



## Maternity and Adoption Leave and Pay Policy

### Aim of The Langley Academy Trust

To provide an outstanding education for every child in the trust through high aspirations and through the principles of quality learning using curiosity, exploration and discovery.

This policy is linked with:

- Equality Policy
- Flexible Working Policy
- Health and Safety Policy

### Principles

The Trustees of The Langley Academy Trust recognise their responsibilities under the Work and Families Act 2006, Employment Rights Act 1996, Maternity and Parental Leave Regulations 1999, Statutory Maternity Pay (General) Regulations 1986 and Equality Act 2010.

### Policy Statement

The Academy Trust will act with integrity, objectivity and honesty in the best interests of our employees.

### Glossary of Terms

This is an explanation of some of the terms and abbreviations used in this guidance document.

**Statutory Maternity Leave (SML)** Eligible employees can take up to 52 weeks' maternity leave. The first 26 weeks is referred to as 'Ordinary Maternity Leave', the last 26 weeks as 'Additional Maternity Leave'.

**Ordinary Maternity Leave (OML)** This entitlement is the first 26 weeks of maternity leave. OML can commence at any time but no earlier than the 11th week before the Expected Week of Childbirth (EWC).

**Additional Maternity Leave (AML)** AML will start immediately after the 26 weeks OML and continue for a further 26 weeks i.e. employees will be entitled to leave of 52 weeks in total.

**Expected Week of Childbirth (EWC)** This starts on the Sunday of the beginning of the week in which the baby is due and will be shown on the Maternity Certificate (MATB1), which can be obtained from a doctor or midwife at about 14 weeks' before the date the baby is due.

**Qualifying Week (QW)** This is used primarily in order to assess continuous service. The Qualifying Week is calculated as the week beginning 15 weeks' before the Expected Week of Childbirth (EWC).

**Maternity Pay Period (MPP)** The Maternity Pay Period is the period throughout which Statutory Maternity Pay (SMP) is payable. It is a period of 39 weeks, which starts on the date maternity leave commences. This cannot be earlier than the 11th week before the Expected Week of Childbirth (EWC).

**Statutory Maternity Pay (SMP)** This is the pay an employee may be entitled to receive from the Government and which is paid during the Maternity Pay Period. SMP will start on the day that maternity leave commences. To qualify for SMP employee must have worked for the Trust continuously for at least 26 weeks by the 15th week before the baby is due and be in employment during the qualifying week. In addition, earnings on average must be above the lower earnings limit for the payment of NI Contributions.

**Occupational Maternity Pay (OMP)** If an employee has least one year's continuous service\* at the 11th week before the EWC, meet the qualifying service for SMP, and have indicated at the beginning of absence that the intention is to return to work, then the employee will receive Occupational Maternity Pay (OMP)

*\*Note – for Teaching staff, the Burgundy Book scheme defines continuous employment as including employment “with one or more local authorities”, including previous employment in other community and voluntary-controlled schools in the same or other local authorities where there has not been a break in employment. It can also include employment in voluntary-aided and foundation maintained schools.*

**Lower Earnings Limit (LEL)** To qualify for Statutory Maternity Pay or Statutory Paternity Pay, earnings on average must be above the lower earnings limit for the payment of NI Contributions.

**Maternity Allowance (MA)** Employees that are not entitled to receive Statutory Maternity Pay may be eligible to receive MA. To qualify, an employee must have been working and paying National Insurance Contributions for at least 26 weeks in the 66 weeks' ending with the week before EWC. Payments are made by the Department for Work & Pensions, not via payroll.

**Average or Weekly Pay** This is the average gross pay calculated over the 8 weeks' period counting back from the last pay day before 15 weeks' before the expected date of childbirth. Because it is the average of gross pay it will include any pay awards and other ad-hoc payments received during these 8 weeks.

**Statutory Adoption Leave (SAL)** Employees can take up to 52 weeks' Statutory Adoption Leave. The first 26 weeks is known as 'Ordinary Adoption Leave', the last 26 weeks as 'Additional Adoption Leave'.

**Statutory Adoption Pay (SAP)** This is the pay an employee may be entitled to receive from the Government and which is paid during the Adoption Pay Period. SAP can start on:

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

To qualify for SAP employee must have worked for the Trust continuously for at least 26 weeks by the day they were matched with a child.

**Occupational Adoption Pay (OAP)** If an employee has least one year's continuous service\* at the 11th week before the EWC, meet the qualifying service for SAP, and have indicated at the beginning of absence that the intention is to return to work, then the employee will receive Occupational Adoption Pay (OAP)

*\*Note – for Teaching staff, the Burgundy Book scheme defines continuous employment as including employment “with one or more local authorities”, including previous employment in other community and voluntary-controlled schools in the same or other local authorities where there has not been a break in employment. It can also include employment in voluntary-aided and foundation maintained schools.*

**Statutory Paternity Leave (SPL)** Eligible employees can take up to 2 weeks’ statutory paternity leave following the birth of the baby.

**Statutory Paternity Pay (SPP)** This is the pay an employee may be entitled to receive from the Government and which is paid during Paternity Leave. SPP will start on the day that paternity leave commences. To qualify for SPP, earnings on average must be above the lower earnings limit for the payment of NI Contributions.

**Shared Parental Leave (SPL)** This is the leave an employee may be able to share with a partner if having a baby or adopting a child. Up to 50 weeks of leave can be shared. This leave may be taken in blocks separated by periods of work, or all in one go.

**Statutory Shared Parental Pay (ShPP)** This is the pay an employee may be entitled to receive from the Government and which is paid during the Shared Parental Leave Pay Period. To qualify for ShPP the employee must have worked for the Trust continuously for at least 26 weeks by the 15th week before the baby is due (or when the child is matched in the case of adoption) and be in employment during the qualifying week. In addition, earnings on average must be above the lower earnings limit for the payment of NI Contributions.

## **Maternity and Adoption Leave**

All pregnant employees, i.e. those working under a contract of employment, are entitled to take up to 52 weeks’ Statutory Maternity Leave (SML) around the birth of their child, regardless of the length of qualifying service with the Trust. The purpose of maternity leave is to allow the mother to give birth and to recover from giving birth to her baby, as well as to bond with and care for her new child. The SML period is made up of 26 weeks’ Ordinary Maternity Leave (OML) followed immediately by 26 weeks’ additional maternity leave (AML). There are two types of maternity pay; Statutory Maternity Pay (SMP) and Occupational Maternity Pay (OMP).

The earliest that leave can be taken is 11 weeks prior to the EWC, unless the baby is born early. Employees must take a minimum of 2 weeks leave directly after the birth.

Adoption leave and pay is not available where a child is not newly matched for adoption e.g. where a step-parent is adopting a partner’s children.

## **Legal Rights**

### **Rights of Expectant Mothers**

Any employee expecting a baby, regardless of hours worked or length of service, acquires certain rights:

- 52 weeks’ Maternity Leave;
- to return to work in the same or similar job;
- reasonable paid time off for antenatal care;
- the offer of suitable alternative safe work or suspension on full pay where the health of a woman or her child may be endangered as a result of work;
- to retain contractual rights during maternity leave (except for pay).

## **Rights of Adopting Parents**

Any employee taking time off work to adopt a child, regardless of hours worked or length of service, acquires certain rights:

- 52 weeks' Adoption Leave;
- to return to work in the same or similar job;
- reasonable paid time off for adoption visits;
- to retain contractual rights during adoption leave (except for pay).

## **Maternity and Adoption Leave and Pay**

Appendix 1 and Appendix 2 lay out the maternity or adoption leave and pay options employees are eligible for depending on length of continuous service and the position held within the Trust.

### **Entitlement to Statutory Maternity Pay will depend on:**

- 26 weeks' service with the Trust as at the 15th week before the EWC;
- average weekly earnings at or above the lower earnings limit. If an employee is not entitled to receive Statutory Maternity Pay, they may be entitled to Maternity Allowance. It is the responsibility of the employee to both claim and declare any entitlement from the Department for Work & Pensions directly. More information is available on the government website - <https://www.gov.uk/maternity-allowance>

### **Entitlement to Statutory Adoption Pay will depend on:**

- 26 weeks' service with the Trust on the date the employee is matched with a child
- be on the payroll and earn at least £116 a week in an 8-week period - the 'relevant period'
- provide the Trust with the correct notice of the Adoption Leave
- provide the Trust with proof of the adoption or surrogacy

Adoption leave and pay is not available where a child is not newly matched for adoption e.g. where a step-parent is adopting a partner's children.

## **Notification Requirements for Maternity Leave**

To qualify for maternity rights, an employee must be continuously employed by the Trust until the end of the 15th week before the EWC, and have notified the Trust of the pregnancy by this time. In addition, the employee must inform their line manager of the following:

- the intended start date of maternity leave by the 15th week before the EWC or as soon as is reasonably practicable;
- the EWC and produce a maternity certificate (MAT B1) from either a doctor or midwife, this is generally available after the 14th week before the EWC;
- the intended return to work date. Please, note, if this earlier than the end of OML, the Trust must be provided 28 days' notice;
- the intention to exercise the right to the 26 weeks' AML;
- the date of childbirth if the baby has been born early;
- any absence from work from the 4th week before the EWC if the employee is unable to come to work due to pregnancy-related illness;
- if the employee wishes to change the notified date of the start of maternity leave, 28 days' notice must be provided.

## **Notification Requirements for Statutory Adoption Leave**

Within 7 days of being matched with a child, employees must inform the Trust:

- the intended amount of leave required;
- the intended start date;
- the 'date of placement' - the expected or actual date the child is placed;
- for overseas adoption, within 28 days of the 'official notification' and the expected date the child arrives in the UK

### **Employees in surrogacy arrangements**

At least 15 weeks before the due date, employees must notify the Trust when the baby is due and of the intended start date of leave. Employees should provide evidence such as a copy of the surrogate's MATB1 certificate or a letter from the surrogate's GP stating the due date.

### **Changes to leave dates**

Employees must notify the Trust of any changes to leave dates at least 28 days prior to original start date or the new start date - whichever is earlier.

Employees must provide the Trust with 8 weeks' notice if they want to change the return to work date.

## **Health and Safety**

The Trust has a duty to take care of the health and safety of all employees. The Trust is required to carry out a risk assessment to assess the workplace risks during and after pregnancy.

If applicable, the Trust will provide the employee with information related to any risks identified in the risk assessment. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out normal job duties, the Trust will take such steps as are reasonably necessary to avoid those risks, such as altering working conditions. In some cases, this may mean offering suitable alternative work (if available) on terms and conditions that are not substantially less favourable.

## **Commencement of Maternity Leave**

A pregnant employee can commence maternity leave any time from the 11th week before the EWC up to the expected date of childbirth (unless the child is born prematurely, in which case it will start earlier). If the employee is absent from work for a pregnancy-related illness during the four weeks before the EWC then this will automatically trigger maternity leave (regardless of intended start date of maternity leave).

If it is not possible for the employee to provide 28 days' notice of a change in maternity leave start date, for example if the baby arrives early, the employee should notify the Trust as soon as reasonably practicable. Employees can bring forward maternity leave start date for other reasons, provided that the Trust is advised in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. Employees may also postpone maternity leave start date, provided that the Trust is advised in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable. The Trust will formally respond in writing to the notification of this change within 28 days, confirming the expected return date if the intention is to take the full 52-week entitlement to maternity leave.

## **Commencement of Adoption Leave**

An adopting employee can commence adoption leave:

- on the date the child begins living with the employee or up to 14 days before the expected placement date (UK adoptions)
- when an employee has been matched with a child to be placed with them by a UK adoption agency
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child is born or the day after (parents in surrogacy arrangements)

If it is not possible for the employee to provide 28 days' notice of a change in adoption leave start date, for example if the baby arrives early, the employee should notify the Trust as soon as reasonably practicable. Employees can bring forward adoption leave start date for other reasons, provided that the Trust is advised in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. Employees may also postpone adoption leave start date, provided that the Trust is advised in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable. The Trust will formally respond in writing to the notification of this change within 28 days, confirming the expected return date if the intention is to take the full 52-week entitlement to maternity leave.

## **Occupational Maternity and Adoption Pay (OMP) and Return to Work**

### **Teaching Staff**

It is important to note that a condition of entitlement to OMP under the Burgundy Book scheme is that the employee must return to work after the birth for a period of at least 13 weeks. If the employee does not, then the Trust is entitled to reclaim part of the maternity pay.

If the employee was working full-time prior to maternity leave, then the requirement is to complete the equivalent of 13 weeks' full-time service upon return to teaching.

If the employee was working part-time prior to maternity leave, then the requirement is to complete the equivalent of 13 weeks' service on that part-time basis. Where an employee moves to part-time work or part-time work on a different basis, following return to work, the requirement is to complete the equivalent of these periods on the new part-time basis.

School holidays and half terms can be included, together with any subsequent periods of sickness absence.

Failure to return for the necessary period will mean that the Trust has the discretion to clawback occupational maternity pay insofar as it exceeds the amount payable as SMP. Employees in this situation will not be required to refund any payments of SMP.

Please note that the same applies to employees in receipt of OAP.

### **Support Staff**

It is important to note that a condition of entitlement to OMP under the Green Book scheme is that the employee must return to work after the birth for a period of at least 3 months. If the employee does not, then the Trust is entitled to reclaim part of the maternity pay.

If the employee was working full-time prior to maternity leave, then the requirement is to complete the equivalent of 3 months' full-time service upon return to work.

If the employee was working part-time prior to maternity leave, then the requirement is to complete the equivalent of 3 months' service on that part-time basis. Where an employee moves to part-time work or part-time work on a different basis, following return to work, the requirement is to complete the equivalent of these periods on the new part-time basis.

School holidays and half terms can be included, together with any subsequent periods of sickness absence.

Failure to return for the necessary period will mean that the Trust has the discretion to clawback occupational maternity pay insofar as it exceeds the amount payable as SMP. Employees in this situation will not be required to refund any payments of SMP.

Please note that the same applies to employees in receipt of OAP.

### **Working During Maternity and Adoption Leave (“Keeping In Touch Days”)**

Employees can work for up to 10 days during maternity or adoption leave on a “keeping –in-touch” (KIT) day without bringing the maternity or adoption leave to an end or losing SMP or SAP. Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the work place. KIT days do not need to be worked as consecutive days and may be worked at any time during the maternity or adoption leave, except during the two weeks immediately after the birth of the child. In counting the number of KIT days worked, part of a day will count as a whole day.

KIT days are worked by mutual agreement between the Headteacher and the employee. Headteachers cannot insist that an employee works during maternity or adoption leave and whilst on maternity or adoption leave the employee cannot insist on being given any work to do. KIT days will be paid at a normal rate of pay for the hours worked minus any entitlement to statutory or occupational pay. The total duration of the maternity or adoption leave period remains at 52 weeks regardless of whether or not KIT days are worked.

### **Return to Work and Notification**

The employee may return to work at any time during OML or AML (or OAL or AAL for adoption leave), provided the appropriate notification has been given. Alternatively, the employee may take the full period of maternity or adoption leave entitlement of 52 weeks and return to work at the end of this period. If the employee wishes to return before the full period of maternity or adoption leave has elapsed, at least eight weeks' notice must be provided in writing to the Trust. Failure to return to work by the end of maternity or adoption leave will be treated as an unauthorised absence unless a current medical certificate is provided prior to the end of maternity or adoption leave. The normal sickness provisions will apply from the date the employee was due to return.

### **Return to Work on a Part Time or Job Share Basis**

Employees have the right to request to return to work on a part time or job share basis. If an employee does wish to discuss this possibility with the Headteacher, this should be done as soon as possible.

Please see the Trust’s Flexible Working Policy for details of how to make a formal request for flexible working, including the timescales involved.

### **Resignation**

An employee can resign in accordance with the terms of their contract of employment when maternity or adoption leave commences, after the baby is born, or any time before the end of the maternity or adoption leave period, without affecting entitlement to statutory pay. However, if the employee has been paid OMP or OAP this may have to be repaid, at the Trusts’ discretion, if the employee does not return to work for at least 13 weeks after maternity leave.

## **Antenatal Care**

Employees are entitled to receive paid time off for reasonable antenatal care during working time. Employees must request this leave as per any other leave request with the Headteacher or line manager.

## **Adoption Appointments**

Employees are entitled to receive paid time off work to attend up to 5 adoption appointments after being matched with a child. Employees must request this leave as per any other leave request with the Headteacher or line manager.

## **Death of a Baby and Stillbirth**

Allowance is made for occasions where a baby dies or is stillborn after 24 weeks' pregnancy and the maternity leave and pay scheme will apply. Where a miscarriage occurs before 24 weeks' of pregnancy sympathetic consideration will be given to granting special leave or sick leave where appropriate on the basis of the individual circumstances.

## **Sick Leave and Other Absences**

Employees are entitled to paid sick leave if they are ill before the start of maternity leave. However, if an employee is ill wholly or partly because of pregnancy after the beginning of the 4th week prior to the expected week of childbirth, maternity leave will commence automatically.

## **Pension**

### **Teachers**

Employees in the Teachers' Pension Scheme must pay pension contributions on any occupational and statutory maternity or adoption pay they are entitled to receive during paid maternity or adoption absence. Whilst on unpaid maternity or adoption leave, employees no longer have the option of paying pension contributions. Employees will remain a member of the Teachers' Pension Scheme (TPS) whilst on unpaid maternity or adoption leave but there is no provision for paying back missing contributions upon return to work. However, there are provisions for buying additional pension - for further details please contact the Teachers' Pensions Scheme directly.

### **Support Staff**

Employees in the local Government Pension Scheme must pay pension contributions on any occupational and statutory maternity or adoption pay they are entitled to receive during paid maternity or adoption absence. Whilst on unpaid maternity or adoption leave, employees no longer have the option of paying pension contributions. Employees will remain a member of the Pension Scheme whilst on unpaid maternity leave however there is provision for paying back missing contributions upon return to work.

## **Annual Leave**

### **Teachers**

The statutory annual leave entitlement is 28 days (pro rata for part-time employees). This should be taken either before or after the maternity leave period, during school closure periods. On return from maternity leave, the employee must take any outstanding leave during term time during that leave year if there are insufficient school closures to accommodate your leave in that leave year. Where the return from maternity leave is so close to the end of the leave year that there is not enough time to take the annual leave entitlement, the employee may carry

over any balance of leave to the following year. This leave must be taken during the remaining periods of school closure after the 28 days' annual leave for that leave year has been accommodated.

### **Support Staff**

The contractual annual leave entitlement is 30 days (pro rata for part-time employees). This should be taken either before or after the maternity leave period, during school closure periods. On return from maternity leave, the employee must take any outstanding leave during term time during that leave year if there are insufficient school closures to accommodate your leave in that leave year. Where the return from maternity leave is so close to the end of the leave year that there is not enough time to take the annual leave entitlement, the employee may carry over any balance of leave to the following year. This leave must be taken during the remaining periods of school closure after the 30 days' annual leave for that leave year has been accommodated

### **Paternity Leave and Pay**

#### **Eligibility**

An employee is entitled to ordinary paternity leave for the purpose of caring for the child or supporting the child's mother if they:

- have been continuously employed for 26 weeks or more by the end of the 15th week before the mother's EWC (or would have satisfied that condition but for the fact that the child was born before the end of that 15th week, was stillborn after 24 weeks of pregnancy or has died);
- are the child's biological father and has (or expects to have) responsibility for the child's upbringing, or is the mother's husband, civil partner or partner (but not the child's biological father) and has or expects to have the main responsibility (apart from any responsibility of the mother) for the child's upbringing; and
- have formally notified the Trust of the date on which they intend to take paternity leave and, where applicable, has produced evidence supporting the claim for paternity leave.

For these purposes, "partner" in relation to a child's mother, means a person (whether of the same or the opposite sex) who lives with the mother and the child in an enduring family relationship, but is not the mother's father, mother, grandfather, grandmother, sister, brother, aunt or uncle. Please note an employee is not entitled to take ordinary paternity leave in respect of a child if he or she has taken any shared parental leave in respect of the child. An employee may take just one period of ordinary paternity leave per pregnancy, regardless of the number of children born as a result of the pregnancy.

#### **Length and Timing of Ordinary Paternity Leave**

Ordinary paternity leave must be taken in a single block of one or two consecutive weeks' leave. Paternity leave can be taken between:

- the date of the baby's birth or any day of the week following the birth, and
- within 56 days of the baby's birth date.

#### **Notice of Intention to Take Ordinary Paternity Leave**

An eligible employee intending to exercise their right to ordinary paternity leave must inform the Trust of their intentions by the end of the 15th week before the mother's EWC. The employee must specify:

- the mother's EWC (or, if birth has already occurred, the date of the child's birth);
- whether they wish to take one or two weeks' leave;
- when they want the period of leave to start.

#### **Statutory Paternity Pay**

During paternity leave, most employees will be entitled to Statutory Paternity Pay (SPP). SPP will be paid for either one or two consecutive weeks as the employee has chosen. The rate of SPP will be the same as the standard rate of Statutory Maternity Pay. This is a flat-rate which is revised each year. If average weekly earnings

are lower than the set rate, SPP will be paid at 90% of average weekly earnings. Employees who have average weekly earnings below the Lower Earnings Limit for National Insurance purposes will not qualify for SPP.

### **Self-Certificate**

Employees are required to provide the Trust payroll department with a completed HMRC form - <https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-a-birth-parent-sc3>

### **Contractual Benefits During Paternity Leave**

Employees are entitled to the benefit of their normal terms and conditions of employment (other than wages or salary) throughout their paternity leave.

### **Return to work following Paternity Leave**

Employees will be entitled to return to the same job following paternity leave on the same terms and conditions of employment as if he/she had not been absent.

### **Protection from Detriment and Dismissal relating to Paternity Leave**

Employees will be protected from suffering unfair treatment or dismissal for taking, or seeking to take, paternity leave. Employees who believe they have been treated unfairly will be able to complain to an Employment Tribunal.

### **Time Off for Appointments**

Employees are entitled to accompany their partner (or the surrogate mother) to 2 antenatal appointments. Employees adopting a child, are entitled to attend 2 adoption appointments after being matched with a child

### **Shared Parental Leave**

Employees expecting a baby or adopting a child may be eligible for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP).

Eligible employees and their partners can share up to 50 weeks of leave and up to 37 weeks of pay between them. They must share the pay and leave in the first year after the child is born or placed with the family.

Employees can use SPL to take leave in up to 3 blocks separated by periods of work, or take it all in one go. Employees and their partners can also choose to be off work together or to stagger the leave and pay.

### **Eligibility for Birth Parents**

To be eligible for SPL and ShPP, both parents must:

- share responsibility for the child at birth
- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before EWC
- remain with the same employer while on SPL
- be 'employees' (not 'workers')
- each earn on average at least £116 a week
- If either parent is a 'worker', ShPP can be shared, but not SPL. If either parent earns less than £116 a week, SPL can be shared, but not ShPP.

If the mother's partner wants to take the SPL and ShPP, then the mother must:

- have been working for at least 26 weeks during the 66 weeks before the EWC
- have earned at least £390 in total across any 13 of the 66 weeks

And 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 EWC
- remain with the same employer while on SPL
- be an 'employee' (not a 'worker')
- earn on average at least £116 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 £116 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 during the 66 weeks before the EWC
- have earned at least £390 in total in 13 of the 66 weeks

And 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 EWC
- remain with the same employer while on SPL
- be an 'employee' (not a 'worker')
- earn on average at least £116 a week
- If the mother is a 'worker', she can get ShPP but not SPL. If the mother earns less than £116 a week, she can get SPL but not ShPP.

Employees are not eligible if they started sharing responsibility for the child after it was born.

### **Eligibility for Adoptive Parents**

To be eligible for SPL and ShPP, both adoptive parents must:

- share responsibility for the child
- have been employed continuously by the same employer for at least 26 weeks by the end of the week the child was matched
- remain with the same employer while on SPL
- be 'employees' (not 'workers')
- each earn on average at least £116 a week
- If either adoptive parent is a 'worker', ShPP can be shared, but not SPL. If either adoptive parent earns less than £116 a week, SPL can be shared but not ShPP.

If only one of the adoptive parents wants to take the SPL and ShPP, the adoptive parent who wishes to take the leave and pay must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the week the child was matched
- remain with the same employer while on SPL
- be an 'employee' (not a 'worker')
- earn on average at least £116 each a week

And the other adoptive parent must:

- have been working for at least 26 weeks during the 66 weeks before the week the child was placed

- have earned at least £390 in total in 13 of the 66 weeks
- If the adoptive parent who wishes to take the leave and pay is a 'worker', ShPP is available but not SPL. If the adoptive parent they earn less than £116 a week, SPL is available, but not ShPP.

### **Review of the policy**

The Langley Academy Trust will review the Maternity and Adoption Leave and Pay Policy every 3 years. The policy will also revise as required to introduce any changes in regulation and statutory guidance to ensure that it is always up to date.

**Appendix 1**  
**Summary of Teaching Staff Maternity and Adoption Pay Provisions**

<b>Cont. service with TLAT by end of 15th week before EWC (or match with Child for AL)</b>	<b>Cont. service with Local Authorities at start of 11th week before EWC (or match with Child for AL)</b>	<b>Entitlement to Maternity or Adoption Leave</b>	<b>Entitlement to Maternity or Adoption Pay</b>
Less than 26 weeks	At least 1 year	26 weeks OML 26 weeks AML Or 26 weeks OAL 26 weeks AAL	39 weeks occupational and statutory pay as follows: 4 weeks @ full pay inclusive of MA if eligible 2 weeks @ 90% of week's salary inclusive of MA if eligible 12 weeks @ half pay if intending to return to work, plus MA if eligible 21 weeks @ MA if eligible No entitlement to SMP or SAP
At Least 26 weeks	At least 1 year	26 weeks OML 26 weeks AML Or 26 weeks OAL 26 weeks AAL	39 weeks occupational and statutory pay as follows: 4 weeks @ full pay inclusive of SMP 2 weeks @ 90% of week's salary inclusive of SMP 21 weeks @ standard rate SMP 12 weeks @ half pay plus SMP if intending to return to work
Less than 26 weeks	Less than 1 year	26 weeks OML 26 weeks AML Or 26 weeks OAL 26 weeks AAL	No occupational pay No SMP MA if eligible
At Least 26 weeks	Less than 1 year	26 weeks OML 26 weeks AML Or 26 weeks OAL 26 weeks AAL	39 weeks statutory pay as follows: 6 weeks @ SMP equal to 90% of weekly salary 33 weeks @ standard rate SMP No entitlement to occupational pay

**Appendix 2**

**Summary of Support Staff Maternity and Adoption Pay Provisions**

<b>Cont. service with TLAT by end of 15th week before EWC (or match with Child for AL)</b>	<b>Cont. service with Local Authorities at start of 11th week before EWC (or match with Child for AL)</b>	<b>Entitlement to Maternity or Adoption Leave</b>	<b>Entitlement to Maternity or Adoption Pay</b>
Less than 26 weeks	At least 1 year	26 weeks OML 26 weeks AML Or 26 weeks OAL 26 weeks AAL	39 weeks occupational and statutory pay as follows: 6 weeks @ 90% of week's salary inclusive of MA if eligible 12 weeks half pay plus MA if eligible weeks @ MA if eligible No entitlement to SMP or SAP
At Least 26 weeks	At least 1 year	26 weeks OML 26 weeks AML Or 26 weeks OAL 26 weeks AAL	39 weeks occupational and statutory pay as follows: 6 weeks @ 90% of week's salary inclusive of SMP or SAP 12 weeks half pay plus SMP or SAP weeks @ standard rate SMP or SAP
Less than 26 weeks	Less than 1 year	26 weeks OML 26 weeks AML Or 26 weeks OAL 26 weeks AAL	No SMP or SAP No entitlement to occupational pay MA if eligible
At Least 26 weeks	Less than 1 year	26 weeks OML 26 weeks AML Or 26 weeks OAL 26 weeks AAL	39 weeks statutory pay as follows: 6 weeks @ SMP or SAP equal to 90% of weekly salary 33 weeks @ standard rate SMP or SAP No entitlement to occupational pay

**Review Date: March 2019**

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**Next Review Date: March 2020**