



East Coast College Family Friendly Policy

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Summary of changes since previous version:	• Update for Paternity Leave- two weeks leave can be taken in two separate week blocks instead one of block. Also, second week to be topped up to full pay • Removal of special leave and flexi working

	• Update on dates changes come into effect: • Neonatal care act to come into force 2025 • Flexi working request to come into force April 24 • Carers leave comes into force April 2024
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This document can be provided in a larger font or electronically upon request.

1. Introduction

At East Coast College (the College) we believe that enabling everyone to balance their career with life outside work and providing the culture and support needed to make this happen is crucial to our success.

2. Scope

The Policy and Procedure applies to all staff employed by the College.

The areas covered by the Policy and Procedure are:

- maternity leave
- neonatal Care adoption leave
- paternity leave
- shared parental leave
- unpaid parental leave
- carer's leave
- fertility treatment leave
- special guardianship leave
- fostering leave
- parental bereavement leave

3. Purpose

The College recognises the need to support its employees' appropriate work-life balance and wellbeing through permitting a more effective combination of home and work responsibilities.

4. Maternity

It is recommended that employees inform their line manager as soon as they know they are pregnant as soon as they can so that arrangements can be made to assess the risks to their health and safety whilst at work.

An employee is entitled to take paid time off during working hours in order to receive ante-natal care. This includes appointments with their doctor or midwife and relaxation classes. An employee should be prepared to produce evidence to their line manager of appointments with as much notice as possible and wherever possible try to arrange them as near to the start or end of the day.

An employee must produce a MATB1 certificate showing the week their baby is due as soon as they obtain one. This certificate will be issued by a doctor or midwife around the 26th week of pregnancy.

In order to assess an employee's eligibility for maternity pay the employee will be asked to complete a MP1 form – See Appendix 1.

4.1. Maternity Leave

An employee must notify the People Team at least 21 days before they intend to go on maternity leave.

The earliest an employee can start their maternity leave is 11 weeks before their baby is due. If the employee wants to, and is fit enough, they can continue to work right up to the time the baby is due.

To make it easier to calculate maternity pay, as Statutory Maternity Pay is paid from the beginning of a whole week starting on a Sunday, it is recommended that the first day of your maternity leave is a Sunday.

If an employee is absent from work wholly or partly because of a pregnancy related illness in or after the 4th week before their baby is due, then unless it is a very minor illness and they expect to return within 1 or 2 days, their absence will trigger the start of their maternity leave period and the period for which they can receive maternity pay.

If an employee is ill for a non-pregnancy related reason, they will be regarded as being on sick leave either until their baby is born or until the date they give as being the start of their maternity leave, when they will start receiving their maternity pay.

Therefore, if an employee has not started their maternity leave and is sick in or after the 4th week before the baby is due, it is essential that they immediately notify the People Team that they are sick and if their absence is due to a pregnancy related reason.

An employee will automatically be entitled to a period of 52 weeks maternity leave regardless of their hours of work or length of service. They will receive

Statutory Maternity Pay and/or Occupational Maternity Pay during part of this period if they satisfy the eligibility criteria.

An employee does not have to take all 52 weeks maternity leave but must take at least 2 weeks leave after their baby is born.

An employee may, if they wish, return to work before the end of their maternity leave entitlement. If they wish to return early they must give the College eight weeks' written notice, which must be sent to the People Team.

If an employee becomes ill during paid maternity leave, they need not comply with the sickness reporting procedures. However if they become ill during any period of unpaid maternity leave, they are advised to inform the People Team as soon as possible and provide a medical certificate as they may be entitled to sick pay.

4.2. Maternity Pay

East Coast College operates two maternity pay schemes:

- Statutory Maternity Pay (SMP) which is paid by the College on behalf of the Department for Work and Pensions.
- Occupational Maternity Pay (OMP) which is paid by the College

An employee's entitlement to SMP and OMP is dependent on length of service with East Coast College and its predecessor organisations.

4.2.1. Statutory Maternity Pay

To qualify for SMP an employee must

- have been continuously employed by East Coast College and its predecessor organisations for at least 26 weeks continuing into the 15th week before the baby is due
- have average weekly earnings not lower than the lower earnings limit for National Insurance contributions
- still be pregnant at the 11th week before the baby is due or already have given birth.

SMP is paid for up to 39 weeks; the first 6 weeks at a rate of 9/10^{ths} of an employee's average weekly earnings followed by 33 weeks at the current statutory rate or 9/10^{ths} of the average weekly earnings if this is a lower amount.

If an employee is not entitled to SMP they will be given a SMP1 form which explains why they are not entitled to SMP. The employee should take this form and their Maternity Certificate issued by their midwife or doctor to their local Benefits Agency office so that they can make a claim for State Maternity Allowance (MA). The employee is able to download the Maternity Allowance Form from the Gov.Uk website.

An employee is obliged to let the People Team know if they receive MA as it will affect the amount of any OMP they may qualify for.

An employee must let the People Team know immediately if during the period of entitlement for SMP they work for another employer, are taken into legal custody or move abroad outside the European Union as these factors affect their entitlement to SMP.

4.2.2. Occupational Maternity Pay (OMP)

To qualify for OMP, an employee must have been continuously employed for 26 weeks by East Coast College and its predecessor organisations at the beginning of the 11th week before their baby is due.

The amount of OMP an employee will receive will depend on whether they wish to reserve their right to return to work after the birth of their baby.

An employee is required to return to East Coast College's employment for a period of at least 3 months as a qualifying condition for the 12 weeks half pay. If the employee does not return to work or fails to complete the full 3 months, they will be asked to repay the 12 weeks half pay or a pro-rata proportion of it. The employee may ask for the 12 weeks half pay to be held until they return to work.

The payments are as follows:

- if the employee is not intending to return to work they will receive full pay for the first 6 weeks of absence. If the employee is also entitled to SMP or MA, payments made in the first 6 weeks of absence will be offset against their OMP entitlement.
- if the employee wishes to exercise their right to return to work, OMP will be paid for 18 weeks. For the first 6 weeks of absence, they will receive full pay. If the employee is also entitled to SMP or MA, payments made in the first 6 weeks of absence will be offset against their OMP entitlement. For the next 12 weeks they will receive half pay, plus any entitlement to SMP or MA. SMP or MA will be offset against their half pay when the two combined exceed full pay.

4.2.3. Pension Payments

If an employee is a member of the Local Government Pension Scheme, pension contributions will be payable on all SMP and OMP payments, but not MA. Therefore any period for which an employee receives maternity pay from the College will count as reckonable service for superannuation purposes.

During unpaid maternity leave, superannuation contributions are voluntary. If an employee opts to pay them, they will be based on the same rate of pay as on the last day of paid leave.

If an employee is a member of the Teachers' Pension Scheme, their pension accrual will not be affected while they are on maternity, paternity, adoption,

parental or shared parental leave. An employee will pay less by way of contributions as, although the contribution rate is based on the pre-leave usual rate of pensionable earnings, it is only applied against the statutory pay or any pay which is at least half their pre-family leave salary.

An employee who receives SMP will pay pension contributions at a rate based on the pre-leave earnings but only on their statutory pay or any pay which is at least half pay. During this period, pension benefits continue to accrue based on the higher pre-maternity salary and any death grant in respect of a person on maternity leave or family leave will be treated as 'in-service'.

If an employee who is on maternity leave chooses to opt out of paying contributions they will not accrue pension during that time and will not be eligible for benefits such as life cover.

4.3. Keeping In Touch Days (KIT Days)

An employee is eligible to conduct up to 10 keeping in touch days which will be arranged with the employee's line manager and the People Team. This does not have to be a whole day but an 'occasion'. A return to work on one of these days will not trigger a return to work and thereby a loss of maternity pay entitlements. The College is not obliged to offer these days and the employee is not obliged to agree to accept these days as work. For this provision to operate, both the employer and employee must agree:

- that the employee will do some work
- the type of work, for example attendance at a training course
- the amount of remuneration that will be payable in respect of the work done, the College can offset any SMP paid in respect of the working days against wages/salary.

4.4. Returning to Work

An employee returning to work at the end of their maternity leave will return to the job in which they were employed under their original contract of employment and on terms and conditions not less favourable than those which would have applied had they not been on leave.

If an employee is unable to return to work at the end of their maternity leave for medical reasons, they may delay their return providing they supply a medical certificate before their notified date of return, or the expiry of the maternity leave period if a return date has not been given stating you they are incapable of work. The College's Sickness Absence Policy and Procedure will apply to such absence.

If an employee has indicated they will be returning to work after the birth of their baby and then changes their mind, they should inform the People Team as soon as possible in writing. The employee will need give the appropriate notice of 28 days. Should the notice period fall after the last day of maternity leave, the employee must return to work for the remainder of their notice

period. Any days worked within the notice period that fall after the maternity leave ends, will be paid at the employees' normal rate of pay.

If an employee wishes to amend their return to work date, as previously stated on their MP1 form, this must be done in writing to the People Team at least 28 days in advance of the proposed new return date.

4.5. Health and Safety

When an employee notifies the People Team they are pregnant, an assessment will be carried out by their line manager to see if there are any potential or actual risks which might be posed to them whilst pregnant, breastfeeding or within 6 months of the birth of their baby. This assessment will cover biological and chemical agents and processes, physical agents such as the handling of loads, movements and postures, travelling, mental and physical fatigue and other physical burdens.

The College will take action to avoid any risk which is identified by taking the appropriate preventative or protective action. If this involves altering conditions or hours of work or offering alternative work, this will be without prejudice to their terms and conditions of employment.

5. Neonatal Care

The NHS defines a premature birth as before the 37th week of pregnancy (Full term being 40 weeks). Babies being born prematurely need specialist care in neonatal units as often they have health and developmental issues caused by their premature birth. The College recognises that there is a need for additional leave for parents of babies in neonatal care.

From April 2025, The Neonatal Care policy enables employees who have premature babies to take additional time off to care for their child. Eligibility is in line with our other parental policies and will only apply to babies born before the 37th week of pregnancy for a maximum of 12 weeks. All employees who give birth to a premature baby are eligible for neonatal care leave equal to the number of days between the baby being born and when it would have been full term (40 weeks). Parents should notify the college as soon as possible to start receiving neonatal care.

Fathers or partners of the person who gave birth must have 26 weeks of continuous service 15 weeks before the expected week of childbirth to be eligible for neonatal care leave equal to the number of days between the baby being born and when it would have been full term (40 weeks).

Pay and Benefits

Under the Neonatal Care Policy, you may also qualify for enhanced neonatal care leave as follows:

- If you have more than 12 months' continuous service at the 15th week before the EWC, you will receive the neonatal care leave at full pay

(inclusive of SMP, SPP, ShPP or any other statutory payment due in respect of the leave period)

- Paid neonatal care leave will be paid at the end of your enhanced Company Maternity/ Paternity / Shared Parental Pay.
- For employees taking maternity leave and eligible for Company Maternity Pay (CMP), once your CMP and Company Neonatal Care Pay is exhausted, you will continue to receive the remainder of your 39 weeks SMP.
- For the avoidance of doubt, like SMP and CMP, Company Neonatal Care Payments are subject to deductions for income tax and national insurance. Please note: Enhanced neonatal care payments are subject to repayment conditions (see below) if you decide not to return to work.

Repayment conditions

Company neonatal care payments (excluding any other statutory leave payments such as SMP, ShPP and SPP) are repayable in full or in part in the following circumstances:

- If you decide not to return to work at the end of your leave period in which you received enhanced neonatal care leave, you are required to repay the net of all of the enhanced maternity pay, paternity pay and enhanced neonatal care pay (excluding other statutory leave payments such as SMP, ShPP and SPP);
- If you are no longer employed or you have given or received notice of termination (other than for redundancy) within 6 months of returning from maternity leave, [paternity leave or shared parental leave] you are required to repay the net of all of the enhanced maternity pay and enhanced neonatal pay (excluding any other statutory leave payments such as SMP, ShPP and SPP);
- If you are no longer employed or you have given or received notice of termination (other than for redundancy) between 6 and 12 months after returning from maternity leave, [paternity leave or shared parental leave] you are required to repay 50% of the net of the enhanced maternity pay and enhanced neonatal care pay (excluding any other statutory leave payments such as SMP, ShPP and SPP).
- The repayment is to be made within one month of notice being given or by the termination date, whichever is the soonest.

6. Adoption

An employee who adopts a child or has a child through a surrogacy arrangement may be entitled to Statutory Adoption Leave and Statutory Adoption Pay and/or shared parental leave and pay (see section 7).

5.1. Statutory Adoption Leave

An employee will be entitled to Statutory Adoption Leave (SAL) provided that they give the College the correct notice and proof of the adoption or surrogacy arrangement.

SAL comprises 26 weeks of Ordinary Adoption Leave (OAL) and 26 weeks of Additional Adoption Leave (AAL).

Only one person in a couple is entitled to take SAL, the other partner may be entitled to paternity leave.

The employee must notify the People Team in writing within 7 days of being matched with a child:

- how much leave they want
- the start date for the leave
- the date of placement

The employee must also provide the People Team with written proof of the adoption which must include:

- the employee's name and address and that of the agency
- the match date, e.g. the matching certificate
- the date of placement, e.g. a letter from the agency

For overseas adoptions, the employee must also provide the People Team with:

- the relevant UK authority's 'official notification' confirming that the employee is allowed to adopt
- the date of the employee's official notification
- the estimated date the child will arrive in the UK within 28 days of getting the notification
- the date the child arrived in the UK, e.g. a plane ticket within 28 days of that date

For surrogacy arrangements the employee must inform the People Team in writing with:

- the due date
- when they want to start their leave, which must be at least 15 weeks before the expected week of birth

- a statutory declaration to confirm that they have applied, or will apply within 6 months of the child's birth, for a parental order

SAL can commence:

- up to 14 days before the date the child starts living with the employee for UK adoptions
- when the child arrives in the UK or within 28 days of this date for overseas adoptions
- the day the child's born or the day after if the employee has used a surrogate to have a child

Once notification has been received from the employee, the People Team will confirm the start and end dates of the SAL within 28 days. In exceptional circumstances the commencement date of SAL may be changed with agreement from the People Team.

If an employee wants to change the start date of their SAL they must give the People Team within 28 days if the date of placement, or UK arrival dates for overseas adoptions, changes.

If an employee wants to change their return to work date they must give the People Team at least 8 weeks' notice. In exceptional circumstances the return date from SAL may be changed with less notice with agreement from the People Team.

5.2 Adoption Pay

East Coast College operates two adoption pay schemes:

- Statutory Adoption Pay (SAP) which is paid by the College on behalf of the Department for Work and Pensions
- Occupational Adoption Pay (OAP) which is paid by the College

An employee's entitlement to SAP and OAP is dependent on length of service with East Coast College and its predecessor organisations.

5.2.1 Statutory Adoption Pay (SAP)

An employee will be entitled to Statutory Adoption Pay (SAP) provided that they:

- have been continuously employed by the College and its predecessor organisations for at least 26 weeks before the week they were matched with the child
- have average weekly earnings not lower than the lower earnings limit for National Insurance contributions
- give the correct notice
- provide proof of the adoption or surrogacy arrangement

If an employee is not eligible for SAP, the People Team will provide the employee with form SAP1 explaining the reason.

SAP is paid for up to 39 weeks and is paid at 90% of average weekly earnings for the first 6 weeks at the current statutory rate or 90% of average weekly earnings, whichever is lower, for the next 33 weeks.

SAP will start at the same time as SAL starts.

5.2.2 Occupational Adoption Pay (OAP)

An employee will be entitled to Occupational Adoption Pay (OAP) provided that they:

- have been continuously employed by the College and its predecessor organisations for at least 26 weeks before the week they were matched with the child
- Qualify for statutory adoption pay (SAP)

The amount of OAP an employee will receive will depend on whether they wish to reserve their right to return to work after the end of the adoption leave.

An employee is required to return to East Coast College's employment for a period of at least 3 months as a qualifying condition for the 12 weeks half pay. If the employee does not return to work or fails to complete the full 3 months, they will be asked to repay the 12 weeks half pay or a pro-rata proportion of it. The employee may ask for the 12 weeks half pay to be held until they return to work.

The payments are as follows:

- if the employee is not intending to return to work they will receive full pay for the first 6 weeks of absence. SAP payments made in the first 6 weeks of absence will be offset against their OAP entitlement.
- if the employee wishes to exercise their right to return to work, OAP will be paid for 18 weeks. For the first 6 weeks of absence, they will receive full pay. SAP made in the first 6 weeks of absence will be offset against their OAP entitlement. For the next 12 weeks they will receive half pay, plus any entitlement to SAP. SAP will be offset against their half pay when the two combined exceed full pay.

5.2.3 Overseas Adoptions

An employee who is adopting a child from overseas must meet the conditions for SAL and SAP (and OAP) and additionally sign form SC6 which also confirms that the employee is not taking paternity pay or leave

<https://www.gov.uk/government/publications/statutory-adoption-pay-and-leave-adopting-a-child-from-abroad-sc6>

The requirement for 26 weeks continuous employment relates to the date when the employee gets their 'official notification' or the date of the start of the SAP.

5.2.4 Surrogacy Arrangements

An employee who has a child through a surrogacy arrangement must meet the conditions for SAL and SAP (and OAP) and additionally:

- have been continuously employed by the College and its predecessor organisations for at least 26 weeks by the 15th week before the baby is due
- intend to apply for a parental order and expect the order to be granted

5.2.5 Fostering for Adoption

If an employee is fostering for adoption, the entitlement for SAL and SAP (and OAP) will start from when the child starts living with the employee.

5.2.6 Exceptions from Entitlement to SAL and SAP

An employee will not be eligible for SAL or SAP (or OAP) if they:

- arrange a private adoption
- become a special guardian or kinship carer
- adopt a stepchild
- adopt a family member

7. Paternity

An employee whose partner has a baby, adopts a child or has a baby through a surrogacy arrangement may be entitled to paternity leave, pay and/or shared parental leave and pay (see section 7).

7.1. Antenatal Appointments

All employees who meet the eligibility criteria will be entitled to accompany their partner or surrogate mother to attend two antenatal appointments.

To be entitled to attend an appointment, an employee must be one of the following:

- baby's father
- expectant mother's spouse, civil partner or other relation acting in a supporting role
- in a long term relationship with the expectant mother
- intended parent if having a baby through a surrogacy agreement

If a child is being adopted the entitlement to attend two appointments with pay will apply once the employee has been matched with a child. Proof of the appointments will be required from the employee.

7.2. Paternity Leave

All employees who are eligible for paternity leave may take one or two weeks leave. A week is defined as the employee's normal working week. These do not have to be in a single period of leave, and can be taken in two separate week blocks that can be taken any time in the 52 weeks after childbirth or adoption.

To be entitled to paternity leave, an employee must have been continuously employed for 26 weeks before 15th week before the baby is due and be must be one of the following:

- baby's father
- expectant mother's husband or partner
- child's adopter
- intended parent if having a baby through a surrogacy agreement

Different eligibility rules apply for adoptions and surrogacies – see 6.4 and 6.5.

An employee will not be eligible for paternity leave if they have already taken shared parental leave for the same child/ren.

The employee may take leave between the date of the baby's birth and 56 days after the birth and notify the people team within

The employee must give the College at least 28 days' notice of when they want to take the leave, whether they want to take one or two weeks. Dates do not have to be calendar dates and may be general dates such as the week after the baby's birth.

Notice of paternity leave and pay must be given in writing to the People Team on Paternity Pay and Leave Application form (SC3)

<https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-a-birth-parent-sc3>

If an employee is not eligible for paternity leave, the People Team will inform the employee using form SPP1.

<https://www.gov.uk/government/publications/statutory-paternity-pay-non-payment-explanation-spp1>

If an employee wishes to change the start date of their leave, they must give as much notice as practically possible.

An employee who meets the eligibility criteria is still entitled to paternity leave if baby is stillborn from 24th week of pregnancy or born alive at any point of the pregnancy.

7.3. Paternity Pay

To be entitled to paternity pay, an employee must have been continuously employed for 26 weeks before 15th week before the baby is due, earn at least the average weekly earnings limit for National Insurance contributions and be the:

- baby's father
- expectant mother's husband or partner
- child's adopter
- intended parent if having a baby through a surrogacy agreement

Different eligibility rules apply for adoptions and surrogacies – see 6.4 and 6.5.

An employee will not be eligible for paternity pay if they have already taken shared parental leave.

If an employee is not eligible for paternity pay, the People Team will inform the employee using form SPP1.

<https://www.gov.uk/government/publications/statutory-paternity-pay-non-payment-explanation-spp1>

Paternity pay is paid at full pay. (the College will top up any statutory pay to usual weekly wage) or the current statutory rate if this is a lower amount.

An employee who meets the eligibility criteria is still entitled to paternity pay if baby is stillborn from 24th week of pregnancy or born alive at any point of the pregnancy.

7.4. Paternity Leave for Adoption

To be entitled to paternity pay and/or paternity leave if an employee is adopting a child they must have been continuously employed by the College for at least 26 weeks by the matching week which is either:

- the end of the week when the child is matched with the employees for UK adoptions
- the date the child enters the UK or when the employee wants their paternity pay to start for overseas adoptions

An employee's paternity leave can start:

- on the date of placement
- an agreed number of days after the date of placement
- on the date the child arrives in the UK or an agreed number of days after this (overseas adoptions only)

An employee must take paternity leave within 56 days of the date of:

- placement for UK adoptions
- the child's arrival in the UK for overseas adoptions

An employee must give the People Team 28 days' notice if they want to change the start date of their paternity leave.

Notice of paternity leave and pay must be given in writing to the People Team on Paternity Pay and Leave (Adoption) Application form (SC4)

<https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-an-adoptive-parent-sc4>

or for overseas adoptions on form SC5

<https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-adopting-a-child-from-abroad-sc5>

An employee must provide proof of adoption to the People Team through the provision of a letter from the adoption agency or the matching certificate.

7.5. Paternity Leave for Surrogacy

To be eligible for paternity pay and/or paternity leave if an employee is using a surrogate to have a baby they must have been continuously employed by the College for at least 26 weeks by 15th week before the baby is due and/or:

- be in a couple
- be responsible for the child with their partner

Paternity leave can start the day the child is born or the day after the birth.

An employee must inform the People Team at least 15 weeks before the due date when they want their paternity leave to start and at that time provide a written statement that they are intending to apply for a parental order in the six months after the child's birth. The statement must have been signed in the presence of a legal professional.

8. Shared Parental Leave

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

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave.

If mother/adopter reduces their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

8.1. Eligibility for Birth Parents

To be eligible for SPL and ShPP 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

A parent is not eligible for SPL and ShPP if they started sharing responsibility after the child was born.

If both parents want to share SPL and ShPP both parents must:

- have been continuously employed by their employer for 26 weeks at the end of the 15th week before the due date
- stay with the same employer until you start your SPL
- be 'employees' (not 'workers') - check your [employment status](#). If either of you is a 'worker', you might be able to share ShPP but not SPL.
-

earn at least the average weekly earnings limit for National Insurance contributions If the mother's partner wants to take the SPL and SSPP both the mother and the mother's partner must meet some eligibility requirements:

- the mother must have:
 - been working for at least 26 weeks during the 66 weeks before the week the baby is due (the 26 weeks do not need to be in a row)
 - have earned at the current statutory rate in total across any 13 of the 66 weeks (add up the highest paying weeks - they do not need to be in a row)
- the mother's partner must have:
 - been continuously employed 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 until they start their SPL

- To be eligible for SPL, the partner must be an 'employee' (not a 'worker') - check their [employment status](#). If the partner is a 'worker', they might be able to get ShPP but not SPL.

earn at least the average weekly earnings limit for National Insurance contributions

If the mother wants to take the SPL and ShPP:

- For the mother to take SPL and ShPP, both the mother's partner and the mother must meet some eligibility criteria
- the mother's partner must have:
 - have been working for at least 26 weeks out of the 66 weeks before the week the baby's due (the 26 weeks do not need to be in a row)
 - have earned at the statutory rate 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 continuously employed by the same employer for 26 weeks by the end of the 15th week before the due date
 - stay with the same employer until they start their SPL
 - be an 'employee' (not a 'worker') - check [employment status](#). If the mother is a 'worker', they might be able to get ShPP but not SPL.

earn at least the average weekly earnings limit for National Insurance contributions

8.2. Eligibility for Adopters or Parents using a Surrogate

- To be eligible for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP), both adoptive parents or both parents using a surrogate must share responsibility for the child from the child's due date or birth date if you're using a surrogate
- the date the child is placed with you, if you're adopting or fostering to adopt
 - Both parents must also meet work and pay criteria - these are different depending on which parent wants to use the shared parental leave and pay

If both parents want to share SPL and ShPP both parents must:

- stay with the same employer until you start your SPL. You must be employed continuously by them for at least 26 weeks, by either:
 - the end of the week you or your partner are matched with a child if you're adopting
 - the end of the 15th week before the due date if you're using a surrogate
- be 'employees' (not 'workers') - check your employment status. If either of you is a 'worker', you might be able to share ShPP but not SPL.

each earn at least the average weekly earnings limit for National Insurance contributions

If only one of the parents wants to take the SPL and SSPP:

- Both parents must meet some eligibility criteria.
- Criteria for the parent taking SPL and ShPP
- The parent who wants to take the leave and pay must stay with the same employer until they start their SPL.
- They must also have been employed continuously by the same employer for at least 26 weeks, by either:
 - the end of the week you or your partner are matched with a child if you're adopting
 - the end of the 15th week before the due date if you're using a surrogate
 - To be eligible for SPL, they must be an 'employee' (not a 'worker') - check their employment status. If they are a 'worker', they might be able to get ShPP but not SPL.
- To be eligible for ShPP, they must earn on average at least £123 each a week.
- Criteria for the other parent
- The other parent must:
 - have been working for at least 26 weeks out of the 66 weeks before the week the child was placed with you (the 26 weeks do not need to be in a row)

have earned at least the statutory rate in total in 13 of the 66 weeks (add up the highest paying weeks - they do not need to be in a row)

8.3. Start Date

A parent can only start SPL and ShPP once the child has been born or placed for adoption.

You can [check when you and your partner can start your leave](#) using the Shared Parental Leave and Pay planning tool.

In order for SPL to start the mother or the person getting adoption leave must either:

- return to work, thereby ending any maternity or adoption leave
- give their employer binding notice of the date they plan to end their leave (you cannot normally change the date you give in binding notice)
- You can start SPL while your partner is still on maternity or adoption leave as long as they've given binding notice to end it.

- You can give binding notice and say when you plan to take your SPL at the same time.
- A mother cannot return to work before the end of the compulsory 2 weeks of maternity leave following the birth (4 weeks if they work in a factory). If you're adopting, the person claiming adoption pay must take at least 2 weeks of adoption leave.

In the event that the mother or adopter does not get maternity or adoption leave they must end their maternity or adoption pay or Maternity Allowance so that they or their partner can get SPL.

For ShPP to start

In order for ShPP to start, the mother (or the person getting adoption pay) must give their employer binding notice of the date when they plan to end any maternity or adoption pay. If they get Maternity Allowance, they must give notice to Jobcentre Plus instead.

They cannot restart maternity pay, Maternity Allowance or adoption pay once it's ended.

You can start ShPP while your partner is still on maternity pay, adoption pay or Maternity Allowance as long as they've given binding notice to end it.

You can give binding notice and say when you plan to take your ShPP at the same time.

Change the decision to end maternity or adoption leave

The mother or adopter may be able to change their decision to end maternity or adoption leave early. They must let their employer know.

They can only change the decision if both:

- the planned end date has not passed
 - they have not already returned to work
- One of the following must also apply:
- you find out during the 8-week notice period that neither of you is eligible for SPL or ShPP
 - the mother or adopter's partner has died
 - the mother tells their employer less than 6 weeks after the birth (and they gave their employer notice before the birth)

8.4. Payments

You can share up to 50 weeks of leave and up to 37 weeks of pay between you.

The actual amount depends on how much maternity or adoption leave and pay (or Maternity Allowance) you or your partner take. If you or your partner are eligible then you can:

- take less than the 52 weeks of maternity or adoption leave and use the rest as Shared Parental Leave (SPL)
- take less than the 39 weeks of maternity or adoption pay (or Maternity Allowance) and use the rest as Statutory Shared Parental Pay (ShPP)

You can [check when you and your partner can take your leave and how much statutory pay you'll get](#) using the Shared Parental Leave and Pay planning tool on www.gov.uk

How much pay you'll get

ShPP is paid at the statutory rate per week or 90% of your average weekly earnings, whichever is lower.

This is the same as [Statutory Maternity Pay \(SMP\)](#) except that during the first 6 weeks SMP is paid at 90% of whatever you earn (with no maximum).

5.1.1. Occupational Shared Parental Pay (OShPP)

To qualify for OShPP, an employee must have qualified for Statutory Shared Parental Pay (ShPP) and Shared Parental Leave (SPL).

The amount of OShPP an employee will receive will depend on whether they wish to reserve their right to return to work after the birth of their baby.

An employee is required to return to East Coast College's employment for a period of at least 6 weeks as a qualifying condition for the 6 weeks half pay. If the employee does not return to work or fails to complete the full 6 weeks, they will be asked to repay the 6 weeks half pay or a pro-rata proportion of it. The employee may ask for the 6 weeks half pay to be held until they return to work.

The payment is as follows:

- if the employee wishes to exercise their right to return to work, OShPP will be paid for 6 weeks. For the first 6 weeks of SPL taken in line with the policy they will receive a top up to half pay (the 6 weeks does not need to be taken in 1 block, it can be taken in up to 3 blocks, but half pay will not exceed 6 weeks). Statutory ShPP will be offset against their half pay.

8.5. Making an Application

An employee who wants to apply for SPL or ShPP must give at least 8 weeks' written notice to the People Team.

Notice of application should be made on the relevant application form available at <https://www.gov.uk/shared-parental-leave-and-pay/applying-for-leave-and-pay>

In addition to the application form the People Team must be provided with:

- a copy of the birth certificate, or a declaration of the place and date of birth if the birth has not been registered
- the name and address of the partner's employer or a declaration that the partner has no employer

For adoptions, in addition to the application form the People Team must be provided with:

- the name and address of the adoption agency or local authority
- the date the child was matched with you
- the date the child will start to live with you
- the name and address of the partner's employer or a declaration that the partner has no employer

8.6. Taking Leave

You can book up to 3 separate blocks of Shared Parental Leave (SPL) instead of taking it all in one go, even if you are not sharing the leave with your partner.

If your partner is also eligible for SPL, you can take up to 3 blocks of leave each. You can take leave at different times or both at the same time.

You can take more than 3 blocks of leave if your employer agrees.

You must tell your employer about your plans for leave when you apply for SPL. You can change these plans later but you must give the People Team at least 8 weeks' notice before you want to begin a block of leave.

You can check when you and your partner can take your leave using the Shared Parental Leave and Pay planning tool on www.gov.uk

Splitting blocks of leave

If your employer agrees, you can split blocks into shorter periods of at least a week.

8.7. SPL In Touch Days

An employee who is taking SPL can also work up to 20 days during their SPL.

These days are known as Shared Parental Leave in Touch (SPLIT) and are in addition to Keeping In Touch (KIT) days available to those on maternity or adoption leave.

If an employee or the College wants SPLIT and KIT days to be used, the dates for these will be mutually agreed between the People Team and the employee and these days will be with pay.

9. Carer's Leave

The College recognises that employees may need to take a reasonable amount of carer's leave in an emergency during normal working hours.

This entitlement applies equally to all employees of the College regardless of length of service and will come into force April 2024.

For the purposes of this leave, a carer is defined as being:

- spouse
- partner
- child
- grandchild
- parent
- someone who depends on a College employee for their care

The following are examples of when carer's leave might be taken:

- to provide assistance on an occasion when a dependant falls ill, gives birth or is injured or assaulted
- to make arrangements for the provision of care for a dependant who is ill or injured
- to deal with the unexpected disruption or termination of arrangements for the care of a dependant
- to deal with an incident that involves a child of the employee and which occurs unexpectedly in a period during which an educational establishment that the child attends is responsible for him or her.

Each request for carer's leave will be considered on an individual basis. Carer's will be able to take up to one week's unpaid leave (prorated for part-time employees), either in individual days or half days, up to a block of one week in a rolling 12 month window.

Permission for carer's leave will not be unreasonably withheld.

It should be noted that carer's leave should only be applied for in the event of an emergency situation and in the event of leave being required for a planned event such as a child's hospital appointment then annual or parental leave should be requested.

Applications for carer's leave should be made to the People Team as soon as the need for the leave is known by the employee. The People Team will liaise with the employee's line manager and decide if an application should be supported and will inform the employee, and their line manager.

10. Fertility Treatment Leave

The College recognises that employees may need to take a reasonable amount of fertility treatment leave during normal working hours.

This entitlement applies equally to all employees of the College regardless of length of service.

Each request for fertility treatment leave will be considered on an individual basis.

An employee is entitled to leave for up to a week's leave, pro rata for part time staff, for each course of treatment for up to a maximum of three courses of treatment.

Permission for fertility treatment leave will not be unreasonably withheld.

Applications for fertility treatment leave should be made via the HR system.

The application will be forwarded to the employee's line manager who will indicate whether the application can be supported for operational reasons.

The application will then be forwarded to the People Team who will consider the line manager's view on whether the application can be supported for operational reasons.

The People Team will liaise with the employee's line manager and decide if an application should be approved and if it should be with or without pay.

The People Team will inform the employee, and their line manager, whether the leave has been approved and whether the leave will be with or without pay.

11. Special Guardianship Leave

The College recognises that employees may need to take a reasonable amount of special guardianship leave during normal working hours.

This entitlement applies equally to all employees of the College regardless of length of service.

Each request for special guardianship leave will be considered on an individual basis and there is no limit to the number of occasions on which an employee can make a request for special guardianship leave.

Permission for special guardianship leave will not be unreasonably withheld.

Applications for special guardianship leave should be made via the HR system.

The application will be forwarded to the employee's line manager who will indicate whether the application can be supported for operational reasons.

The application will then be forwarded to the People Team who will consider the line manager's view on whether the application can be supported for operational reasons.

The People Team will liaise with the employee's line manager and decide if an application should be approved and if it should be with or without pay.

The People Team will inform the employee, and their line manager, whether the leave has been approved and whether the leave will be with or without pay.

12. Fostering Leave

The College wishes to support those employees who are already foster carers and those who may be considering becoming foster carers and recognises that leave may be needed to be taken to enable them to undertake the role.

This entitlement applies equally to all employees of the College regardless of length of service.

An employee who is applying to become a foster carer is entitled to up to 5 days additional paid leave during the fostering assessment process.

An employee who is a foster carer is entitled to up to 5 days additional paid leave per year (pro-rated for part time employees) to attend training related to being a foster carer and/or attend meetings, panels, hearings or any other key event or activity to support foster children and young people in their care.

Any additional leave required to attend training and/or to cover unforeseen emergencies connecting with the employee's fostering role will be considered through the absence from normal duties process.

Applications for fostering leave should be made via the HR system.

Maternity Provisions for Employees

- A.** Please answer all the questions in this section fully, whether or not you are intending to return to work after the birth of your child.

Name.....

Post.....

Location.....

Date Commenced Employment with East Coast College.....

Child's Expected Date of Birth.....
(Please attach your MAT.B1 Certificate issued by your doctor or midwife if available)

Date Commencing Maternity Leave.....

Proposed Last Working Day.....

Anticipated Return To Work Date.....

- B.** Please tick the statement that applies to you.

☐ I confirm I wish to take maternity leave from the date above and intend to return to work after the birth of my child on the date indicated above. I have read the conditions outlined in the Maternity Policy and Procedure and agree to comply with them.

☐ I confirm I wish to take Maternity Leave from the date above and intend to return to work after the birth of my child on the date indicated above. I would like the 12 weeks of half pay that I am entitled to under the Occupational Maternity Scheme, to be held by the College until I return from Maternity Leave.

Signed..... **Dated**.....

If you need assistance with this form or require it in a different format please contact the People Team