** |  |
| **Section B: Declaration to be Completed by Employee** | |
| **I declare that I satisfy / will satisfy the following eligibility requirements to take shared parental leave:** | |
| * I have / will have 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth / placement and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the organisation | |
| * At the date of the child's birth / placement, I have / will have the main responsibility, apart from the mother, for the care of the child | |
| * I will comply with the Council’s shared parental leave notice and evidence requirements | |
| **The information that I have provided is accurate** | |
| **I am the father of the child, or am married to, the civil partner of, or the partner of, the mother / adopter** | |
| **I will immediately inform the Council if I cease to care for the child or if the child's mother / adopter informs me that she has revoked the curtailment of her maternity / adoption leave or pay period** | |
| **Section C: Declaration to be Completed by the Mother / Adopter** | |
| **My name is:** |  |
| **My address is:** |  |
| **My national insurance number is/I do not have a national insurance number:** |  |
| **I satisfy / will satisfy the following eligibility requirements to enable my partner to take shared parental leave:** | |
| * I have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth | |
| * I have average weekly earnings of at least £30 for any 13 of those 66 weeks | |
| * At the date of the child's birth / placement, I have / will have the main responsibility, apart from my partner, for the care of the child | |
| * I am entitled to statutory maternity leave, statutory maternity pay, maternity allowance or adoption pay in respect of the child | |
| * I have curtailed my maternity / adoption leave / returned to work before the end of my statutory maternity leave period | |
| * **I consent to the amount of shared parental leave that my partner intends to take** | |
| * **I will immediately inform my partner if I no longer meet the requirements to curtail my maternity leave (and pay, if applicable)** | |
| * **I consent to Lincolnshire County Council processing the information provided in this form** | |
| **Section D: signatures** | |
| **Signed (partner):** |  |
| **Dated (partner):** |  |
| **Signed (mother / adopter):** |  |
| **Dated (mother / adopter):** |  |
| **Notes**  The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this notice. Shared parental leave must be taken in blocks of at least one week.  This notice is to allow the Council to check that you are entitled to shared parental leave and to provide the Council with an initial indication of the shared parental leave pattern that you wish to take. The notice is not binding and you must give the organisation a period of leave notice at least eight weeks before the first period of shared parental leave in that notice that you wish to take. Any periods of shared parental leave that you indicate in this notice can be changed at a later date by giving the Council a variation notice.  **Once the form is completed by the employee, their partner and line manager it should be sent to Payroll.** | |

**Shared Paternal Leave: Form 4**

|  |  |
| --- | --- |
| **Shared Parental Leave: Period of Leave Notice** | |
| **Name of employee:** |  |
| **Employee Number:** |  |
| **Job title:** |  |
| **Manager’s Name:** |  |
| **Manager’s Job Title:** |  |
| **Manager’s Signature:** |  |
| I wish to make an application for a period of continuous shared parental leave. (Up to 3 period of continuous leave may be applied for.) | Please tick |
| I wish to make an application for discontinuous leave. | Please tick |
| I wish to take the following period(s) of shared parental leave. Please complete either section A or section B. | |
| **Section A: please fill out if your child has already been born / placed or if you know the exact dates on which you would like to take shared parental leave.** | |
| **I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take):** |  |
| **Section B: please fill out if your child has not been born / placed yet and you wish your shared parental leave to start either on the day on which your child is born, or a specified number of days after the day on which your child is born, or after the child has been placed.** | |
| **I wish my shared parental leave to start on the day on which my child is born/the following number of days after the date on which my child is born / after the child has been placed:** |  |
| **I wish my shared parental leave to end the following number of days after the date on which my child is born / placed:** |  |
| Signed: |  |
| **Dated:** |  |
| **Notes**  You can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as you meet the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case you need the Council’s agreement). A maximum of three requests for leave per pregnancy / adoption can normally be made by each parent.  The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this notice. Shared parental leave must be taken in blocks of at least one week.  This notice is to confirm to the Council the shared parental leave that you intend to take. You must have already submitted a notice of entitlement and intention before using this form.  The Council recognises that employees' plans can change. However, it is recommended that you and your partner think carefully about your shared parental leave before submitting this form, as opportunities to amend requests for shared parental leave are limited. Apart from exceptional circumstances, you can submit a period of leave notice or a notice that you have changed your mind about shared parental leave dates on a combined total of just three occasions.  You and your partner must take any shared parental leave within 52 weeks of the birth / placement of your child.  **Once the form is completed by both the employee and line manager it should be sent to Payroll.** | |

**Shared Paternal Leave Template Letter 1- Invitation to a Meeting to Discuss a Request For Discontinuous Leave**

**PRIVATE & CONFIDENTIAL**

<Addressee>

<Address>

<Date>

Dear <Addressee>

**Request for Shared Parental Leave - Meeting**

Thank you for your notice requesting the following discontinuous periods of shared parental leave:

* You have requested that your first period of shared parental leave will start on [date] and finish on [date].
* You have requested that your second period of shared parental leave will start on [date] and finish on [date].
* You have requested that your third period of shared parental leave will start on [date] and finish on [date].

I would like to discuss your request with you to see how your proposed pattern of shared parental leave might work in practice, and also to discuss the potential implications of your suggested pattern of shared parental leave. I have arranged a meeting with **[name]** on **[date]** at **[time].** You may, if you wish, bring a Council work colleague, recognised trade union officer or recognised trade union representative with you to the meeting.

I will endeavour to grant your request where possible, but I will also need to consider the effects of your proposed pattern of shared parental leave on the organisation, the work of our department and your colleagues. It would be helpful if you are willing at the meeting to discuss possible alternatives to the pattern of leave that you have requested with a view to seeking a compromise arrangement that suits both parties.

Following the meeting, a decision will be made on the feasibility of your requested pattern of shared parental leave and the decision will be communicated to you in writing. If we cannot agree to your original request or a compromise arrangement by [date that is two weeks from the date period of leave notice was submitted], you will still have the opportunity to take the leave as one continuous period of leave.

You can also withdraw your period of leave notice requesting discontinuous periods of leave, as long as you do so by [date that is 15th day after the period of leave notice was submitted]. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the three requests for shared parental leave that you can make.

If you have any questions about the meeting or any aspect of your shared parental leave entitlement, please do not hesitate to contact me.

Yours sincerely

Line Manager

**Shared Paternal Leave Template Letter 2 - Discontinuous Leave Rejection**

**PRIVATE & CONFIDENTIAL**

<Addressee>

<Address>

<Date>

Dear <Addressee>

**Request for Shared Parental Leave**

Thank you for your notice requesting discontinuous periods of shared parental leave [and your attendance at a meeting to discuss your request]. Unfortunately, the organisation cannot agree to the periods of shared parental leave that you have requested [and we were unable to reach a compromise]. You requested periods of leave as follows:

* You have requested that your first period of shared parental leave will start on [date] and finish on [date].
* You have requested that your second period of shared parental leave will start on [date] and finish on [date].
* You have requested that your third period of shared parental leave will start on [date] and finish on [date].

Having given the matter thorough consideration, I regret that the Council is unable to accommodate your proposed pattern of shared parental leave. The [reason/reasons] for this [is/are] set out below.

This pattern of shared parental leave would [adapt as required]:

* [have a detrimental effect on the Council’s ability to meet its customers' demands;
* have a detrimental effect on the Council’s ability to complete [details of project];
* create unacceptable difficulties for the Council as it [would be/has been] unable to make arrangements to reorganise your work among other staff;
* create unacceptable difficulties for the Council in finding suitable cover for you during your absences;
* be inappropriate due to planned structural changes.

The reason why this is relevant to your request for discontinuous periods of shared parental leave is [explain further why the employee's request is not workable].

You can still take the leave as one continuous period of leave. To do so, you must choose a start date no sooner than [date that is eight weeks from the date on which the period of leave notice was originally given]. You must notify the organisation of that date by [date that is five days after the end of the two-week discussion period]. If you do not choose a start date by this date, the period of continuous leave will start on [date of the first period of leave requested in the period of leave notice].

You can also withdraw your period of leave notice requesting discontinuous periods of leave, as long as you do so no later than [date that is 15th day after the period of leave notice was submitted]. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the three requests for shared parental leave that you can make.

If you have any questions about any aspect of your shared parental leave entitlement, please do not hesitate to contact me.

Yours sincerely

Line Manager