



**WALTHAMSTOW HALL**  
SEVENOAKS

**MATERNITY, PATERNITY/SHARED PARENTAL, DEPENDENT & CHILD BEREAVEMENT LEAVE POLICY**

**I. MATERNITY LEAVE**

All pregnant employees regardless of length of service or hours worked are entitled to take up to 52 weeks maternity leave, of which 26 weeks is Ordinary Maternity Leave and 26 weeks is Additional Maternity Leave. Additional Maternity Leave follows Ordinary Maternity Leave and there can be no gap between the two.

All pregnant employees must take a minimum of 2 weeks' maternity leave immediately following the birth. This is compulsory maternity leave.

You may start your maternity leave any time from the 11th week before the expected week of childbirth (EWC), provided that you notify the School by the 15th week before the EWC, of:

- The fact that you are pregnant;
- The date of the EWC;
- The intended start date of maternity leave;

and submit a Form MAT B1 which is a certificate from your GP or midwife confirming the EWC.

The School will reply to you within 28 days to inform you of the date by which you are expected to return to work if you take your full leave entitlement.

You can change the start date of your maternity leave providing you give the School 28 days' notice. If it is not reasonably practicable to give this much notice, for example if the baby is born early and leave must start early, then you do not have to give the above notice but you should give the School as much notice as possible.

Maternity leave cannot start any earlier than 11 weeks before the EWC, unless the baby is born early and maternity leave starts automatically.

A pregnancy related illness during or after the 4th week before the EWC automatically triggers maternity leave.

**Statutory Maternity Pay (SMP)**

To qualify for SMP you must:-

- be pregnant and have reached the start of the 11th week before the EWC or have had your baby by then;
- have been continuously employed for at least 26 weeks by the end of the Qualifying Week (which is the 15th week before the EWC);

- have had normal weekly earnings at a rate not less than the lower earnings limit for National Insurance contributions for a period of 8 weeks immediately preceding the Qualifying Week;
- have stopped actually working for the School;
- give 28 days' advance notice of your absence and submit Form MATBI.

The SMP period lasts for a maximum of 39 weeks.

There is no distinction between part-time and full-time employees for SMP purposes.

Walthamstow Hall pays maternity pay following statutory regulations and guidance laid down in the Burgundy Book.

A teacher must have been in continuous employment with the School for 26 weeks at the end of the 15<sup>th</sup> week before the Expected Week of Confinement (EWC) to be entitled to 39 weeks paid **leave** and 13 weeks unpaid.

Maternity **pay** is determined by length of service. A teacher who has been in service for one year by the end of the 11<sup>th</sup> week before EWC is entitled to:

- 4 weeks at full pay.
- 2 weeks at 90% pay.
- 12 weeks at half pay, plus the current rate of Statutory Maternity Pay (SMP)(£151.97 per week at April 2021).
- 21 weeks SMP.
- 13 weeks unpaid leave.

A teacher with 26 weeks but less than one year's continuous service by the 11<sup>th</sup> week before EWC and all members of the Support Staff will receive statutory maternity pay of:

- 6 weeks at 90% pay.
- 33 weeks SMP.
- 13 weeks unpaid leave.

If you are entitled to maternity leave, you will be able to receive SMP for the 39 weeks that you are away from work, unless you return to work earlier in which case your entitlement to SMP will stop on your return.

If you do not qualify for SMP, you may be entitled to Maternity Allowance which is payable by the Department for Work and Pensions.

### **Return to Work**

If you wish return to work before the end of the full 52 weeks' maternity leave, you must give the School at least 8 weeks' notice of your intention to return to work early. If you decide you would like to change the date of your return to work, you can do so providing you give the School at least 8 weeks' notice.

If you do not wish to return to work following your maternity leave you should provide the School with sufficient notice, and at least the amount of notice required by your contract of

employment. If you confirm that you will not return to work after having the baby, you will still be entitled to 39 weeks' SMP if you qualify.

Maternity returnees are entitled to any salary increases or enhanced benefits that are introduced in their absence.

A teacher with more than 1 years continuous employment with the School is obliged to return to her job for at least 13 weeks (including periods of School closure) in accordance with the Burgundy Book. At the School's discretion, a teacher may return on a part-time basis for a period which equates to 13 weeks' full-time service. If she does not return for 13 full time equivalent weeks, then she only has a right to keep the first 6 weeks' payments, plus SMP – 12 weeks' half pay will have to be repaid.

### **"Keeping in Touch Days"**

During the maternity leave period the School may make reasonable contact with you. The School will keep you informed of promotion opportunities or information relevant to your job.

During the maternity leave period, by agreement with the School you may do up to ten days' work. These are known as Keeping in Touch days. The type of work you may carry out will be a matter to be agreed between you and the School, and may include attending training or team meetings. Keeping in Touch days may not take place within two weeks after the baby is born.

Keeping in Touch days are not compulsory and you will not suffer any consequence if you decline the offer of a Keeping in Touch day. Similarly, you do not have a right to Keeping in Touch days and the School is under no obligation to agree to a Keeping in Touch day.

## **2. ANTENATAL APPOINTMENTS**

### **Time off for pregnant women**

All pregnant employees are entitled to paid time off to attend antenatal appointments. You are to confirm your appointment times with the Deputy Head giving as much notice as possible. You may be asked for your appointment card.

Parent craft classes or relaxation classes should be attended out of core working hours wherever possible (unless they are on medical advice). Where this is not possible you are to discuss options with the Deputy Head giving as much notice as possible.

### **Time off for accompanying a pregnant woman: eligibility**

You may take unpaid time off to accompany a pregnant woman to an antenatal appointment if you have a "qualifying relationship" with the woman or the child. This means that either:

- you are the baby's father;
- you are the pregnant woman's spouse, civil partner or are living with her in an enduring family relationship and she is not your sister, mother, grandmother, aunt or niece; or
- you are one of the intended parents in a surrogacy arrangement and expect to obtain a parental order in respect of the child.

### **Time off for accompanying a pregnant woman: how to book time off**

You should give us as much notice of the appointment as possible. You must provide us with a signed statement providing the date and time of the appointment and confirming:

- that you meet one of the eligibility criteria set out above;
- that the purpose of the time off is to accompany the pregnant woman to an antenatal appointment; and
- that the appointment has been made on the advice of a registered medical practitioner, registered midwife or registered nurse.

### **Time off for accompanying a pregnant woman: amount of time off**

- You have the right to take time off to accompany a pregnant woman to up to two antenatal appointments in relation to each pregnancy.
- You must not take more than six and a half hours off for each appointment, including travel and waiting time.
- Time off to attend these appointments is unpaid.

Further time off for antenatal appointments is in the School's absolute discretion.

## **3. PATERNITY LEAVE AND PAY**

If you are the biological father of a child, or the husband, civil partner or partner of the mother, or in any case have parental responsibility for a child's upbringing, you may be entitled to paternity leave.

You will only be entitled to paternity leave if you have worked continuously for the School for 26 weeks leading into the 15<sup>th</sup> week before the baby is due.

### **Paternity Leave**

If you are eligible, you can take 2 weeks paternity leave. To claim entitlement to paternity leave you will need to give the School notice, in the form of a certificate which can be obtained from the Bursar, by no later than the 15<sup>th</sup> week before the baby is due. Providing false information on a certificate in order to claim paternity leave will be a disciplinary offence.

Paternity leave must be taken within 56 days of the birth (or, if the birth is early, any time between birth and 56 days after the date the baby is due). You can take either one week or two weeks,

but not odd days. If two weeks are taken they must be consecutive. A maximum of two weeks' paternity leave is permitted per pregnancy, regardless of how many children are born.

You can change your mind about the date on which you want your paternity leave to start providing you tell the School at least 28 days in advance. If you are unable to give 28 days' notice, you should give the School as much notice as possible.

### **Paternity Pay**

If you take paternity leave in accordance with this policy, you will be eligible for Statutory Paternity Pay (SPP)(£151.97 at April 2021), provided your weekly earnings are over the lower earnings limit for National Insurance purposes.

If you are entitled to SPP, you will receive the current weekly rate from time to time in force or 90% of your average weekly earnings, whichever is the lower.

An employee who is not entitled to SPP may be entitled to Income Support from the Department of Work and Pensions.

### **General**

Normal terms and conditions of employment continue during paternity leave except for terms relating to salary.

You are entitled to return to the same job following paternity leave.

## **4. SHARED PARENTAL LEAVE**

The following outlines the arrangements for shared parental leave and pay in relation to the birth of a child.

This policy applies to employees. It does not apply to agency workers or self-employed contractors. This does not form part of any employee's contract of employment and may be amended at any time.

### **Frequently used terms**

The definitions in this paragraph apply in this policy.

**Expected week of childbirth (EWC):** The week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.

**Parent:** One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).

**Partner:** Spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

**Qualifying Week:** The fifteenth week before the expected week of childbirth.

## **What is shared parental leave?**

Shared parental leave (SPL) is a form of leave available to working parents following the birth of a child.

SPL allows parents to take up to 52 weeks' leave in total on the birth of a child. They may be able to take this leave at the same time or at different times.

## **Entitlement to SPL**

You are entitled to SPL in relation to the birth of a child if:

- you are the child's mother, and share the main responsibility for the care of the child with the child's father (or your partner, if the father is not your partner);
- you are the child's father and share the main responsibility for the care of the child with the child's mother; or
- you are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

The conditions for SPL and Statutory Shared Parental Pay (ShPP) are different. Both parents must:

- share responsibility for the child at birth.
- meet work and pay criteria - these are different depending on which parent wants to use the shared parental leave and pay.
- You're not eligible if you started sharing responsibility for the child after it was born.

If both parents want to share SPL and ShPP, you and your partner must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date.
- stay with the same employer while you take SPL.
- be 'employees' (not 'workers').
- each earn on average at least £120 a week.

If either of you is a 'worker', you can share ShPP but not SPL. If either of you earns less than £120 a week, you can share SPL but not ShPP.

If the mother's partner wants to take the SPL and ShPP

The mother must:

- have been working for at least 26 weeks (they do not need to be in a row) during the 66 weeks before the week the baby's due.
- have earned at least £390 in total across any 13 of the 66 weeks.

The mother's partner must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date.
- stay with the same employer while they take SPL.
- be an 'employee' (not a 'worker').
- earn on average at least £120 a week.

If the mother's partner is a 'worker', they can get ShPP but not SPL. If the mother's partner earns less than £120 a week, they can get SPL but not ShPP.

If the mother wants to take the SPL and ShPP

The mother's partner must:

- have been working for at least 26 weeks (they do not need to be in a row) during the 66 weeks before the week the baby's due.
- have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they do not need to be in a row).

The mother must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date.
- stay with the same employer while they take SPL.
- be an 'employee' (not a 'worker').
- earn on average at least £120 a week.

If the mother is a 'worker', she can get ShPP but not SPL. If the mother earns less than £120 a week, she can get SPL but not ShPP.

You and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.

The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave).

If you are the mother you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after birth.

If you are the child's father or the mother's partner, you should consider using your two weeks' paternity leave before taking SPL. Once you start SPL you will lose any untaken paternity leave entitlement. SPL entitlement is additional to your paternity leave entitlement.

### **Opting in to shared parental leave and pay**

Not less than eight weeks before the date you intend your SPL to start, you must give the Headmistress (all academic staff) or the Bursar (all non-academic staff) a written opt-in notice giving:

- your name and the name of the other parent;

- if you are the child's mother, the start and end dates of your maternity leave;
- if you are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period;
- the total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken;
- how much of that will be allocated to you and how much to the other parent. (You can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- if you are claiming ShPP, the total available, which is 39 weeks minus the number of weeks of the SMP or MA period taken or to be taken;
- how much of that will be allocated to you and how much to the other parent. (You can change the allocation by giving the Bursar a further written notice, and you do not have to use your full allocation);
- an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as you can about your future intentions; and
- declarations by you and the other parent that you meet the statutory conditions for entitlement to SPL and ShPP.

### **Ending maternity leave**

If you are the child's mother and are still on maternity leave, you must give the Headmistress or Bursar as appropriate, at least eight weeks' written notice to end your maternity leave (a curtailment notice) before you can take SPL. The notice must state the date your maternity leave will end. You can give the notice before or after you give birth, but you cannot end your maternity leave until at least two weeks after birth.

You must also give the Headmistress or Bursar as appropriate, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see above) or a written declaration that the child's father or your partner has given his or her employer an opt-in notice and that you have given the necessary declarations in that notice.

The other parent may be eligible to take SPL from their employer before your maternity leave ends, provided you have given the curtailment notice.

The curtailment notice is usually binding and cannot be revoked. You can only revoke a curtailment notice if maternity leave has not yet ended and one of the following applies:

- if you realise that neither you nor the other parent are in fact eligible for SPL or ShPP, you can revoke the curtailment notice in writing up to eight weeks after it was given;
- if you gave the curtailment notice before giving birth, you can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
- if the other parent has died.

Once you revoke a curtailment notice you cannot submit a second curtailment notice, unless the revocation was given in the circumstances outlined in bullet point two above.



If you are the child's father or the mother's partner, you will only be able to take SPL once the mother has either:

- returned to work;
- given her employer a curtailment notice to end her maternity leave;
- given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
- given a curtailment notice to the benefits office to end her MA (if she is not entitled to maternity leave or SMP).

### **Evidence of entitlement**

You must also provide on request:

- A copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); and
- The name and address of the other parent's employer (or a declaration that they have no employer).

### **Notifying us of your SPL dates**

Having opted into the SPL system you will need to give a period of leave notice telling the Headmistress or Bursar as appropriate the start and end dates of your leave. This can be given at the same time as your opt-in notice, or it can be given later, as long as it is given at least eight weeks before the start of your leave. You must also state in your period of leave notice the dates on which you intend to claim shared parental pay, if applicable.

### **Continuous Leave**

If your period of leave notice gives dates for a single continuous block of SPL you will be entitled to take the leave set out in the notice.

You can give up to three period of leave notices. This may enable you to take up to three separate blocks of shared parental leave. In exceptional circumstances we may agree to accept more than three period of leave notices.

### **Procedure for requesting split periods of SPL ("Discontinuous Leave")**

In general, a period of leave notice should set out a single continuous block of leave. In those circumstances you will be entitled to take the leave set out in the notice as detailed above.

You may also submit a period of leave notice where the SPL is split into shorter periods (of at least a week) with periods of work in between ("Discontinuous Leave"). We may, in some cases, be willing to consider accommodating a period of Discontinuous Leave but it is best to discuss this with your manager in advance of submitting any formal period of leave notices. This will give the School more time to consider the request and hopefully agree a pattern of leave with you from the start.

You must submit a period of leave notice for Discontinuous Leave, setting out the requested pattern of leave, at least eight weeks before the requested start date. If we are unable to agree to your request straight away, there will be a two-week discussion period. At the end of that

period, we will confirm any agreed arrangements in writing. If we have not reached an agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, you will be entitled to one 12-week period of leave). Alternatively, you may:

- choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and tell the Headmistress or Bursar as appropriate within five days of the end of the two-week discussion period; or
- withdraw your period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and you may submit a new one if you choose).

### **Changing the dates or cancelling your SPL**

You can cancel a period of leave by notifying the Headmistress or Bursar as appropriate in writing at least eight weeks before the start date in the period of leave notice. You can change the dates for a period of leave by giving the Headmistress or Bursar as appropriate at least eight weeks' notice before the original start date and the new start date.

You do not need to give eight weeks' notice if you are changing the dates of your SPL because your child has been born earlier than the EWC, where you wanted to start your SPL a certain length of time (but not more than eight weeks) after birth. In such cases please notify the Headmistress or Bursar as appropriate in writing of the change as soon as you can.

A notice to cancel or change a period of leave will count as one of your three period of leave notices, unless:

- the variation is a result of your child being born earlier or later than the EWC;
- the variation is at the School's request; or
- we agree otherwise.

### **Shared parental pay**

ShPP of up to 39 weeks (less any weeks of statutory maternity pay or adoption pay claimed by you or the other parent) may be available provided you have at least 26 weeks' continuous employment with the School at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid at a rate set by the government each year (£151.97 at April 2021).

### **Other terms during shared parental leave**

Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

### **Keeping in touch (KIT)**

We may make reasonable contact with you from time to time during your SPL although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.

You may ask or be asked to work (including attending training) on up to 20 KIT days during your SPL. This is in addition to any KIT days that you may have taken during maternity leave. KIT days are not compulsory and must be discussed and agreed with your line manager.

### **Returning to work**

If you want to end a period of SPL early, you must give the Headmistress or Bursar as appropriate eight weeks' prior notice of the return date. It is helpful if you give this notice in writing.

If you want to extend your SPL you must submit a new period of leave notice at least eight weeks before the date you were due to return to work, assuming you still have SPL entitlement remaining and have not already submitted three period of leave notices. If you are unable to request more SPL you may be able to request annual leave or ordinary parental leave, which will be subject to business need.

You are normally entitled to return to work in the position you held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- if your SPL and any maternity or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
- if you took SPL consecutively with more than four weeks of ordinary parental leave (under our Parental Leave Policy).

If you decide you do not want to return to work you should give notice of resignation in accordance with your contract.

## **5. Time Off for Dependants**

### **The Right to Time Off**

An employee (regardless of their length of service) is entitled to take a reasonable amount of unpaid time off work in emergency situations in order to take action necessary:

- a. To provide assistance when a dependant falls ill, gives birth or is injured or assaulted;
- b. To make arrangements for the provision of care for a dependant who is ill or injured;
- c. As a result of the death of a dependant;
- d. To deal with the unexpected disruption or termination of arrangements for the care of a dependant; and
- e. To deal with an incident which involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment which the child attends is responsible for him or her.

The employee must tell their manager or head of department the reason for the absence and its expected length as soon as reasonably practicable.

### **Who is a Dependant?**

A dependant is:

- a. A spouse or civil partner.
- b. A child.
- c. A parent.
- d. A person who lives in the same household as the employee other than by reason of being his employee, tenant, lodger or boarder.
- e. Any person who reasonably relies on the employee for assistance on an occasion when the person falls ill, gives birth, or is injured or assaulted.
- f. Any person who reasonably relies on the employee to make arrangements for the provision of care in the event of illness or injury.
- g. Any person who reasonably relies on the employee to make arrangements for the provision of care in the event of unexpected disruption to or termination of existing arrangements. This might include, for instance, an elderly neighbour with no-one else to care for him or her.

### **How Much Time Off is Reasonable?**

This will depend on the circumstances of each case although case law has commented it will usually range from a few hours to one or two days. As an example, taking off enough time to arrange care for a sick dependant might be reasonable, but taking time off to care for that person for the entire duration of their illness might not. Similarly, a parent may be required to remain at home to look after a child if the nanny is ill and cannot work. However, the school may not consider it reasonable if the employee cannot arrange alternative care for any subsequent day's absence.

## 6. Parental Bereavement Leave

This is new legislation, from 6 April 2020, which sets the bar for the minimum bereavement leave entitlement for employees.

Eligible employees will be able to take bereavement leave within the 56 weeks following a child's death, it allows you to take leave at incredibly challenging times and when you need it most; immediately following the death and around its first anniversary.

### Eligibility

Parental bereavement leave is an automatic entitlement; employees do not require a certain length of service before qualifying for this right.

This leave applies where there has been:

- a death of a child under the age of 18; or
- a stillbirth from 24 weeks of pregnancy.

To be eligible, an employee must be related to the child in any of the following ways:

- a. a parent;
- b. an adoptive parent;
- c. a person with whom the child has been placed for adoption;
- d. an adopter;
- e. an intended parent;
- f. a parent "in fact" (i.e. they have lived with the child for four continuous weeks ending with the child's death); or
- g. the partner of the child's parent (parent meaning any of those listed in a – f).

### How you can take this type of leave

Grief affects everyone differently and the new legislation has been drafted in a way which reflects this. Employees can take their paid leave in any of the following ways:

- one week's leave;
- one block of two weeks' leave; or
- two blocks of one week's leave.

### Notice

When requesting parental bereavement leave, you should notify the Headmistress of:

- the date of the child's death;
- the date you intend leave to begin; and
- how long your intended period of leave will be (e.g. two weeks), (the "Notice").

If an employee's request is made within 56 days following the date of the child's death, you must give the Notice to the Headmistress either:

- before they are due to start work on their first day of absence; or
- if this is not possible, as soon as reasonably practical.

If a request is made after 56 days but within 56 weeks following the date of the child's death, an employee must provide their employer with the Notice at least one week prior to the commencement of their intended leave.

**Parental bereavement leave pay**

Employees taking this leave will be paid the lower of either:

- £151.97 (2021); or
- 90% of their salary.

To comply with this leading new legislation, line managers should be aware of the following:

- under this new legislation, employers are not entitled to request a copy of the child's death certificate as evidence of an employee's right to the entitlement;
- be aware that, under the Data Protection Act 2018 (GDPR), employees have the right to keep details of their child's death confidential; and
- be aware that staff who take leave under these regulations may still not be fit to return to work following their period of leave. In such cases, it may be appropriate for staff to take sick leave, annual leave or, at the employer's discretion, further paid leave.

*Further information is available from the Bursar's Office*

This policy has regard to the guidance issued by the Secretary of State.

***Walthamstow Hall policies are approved, ratified and reviewed regularly by the Governing Body in the light of statutory requirements.***

Reviewed June 2021  
Next Review June 2022

Signed: ..... Date: .....

Mrs J Adams  
Chairman of the Governing Body