



The Robert Carre Trust

Family Leave Policy

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1 Introduction

This policy is intended as a guide for all staff and contains details about the Trust's provision for maternity, adoption, shared parental, paternity and unpaid parental leave. This policy reflects our commitment to providing equality of opportunity in employment and to developing work practices and policies that support work-life balance. No-one will be discriminated against, be subject to detriment or lose career development opportunities by taking leave under this policy. This policy applies to all employees of the Trust. The policy does not apply to agency workers, consultants or the self-employed.

2 Maternity Leave

2.1 Introduction

It is the policy of The Robert Carre Trust to ensure that all pregnant staff members can make informed decisions regarding their pregnancy and future employment and are therefore advised of their maternity rights, regardless of their length of service and whether they work full time, part time or term time only.

The actual pay entitlement of individual staff members will be dependent on:

- Their length of continuous service with the Trust as at the beginning of the 11th week before the expected week of childbirth
- The relevant terms and conditions for teachers and support staff

This document provides guidance for both managers and staff members as to the procedure to be followed and the calculation of individual entitlements including occupational maternity pay and Statutory Maternity Leave and Pay (SMP).

2.2 Notification of Pregnancy

Staff must inform the Executive Headteacher/Head of School of their pregnancy in writing and the intention to take maternity leave 15 weeks before their confirmed due date, or as soon as reasonably practical afterwards. Failure to do so could result in late salary payments.

Whilst staff members are required to provide notification by the end of the 15th week before the baby due date, it is in the best interest of the individual to notify the Trust as soon as possible for Health and Safety reasons. Staff members are therefore encouraged to submit their notification at the earliest opportunity. Notice should be given in writing to the Executive Headteacher/Head of School, and should include confirmation of pregnancy and if possible, an indication given of the expected baby due date.

2.3 Risk Assessment

As soon as notification in writing is received, the Operations Manager will complete a risk assessment of the work conditions of the staff member concerned. This must be carried out in accordance with the procedure outlined and a completed risk assessment form (Appendix 3) forwarded to the HR Administrator to be placed on the staff member's personal file. Further risk assessments must be carried out every three months (or earlier if required) up to the commencement of maternity leave. Further support is available via the HR Administrator/Director of Finance and Resources if required.

We will provide you with information as to any risks identified in the risk assessment, and any preventive and protective measures that have been or will be taken. If we consider that, as a new or expectant mother, you would be exposed to health hazards in carrying out your normal duties we will take reasonable steps necessary (for as long as necessary) to avoid those risks which could affect the health and safety of you or your baby. This may involve:

- Changing your working conditions or hours of work;
- Offering you suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
- Suspending you from duties, which will be on full pay unless you have unreasonably refused suitable alternative work.

2.4 Maternity Leave Application

After written notification is received by the HR Administrator, a maternity leave application form (Appendix 2) and a copy of the Family Leave Policy will be sent to the staff member for necessary completion and return.

The staff member should complete and return the application form stating the date that she intends to commence maternity leave. Staff members are again encouraged to return this form at the earliest opportunity. The completed form must be forwarded to the HR Administrator no later than 28 days before the staff member's absence is due to begin.

Upon receipt of the application form, the HR/Finance office will confirm in writing within 28 days the following:

- The staff member's paid, unpaid and/or statutory maternity leave entitlements
- The expected return date based on her entitlements
- The need for the staff member to give at least 8 weeks' notice if she wishes to return to work before the specified return date. Please note this also applies where a staff member may have provided an indicative return to work date as part of their maternity leave application form. If a staff member does not give 8 weeks' notice, the Trust may postpone the return to work date until 8 weeks after the staff member gave notice or expected return if sooner

- If the Trust considers that a staff member is not entitled to SMP, the staff member will be sent form SMP1 within 7 days of this decision to enable them to claim Statutory Maternity Allowance. The staff member will also be advised in writing of the reason they are not considered eligible for SMP

2.5 Form MatB1 (Maternity Certificate)

Medical evidence of the expected baby due date must be provided by the GP or midwife on a maternity certificate (MATB1) in order to claim SMP. This can be issued from the 20th week of pregnancy onwards. It is essential that the staff member forward the original Mat B1 certificate to the HR Administrator as soon as possible as no maternity entitlements can be given until this form is received. The MATB1 form must be received within 21 days of your SMP start date or as soon as possible in cases where a baby is born early.

2.6 Ante-Natal Care

All staff members have the right to reasonable time off with pay for ante-natal care, which includes medical examination, relaxation and parent craft classes. Staff members should plan these periods of absence with their Head of Departments and complete a Leave application form to be authorised by the Executive Headteacher/Head of School. Please refer to the Leave of absence policy.

2.7 Prior to Maternity Leave

Before going on leave, the manager and staff member should discuss and agree:

- Any voluntary arrangements that the staff member may find helpful to help them keep in touch with developments at work and, nearer the time of their return, to help facilitate the return to work
- Communication during your leave.
- Keeping in Touch (KIT) days – see later section

2.8 Commencement of Maternity Leave

The staff member may commence maternity leave at any time after the 11th week prior to the expected week of birth (unless a child is born prematurely before that date).

The staff member may, at her request, work up to the expected baby due date unless a health and safety risk has been identified during the risk assessment, in which case, the Trust will seek to take appropriate action as detailed in the risk assessment section.

If you give birth before your maternity leave was due to start, you must let your Executive Headteacher/Head of School know the date of the birth in writing as soon as possible.

If the staff member subsequently wants to change the date from which she wishes her leave to start she must discuss this with her manager and submit the request in writing at least 28 days before the original intended start date, or if that is not possible, as soon as reasonably practical.

2.9 Entitlements to Maternity Leave, Maternity Pay and Benefits

Provided that staff members comply with the notification requirements set out in paragraph 2.2, all staff members have the right to a maximum of 52 weeks' maternity leave regardless of length of service. This is made up of 26 weeks ordinary maternity leave (OML) and 26 weeks additional maternity leave (AML) immediately following OML.

The entitlement to maternity pay and other benefits is dependent on length of service and the relevant teacher/support staff terms and conditions of employment.

Appendix 1 provides two guidance tables and is designed to support staff members to calculate the leave, pay and benefit entitlements they are eligible to receive.

Full pay will be calculated using the average weekly earnings rules used for calculating Statutory Maternity Pay (SMP) subject to the following:

- If a pay award or annual increment is implemented any time between the start of the set period and the end of the staff member's maternity leave, the maternity pay entitlement should be recalculated to take the pay rise into account
- If a staff member is on unpaid sickness absence or on sickness absence attracting half pay during the whole or part of the period used for calculating average weekly earnings, in accordance with the earnings rules for Statutory Maternity Pay purposes, average weekly earnings for the period of sickness absence shall be calculated on the basis of notional full sick pay

Please note that the rate of SMP changes on an annual basis and payment will be made at the relevant SMP rate at the time of maternity leave.

Rights to pay (both occupational maternity pay (OMP) and SMP) during maternity leave are shown in Appendix 1, but there is one important condition to note called the **Lower Earnings Limit (Earnings Rule)**. This states that SMP is only payable where income meets the minimum earnings criteria, where average weekly earnings for an 8-week period prior to the 15th week before birth are not less than the lower earnings limit set by the Government.

Thus, if basic National Insurance contributions are not paid over the 8-week period there is no entitlement to receive Statutory Maternity Pay. The Finance office will calculate this on behalf of the individual if necessary.

Staff members will remain eligible for SMP if they leave employment for any reason after the start of the Qualifying Week (for example, if they resign or are made redundant). In such cases, if maternity leave has not already begun, SMP starts to accrue in whichever is the later of:

- The week following the week in which employment ends; or
- The eleventh week before the baby's due date

Staff members not entitled to SMP may be eligible for 39 weeks' maternity allowance payable from their Job Centre Plus Office, if they have paid the required National Insurance contributions.

If a staff member is not entitled to SMP the Finance office will refer the staff member to the Job Centre Plus Office for them to ascertain the staff member's eligibility for maternity allowance from the DSS.

2.10 Keeping in Touch Days (KIT)

'Keeping in Touch' (KIT) days are intended to help staff members on maternity/adoption leave with the process of resuming work after a period of leave.

KIT days provide a number of advantages to both the staff member and the Trust during maternity/adoption leave:

- They enable staff members to stay in touch with workplace issues and changes
- It enables the staff member to undertake the odd day's training and/or work

The nature of the work performed on a KIT Day must be the type of work the staff member normally performs under their employment contract. It is not for the continuation of external study.

A social visit made by a staff member to the workplace does not constitute a KIT Day. An employer who meets a staff member to discuss their return to work arrangements may also do this without this constituting a KIT day.

Staff members may attend work for up to ten KIT days during a period of maternity or adoption leave. Each KIT day can be an agreed amount of working time. However, whether a staff member works for one hour or a whole day, each episode will still count as one KIT day of your allowance and you will be paid for the hours that have been worked.

KIT days can be taken at any point during maternity/adoption leave except for the first 2 weeks directly after the baby is born (known as compulsory maternity leave).

There is no obligation for the staff member to agree to a KIT day/days and in addition to this there is no obligation for the Trust to offer these.

Any KIT day taken will not bring a staff member's maternity leave period to an end and payment of SMP/SAP will not be affected. (Although SMP/SAP will be offset against pay for the KIT day.)

2.10.1 Payment for KIT days

Payment for KIT days will not exceed full pay. If a KIT day occurs during a period of full maternity/adoption pay then no additional payment will be made.

If a KIT Day occurs during a period of less than full pay or SMP only, this will be effectively "topped-up" so that the individual receives full pay at their normal hourly rate for the hours worked on the day in question.

If a staff member works for less than their normal full day, this will count as one KIT day for the purposes of the ten KIT days allocated. Payment will only be made for the actual hours worked.

If a KIT Day occurs during a period of unpaid leave the individual will receive full pay at their normal hourly rate for the hours worked on that day.

Staff members are required to receive payment for KIT Days; they may not claim time off in lieu for any KIT days worked.

Following the completion of a KIT day(s) the [Keeping in Touch \(KIT\) Days Completion Form](#) (Appendix 9) should be completed so that payment can be made.

2.11 Returning to Work

A staff member who has notified the Trust of their intention to return to work in accordance with this policy, has the right to return to work under her original contract of employment and on no less favourable terms and conditions. On your return to work we will carry out a further risk assessment to identify and assess the workplace.

If you wish to return to work earlier than the Expected Return Date, you must provide us with 21 days prior notice in writing. If not enough notice is provided, we may postpone your return date until 21 days after you provided us with notice, or to the Expected Return Date if sooner.

If you wish to return later than the Expected Return Date, you may request unpaid parental leave in accordance with section five of this policy, giving us as much notice as possible but not less than 21 days.

Alternatively, staff who have annual leave entitlement remaining (where applicable) may request paid annual leave in accordance with your contract, which will be at our discretion. If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Sickness Absence Policy will apply. In any other case, late return will be treated as unauthorised absence.

If the staff member has taken any period of AML or more than four weeks' parental leave and it is not reasonably practical for the Trust to allow the staff member to return into the same position, it may give the staff member another suitable and appropriate job on terms and conditions that are not less favourable.

In accordance with the Flexible Working Opportunities Policy, the staff member may return to work on a different basis when agreed with their Head of Department with final approval by the Executive Headteacher/Head of School.

If it is agreed that the staff member will return to work on a flexible basis, including changed or reduced hours, for an agreed temporary period this will not affect the staff member's right to return to their job under the original contract at the end of the agreed period. If a staff member wishes to change their existing working pattern on the return to work, they should refer to the Flexible Working Policy. If the change is agreed, the staff member will receive a formal variation to their terms and conditions in writing.

A staff member has the right not to return to work, and dependent on eligibility, may still receive maternity benefits (Appendix 1).

If a staff member fails to return to work after indicating their intention to do so, they will be required to refund the difference between the contractual maternity pay entitlements they have received and those that they would have received had they indicated their wish to leave initially.

If a staff member expresses a wish to return to work after indicating a non-return, the staff member is requested to notify the Executive Headteacher/Head of School in writing, as soon as possible following the birth of the baby. Every consideration will be given to assist the request, although no guarantees can be given by the Trust.

In the event of a staff member not returning to work with the Trust for a period of at least 13 weeks following the end of their maternity leave, they will be expected to refund the 12 weeks half pay received. Payments made to the staff member by way of SMP are not refundable. The period of 13 weeks is inclusive of any periods of annual leave taken (where applicable) or periods of school closure.

The requirement to return for at least 13 weeks may be reduced at the discretion of the Governing Body taking into consideration mitigating circumstances.

Where a full or part-time staff member returns on fewer hours than their original terms and conditions, the minimum period will be extended for a period which equates to 13 weeks' service relating to the previous contract.

It is also necessary to take into account any risks to new mothers (who have recently given birth or are breastfeeding). Where there are significant risks to the staff member or child, it may be necessary to temporarily adjust working conditions/hours or where appropriate, offer suitable alternative work. In these situations, the staff member will continue to receive their normal rate of pay on such temporary basis.

If neither of these options is reasonably practical, the staff member shall be given authorised absence from work on full pay for an agreed period of time at the end of which a further risk review will be carried out. The Trust may require a Fit Note from a GP or may request that the staff member attend a review with Occupational Health in this instance.

2.12 Breastfeeding for Working Mums

Discussion between staff members and their Head of Department/the HR Administrator regarding their wish to continue breastfeeding and/or expressing breast milk whilst at work may take place at any time. However, a staff member must inform the Trust in writing to the HR Administrator in writing four weeks prior to returning to work to confirm their wish. This will allow time for the staff member and Operations Manager to meet to carry out a specific risk assessment (Appendix 5) and identify suitable reasonable options to meet the request.

A staff member must inform the HR Administrator in writing if circumstances change with regard to breastfeeding and/or expressing breast milk.

Heads of Department and the Operations Manager will identify suitable facilities that are available for staff members who are breastfeeding and/or expressing breast milk whilst at work.

Suitable facilities may include:

- Use of a room that is warm, clean, private and appropriate for use
- A comfortable chair
- Access to a clean sink to wash hands, breast pump and other items
- Providing appropriate cleaning materials to ensure correct cleaning of equipment
- Use of a fridge or place to store a cooling bag for the safe storage of labelled bottles of expressed milk

There is no statutory right to time off work for breastfeeding. However, the Trust will take all reasonable steps to enable breastfeeding to take place in line with this policy.

Approval may be given to flexible working hours for breastfeeding mothers but service requirements will need to be taken into consideration.

2.13 Deferring the decision to return to work

A staff member may wish to defer making a final decision about returning to work until after the birth of the baby. Staff members wishing to consider this option should sign the relevant section of the maternity application form (Appendix 2) confirming this.

If the decision to defer is taken, the staff member will initially receive maternity payment based on the length of continuous service. This can be ascertained from the section 'Staff member wishes not to return to work' in Appendix 1.

Following the birth, if the staff member subsequently decides that they will return to work, any additional pay/benefits for which they are eligible will be paid on confirmation of the intention to return (please see section 2.11 above for further details).

2.14 Terms and Conditions of Contract during Maternity Leave

A staff member on maternity leave has the right to continue to benefit from all of her terms and conditions of employment except remuneration, just as if she was still at work. Below are some of the areas that cause most concern to pregnant staff members, detailing any adjustments that may arise:

2.14.1 Annual Leave:

Teaching colleagues and Support colleagues – term time only/term time plus

The salary calculation for teaching staff includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.

Your accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after your maternity leave. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that you have accrued during the maternity leave period. However, on the rare occasions that there are insufficient school closure periods to accommodate your outstanding annual leave entitlement, you will be entitled to take any remaining leave at a time mutually agreed with the Executive Headteacher/Head of School.

Support colleagues– full working year

Annual leave entitlement will continue to accrue at the rate provided under your contract. If your maternity leave will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your maternity leave can be carried over to the next holiday year and must be taken immediately before returning to work unless your manager agrees otherwise. You should try to limit carry over to one week's holiday or less. Carryover of more than one week is at your manager's discretion. Please discuss your holiday plans with your manager in good time before starting maternity leave. All holiday dates are subject to approval by your manager. Our holiday year runs from 1 September to 31 August.

2.14.2 Pension:

Teachers' Pension Scheme – during a period of maternity leave, members of the Teaching Pension Scheme will continue to accrue pensionable service whilst receiving at least half their contractual pay or statutory maternity pay.

The staff member's contribution rate will continue to be based on the annual salary rate had the staff member been working normally, but it will only be applied against the actual pensionable earnings in the period.

The Trust will pay pension contributions based on actual pay received during any period of paid maternity leave (including periods of half pay and statutory maternity pay). This will be based on the actual salary received during each pay period.

No contributions will be payable by either the Trust or staff member during any period of no pay in the additional maternity leave period. This time shall not count as pensionable service under the Teachers' Pension Scheme. If you wish to increase your contributions to make up any shortfall from those based on your normal salary, then please contact the finance team who will support you through this process.

Local Government Pension Scheme – if a staff member is a member of the Local Government Pension Scheme, contributions are automatically deducted from their maternity pay based on what they actually receive. The Trust will continue to pay pension contributions during any period of paid maternity leave (including periods of half pay and statutory maternity pay). This will be based on the actual salary of the staff member had the staff member been working normally.

No contributions will be payable by either the Trust or staff member during any period of no pay in the additional maternity leave period. This time shall not count as pensionable service under the Local Government Pension Scheme. Staff members do not have to make any contributions, but they may do so if they wish, or they may make up for missed contributions at a later date.

If the staff member would like to make contributions to cover periods of maternity leave when they are not receiving Occupational/Statutory Maternity Pay they may do so by confirming this in writing not later than 30 days after their return to work or the date confirming their wish to cease work (notification should be to the Pensions Section). The rate of contributions will be the rate applying immediately before their pay ceased.

2.14.3 Increments:

Where a staff member is on an incremental scale for remuneration, all absence on maternity leave, whether paid or unpaid shall count towards the annual increment progression. Incremental dates shall not be affected and will be counted towards the service qualification period for additional annual leave, sickness pay and redundancy.

2.14.4 Fixed term Contracts:

Staff members subject to fixed term or training contracts which expire before the 11th week before the expected week of confinement will not be entitled to maternity leave but may have an entitlement to Statutory Maternity Pay.

Staff members on fixed-term contracts with less than 12 months' continuous service but more than 26 weeks service may still be entitled to Statutory Maternity Pay.

2.14.5 Childcare Vouchers:

A staff member currently receiving childcare vouchers will be entitled to continue to receive them during their maternity leave, if they so wish.

2.14.6 Annual Performance Development and Annual Pay Progression:

As stated within the performance Development Policy, staff undertaking maternity leave from the workplace should, wherever possible, have their Development Review prior to taking maternity leave. Where this is not possible, this should take place as best practice within three months of their return.

Head of Departments must ensure that a Development Review takes place in order to ensure natural progression through the pay scales (where appropriate). For further information, refer to the Performance Development Policy.

2.15 Sickness during Pregnancy

A staff member who is absent due to sickness absence is entitled to sick leave as per the Trust sickness absence policy up until the commencement of maternity leave.

Periods of pregnancy-related sickness absence from the start of your pregnancy until the end of your maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.

However, if the staff member becomes sick as a result of her pregnancy and the sickness continues into or starts within the fourth week prior to the expected baby due date, the maternity leave will usually start automatically on the first date of absence or the following day if a part day has been worked, over-riding the originally agreed start date. In order to ensure appropriate payments are made the staff member must inform their manager who will then inform relevant personnel as required.

Individual days of pregnancy related to sickness absence during this four-week period may be disregarded if the staff member wishes to continue working until the maternity leave start date previously notified to the Executive Headteacher/Head of School. Any such decision will be subject to the health of the mother and child and advice may be sought from Occupational Health.

If the illness is not pregnancy-related, the staff member may be eligible to receive sick pay until the start date of maternity to satisfy the regulations concerning sick pay.

In the event of sickness following the date the staff member was due to return to work normal sick leave provisions will apply as necessary.

2.16 Still Birth, Miscarriage and Premature Birth

There are some occasions when pregnancy may not continue until the expected baby due date and the following provisions are appropriate for these circumstances. The Trust also wish to support staff members through these times:

Still Birth – if a staff member suffers a still birth which occurs in or after the 24th week of pregnancy the staff member will be entitled to the same amount of maternity leave and pay as if her baby was born alive.

Miscarriage – where a staff member has a miscarriage before the 24th week of pregnancy normal sick leave provisions will apply as necessary.

Premature Birth – where a staff member's baby is born prematurely, the staff member will be entitled to the same amount of maternity leave and pay as if the baby was born at full term. The maternity leave will start on the day after the baby is born. The staff member should contact the school as soon as reasonably practicable confirming:

- That she has given birth early; and
- The date on which her baby was born

2.17 Parental Bereavement Leave and Pay

Please see our Leave of Absence Policy.

2.18 Redundancy Regulations for Staff Members on Maternity Leave

In a redundancy situation, colleagues on maternity leave are “entitled to be offered” a suitable vacancy where one exists before it is offered to any other staff member and before the end of their employment under their existing contract. In short, colleagues on maternity leave have priority for alternative employment in a redundancy situation.

2.19 Switching to Shared Parental Leave

In some cases, staff members and their spouse or partner may be eligible to opt into the Shared Parental Leave Scheme (SPL). The staff member's partner should check with their employer to see if they are eligible.

A staff member would need to give at least eight-week's written notice to end their maternity leave and opt into Shared Parental Leave. This can be done at any time after the baby is born. However, the staff member must take at least two weeks' maternity leave and then would then be able to share the remainder of her leave with her partner.

3 Adoption Leave (Including Surrogacy Arrangements)

3.1 Introduction

Adoption is an important service for the community and it is recognised that the needs of adoptive parents are at least as great as those of natural parents in establishing a relationship with the child and in developing new routines. The adoption leave scheme is therefore to enable a staff member who wishes to adopt a child to take a period of leave to help the child settle into the family and adjust to new circumstances. Where the child is below the age of 18, Adoption Leave and pay will be modelled on the same principles as Maternity Leave and Pay.

3.2 Eligibility for Adoption Leave/Pay

The scheme shall apply to staff whether full-time, part-time or term-time only, requiring leave of absence for the purpose of adopting a child. Where both adoptive parents are employed by The Robert Carre Trust, only one, to be agreed by the couple, will be eligible for leave under this scheme. The other partner may qualify for paternity leave.

To qualify for adoption leave a staff member must follow the correct notice requirements (see section 3.3 and 3.4). To qualify for adoption pay a staff member must in addition:

- Have worked continuously for the Trust for 26 weeks ending with the week in which they are notified of being matched with a child for adoption;
- Be 'newly' matched with a child for adoption by an adoption agency;
- Meet the lower earnings limit in an 8-week period - the 'relevant period';
- Provide proof of the adoption or surrogacy

Adoption leave is not available in circumstances where a child is not newly matched for adoption, for example where fostering prior to adoption or a step-parent is adopting a partner's child.

For overseas adoptions, the conditions are the same as detailed above, except the staff member:

- Must have 'official notification' (permission from a UK authority) that they can adopt from abroad;
- Must fill in the declaration on [form SC6](#) if they're adopting a child with their partner. Form SC6 confirms they're not taking paternity leave or pay

For staff members in surrogacy arrangements:

- The conditions are the same, except to qualify for Statutory Adoption Pay the staff member must have worked for the Trust continuously for at least 26 weeks by the 15th week before the week the baby is due

3.3 Applying for Adoption Leave

A staff member who intends to apply for adoption leave must notify the Executive Headteacher/Head of School in writing/via email as soon as they are advised by an adoption agency that they have been accepted by the agency. They must notify the Executive Headteacher/Head of School of the date they wish to commence adoption leave.

The staff member must continue to be employed until the child becomes available for placement and must also notify the Executive Headteacher/Head of School that they intend to return to work for the Trust following adoption leave for a minimum period of 13 weeks. Where consistent with the needs of the service, a member of staff may be able to return to work for fewer hours or different days than those worked prior to adoption and the hours of work may be adjusted accordingly. Please refer to the Flexible Working policy.

After written notification is received by the Executive Headteacher/Head of School, an adoption leave application form (Appendix 4) and a copy of the Family Leave Policy will be sent to the staff member within 28 days for necessary completion and return.

The staff member must complete and return the application form stating the date that they intend to commence adoption leave.

Leave can start:

- On the date the child starts living with the staff member or up to 14 days before the expected placement date (UK adoptions);
- When a staff member has been matched with a child to be placed with them by a UK adoption agency;
- When the child arrives in the UK or within 28 days of this date (overseas adoptions);
- The day the child is born or the day after (parents in surrogacy arrangements)

Staff members are again encouraged to return this form at the earliest opportunity but must return the completed application form confirming their intention to take adoption leave within seven days of being notified of a match by the adoption agency.

Staff members in surrogacy arrangements should notify the Trust in writing at least 15 weeks before the due date, including the date that the baby is due and when they wish to start their leave.

Upon receipt of the application form/written notification, the Finance office will confirm in writing and within 28 days the following:

- The staff member's paid, unpaid and/or statutory leave entitlements
- The expected return date based on their entitlements
- The need for the staff member to give at least 8 weeks' notice if they wish to return to work before the specified return date
- If the Trust considers that a staff member is not entitled to SAL, the staff member will be sent form SAP1 within seven days of this decision. This form will be sent to the staff member within 28 days of their request for Statutory Adoption Pay or the date they were matched with the child (whichever is earlier)

Staff members wishing to change their leave dates must confirm this in writing at least 28 days before their original start date or the new start date - whichever is earlier.

Staff members must usually give 28 days' notice before they wish to be paid Statutory Adoption Pay, unless the time between the child being matched and placed is less than that.

The staff member must provide documentary evidence, from their adoption agency, as evidence of their entitlement to Statutory Adoption Pay (SAP) which will be paid by the Trust.

For adoption, the proof must show the:

- Name and address of the agency and staff member
- Date the child was matched, e.g. the matching certificate
- Expected or actual date of placement, e.g. a letter from the agency
- Relevant UK authority's 'official notification' confirming the parent is allowed to adopt (overseas adoptions only)
- Date the child arrived in the UK, e.g. plane ticket (overseas adoptions only)

For surrogacy arrangements, staff members must provide a written statement ('statutory declaration') to confirm that, in the six months after the baby's birth:

- They intend to apply for a [parental order](#)
- They expect the order to be granted (e.g. because they don't have any convictions involving children, and the birth mother or father agree to the arrangement)

3.4 Entitlements on Adoption Leave

Subject to the above conditions the adoptive parent will be entitled to:

- Paid time off to attend appointments/meetings about the child to be adopted (the Head of Department and Executive Headteacher/Head of School will require advance notice and evidence of appointments i.e. appointment card or letter). Staff members should complete a Leave Application form as held within the Leave Policy
- 52 weeks' statutory adoption leave including 26 weeks' ordinary adoption leave and 26 weeks' additional adoption leave
- 39 weeks' leave of absence with pay (for staff with a minimum of 26 weeks' continuous employment with the Trust)

If you leave employment for any reason (for example, if you resign or are made redundant) you shall still be eligible for SAP if you have already been notified by an agency that you have been matched with a child. In such cases, SAP shall start:

- 14 days before the Expected Placement Date; or
- The day after your employment ends,
- Whichever is the later.

3.4.1 Disrupted adoption

In an adoption or fostering for adoption case, adoption leave is disrupted if it has started but:

- You are notified that the placement will not take place;
- The child is returned to the adoption agency after placement; or
- The child dies after placement.
- In a surrogacy case, adoption leave is disrupted where you do not apply for a parental order within the relevant time, or the court does not grant a parental order and the time limit for appeal or further application has expired, or where the child dies.
- In the event of disruption your entitlement to adoption leave and pay (if applicable) will continue for a further eight weeks from the end of the week in which disruption occurred, unless your entitlement to leave and/or pay would have ended earlier in the normal course of events.

3.4.2 Keeping in touch days **Please refer to section 2.10 for KIT days.**

3.5 Returning to Work

Staff members who have notified the Trust that they intend to return to work following adoption leave will have the right to return to their job under their original contract and on no less favourable terms and conditions.

Adoptive parents who intend to return to work at the end of their full adoption leave entitlement do not have to give further notification to the Trust. However, a staff member who wishes to return to work before the end of the full period must give eight weeks' notice of the date they intend to return. This is also the case where a staff member may have included an indicative return to work date as part of their adoption leave application form.

If the child's placement ends during the adoption period, the staff member can continue adoption leave for up to eight weeks after the end of the placement.

Where consistent with the needs of the service, a member of staff may be able to return to work for fewer hours than those worked prior to adoption and the hours of work may be adjusted accordingly. Please refer to the Flexible Working Policy for further information.

In the event of a staff member not returning to work with the Trust for a period of at least 13 weeks, they will be expected to refund the additional pay received after the first six weeks of adoption leave. Payments made to the staff member by way of SAP are not refundable. The period of 13 weeks is inclusive of any periods of annual leave taken or periods of school closure. This liability may be varied at the discretion of the Trust depending on mitigating circumstances.

Where a full or part-time staff member returns on fewer hours than their original terms and conditions, the minimum period will be extended for a period which equates to 13 weeks' service relating to the previous contract.

3.6 Sickness Absence

Adoption leave will not be treated as sickness absence and will not therefore be taken into account for the calculation of Occupational Sick Pay entitlement in accordance with the appropriate terms and conditions.

If the staff member fails to return to work on the notified date because of sickness they must submit a doctor's statement and the provisions of the Occupational Sick Pay schemes will apply.

3.7 Annual Leave, Pensions, Increments, Fixed Term Contracts

3.7.1 Annual Leave:

Teaching colleagues and Support colleagues – term time only/term time plus

The salary calculation for teaching staff includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.

Your accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after your maternity leave. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that you have accrued during the maternity leave period. However, on the rare occasions that there are insufficient school closure periods to accommodate your outstanding annual leave entitlement, you will be entitled to take any remaining leave at a time mutually agreed with the Executive Headteacher/Head of School.

Support colleagues– full working year

Annual leave entitlement will continue to accrue at the rate provided under your contract. If your maternity leave will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your maternity leave can be carried over to the next holiday year and must be taken immediately before returning to work unless your manager agrees otherwise. You should try to limit carry over to one week's holiday or less. Carryover of more than one week is at your manager's discretion. Please discuss your holiday plans with your manager in good time before starting maternity leave. All holiday dates are subject to approval by your manager. Our holiday year runs from 1 September to 31 August.

3.7.2 Pensions:

Teachers' Pension Scheme – during a period of adoption leave, members of the Teaching Pension Scheme will continue to accrue pensionable service whilst receiving at least half their contractual pay or statutory adoption pay.

The staff member's contribution rate will continue to be based on the annual salary rate had the staff member been working normally, but it will only be applied against the actual pensionable earnings in the period.

The Trust will pay pension contributions based on actual pay received during any period of paid adoption leave (including periods of half pay and statutory adoption pay). This will be based on the actual salary received during each pay period.

No contributions will be payable by either the Trust or staff member during any period of no pay in the additional adoption leave period. This time shall not count as pensionable service under the Teachers' Pension Scheme.

Local Government Pension Scheme – if a staff member is a member of the Local Government Pension Scheme, contributions are automatically deducted from their adoption pay based on what they actually receive. The Trust will continue to pay pension contributions during any period of paid adoption leave (including periods of half pay and statutory adoption pay). This will be based on the actual salary of the staff member had the staff member been working normally.

No contributions will be payable by either the Trust or staff member during any period of no pay in the additional adoption leave period. This time shall not count as pensionable service under the Local Government Pension Scheme. Staff members do not have to make any contributions, but they may do so if they wish, or they may make up for missed contributions at a later date.

If the staff member would like to make contributions to cover periods of adoption leave when they are not receiving Occupational/Statutory adoption Pay they may do so by confirming this in writing not later than 30 days after their return to work or the date confirming their wish to cease work (notification should be to the Pensions Section). The rate of contributions will be the rate applying immediately before their pay ceased.

3.7.3 Annual Performance Development and Annual Pay Progression:

As stated within the relevant Performance Development Policy, staff undertaking adoption leave from the workplace should, wherever possible, have their Development Review prior to

taking Adoption leave. Where this is not possible, this should take place as best practice within three months of their return.

Head of Departments must ensure that a Development Review takes place to ensure natural progression through the pay scales (where appropriate).

3.7.4 Fixed Term Contracts:

Staff members subject to fixed term or training contracts which expire prior to the 14th day before the expected date of the placement of the child for adoption will not be entitled to adoption leave but may have an entitlement to Statutory Adoption Pay.

Staff members on fixed-term contracts who do not meet the twelve months' continuous service condition may still be entitled to Statutory Adoption Pay.

3.7.5 Childcare Voucher Scheme:

An staff member currently receiving Child Care Vouchers will be entitled to continue to receive them throughout their adoption leave, if they so wish.

3.8 Switching to Shared Parental Leave

In some cases, staff members and their spouse or partner may be eligible to opt into the Shared Parental Leave Scheme (SPL). The staff member's partner should check with their employer to see if they are eligible.

A staff member would need to give at least eight-week's written notice to end their adoption leave and opt into Shared Parental Leave. This can be done at any time after the child is placed with the staff member. However, the staff member must take at least two weeks' adoption leave and they would then be able to share the remainder of their leave with their partner.

4 Shared Parental Leave

Shared Parental Leave (SPL) gives parents more flexibility in considering how to best care for and bond with their child. All eligible staff members have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay (ShPP).

4.1 Eligibility for Shared Parental Leave

SPL can only be used by two people:

- The mother/adopter **and**
- 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 to have worked for at least 26 weeks and had average weekly earnings of at least the statutory required amount in any 13 of those weeks;
- The staff member must correctly notify the Trust of their entitlement and provide evidence as required.

4.2 Discussions Regarding Shared Parental Leave

Staff members considering/taking SPL should contact the Director of Finance and Resources 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.

For details of staff entitlements and how to apply for SPL/ShPP, please refer to Appendix 10 and Appendix 11 (application form). The leave booking notice form should be returned to the Executive Headteacher/Head of School .

Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can be approved in the terms stated in the staff member's notice booking leave, a meeting may not be necessary. However, if this is not a continuous period a meeting may be required to discuss this further.

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

4.3 Booking Shared Parental Leave

In addition to notifying the Trust 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.

Staff members may submit up to three notifications specifying leave periods they are intending to take.

Each notification may contain either:

- A single period of weeks of leave; or
- Two or more weeks of discontinuous leave, where the staff member intends to return to work between periods of leave.

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 Trust 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 6 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.

4.4 Responding to a Shared Parental Leave Notification

Once the Trust receives the leave booking notice, 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 service.

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 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 8 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.

4.5 Variations to arranged Shared Parental Leave

A staff member may vary or cancel an agreed and booked period of SPL, provided that they advise the Trust in writing at least 8 weeks before the date of any variation. Any new start date cannot be sooner than 8 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.

4.6 Terms and conditions during Shared Parental Leave

During the period of SPL, staff members' contracts of employment continue and staff members will continue to receive all their contractual benefits, except for salary. Contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when a 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.

4.7 Annual Leave

Teaching colleagues and Support colleagues – term time only/term time plus

The salary calculation for teaching staff includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.

Your accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after your maternity leave. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that you have accrued during the maternity leave period. However, on the rare occasions that there are insufficient school closure periods to accommodate your outstanding annual leave entitlement, you will be entitled to take any remaining leave at a time mutually agreed with the Executive Headteacher/Head of School.

Support colleagues– full working year

Annual leave entitlement will continue to accrue at the rate provided under your contract. If your maternity leave will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your maternity leave can be carried over to the next holiday year and must be taken immediately before returning to work unless your manager agrees otherwise. You should try to limit carry over to one week's holiday or less. Carryover of more than one week is at your manager's discretion. Please discuss your holiday plans with your manager in good time before starting maternity leave. All holiday dates are subject to approval by your manager. Our holiday year runs from 1 September to 31 August.

4.8 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.

A staff member taking a SPLIT day will receive full pay for this 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 affect 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.

4.9 Returning to Work after Shared Parental Leave

If a staff member wishes to return to work earlier than the expected return date, they 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 a staff member has already used their three notifications to book and/or vary leave then the Trust may not 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 and on the same terms and conditions of employment if the staff member's aggregate total statutory maternity/ paternity/ adoption leave and SPL amounts to 26 weeks or less. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL.

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.

5 Paternity leave

5.1 Introduction

Paternity leave with pay is a benefit designed to allow staff members to attend the birth of a child with their partner and to provide care and support to the mother and baby during the period immediately before and/or after the birth, following adoption or having a baby through surrogacy.

Application for paternity leave should be made (using Appendix 6) in writing at the earliest opportunity to the Executive Headteacher/Head of School. As much notice as possible should be given, although it is recognised that the dates may need to be amended.

A staff member must notify the Trust in writing at least 15 weeks before the due date, confirming when the baby is due and when they wish to start their leave.

A staff member must complete a form SC3 "Becoming a Parent" at least 15 weeks before they want paternity pay to start. This is an online HMRC form.

For Adoptions, staff members must complete form SC4 for:

- Leave - no later than 7 days of your co-adopter or partner being matched with a child;

- Pay - no later than 28 days before you want your pay to start

For overseas adoptions, the form and notice period is different. The process is explained on [form SC5](#).

In order to substantiate an application for paternity leave, documentary proof will need to be submitted to the HR administrator.

Documentary proof will include:

- Confirmation of the expected date of confinement, signed by a medical practitioner or a midwife or proof of adoption
- A written statement to confirm you intend to apply for a parental order in the six months after the child's birth. You must sign this in the presence of a legal professional

Please be aware you cannot take paternity leave if you take shared parental leave.

5.2 Eligibility

A staff member is eligible for paternity leave if they have or expect to share responsibility for the baby's upbringing as husband or partner to the mother of the baby i.e., biological or adoptive parent. Paternity leave can also apply to nominated carers, same sex partners, adoptive parent partners and the intended parent (if you're having a baby through a surrogacy arrangement).

Paid paternity leave will be granted to members of staff who:

- Have 26 weeks or more continuous employment with the Trust ending with the 15th week before the baby is due (the qualifying week) or by the 'matching week' when adopting a child;
- For adoption this is either:
 - The end of the week you're matched with the child (UK adoptions)
 - The date the child enters the UK or when you want your pay to start (overseas adoptions)
- Meet the lower earnings limit;
- Give the correct notice.

Staff with less than 26 weeks continuous employment will be granted unpaid paternity leave.

5.3 Entitlement

Staff members are entitled to take a maximum of two weeks' paternity leave. Such leave will normally be agreed in advance as a period of either one week or two consecutive weeks. It cannot be taken in instalments.

A week equates to the length of time a staff member usually works over seven days.

The staff member will receive full pay for the first week and the second week at the statutory rate as set by the Government.

Leave can start on any day of the week on or following the child's birth or date of placement if adopted but must be completed:

- In birth cases, within 56 days of the child's birth, or if the child was born before the first day of the child's birth due date, within 56 days of the first day of the child's birth due date; or
- In adoption cases, within 56 days of the child's placement or the child's arrival in the UK (overseas adoptions)

You must give 28 days' notice if you want to change your start date, if feasible.

Only one period of paternity leave/occupational paternity pay is ordinarily available in the event of a multiple birth/adoption.

Guidance for time off with pay to allow staff members to accompany their partner to attend antenatal appointments, child-care classes or adoption meetings will be at the discretion of the Executive Headteacher/Head of School. Staff members wishing to apply for time to attend such appointments should complete a Leave Application form.

A qualifying staff member will be entitled to paid leave if the baby is stillborn after 24 weeks of pregnancy.

Where leave is required to support mother and new baby/adopted child then paternity leave is the first option rather than other types of leave. Additional leave (paid or unpaid) may be granted in exceptional circumstances by the Executive Headteacher/Head of School. In such cases, the granting of carer's/parental leave may be appropriate.

6 Unpaid Parental Leave

6.1 Entitlement

Parental Leave is a separate provision from maternity, adoption or paternity leave and provides an un-transferable individual right to 18 weeks' unpaid leave for every child (including each child of a multiple birth/adoption) up to the child's 18th Birthday.

A week equates to the length of time a staff member usually works over seven days. Parental leave will be unpaid, but the parent will remain employed, pensions and other accrued rights will be aggregated.

6.2 Eligibility

A staff member is eligible to Parental Leave if they meet the following criteria:

- They are named on the child's birth or adoption certificate or they have, or expect to have, parental responsibility
- They are not a foster parent (unless they have secured parental responsibility through the courts)
- The child is under the age of 18 years old
- They have at least 12 months' service with the Trust. Outstanding leave will transfer from previous qualifying employers, but the individual will have to re-qualify with a year of employment within the Trust

During parental leave the staff member retains all their contractual rights, except remuneration and should return to the same job. Periods of parental leave are regarded as continuous service.

6.3 Conditions

Leave arrangements need to be as flexible as possible with leave being taken in a variety of ways by mutual agreement in accordance with the needs of the service and the circumstances of the parent and the following conditions:

- Parental leave can be added to periods of paternity or maternity leave
- Leave has to be taken in periods of one week. However, parents of disabled children may take leave in one-day periods

- No more than 4 weeks' parental leave may be taken in any 12 month period for each child or adopted child

Applications for parental leave must give notice of at least 21 days, in writing, to the Executive Headteacher/Head of School or if they or their partner are having a baby or adopting, it is 21 days before the week the baby or child is expected.

The notification should include the intended start and end dates.

The Trust will only postpone leave in exceptional circumstances and will provide written reasons within seven days of the request being received. Staff members may also postpone or cancel leave that has been booked with local agreement.

7 Review Dates

Adopted at the meeting of the Board on 12 July 2022 (subject to consultation)

Next Review Date: July 2025 (three years)

8 Associated Policies

Pay Policy
Performance Development Policy
Leave of Absence Policy

9 Appendices

- 1 Maternity/Adoption Leave - A Guide to Entitlements
- 2 Maternity Leave/Pay Application Form
- 3 Risk Assessment and Report Form for Expectant or New Parents
- 4 Risk Assessment for Breastfeeding Mothers
- 5 Adoption Leave/Pay Application Form
- 6 Paternity Leave Application Form
- 7 Unpaid Parental Leave Application Form
- 8 Childcare Voucher Notification Form
- 9 Keeping in Touch (KIT) Days Completion Form
- 10 Shared Parental Leave Entitlement and Notification Procedure
- 11 Application for Shared Parental Leave
- 12 Shared Parental Leave in Touch (SPLIT) Days Completion Form

Appendix 1 – Maternity/Adoption Leave - A Guide to Entitlements

The table below provides guidance for staff as to the eligibility to individual benefits.

Firstly, look to the columns at the left of the table which show the period of continuous service required for the different entitlements, ascertain the category into which you fall, and follow this across the columns on the right of the table to identify the correct entitlement.

Teaching Staff – staff member wishes to return to work:

Continuous service of:	Leave entitlement	Pay and Benefits	Entitlement
OVER 12 months service by the beginning of the 11 th week before the expected week of childbirth or prior to 14 days before expected date of placement of child for adoption.	<p>Entitlement 1 gives a maximum of 52 weeks' maternity leave.</p> <p>This leave cannot commence prior to the 11th week before the expected baby due date(birth) or prior to 14 days before the expected date of placement of the child for adoption.</p>	<p>a) The first 4 weeks of maternity/adoption will be paid at full pay, offset against payments made by way of SMP or Maternity Allowance for staff members not eligible to SMP.</p> <p>b) For the next two weeks, maternity/adoption leave will be paid at 9/10 of average pay offset against payments made by way of SMP/SAP or Maternity Allowance for staff members not eligible to SMP.</p> <p>c) For the next 12 weeks, staff members will receive half-pay, plus Statutory Maternity/Adoption Pay (SMP/SAP) so long as this does not exceed full pay.</p> <p>d) Then up to a further 21 weeks, SMP/SAP or 90% of your normal earnings if this is lower than SMP.</p> <p>e) A further 13 weeks' unpaid Additional Maternity/Adoption Leave (AML/AAL)</p>	Entitlement 1
Less than 12 months' but more than 6 months' (26 weeks') service by the beginning of the 11 th week before the expected week of childbirth or prior to 14 days before expected date of	<p>Entitlement 2 gives a maximum of 52 weeks' maternity leave.</p> <p>This cannot commence prior to the 11th week before the expected date of birth or 14 days before expected date of</p>	<p>a) The first 6 weeks of maternity/adoption leave will be paid at 9/10 of average pay, offset against payments made by way of SMP or Maternity Allowance for staff member s not eligible to SMP.</p>	Entitlement 2

placement of child for adoption.	placement of child for adoption.	b) SMP/SAP will be paid at the current SMP/SAP rate for the remaining 33 weeks if eligible* c) The remaining weeks of maternity/adoption leave will be unpaid.	
0-under 6 months' (26 weeks') service by the end of the 15 th week before the expected week of childbirth, or prior to 14 days before expected date of placement of child for adoption.	Entitlement 3 gives a maximum of 52 weeks maternity leave UNPAID. This leave cannot commence prior to the 11 th week before the expected date of birth or prior to 14 days before the expected date of placement of a child for adoption.	a) Not eligible for SMP/SAP. b) May be eligible for Maternity/Adoption Allowance.	Entitlement 3

Teaching Staff – staff member wishes not to return to work/defer decision:

Continuous service of:	Leave entitlement	Pay and Benefits	Entitlement
OVER 12 months' service by the beginning of the 11 th week before the expected week of childbirth, or prior to 14 days before expected date of placement of child for adoption.	Entitlement 4 gives a maximum of 52 weeks' maternity leave to those staff member s not wishing to return to work and who fulfil the continuous employment requirements.	a) The first four weeks of maternity will be paid at full pay, offset against payments made by way of SMP or Maternity Allowance for staff member s not eligible to SMP. b) For the next two weeks, maternity/adoption leave will be paid at 9/10 of average pay, offset against payments made by way of SMP or Maternity Allowance for staff member s not eligible to SMP. c) SMP/SAP will be paid for the remaining 33 weeks.	Entitlement 4
Less than six months' (26 weeks') service by the end of the 15 th expected week of childbirth, or prior to 14 days before expected date of placement of child for adoption.	Entitlement 5 gives a maximum of 52 weeks' maternity leave to those staff member s not wishing to return to work and who fulfil the continuous employment requirements	a) The first six weeks of maternity/adoption leave will be paid at SMP/SAP at a rate of 9/10 of average pay if eligible*. b) SMP/SAP will be paid for the remaining 33 weeks.	Entitlement 5

Support Staff – staff member wishes to return to work:

Continuous service of:	Leave entitlement	Pay and Benefits	Entitlement
<p>OVER 12 months service by the beginning of the 11th week before the expected week of childbirth or prior to 14 days before expected date of placement of child for adoption.</p>	<p>Entitlement 1 gives a maximum of 52 weeks' maternity leave.</p> <p>This leave cannot commence prior to the 11th week before the expected baby due date(birth) or prior to 14 days before the expected date of placement of the child for adoption.</p>	<p>a) The first six weeks of maternity/adoption leave will be paid at 9/10 of average pay, offset against payments made by way of SMP or Maternity Allowance for staff member s not eligible to SMP.</p> <p>b) The next 12 weeks will be paid at half pay, plus Statutory Maternity/Adoption Pay (SMP/SAP) so long as this does not exceed full pay.</p> <p>c) Then up to a further 21 weeks SMP/SAP or 90% of your normal earnings if this is lower than SMP.</p> <p>d) A further 13 weeks' unpaid Additional Maternity/Adoption Leave (AML/AAL)/</p>	<p>Entitlement 1</p>
<p>Less than 12 months' but more than 6 months' (26 weeks') service by the beginning of the 11th week before the expected week of childbirth or prior to 14 days before expected date of placement of child for adoption.</p>	<p>Entitlement 2 gives a maximum of 52 weeks' maternity leave.</p> <p>This cannot commence prior to the 11th week before the expected date of birth or 14 days before expected date of placement of child for adoption.</p>	<p>a) The first six weeks of maternity/adoption leave will be paid at 9/10 of average pay, offset against payments made by ways of SMP or Maternity Allowance for staff member s not eligible to SMP.</p> <p>b) SMP/SAP will be paid at the current SMP/SAP rate for the remaining 33 weeks if eligible*.</p> <p>c) The remaining weeks of maternity/adoption leave will be unpaid.</p>	<p>Entitlement 2</p>
<p>0-under 6 months' (26 weeks') service by the end of the 15th week before the expected week of childbirth or prior to 14 days before expected date of placement of child for adoption.</p>	<p>Entitlement 3 gives a maximum of 52 weeks maternity leave UNPAID.</p> <p>This leave cannot commence prior to the 11th week before the expected date of birth, or prior to 14 days before the expected</p>	<p>a) Not eligible for SMP/SAP.</p> <p>b) May be eligible for Maternity/Adoption Allowance.</p> <p>c) Eligible to continue to receive Childcare Vouchers whilst on maternity/adoption leave: the value of vouchers</p>	<p>Entitlement 3</p>

	date of placement of a child for adoption.	to be paid for in full by the Trust.	
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Support Staff – staff member wishes not to return to work/defer decision:

Continuous service of:	Leave entitlement	Pay and Benefits	Entitlement
OVER 12 months' service by the beginning of the 11 th week before the expected week of childbirth, or prior to 14 days before expected date of placement of child for adoption.	Entitlement 4 gives a maximum of 52 weeks' maternity leave to those staff member s not wishing to return to work and who fulfil the continuous employment requirements.	<p>a) The first six weeks of maternity/adoption leave will be paid at 9/10 of average pay, offset against payments made by way of SMP or Maternity Allowance for staff member s not eligible to SMP.</p> <p>b) SMP/SAP will be paid for the remaining 33 weeks.</p>	Entitlement 4
Less than six months' (26 weeks') service at the end of the 15 th expected week of childbirth, or prior to 14 days before expected date of placement of child for adoption	Entitlement 5 gives a maximum of 52 weeks' maternity leave to those staff member s not wishing to return to work and who fulfil the continuous employment requirements.	<p>a) The first six weeks of maternity/adoption leave will be paid at SMP/SAP at a rate of average pay if eligible*.</p> <p>b) SMP/SAP will be paid for the remaining 33 weeks.</p>	Entitlement 5

*Eligibility for SMP/SAP relies upon the statutory provisions in force at the time.

Appendix 2 – Maternity Leave/Pay Application Form

Please complete this form and send to the Executive Headteacher/Head of School as soon as possible in order for your entitlements to be confirmed.

Full name:

.....

Home address:

.....

Telephone number:

.....

Job Title:

.....

Staff Group: Support Staff / Teaching (*please delete as appropriate)

Manager's name and title:

.....

Hours per week:

Date employment with The Robert Carre Trust commenced:

Date baby due:

In accordance with the teacher/support staff (*please delete as appropriate) conditions of service I wish to apply for maternity leave entitlement (insert Entitlement 1, 2, 3, 4, 5 as indicated in Appendix 1 of The Family Leave Policy):

.....

I agree to the conditions that are relevant to the entitlement I have indicated.

I intend to commence my maternity leave on:

Working up to the week before the expected date of birth.

Tick the following appropriate box and then go to the correspondingly numbered subsequent section:

	✓	
I intend to return to work to my current role		(go to 1 below)
I intend to return to work to my current role, but wish to request to change my working pattern (apply through Flexible Working Policy)		(go to 1 below)

I do not intend to return to work		
I wish to defer my decision about returning until after my maternity leave		(go to 2 below)

1. I intend to return by (date):

I will notify the Executive Headteacher/Head of School in writing to confirm this date and/or to notify of any change to this date at least 8 weeks before my return.

If I am prevented from returning to work until after the notified date, I will undertake to inform the Executive Headteacher/Head of School as soon as practicable, and where appropriate, provide a medical certificate.

Failure to return:

In the event of my failing to return to work, I agree to repay the overpayment based on lesser entitlement and where I have received maternity pay based on my returning to work.

Signed:

.....

Date:

.....

2. I wish to defer the decision to return to work

I do not wish to make a final decision about returning to work until after the birth. In this event, you will only receive your entitlement to Statutory Maternity Pay. Any additional pay to which you are due will be made following your return to duty.

Signed:

.....

Date:

.....

Appendix 3 – Risk Assessment and Report Form for Expectant or New Parents

Staff member's name:

Job title:

Department:

Expectant date of birth:

Place of work:

Name of Manager:

Brief description of role to include summary of duties undertaken:

.....
.....
.....

Description of Personal Factors:

Number of weeks for existing pregnancy:

Have any difficulties been experienced or are currently being experienced with the pregnancy?
YES/NO*

Please give details:

Any previous pregnancies experienced? YES/NO*

Have any difficulties been experienced with previous pregnancies? YES/NO*

Please give details:

Are there any other comments regarding existing or previous pregnancies that may assist in identifying, eliminating or reducing the risk to you and your unborn child? Please give details:

Do you intend to breastfeed your baby? YES/NO*

Date you intend to return to work following maternity leave:

Details of any hazards identified within the individual's working environment (to also include premises visited outside the Trust):

PHYSICAL AGENTS

		Yes/No	Comments
A	Will there be exposure to high noise levels that might increase blood pressure or tiredness?		
B	Does the movement or posture involved in the work pose a risk?		
C	Does the mental and physical fatigue involved pose a risk?		
D	Is there any risk of physical violence?		
E	Are there slippery, wet surfaces which could pose a risk to balance?		

WORKING CONDITIONS

F	Are the following undertaken?	Yes/No	Comments
F	prolonged periods of work with no breaks		
G	work with display screen equipment		
H	driving		
I	Is a rest room or area suitable for worker to rest provided?		

Physiological Aspects:

There are certain physiological conditions which occur during pregnancy or when nursing babies which should be taken into account. These include:

- Morning sickness which may be relevant where early morning shifts are worked, or where there may be exposure to nauseating smells
- Backache, which may be associated with manual handling activities and poor work postures
- Posture is also significant if varicose veins and/or haemorrhoids develop - the latter also being linked with a hot work environment
- Frequent visits to the toilet may be difficult if it is not always possible to leave the job/site of work
- Increasing size may present problems in the use of protective clothing, of working in confined spaces and with manual handling
- Dexterity, agility, co-ordination, speed of movement and reach may all be impaired due to increasing size
- The need for frequent rehydration of nursing mothers
- The need for privacy when expressing milk for nursing mothers

<p>Hazards:</p>

Detail the measures to be taken to remove or reduce the above identified risks to an acceptable level for the individual:

Recommendations:

Assessment completed by:

.....

Signature of person completing assessment:

.....

Signature of staff member:

.....

Date assessment completed:

.....

Dates agreed for review:

.....

(A further risk assessment should be completed every 3 months)

Please send a copy of this form to the HR Administrator and retain a copy for the staff member and the Head of Department for future reference

Appendix 4 – Risk Assessment for Breastfeeding Mothers

Staff member's name:

Job title:

Department:

Place of work:

Name of Manager:

Baby's date of birth:

Date of return:

Breastfeeding / Expressing breast milk

Date of assessment:

Hazard/Risk (e.g., Infection control, manual handling, environmental demands, etc.)	Who or what is affected by the risk? (Mother/Baby/Department)	Further action to remove/ reduce risk

Have you checked whether or not the member of staff requires any specific equipment, changes to facilities or other support when accessing or using the planned facilities for breastfeeding? (Ensure that you consider factors such as disability, current medical conditions, English language skills.) YES/NO*

What actions are planned or have already been taken to ensure that the planned facilities for breastfeeding and/or storing/expressing breast milk are fully accessible taking into account all relevant factors?

Signature of Manager:
.....

Signature of Staff member:
.....

Date assessment completed:
.....

Please send a copy of this form to the HR Administrator and retain a copy for the staff member and the Head of Department for future reference.

Appendix 5 – Adoption Leave/Pay Application Form

Please complete this form and send to the Executive Headteacher/Head of School as soon as possible in order for your entitlements to be confirmed.

Full name:

.....

Home address:

.....

Telephone number:

.....

Job Title:

.....

Staff Group: Support Staff / Teaching (*please delete as appropriate)

Manager's name and title:

.....

Hours per week:

Date employment with The Robert Carre's Trust commenced:

.....

Expected date of placement of child/children:

In accordance with the teacher/support staff (*please delete as appropriate) conditions of service I wish to apply for adoption leave entitlement (insert Entitlement 1, 2, 3, 4, 5 as indicated in Appendix 1 of The Family Leave Policy):

.....

I agree to the conditions that are relevant to the entitlement I have indicated.

I intend to commence my adoption leave on:

Working up to the week before the expected date of placement.

Tick the following appropriate box and then go to the correspondingly numbered subsequent section:

	✓	
I intend to return to work to my current role		(go to 1 below)

I intend to return to work to my current role, but wish to request to change my working pattern (apply through Flexible Working Policy)		(go to 1 below)
I do not intend to return to work		
I wish to defer my decision about returning until after my maternity leave		(go to 2 below)

1. I intend to return by (date):

.....

I will notify the Executive Headteacher/Head of School in writing to confirm this date and/or to notify of any change to this date at least 8 weeks before my return.

If I am prevented from returning to work until after the notified date, I will undertake to inform the Executive Headteacher/Head of School as soon as practicable, and where appropriate, provide a medical certificate.

Failure to return:

In the event of my failing to return to work, I agree to repay the overpayment based on lesser entitlement and where I have received adoption pay based on my returning to work.

Signed:

.....

Date:

.....

2. I wish to defer the decision to return to work

I do not wish to make a final decision about returning to work until after the placement of my child/children. In this event, you will only receive your entitlement to Statutory Adoption Pay. Any additional pay to which you are due will be made following your return to duty.

Signed:

.....

Date:

.....

Appendix 6 – Paternity Leave Application Form

Please complete this form and send to the Executive Headteacher/Head of School as soon as possible.

Full name:

.....

Home address:

.....

Telephone number:

.....

Job Title:

.....

Staff Group: Support Staff / Teaching (*please delete as appropriate)

Manager's name and title:

.....

Hours per week:

.....

Date employment with The Robert Carre Trust commenced:

.....

Date of birth of child(ren)/Date of placement of adopted child(ren):

.....

Relationship to child(ren):
(Please enclose copy of MAT B1/Birth Certificate/Adoption Certificate as proof)

In accordance with the conditions of service, I wish to apply for Paternity leave.

I agree to the conditions that are relevant to the entitlement as stated in the Family Leave Policy. I request approval to commence paternity leave (no later than 56 days after the baby(s) birth):

From: Until:

I have read and understand the section on paternity leave in the Family Leave Policy and all information provided is correct to the best of my knowledge.

Staff member Signature:

Date:

I agree to the above staff member receiving the stated time off with/without pay* and that they fit the criteria stipulated in the Family leave policy.

Executive Headteacher/Head of School's Signature:

Date:

Appendix 7 – Unpaid Parental Leave Application Form

Please complete this form and send to the Executive Headteacher/Head of School as soon as possible in order for your application to be approved.

Full name:

.....

Home address:

.....

Telephone number:

.....

Job Title:

.....

Staff Group: Support Staff / Teaching (*please delete as appropriate)

Manager's name and title:

.....

Hours per week:

Date employment with The Robert Carre's Trust commenced:

Date of birth of child(ren)/Date of placement of adopted child(ren):

.....

(Please enclose copy of your child's Birth Certificate/Adoption Certificate when returning your application form)

Please indicate if your child is registered disabled: Yes/No

Dates of unpaid parental leave applied for:

From: Until:

Please note the maximum entitlement for unpaid parental leave is 18 weeks for every child up to the age of 18. No more than 4 weeks' unpaid parental leave may be taken in any 12 month period for each child.

Please indicate below the dates of any previous unpaid parental leave already taken:

.....

Staff member Signature:

Date:

I agree to the above staff member receiving the stated time off and that they fit the criteria stipulated in the Family leave policy.

Executive Headteacher/Head of School's Signature:

Date:

Appendix 8 – Childcare Voucher Notification Form

Please complete this form and send to Finance within 16 weeks of pregnancy.

Full name:

.....

Home address:

.....

Preferred contact telephone number:

.....

Expected date of confinement/Expected Date of placement of adopted child:

.....

Value of Childcare Voucher order:

.....

Staff member signature:

.....

Date:

.....

Appendix 9 – Keeping in Touch (KIT) Days Completion Form

Following completion of a mutually agreed KIT day(s) the following details should be completed so that payment can be made. Completed forms should be sent to the Executive Headteacher/Head of School. A copy should also be retained by the staff member.

Full name:
.....

Home address:
.....

Telephone number:
.....

Job Title:
.....

Staff Group: Support Staff / Teaching (*please delete as appropriate)

Manager's name and title:
.....

Hours per week:

Date maternity/adoption leave commenced:

Expected date of return to work:

Details of KIT day(s) worked:

Dates(s) worked:	Number of hours worked each day:

Number of KIT days now taken (max 10):

I confirm that the above work was undertaken as detailed above. Please arrange for the staff member to receive payment accordingly.

Staff member Signature:

Date:

Head of Department Signature:

Date:

Appendix 10 – Shared Parental Leave Entitlement and Notification Procedure

Eligible staff members 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.

Statutory Shared Parental Pay (ShPP):

Eligible staff members may be entitled to take up to 37 weeks' ShPP while taking SPL. The amount 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 Head of Department 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 organisation 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 organisation 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.

Appendix 11 – Application for Shared Parental Leave

To be completed by staff member:

Full name:

.....

Home address:

.....

Telephone number:

.....

Job Title:

.....

Staff Group: Support Staff / Teaching (*please delete as appropriate)

Manager's name and title:

.....

Hours per week:

Start date maternity/adoption leave:

Expected date of birth/placement of child:

Amount of Shared Parental leave wished to be taken:

.....

Expected date of Shared Parental leave:

Declaration:

- I confirm I meet the eligibility conditions and am entitled to take SPL
- The information I have given is accurate
- Should I cease to be eligible I will inform the Trust immediately

Staff member Signature:

Date:

To be completed by staff member's partner:

Name of partner:

.....

Address of partner:

.....

National Insurance Number:

Declaration:

- I confirm that I am 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
- I satisfy the eligibility criteria
- I consent to the amount of SPL that the staff member intends to take
- I consent to the Trust processing the information contained in the declaration form; and in the case where the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions

Signed:

.....

Date:

To be completed by the Executive Headteacher/Head of School:

Application approved: Yes/No

Signed:

.....

Date:

Appendix 12 – Shared Parental Leave in Touch (SPLIT) Days Completion Form

Following completion of a mutually agreed SPLIT day(s) the following details should be completed so that payment can be made. Completed forms should be sent to the Executive Headteacher/Head of School A copy should also be retained by the staff member.

Full name:

.....

Home address:

.....

Telephone number:

.....

Job Title:

.....

Staff Group: Support Staff / Teaching (*please delete as appropriate)

Manager's name and title:

.....

Hours per week:

Date Shared Parental Leave commenced:

Expected date of return to work:

Details of SPLIT day(s) worked:

Dates(s) worked:	Number of hours worked each day:

Number of SPLIT days now taken (max 20):

I confirm that the above work was undertaken as detailed above. Please arrange for the staff member to receive payment accordingly.

Staff member Signature:

Date:

Head of Department Signature:

Date: