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Westmorland Primary School

Parenting Policy & Procedure

(Including leave, pay and
other arrangements
associated with maternity,
paternity & adoption)

Produced by

People and Organisational
Development Services,
Corporate Support Services
Directorate



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**Date approved
and agreed**

Review Date

Date Amended

)



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Parenting Policy

1. Introduction

This policy sets out the rights of employees to statutory maternity leave and pay; paternity leave; adoption leave and pay and unpaid parental leave.

It explains the arrangements in place within the School to ensure compliance with health and safety requirements and legislative timescales. It also identified the process for handling requests for leave and pay associated with parenting responsibilities.

2. Scope of the Policy

The Policy applies to all employees of the School with the exception of parents adopting a child from overseas as slightly different provisions apply.

This policy does not apply to casual workers.

This policy is written in accordance with the Employment Relations Act 1999; Maternity and Parental Leave etc. Regulations 1999; Employment Act 2002; the Work and Families Act 2006; Additional Paternity Leave Regulations 2010, National Joint Council Conditions of Service (Green Book) and where relevant, Stockport Council Local Conditions of Service.

3. Policy statement

When reading the following paragraphs please note that only employees whose babies were due or placed before 5th April 2015 are eligible for Additional Paternity Pay and Leave. Those whose babies were due or placed after 5th April 2015 may be entitled to Shared Parental Leave and Pay instead (see separate policy).

All female employees have a right to time off work due to pregnancy and, in most cases, a right to return to work following pregnancy and a right to maternity pay.

All pregnant employees (regardless of length of service) have the right in law to take up to 26 weeks' ordinary maternity leave and up to a further 26 weeks' additional maternity leave and to resume work afterwards. The employee is therefore entitled to a total period of 52 weeks' maternity leave. Additional maternity leave follows on immediately from the end of the period of ordinary maternity leave.

All employees who take maternity leave have the right to return to work at any time during either ordinary maternity leave or additional maternity leave



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(except during the first two weeks from the day of childbirth, subject to their following the correct notification procedures.

An employee whose wife, civil partner or partner gives birth to a child, or who is the biological father of the child, is entitled to two weeks' ordinary paternity leave provided that he/she has 26 weeks' continuous service by the end of the 15th week before the week in which the child is expected.

Eligible employees may take up to 26 weeks' additional paternity leave within the first year of their child's life provided that the mother has returned to work.

The earliest that additional paternity leave can commence is 20 weeks after the date on which the child is born, or 20 weeks after the date of placement of the child for adoption, and it must end no later than 12 months after that date. Additional paternity leave must be taken as a single block in multiples of complete weeks. The minimum period is two consecutive weeks and the maximum period is 26 weeks.

An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave, provided they have been continuously employed by the School for 26 weeks ending with the week in which they are matched with a child for adoption.

The employee's entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. The employee's maximum entitlement is therefore to take up to 52 weeks' adoption leave.

All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to their following the correct notification procedures.

The statutory right to parental leave entitles all eligible employees to take a period of up to 18 weeks unpaid leave to care for each child born or adopted subject to a maximum of 4 weeks in any one leave year.

The School is committed to the health, safety and welfare of all employees who are pregnant and mothers returning to work following childbirth. Pregnant employees should inform their line manager that she is pregnant so that the manager can carry out a risk assessment with the employee to ensure that a healthy and safe working environment can be provided. Where it is deemed necessary for health and safety reasons, pregnant employees may be asked to alter their working location, hours or duties for the duration of the pregnancy.

Line managers and employees are equally responsible for maintaining contact during periods of leave associated with parenting. Contact arrangements should be agreed prior to the beginning of the leave of absence.



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Employees are responsible for notifying line managers of their intention to take leave and their intention to return (including changes to working hours and arrangements) within agreed legislative timescales. Line managers are responsible for responding to those requests within the agreed legislative timescales.

Employees are entitled to 10, keep in touch (KIT) days throughout the leave period.

Failure to follow this procedure, and the legislative notification timescales, by employees and line managers may result in payments being delayed or missed.

4. Roles and Responsibilities

This section outlines the roles and responsibilities of line managers and employees in the procedure for handling leave, pay and other arrangements associated with parenting.

4.1 Headteachers and Governors

Headteachers are responsible for ensuring:

- Staff are aware of this policy and associated procedures and that line managers comply with legislative requirements;
- That an appropriate and effective training/communication plan is in place to embed this policy and procedure into the school; and
- Appropriate action is taken against line managers who fail to comply with legislative requirements.

In order to achieve the consistent application of this policy the main responsibilities of Head teachers and governors are to ensure that :

- A healthy and safe working environment is provided for pregnant and breastfeeding employees;
- a risk assessment is completed with the employee as soon as they are advised of the pregnancy and that it is reviewed on the employee's return to work;
- Any necessary adjustments are made to minimise risk to a pregnant employee such as altering working patterns, work locations and/or work duties for the duration of the pregnancy and whilst breastfeeding;
- They seek advice if required from the appropriate agencies such as the occupational health service, Health and Safety or HR;
- They check that employees are eligible to apply for leave and pay associated with parenting prior to agreeing, authorising and/or forwarding request documentation;



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- They allow all employees to attend all appointments/meetings in line with the relevant legislative requirements;
- The relevant documentation is forwarded to the school's HR provider within the legislative timescales;
- Employees' statutory entitlements to leave are not exceeded;
- Accurate records are kept of employees' leave;
- Support staff are encouraged to take their accrued contractual annual leave and accrued contractual bank holidays immediately before or immediately after the period of parenting leave and teachers within the school closure periods;
- All staff are aware of, and have access to, this policy and associated procedures.

4.3 Employees

Employees are responsible for ensuring that they:

- Notify the Headteacher as soon as possible that they are pregnant;
- Agree to a change in working conditions for the duration of the pregnancy or whilst breastfeeding where a risk to their health, safety and wellbeing is identified;
- Are eligible for any leave and pay requested;
- Meet the legislative timescales for notification when requesting leave and pay associated with parents;
- Meet the legislative timescales for notification to return to work following parenting leave;
- Produce, where required, relevant documentation when requesting time off to attend appointments;
- Do not exceed statutory entitlements when making requests for parenting leave and pay;
- Do not attempt to exceed statutory entitlements when commencing employment with the School or with a subsequent employer (Parental Leave);
- Take all accrued contractual leave and accrued contractual bank holidays immediately before or immediately after the period of parenting leave (Support staff) and during periods of school closure (teaching staff).

Parenting Procedure - Maternity



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5. Introduction

This procedure has been developed to explain all the employment-related matters about pregnancy. It includes information on maternity leave and pay entitlements, starting maternity leave; maintaining contact with the School during maternity leave and returning to work after an employee has had their baby.

5.1 Health and Safety

For health and safety reasons, an employee should notify the Headteacher as soon as she knows she is pregnant. The manager will review the employees' circumstances and take any appropriate action including a workplace risk assessment with the employee to ensure a healthy and safe working environment can be provided. This risk assessment should be reviewed as and when any changes are made and when the employee returns to work.

If an employee has any concerns about the nature of their work or about any equipment they use, including VDU's, they should raise them with their line manager. If their work involves lifting and handling, long periods of standing or sitting or stressful situations managers should identify and implement control measures to reduce the risk of harm or injury. This could include changing working conditions – work location, working pattern, and/or working duties for the duration of the pregnancy to ensure the health and safety of the employee. These matters should be addressed in the compilation and review of the risk assessment.

6. Ante-natal care

Good ante-natal care is essential in maintaining the health and well-being of both the employee and their baby during the pregnancy. Once an employee's pregnancy has been confirmed, they have the right to take time off work with pay to attend ante-natal care including doctors, midwives and hospital appointments. It also includes relaxation and exercise classes and parent craft classes.

After the employee's first appointment, the manager has the right to ask to see written evidence from the doctor, midwife or health visitor of the pregnancy and/or evidence of the medical appointments, i.e. the appointment card or the certificate of pregnancy called a MAT B1 form which is only available from 20 weeks before the week the baby is due. Employees will need to inform their line manager in advance about any intended absence from the workplace for ante-natal care so that:

- people in the workplace know where the employee is, and
- the absence can be covered if necessary.



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The School requests that, in order to minimise disruption, employees try to arrange their appointments as far in advance and as close to the start or end of the working day as possible.

7. Maternity leave

7.1 Statutory Maternity Leave

All pregnant employees are entitled to take up to one year's (52 weeks) maternity leave, – or as much of that period as they wish to take – regardless of length of service with the School. To get maternity leave, the employee must give notice in writing on or before the 15th week before their baby is due. Employees must tell the School that they are pregnant, the week your baby is due and the date they wish to start their Statutory Maternity Leave using the [Notification for Parenting Leave and Pay form](#). A copy of this form can be found on Appendix A. As maternity leave is a single continuous period, employees do not have to give separate notice for Ordinary Maternity Leave (OML) and Additional Maternity Leave (AML). The School will assume that the employee will take all the maternity leave they are entitled to. Maternity leave is made up of:

7.2 Ordinary Maternity Leave (OML)

All pregnant employees are entitled to a period of 26 weeks' Ordinary Maternity Leave (OML). This right to maternity leave applies regardless of an employee's length of service. The purpose of maternity leave is to allow the employee to give birth and to recover from giving birth. If an employee returns to work after OML, they have the right to return to the same job.

7.3 Additional Maternity Leave (AML)

Additional Maternity Leave begins at the end of Ordinary Maternity Leave and runs for a maximum period of a further 26 weeks. If an employee returns to work after your AML they have the right to return to the same job, or to another suitable job if that is not reasonably practicable.

7.4 Compulsory Maternity Leave (CML)

The law requires a period of compulsory maternity leave. A minimum of two weeks maternity leave must be taken following the date of childbirth.

7.5 Notice Requirements

In order to take advantage of the right to ordinary and additional maternity leave employees must give the School the proper notification. Further information can be found in section 10 below.



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Further information can be found in the [Summary of Parenting Pay and Leave document](#).

8. Maternity Pay (SMP)

Employees are entitled to a maximum of 39 weeks' statutory maternity pay (SMP) if:

- they have been continuously employed by the School for at least 26 weeks ending with the qualifying week - that is the 15th week before the expected week of childbirth;



Diagram showing the qualifying week

- their average weekly earnings in the eight weeks up to and including the qualifying week (or the equivalent period if they are monthly paid) have been at least equal to the lower earnings limit for National Insurance contributions;
- they are still pregnant at the 15th week before their baby is due or have been confined by that time;
- they have stopped working for the School, i.e. they must have commenced their maternity leave.
- to get SMP, an employee must give the School their form MATB1 at least 28 days before the date they wish to start their SMP. In practice most women give notice in writing for both maternity leave and pay together by the 15th week before the baby is due.

8.1 The Rate of Statutory Maternity Pay

SMP is paid to qualifying **teachers** at the following rates:

- Weeks 1-4 : 100% of pay (offset against amount of statutory maternity pay)
- Weeks 5 and 6: 90% of an employee's average weekly earnings (offset against amount of statutory maternity pay).



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- Weeks 7-39: Standard Rate SMP (see <https://www.gov.uk/employers-maternity-pay-leave> for current rate), the earnings related rate if this is less or if the employee qualifies for OMP.

SMP is paid to qualifying **support staff** at the following rates:

- Weeks 1-6 :90% of the average weekly earnings (known as Higher Rate SMP)
- Weeks 7-39: Standard Rate SMP (see <https://www.gov.uk/employers-maternity-pay-leave> for current rate), the earnings related rate if this is less or if the employee qualifies for OMP.

8.2 Maternity Allowance (MA)

If an employee does not qualify for SMP they may be able to claim Maternity Allowance from the Job Centre Plus for up to 39 weeks. They will need to have paid standard rate NI contributions for any 26 weeks in the 66 weeks immediately preceding the baby's expected birth. On receipt of the MAT B1 certificate, employees who do not qualify for SMP will be issued with a form SMP1 which should be completed and taken to the local Job Centre Plus office. Alternatively a claims pack can be downloaded by clicking the link below

www.dwp.gov.uk/advisers/claimforms/ma1.pdf .

8.3 Occupational Maternity Pay (OMP)

To be entitled to occupational maternity pay (OMP), an employee must have worked in local government continuously for at least one year at the 11th week before the expected week of childbirth. This means that:

- for the first 6 weeks of maternity leave, **teachers** are entitled to 4 weeks at 100% of their weekly pay (offset against SMP/MA payments) plus two weeks at 90% of their weekly pay (offset against SMP/MA payments);
- for the first 6 weeks of maternity leave, **support staff** are entitled to 90% of their weekly pay (offset against your SMP/MA payments);
- if an employee states that they intend to return to work following their maternity leave, then for the following 12 weeks (weeks 7 to 18) of the maternity leave they will be paid, in addition to their SMP, half a week's pay without deduction as long as the two combined (half pay plus SMP/MA) do not exceed their full pay;
- if an employee states they are not coming back to work, they will be entitled to only the SMP (or MA) for those 12 weeks;
- for the last 21 weeks (weeks 19 to 39) of maternity leave, the employee will receive SMP (or MA) regardless of whether or not they are returning to work.



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If an employee states that they are returning to work they may opt as an alternative to the above to have the 12 weeks' occupational half pay:

- spread over the remaining 33 weeks of their statutory maternity pay period (but they should check out implications if they are receiving any benefit payments) This assumes that an employee is taking their full entitlement of Statutory Maternity Leave, or
- deferred until they actually return to work in which case it will be paid as a lump sum.

The occupational half pay will be repayable if an employee does not return to local authority employment full-time or part-time, for a minimum of three months (13 weeks).

8.4 Employees not eligible for Statutory Maternity Pay

Where the requesting employee is not eligible for Statutory Maternity Pay, an SMP1 form will be sent to the employee within the agreed legislative timescale along with an explanation of how the decision was made.

Further information about maternity leave and pay can be found in the Summary of Parenting Pay and Leave document.

9. Notice and start of maternity leave and maternity pay

9.1 Advance notification

To take advantage of the right to maternity leave, an employee must notify their manager, or a member of the HR team, no later than the end of the 15th week before the week the baby is due or as soon as reasonably practicable:

- that they are pregnant;
- when the expected week of childbirth will be (certificate from registered medical practitioner or registered midwife to be provided - form MAT B1);
- the date they intend to start their maternity leave (employees will be asked to provide this in writing).

The start of the maternity leave must be no earlier than the 11th week before the expected week of childbirth. Employees can work beyond the 11th week and nearer the birth if they want to. In this circumstance, and dependent on the work they carry out, they may be requested to provide a medical certificate confirming their fitness to work.

To qualify for statutory maternity pay, an employee must give at least 28 days' notice of the date they expect their SMP to start and any changes to their plans about starting maternity leave. Failure to do this could lead to a refusal to pay SMP or could lead to a postponement of the start of Maternity Leave.



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Employees can give notice for their statutory maternity pay at the same time as they give their notice for taking maternity leave i.e. no later than the end of the 15th week. The notification form at Appendix A should be used for this purpose and submitted together with the MAT B1 form to their manager or HR provider.

9.2 Employer's notification of end of leave

HR will process the request and will write to the employee within 28 days of receiving their notice to take maternity leave and notify them of the date on which their leave will end.

9.3 Change of leave dates

Once an employee has notified the School of the date they wish to start their ordinary maternity leave, they can change this date as long as they give 28 days' notice unless it isn't reasonably practicable to do so. This notification should be in writing.

9.4 The intended start date

The maternity leave period will normally start on the date which an employee has notified the School. The SMP will start the day after that date. SMP is a weekly benefit and the benefit week usually begins on a Sunday. There are, however, two exceptions to this rule, which are described below.

9.5 Absence due to childbirth before the intended start date

If an employee gives birth before the date they have notified, or before they have notified a date, the maternity leave and SMP period starts automatically on the day after the date of birth. The employee must notify the School as soon as is reasonably practicable of the date of birth.

9.6 Absence for a pregnancy-related reason before the intended start date.

If an employee is absent from work due to a pregnancy-related reason after the beginning of the 4th week before the expected week of childbirth but before the date they have notified, the maternity leave and SMP period begins automatically on the day after the first day of absence. Employees must notify the School that they are absent from work wholly or partly because of pregnancy and of the date on which their absence for that reason began as soon as is reasonably practicable.

9.7 The unexpected



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In the event of the unexpected employees will need to be aware of their entitlements.

Miscarriage

If a miscarriage occurs before the end of the 24th week of pregnancy the employee should claim sick leave, not maternity leave. Employees should also let their manager know what has happened so that appropriate support can be offered.

Premature birth

If a baby is born prematurely and the employee has not notified the School that they intended to stop work and claim maternity pay the maternity pay period (39 weeks' paid leave) will commence from the day after the birth takes place.

Stillbirth

Stillbirth is where a baby is born dead during or after the 24th week of pregnancy. Providing the employee satisfies the relevant criteria they will be entitled to Ordinary and Additional Maternity Leave. Employees should let their manager know what has happened when practicable so that support can be offered.

Death of the baby

If the baby is born alive but dies soon afterwards, that will be classed as a live birth. Provided employees satisfy the relevant eligibility criteria, they will be entitled to Ordinary Maternity Leave, Additional Maternity Leave and Statutory Maternity Pay and Occupational Maternity Pay.

If, after 24 weeks of pregnancy, the baby is stillborn, the employee is still entitled to the maternity leave and pay as above.

Employees should let their manager know what has happened when practicable so that support can be offered.

10. Pay arrangements and pay related matters

10.1 Calculating Statutory Maternity Pay

Statutory maternity pay is based on the total earnings in the 8 weeks immediately prior to the 15th week before the baby is due. (If an employee qualifies for occupational maternity pay their pay in the first six weeks of maternity leave and twelve weeks' half pay, if taken, is based on the contract of employment in force during the maternity leave).



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If there are increases in pay, which an employee would have received if they had not been absent, they will be entitled to these upon their return to work. If such pay increases come into effect during the maternity pay period the occupational maternity pay should include any additional amounts due. There should be no detriment to pay progression whilst an employee is on maternity leave.

10.2 Payment of Statutory Maternity Pay

Maternity pay will be paid on a monthly basis as it falls due.

10.3 Income Tax and National Insurance

All payments under both SMP and the occupational maternity scheme are treated as income and are therefore liable for tax and deduction of NI contributions in the same way as normal pay. However, should pay fall below the employee earnings threshold in any pay period (i.e. week or month) the employee will not be liable for payment of NI contributions.

Employees may be eligible for tax refunds when the amount of their income goes down and during the unpaid period of leave. Payroll will deal with this and process it automatically.

10.4 Deductions from pay

If an employee has money deducted from their pay on a regular basis they should notify the School or HR provider before they leave so that appropriate arrangements can be made. This will include car loans; union subscriptions; charity donations; salary sacrifice schemes and Healthsure.

The Council provides employees with a reduced salary in return for tax-saving childcare vouchers, which are provided by a childcare voucher company. As SMP or SAP must be paid in full, it cannot be sacrificed or offset against childcare vouchers. Childcare vouchers will therefore be suspended for the duration that the employee is receiving SMP (Lower) only or is receiving no pay.

With regard to car/cycle loans, repayments will continue to be deducted during maternity leave for as long as an employee remains on pay. Thereafter, employees will be required to repay the loan charge direct to the local authority, school or HR provider by cheque until they return to work.

10.5 Essential Car user allowance

If the post is designated as an essential car user, the employee will, continue to be paid the full essential car user allowance during the first 26 weeks of maternity leave.



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10.6 Annual leave and bank holidays

Support Staff

Annual leave and relevant bank holidays continues to accrue throughout the period of ordinary and additional maternity leave.

If an employee's maternity leave is likely to span two holiday years it is recommended that the employee plan to take their leave in the relevant leave year, by normal agreement with their line manager.

If on return to work an employee is moving permanently from full-time work to part-time work they may, by prior agreement with their manager, substitute annual leave for an equivalent period of unpaid maternity leave. It must be taken immediately before the return to work and will be paid at the employee's full-time rate.

If an employee decides not to return to work after maternity leave the entitlement to annual leave will be calculated to the date of the resignation. If at that time the employee has taken more annual leave than they have accrued, they will be asked to make the appropriate repayment to the local authority in accordance with their contract of employment.

Teaching Staff

Statutory annual leave and relevant bank holiday entitlements (up to 28 days per annum) continue to accrue throughout the period of ordinary and additional maternity leave.

As teachers cannot carry out their normal duties whilst the school is closed to pupils, they will be expected to take this accrued entitlement during the periods of school closure following their return to work.

10.7 Multiple Contracts

If an employee has two or more separate contracts of employment with the School all the earnings under your various contracts will be aggregated and taken into account when calculating statutory maternity pay. However, this will not necessarily be the case where occupational maternity pay is concerned as it will depend upon the terms and conditions of the contracts and length of service.

11. Surrogacy

Every pregnant employee has a right to take maternity leave and what happens after the birth of the child does not alter that right. A statutory



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minimum of two weeks' maternity leave is required therefore no employee should be allowed to return to work before the 14th day after the birth.

Employees who enter into an arrangement with a surrogate mother are not entitled to the maternity benefits but may be entitled to adoption or shared parental rights.

12. Contact during maternity leave

Managers and employees have a joint responsibility to maintain contact during periods of maternity leave. The frequency and type of contact should be agreed prior to the commencement of the maternity leave.

Managers must ensure that they keep employees taking maternity leave abreast of any changes to their working environment and conditions whilst they are absent. Where this involves a proposed redundancy or restructuring exercise, the employee taking maternity leave must be fully consulted about the proposed changes. Managers must bear in mind that employees taking maternity leave have the same redundancy rights as their colleagues and the right to be offered any suitable alternative post if they are selected for redundancy.

Managers should ensure that employees on maternity leave are kept informed of suitable job opportunities within the school.

13. Keeping in Touch days

Employees taking maternity leave are entitled to 10 'Keeping in Touch' or KIT days throughout the leave period. These days are different to and in addition to maintaining contact during maternity leave as the employee can actually carry out work and be paid at the contractual rate of pay. Payment of KIT days will not affect entitlement to maternity pay.

These days must be agreed between the employee and the manager in advance of work being carried out.

When an employee undertakes work on any day during the maternity leave period this counts as one KIT day irrespective of the hours worked on that day.

The type of work that is undertaken on a KIT day should be agreed between the manager and the employee. They may be used for any activity, such as attending a team meeting which would ordinarily be classed as work under the employee's contract.

Where an employee has worked a KIT day, the manager should complete the KIT form and return a copy to the school's payroll provider to ensure the employee is paid for the time worked. A copy of the KIT form can be found on appendix B.



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14. Returning to work

Employees have the right to return to their job if they take Ordinary Maternity Leave,

Employees who take Additional Maternity Leave have the right to their job or a similar job if it is not possible to give them their original job back. Similar means the same or better terms and conditions. If an employee unreasonably refuses to take the similar job, the School may take this refusal as their resignation.

Where a redundancy situation arises, an employee taking maternity leave will have the same redundancy rights as other employees and should be fully involved in the consultation. They will have the right to be offered any suitable alternative job if they are selected for redundancy even if other colleagues are more suited to the role. An employee can only be made redundant if the School can clearly justify it.

14.1 The intended date of return to work after maternity leave

Unless otherwise notified, the date on which an employee returns to work will be the first working day after the end of the 52 weeks maternity leave period.

If this is the date on which the employee returns to work, no written notice of the return has to be given. However, employees should ensure that the school notifies the school's payroll provider so that the employee's salary will be paid with minimal disruption. Due to payroll deadlines, the first salary payment after the employee's return is not guaranteed for the next payday.

14.2 Return to work before the end of maternity leave

If an employee wishes to return to work earlier than expected they must write to the Headteacher to advise them of the date of return. The employee must give the school at least eight weeks' notice before the intended date of return. The Headteacher must give consideration to the request and confirm to the employee in writing, the date of the return to work.

If an employee attempts to return to work earlier than the end of their maternity leave without giving eight weeks' notice, the date of return may be postponed until the full eight weeks' notice has elapsed. However, the return date cannot be postponed to a date later than the end of the 52 week maternity leave period.

14.3 Return to work later than previously notified

If an employee has previously notified the School that they wish to return to work before the end of their maternity leave and then they change their mind



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they must give the school at least eight weeks' notice of this new, later date of return before the earlier date occurs.

14.4 Not returning to work

If an employee does not wish to return to work after their maternity leave they must give the school their contractual notice of termination of employment. Employees who do not return to work will have to repay any Occupational Maternity Pay i.e. 12 weeks half pay, that they had previously received.

14.5 Flexible working

Frequently, on return from maternity leave, employees request a reduction in working hours or to work flexibly within their current hours. There is a statutory right to request flexible working and Headteachers must give it due consideration taking into account the needs of the school. Further information about handling statutory requests for flexible working can be found in the Flexible Working policy and procedure

14.6 Returning to work and breast feeding

If an employee wishes to breastfeed or express milk on her return to work, the Headteacher should be given at least four weeks' notice to ensure appropriate arrangements can be made to facilitate this. Further information can be found in the accompanying guidance notes.

15. Pension matters

15.1 Local Government Pension Scheme

Contributions will automatically be deducted as long as the employee is being paid during any periods of child-related leave (both ordinary and additional). Even when pay is reduced the employee will not lose any pension benefits.

During any period of unpaid child related leave, service will not accrue towards the build-up of pension. Additional pension contributions (APC) can be made to make up 'lost' pension. Employees who elect to make an APC within 30 days of their return to work will make a contribution of a 1/3rd and the employer will pay 2/3rds of the cost. Should the employee make a late election employees may still buy 'lost' pension but the whole amount must be paid by the employee. Employees should complete Form 38 which can be found at the end of this document if they wish to buy 'lost pension' and return it to the school's payroll and pension provider.

15.2 Teachers' Pensions



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Members of the Teachers' Pension Scheme will pay pension contributions at their normal rate on any maternity pay received (SMP and occupational) during the OML period. This period will count as membership towards pension benefits even though pension contributions are only deducted on actual pay received.

During the same period the school/employer will pay pension contributions based on the pay you receive.

During periods of unpaid child-related leave, the deduction of pension contributions will cease. Any such period will not count towards membership of the pension scheme. However, teachers can elect to pay combined contributions. More information is available via the Teachers' Pension Leaflet 721 and teachers will need to complete form 160 to make the election. These are available on the Teachers' Pensions website. www.teacherspensions.co.uk

If the employee is contributing to a personal pension the implications of maternity leave and pay will need to be assessed in relation to that scheme.

16. Other leave arrangements

The following range of entitlements is available to partners to assist with their role in the support of the mother and the care of children.

16.1 Maternity Support Leave

Under the national conditions of service, maternity support leave of 5 days with pay shall be granted to employees' who are either the child's father or the partner or nominated carer of an expectant mother at or around the time of birth within a period of beginning 11 weeks before and up to 13 weeks after. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother at or around the time of the birth (normally in lieu of the father). Any request for Maternity Support leave must be accompanied with a copy of the mother's maternity certificate (Form MATB1).

16.2 Parental Leave

Parental leave gives eligible employees who have completed one year's continuous service with their employer the right to up to eighteen weeks' unpaid parental leave to care for their child between the birth and the child's fifth birthday. Parents of disabled children can take up to eighteen weeks' parental leave up to the child's eighteenth birthday. If the child is adopted, the right lasts until five years after placement for adoption or until they reach the age of eighteen whichever comes first.

A 'parent' includes the following:



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- the mother
- the father of the child if he was married to the mother at the time of the birth or he is registered as the child's father
- the father (if not covered by the above) if he has acquired parental responsibility under the Children Act 1989
- a guardian appointed under the Children Act 1989
- adoptive parents
- a spouse or partner of any of the above if they are living with the child
- foster parents

The entitlement is for each child. In most cases, leave must be taken in blocks or multiples of one week, subject to a maximum of 4 weeks in any one leave year with the exception that parents of disabled children can take leave in blocks or multiples of one day. Employees will be required to request this leave in writing, at least 21 days before they intend to take it, enclosing a copy of their child's birth certificate or other appropriate papers relevant to the request. Failure to give the appropriate notice could lead to the leave being postponed except in those circumstances when the employee gives notice to take it immediately after the time the child is born or is placed with the family for adoption.

Management can postpone the leave for up to six months where the service would be particularly disrupted if the leave were taken at the time requested (although every effort will be made to avoid postponement). Leave cannot be postponed when the employee gives notice to take it immediately after the birth.

16.3 Time off for Dependants

All employees have the right to take time off work to deal with an emergency involving someone who depends on them. Dependants are defined as husband, wife, partner, child or parent or anyone who depends on the employee for assistance. There is no payment for such time off which is intended to deal with the immediate emergency only. Other arrangements will need to be made if you want to stay off longer.



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Parenting Procedure - Paternity

17. Introduction

This procedure has been developed to explain all the employment-related matters about paternity. It includes information on paternity leave and pay entitlements, starting paternity leave; maintaining contact with the School during paternity leave and returning to work after taking Additional Paternity Leave.

18. Antenatal Care Appointments

From 1 October 2014, an expectant father or the partner (including same sex) of a pregnant woman is entitled to take unpaid time off work to accompany the partner to up to 2 of her ante-natal appointments. "Partner" includes the spouse or civil partner of the pregnant woman and a person (of either sex) in a long term relationship with her. The right applies whether the child is conceived naturally or through donor insemination. It also extends to those who will become parents through a surrogacy arrangement if they expect to satisfy the conditions for and intend to apply for a Parental Order for the child born through that arrangement.

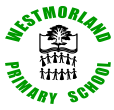
Employees accompanying the expectant mother to her ante-natal appointments are entitled to unpaid leave for 1 or 2 appointments. The time off is capped at six and a half hours for each appointment which includes travelling and waiting time.

Managers are not entitled to ask for any evidence of the ante-natal appointments, such as an appointment card, as this is the property of the expectant mother. Managers may however, ask the employee for a declaration stating the date and time of the appointment, that the employee qualifies for the unpaid time off through his or her relationship with the mother or child, and that the time off is for the purpose of attending an ante-natal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

Subject to the usual authorisation arrangements, employees may of course choose to take annual leave, accrued flexi time or make use of the flexi time scheme (where applicable) to attend these appointments without the need to take unpaid time off.

19. Ordinary Paternity Leave

In addition to any eligibility to Maternity Support Leave as described at paragraph 17.1, employees are entitled to two weeks' ordinary paternity leave providing that:



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- they have 26 weeks continuous service by the end of the 15th week before the beginning of the week the baby is due or the week the adopter is matched with the child;
- have or expect to have responsibility for the child's upbringing
- be the biological father of the child or the mother's husband, civil partner or partner

A partner is defined as a person (whether of a different sex or the same sex) who lives with the mother and the child in an enduring family relationship, but is not a relative of the mother, i.e. a parent, grandparent, sister, brother, aunt or uncle. This means that a woman in a same-sex relationship would be able to take paternity leave.

Ordinary paternity leave is also available to adoptive parents where a child is matched/ or newly placed with them for adoption or the child enters the country (in case of an overseas adoption). Either the adoptive father or the adoptive mother may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. Further information about adoption leave can be found in the Adoption section of this procedure.

Ordinary paternity leave must be taken in a single block of one or two weeks within eight weeks of the birth or adoption of the child. If the child is born early, it must be taken from the time of the birth but within eight weeks of the expected date of childbirth. Ordinary paternity leave can start either from the date the child is born or placed for adoption or from a chosen number of days or weeks after that date.

Employees are only entitled to one period of leave irrespective of whether more than one child is born as the result of the same pregnancy.

Employees will still qualify for paternity leave if the child is stillborn after 24 weeks of pregnancy or is born alive at any point during the pregnancy.

20. Shared Parental Leave and Pay

This replaces Additional Paternity Leave and Pay for employees whose babies were born or placed after 5th April 2015. Please see separate policy.

21. Statutory Paternity Pay (SPP)

Statutory Paternity Pay will be paid to eligible employees for either one or two consecutive weeks as chosen by the employee. The statutory weekly rate of Ordinary Paternity Pay can be found [here](#) on the Direct.gov website.

22. Notice of Intention to take Paternity Leave



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Employees will be required to inform the School of their intention to take paternity leave by the fifteenth week before the baby is expected, unless this is not reasonably practicable. The employee will need to provide the following information:

- the week the baby is due
- whether they wish to take one or two weeks' leave
- when they want their leave to start.

Employees will be able to change their mind about the date they want their leave to start providing they tell their manager at least 28 days in advance (unless this is not reasonably practicable). Employees will have to tell their manager the date they expect any payments of Statutory Paternity Pay to start at least 28 days in advance, unless this is not reasonably practicable.

Employees should complete a Notification for Parenting Leave and Pay form and return a copy to the school.

23. Pay arrangements and pay related matters

Details of other pay arrangements including Income Tax and National Insurance contributions and pay deductions can be found in section 11 of the maternity part of this procedure.

24. Other leave arrangements

Details of other leave arrangements including maternity support, unpaid parental leave and time off for dependents can be found in section 17 of the maternity part of this procedure and the Summary of Parenting Pay and Leave arrangements.

25. Keeping in Touch days

Employees taking Additional Paternity Leave are entitled to 10, 'keeping in touch' days throughout the maternity leave period. These days are different to and in addition to maintaining contact during Additional Paternity Leave as the employee can actually carry out work and be paid at the contractual rate of pay. Payment of KIT days will not affect entitlement to paternity pay.

These days must be agreed between the employee and the manager in advance of work being carried out.

If an employee normally work shifts and the work carried out during one shift straddles midnight it may be counted as one day for the purposes of Keeping in Touch days.

When an employee undertakes work on any day during the additional



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paternity leave period this counts as one KIT day irrespective of the hours worked on that day.

The type of work that is undertaken on a KIT day should be agreed between the manager and the employee. They may be used for any activity, such as attending a team meeting which would ordinarily be classed as work under the employee's contract.

Where an employee has worked a KIT day, the manager should complete the KIT form and return a copy to HR Schools or the school's payroll provider to ensure the employee is paid for the time worked. A copy of the KIT form can be found on appendix B.

26. Returning to work

Employees have the right to return to their job if they take Ordinary Paternity Leave.

Where a redundancy situation arises, an employee taking paternity leave will have the same redundancy rights as other employees and should be fully involved in the consultation. They will have the right to be offered any suitable alternative job if they are selected for redundancy even if other colleagues are more suited to the role. An employee can only be made redundant if the School can clearly justify it.

27. Surrogacy Arrangements

If you use a surrogate to have a baby, the baby must be due on or after 5 April 2015 for you to be eligible for Paternity Pay and Leave.

You must:

- be in a couple
- be responsible for the child (with your partner)
- have worked for your employer continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth (known as the "qualifying week")
- at least 15 weeks before the due date, tell your employer when the baby is due and when you want to start your leave - they may ask for this in writing.

Your employer may ask for a written statement to confirm you intend to apply for a [parental order](#) in the 6 months after the child's birth. You must sign this in the presence of a legal professional.

You can't get Paternity Leave if you take [Shared Parental Leave](#).



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Parenting Procedure – Adoption (including Surrogacy)

29. Introduction

This procedure has been developed to explain all the employment-related matters relating to adoption (including situations involving a surrogacy arrangement). It includes information on adoption leave and pay entitlements, starting adoption leave; maintaining contact with the School during adoption leave and returning to work after taking adoption leave.

30. Leave entitlement before a child is placed

Employees are entitled to a maximum of 3 days paid time off (pro-rata for part-time employees) to prepare for and organise the adoption. The time can be used for meetings with adoption agencies and introductory visits prior to placement of the child. Evidence of the appointments or meetings should be provided to the Headteacher.

31. Statutory and Additional Adoption Leave

Employees will be eligible to take adoption leave if they have been:

- continuously employed by the School for 26 weeks ending with the week in which adoption matching occurs
- newly matched with a child for adoption by an adoption agency
- entered into a surrogacy arrangement and have adopted the child through a registered agency.

Employees will not qualify for Statutory Adoption Leave if they arrange a private adoption; become special guardian or kinship carer; adopt a family member or stepchild.

Employees are entitled to up to 26 weeks' ordinary adoption leave, followed immediately by up to 26 weeks' additional adoption leave – a total of up to 52 weeks' leave.

Leave can start:

- from the date of the child's placement (whether this is earlier or later than expected), or



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- from a fixed date which can be up to 14 days before the expected date of placement, and
- on any day of the week

Only one period of leave is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

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

32. Adoption Pay

32.1 Statutory Adoption Pay

To qualify for Statutory Adoption Pay (SAP), an employee must:

- have been continuously employed by the School for at least 26 weeks by the week they were matched with a child
- earn an average at least a sum equal to the Lower Earnings Level (before tax)
- give the [correct notice](#)
- give [proof of adoption](#)

SAP is paid to qualifying **teachers** at the following rates:

- Weeks 1-4 : 100% of pay (offset against amount of statutory maternity pay)
- Weeks 5 and 6: 90% of an employee's average weekly earnings (offset against amount of statutory maternity pay).
- Weeks 7-39: Standard Rate SMP (see <https://www.gov.uk/employers-maternity-pay-leave> for current rate), the earnings related rate if this is less or if the employee qualifies for OMP.

SAP is paid to qualifying **support staff** at the following rates:

- Weeks 1-6 :90% of the average weekly earnings (known as Higher Rate SMP)
- Weeks 7-39: Standard Rate SMP (see <https://www.gov.uk/employers-maternity-pay-leave> for current rate), the earnings related rate if this is less or if the employee qualifies for OMP.

32.2 Occupational Adoption Pay



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To be entitled to occupational adoption pay (OAP), an employee must have worked in local government continuously for at least one year at the 11th week before the expected week of childbirth. This means that:

- for the first 6 weeks of maternity leave, **teachers** are entitled to 4 weeks at 100% of their weekly pay (offset against SAP payments) plus two weeks at 90% of their weekly pay (offset against SAP payments);
- for the first 6 weeks of maternity leave, **support staff** are entitled to 90% of their weekly pay (offset against your SAP payments);
- weeks 7 to 19 : standard rate Statutory Adoption Pay plus half a week's pay as long as the two combined do not exceed the amount of full pay;
- weeks 20 to 39: Standard rate Statutory Adoption Pay
- an employee must return to work for 13 weeks in order to be entitled to occupational adoption pay and
- where an employee decides not to return to work following parenting leave, or fails to return for 13 weeks, occupational adoption pay must be repaid to the School

If an employee states that they are returning to work they may opt as an alternative to the above to have the 12 weeks' occupational half pay:

- spread over the remaining 33 weeks of their statutory maternity pay period (but they should check out implications if they are receiving any benefit payments) This assumes that an employee is taking their full entitlement of Statutory Adoption Leave, or
- deferred until they actually return to work in which case it will be paid as a lump sum.

The occupational half pay will be repayable if an employee does not return to local authority employment full-time or part-time, for a minimum of three months (13 weeks).

32.3 Employees not eligible for Statutory Adoption Pay

Where the requesting employee is not eligible for Statutory Adoption Pay, an SAP1 form will be sent to the employee within the agreed legislative timescale along with an explanation of how the decision was made.

33. Notice and start of adoption leave and pay

Employees must notify their manager within 7 days of being matched with a child. They will need to inform their manager:

- how much leave they want
- when they want the leave to start



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- the 'date of placement' – the date the child is being placed with the employee

Employees should complete a copy of the notification form enclosed on Appendix A and return it to HR Directorate Services along with a copy of the Adoption Matching Certificate.

33.1 Employer's notification of end of leave

The school's payroll provider will process the request and will write to the employee within 28 days of receiving the notice to take adoption leave and notify them of the date on which their leave will end.

33.2 Change of leave dates

Once an employee has notified the School of the date they wish to start their adoption leave, they can change this date as long as they give 28 days' notice unless this is not reasonably practicable to do so.

34. Surrogacy

Employees may be eligible for adoption pay and leave and paternity pay and leave if they use a surrogate. Where they are not eligible for paid leave, they may take unpaid parental leave or annual leave instead.

Every pregnant employee has the right to 52 weeks' maternity leave and to return to their job after this. Where an employee is the birth mother in a surrogacy arrangement, normal maternity rights apply.

Employees, who use a surrogate to have a baby, must inform their manager the due date and when they want to start their leave at least 15 weeks before the expected week of birth (see Appendix 1).

Employees using a surrogate to have a baby must also make a 'statutory declaration' to confirm they have applied or will apply for a [parental order](#) in the 6 months after the child's birth. This must be signed in the presence of a legal professional.

Where employees are not eligible to apply for a parental order and the appropriate process is adoption, the normal arrangements for adoption pay and leave will apply.

35. Pay arrangements and pay related matters

Details of other pay arrangements including Income Tax and National Insurance contributions and pay deductions can be found in section 11 of the maternity part of this procedure.



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36. Other leave arrangements

Details of other leave arrangements including maternity support, unpaid parental leave and time off for dependents can be found in section 17 of the maternity part of this procedure and the [Summary of Parenting Pay and Leave](#) arrangements.

38. Contact during adoption leave

Managers and employees have a joint responsibility to maintain contact during periods of adoption leave. The frequency and type of contact should be agreed prior to the commencement of adoption leave.

Managers must ensure that they keep employees taking adoption leave abreast of any changes to their working environment and conditions whilst they are absent. Where this involves a proposed redundancy or restructuring exercise, the employee taking adoption leave must be fully consulted about the proposed changes. Managers must bear in mind that employees taking adoption leave have the same redundancy rights as their colleagues and the right to be offered any suitable alternative post if they are selected for redundancy.

39. Keeping in Touch days

Employees taking adoption leave are entitled to 10 'Keeping in Touch' days throughout the adoption leave period. These days are different to and in addition to maintaining contact during adoption leave as the employee can actually carry out work and be paid at the contractual rate of pay. Payment of KIT days will not affect entitlement to adoption pay.

These days must be agreed between the employee and the manager in advance of work being carried out.

If an employee normally work shifts and the work carried out during one shift straddles midnight it may be counted as one day for the purposes of Keeping in Touch days.

When an employee undertakes work on any day during the adoption leave period this counts as one KIT day irrespective of the hours worked on that day.

The type of work that is undertaken on a Keeping in Touch day should be agreed between the manager and the employee. They may be used for any activity, such as attending a team meeting which would ordinarily be classed as work under the employee's contract.



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Where an employee has worked a KIT day, the school should complete the KIT form and return a copy to HR Client Services to ensure the employee is paid for the time worked. A copy of the KIT form can be found on appendix B.

40. Returning to work

Employees have the right to return to their job if they take Ordinary Adoption Leave,

Employees who take Additional Adoption Leave have the right to their job or a similar job if it is not possible to give them their original job back. Similar means the same or better terms and conditions. If an employee unreasonably refuses to take the similar job, the School may take this refusal as their resignation.

Where a redundancy situation arises, an employee taking adoption leave will have the same redundancy rights as other employees and should be fully involved in the consultation. They will have the right to be offered any suitable alternative job if they are selected for redundancy even if other colleagues are more suited to the role. An employee can only be made redundant if the School can clearly justify it.

40.1 The intended date of return to work after Adoption leave

Unless otherwise notified, the date on which an employee returns to work will be the first working day after the end of the 52 weeks adoption leave period.

If this is the date on which the employee returns to work, no written notice of the return has to be given. However, employees should ensure that their manager notifies the school's payroll provider to ensure that payroll is notified of the return so that the employee's salary will be paid with minimal disruption. Due to payroll deadlines, the first salary payment after the employee's return is not guaranteed for the next payday.

40.2 Return to work before the end of Additional Adoption leave

If an employee wishes to return to work earlier than expected they must write to their manager to advise them of the date of return. The employee must give the School at least eight weeks' notice before the intended date of return. The manager must give consideration to the request and confirm to the employee in writing, the date of the return to work.

If an employee attempts to return to work earlier than the end of their Additional Adoption Leave without giving eight weeks' notice, the date of return may be postponed until the full eight weeks' notice has elapsed. However, the return date cannot be postponed to a date later than the end of the 52 week Additional Adoption Leave period.



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40.3 Not returning to work

If an employee does not wish to return to work after their adoption leave they must give the School their contractual notice of termination of employment. Employees who do not return to work will have to repay any Occupational Adoption Pay i.e. 12 weeks half pay, that they had previously received.



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