



DDAT Central Team Leave Policy

December 2023

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1. Purpose

This policy outlines the different leave schemes available for employees and entitlements for taking time off while working for Derby Diocesan Academy Trust.

It is not intended to be prescriptive, and the Executive Team should consider any leave request while also maintaining the business needs of the Trust.

2. Scope

This policy applies to all Central employees of Derby Diocesan Academy Trust. This policy does not form part of any employee's contract of employment and DDAT may amend it at any time following consultation with recognised trade unions or as directed by the Trust Board.

3. Context for policy development

All leave entitlements referred to within this document are pro rata for part time employees and those working irregular working patterns. All applications for leave or time off should be discussed initially with your Line Manager and COO / CFO / Deputy CEO and your time recorded on your timesheet.

4. Annual Leave

4.1 Requests for Annual Leave

All requests for leave must be approved in advance by the Deputy CEO / COO / CFO or CEO, giving as much notice as is reasonably possible. There is no specific notice period required to book annual leave, but it should be mutually agreed between you and your Line Manager who will ensure that staffing levels are sufficient and that there is no adverse effect on service delivery within the Trust. The request should be added to your annual leave sheet before being forwarded to your Line Manager.

4.2 Leave Period / Carry Over

The annual leave year runs from 1 January to 31 December. All annual leave must be taken within this period except where a carry-over is agreed in advance with the COO / CFO / Deputy CEO / CEO due to exceptional circumstances. With prior agreement from the CEO, you may carry over up to 5 days, pro rata for part time employees, to the next leave year.

You may take annual leave during suspension from work provided the leave is requested and authorised accordingly by the CEO.

4.3 Annual Leave and Sickness Absence

If you are unable to take annual leave, because of long term sickness absence, and remain absent at the end of the leave year, a carry-over of your leave will be discussed with the COO/CFO or Deputy CEO before final approval by the CEO.

When a phased return is recommended following a period of long-term absence, the days not worked will be continued sickness unless annual leave is specifically requested by the employee, and this is not contrary to any medical documentation / advice provided by a medical professional.

Your Line Manager should ensure that the HR Department are aware of any leave taken whilst you are absent through sickness to enable accurate record keeping on your personnel file and for payroll purposes.

If you become sick whilst on annual leave, you may request your absence is treated as sickness absence, but you must report it on the first day it occurs to you Line Manager in accordance with the DDAT Sickness Absence Procedure. If you fall sick before a period of annual leave the continuing sickness should be reported on the first day it coincides with the booked leave.

For further information, please contact HR@DDAT.org.uk.

4.4 Annual Leave Entitlement

| Grade | Annual Leave Entitlement |
|------------|--------------------------|
| All grades | 34 days per year |

Annual leave for part-time staff will be calculated on a pro rata basis.

4.5 New Employees

Entitlement to annual leave arises on the first day of your employment, there is no qualifying period and annual leave is proportionate to completed service during the year as detailed below.

| Number of Completed Calendar Months Worked | Leave Entitlement in Days – FTE. Will be pro-rata for part time employees |
|--|---|
| 12 | 34 |
| 1 | 3 |
| 2 | 6 |
| 3 | 8.5 |
| 4 | 11.5 |
| 5 | 14.5 |

| | |
|----|------|
| 6 | 17 |
| 7 | 20 |
| 8 | 23 |
| 9 | 25.5 |
| 10 | 28.5 |
| 11 | 31.5 |

4.6 Leavers

If you leave the Trust, you should ensure that you have taken any outstanding leave proportionate to the annual leave year as per the above table.

If you have taken annual leave in excess of your pro rata entitlement, you will have the appropriate amount deducted from your final salary payment.

If you have been unable to take your annual leave before leaving, due to business requirements or any other exceptional reason, the COO / CFO / Deputy CEO or CEO will need to approve payment of any outstanding annual leave to you via the HR Department.

4.7 Payment during Annual Leave

You will receive normal pay during periods of annual leave.

Normal pay includes all earnings that would be paid to you during a period of normal working.

4.8 Bank Holidays

You are entitled to 8 bank holidays per year which are:

- New Year's Day
- Good Friday
- Easter Monday
- May Day
- Spring Bank Holiday Monday
- Late Summer Bank Holiday Monday
- Christmas Day
- Boxing Day

Additional Bank Holidays may be granted in line with Government guidance. Part-time workers are entitled to a pro rata bank holiday entitlement. Most bank holidays are on a Monday meaning that those employees who do not work on a Monday will accrue bank holiday entitlement to be taken at a later date.

Conversely, those employees who always work Mondays are likely to build up negative bank holiday entitlement balance and may have to work additional hours in recompense alternatively, annual leave or accrued TOIL can be used to offset the balance.

Guidance on calculation of bank holiday entitlement and how you should record your time / absence if you work part-time is available from the HR Department.

5. TOIL (Time Off in Lieu)

As a Trust, we operate a TOIL scheme for Central Team employees and encourage all employees to take part as far as they are able. However, the needs of the Trust come first at all times. The main limitation of the scheme is that it should not impact on the needs of the Trust and that when you take time off there is adequate cover for your absence. Please use the TOIL timesheet to record hours worked.

5.1 Standard working week and settlement period

The standard contracted week for all full-time employees is 40 hours. The settlement period is four working weeks (160 hours). You must work the required number of hours in each settlement period subject to the debit and credit rules below. Any new starters will be allocated the same four-week settlement period. Leavers should ensure that all accrued hours are taken prior to leaving.

Debit

A maximum of four debit hours may be carried forward from one settlement period to the next and hours worked back to compensate for these during the next four-week settlement period.

Credit

Any hours worked over and above your contracted hours will be classed as a credit in a four-week settlement period. Up to 16 hours as a credit may be carried forward from one settlement period to the next. These hours may be used, subject to Line Management approval, to take TOIL of up to the equivalent of a maximum of 16 hours, either full or part days and/or to supplement hours in the next settlement period. TOIL is based on credit hours carried forward from the previous settlement period and is based on an hour for hour basis. You cannot anticipate credit hours in the current settlement period in order to take TOIL in advance. You cannot carry more than 16 hours over to the next settlement period. Any additional hours over 16 at the end of a settlement period will be lost unless agreed in advance by the CEO.

5.2 Recording and monitoring hours worked

As a DDAT employee, you are responsible for recording your starting and finishing times (including breaks) on a daily basis. This should be recorded using the excel timesheet and kept up to date. You should abide by the following:

- Actual start and finish times should be recorded, meaning that the total hours shown for the day are those actually worked.
- Where TOIL is taken, hours should not be recorded on your timesheet.
- Line Managers have a responsibility for ensuring that time recording is accurately completed. All employees are expected to co-operate with and requests for information.
- Timesheets should be shared with your Line Manager at the end of each settlement period for authorization.

Please remember that all Central Team employees are paid for a one-hour lunch break. Therefore, hours should not be accrued if only 30 minutes break is taken.

6. Unpaid Leave

The Unpaid Leave Scheme provides an opportunity for you to have an extended period away from work. In exceptional circumstances you can apply for unpaid leave for additional time off when annual leave has been exhausted.

If you wish to apply for unpaid leave, please discuss your request with your Line Manager who will liaise with the COO / CFO / or Deputy CEO for final approval by the CEO. If agreed, please record the unpaid leave on your timesheet as appropriate.

Please complete the Unpaid Leave Application Form and send to HR@DDAT.org.uk. Applications for unpaid leave should be made at least 1 month before the proposed start date.

The CEO retains discretion over the granting of unpaid leave, however, it will normally be taken for such activities as:

- Caring responsibilities;
- Extended foreign travel;
- Personal development – education or training;
- Voluntary / community work.

Unpaid leave will NOT be granted for you:

- To take up other paid employment

- Where a temporary or permanent reduction in contractual hours would be more appropriate
- Where other time off provisions apply e.g. time off to undertake public duties

Line Managers should consider the following before discussing the unpaid leave with the COO / CFO / Deputy CEO so that an informed decision can be made by the CEO:

- The possible effects on service delivery and team workloads
- Any anticipated difficulties in the cost-effective temporary replacement for the period of unpaid leave.

6.1 During Period of Unpaid Leave

The maximum duration of unpaid leave will be 12 months. Depending on individual circumstances, you will be invited to attend regular 'keeping in touch' meetings and should plan regular contact with your Line Manager.

6.2 Following Period of Unpaid Leave

When you return to work, your Line Manager will ensure you are suitably inducted back into the workplace and developments and changes that have occurred during the period of absence will be discussed with you where appropriate.

6.3 Considerations

Continuity of Local Government Service

Periods of agreed unpaid time off will be counted as continuous service with the Trust.

6.4 Statutory Sick Pay

Your entitlement to statutory sick pay is dependent on the following:

- You must have received average weekly earnings above the current National Insurance lower earnings limit for the 8 weeks immediately before taking a period of sick leave.
- The National Insurance minimum earnings limit is revised in April each year. Current rates are available from HR@DDAT.org.uk.

Occupational sick pay is not payable in a period of unpaid leave.

6.5 Statutory Maternity Pay / Statutory Shared Parental Pay

For the same reason given for statutory sick pay above, your entitlement to the receipt of Statutory Maternity Pay or Statutory Shared Parental Pay could be affected if a period of unpaid leave is taken in the 8 weeks immediately before the qualifying week. (The qualifying week is the 15th week before the expected date of childbirth).

6.6 National Insurance Related Benefits

A period of unpaid leave could lead to a loss of benefits. You are advised to contact your local benefits office for further advice, prior to making a request for unpaid time off.

6.7 Annual Leave Entitlement

For periods of unpaid time-off of less than one month in total, your annual leave entitlement will not be affected. Where unpaid time-off extends beyond one month in total, your annual leave entitlement will be proportionately reduced i.e. for each complete month taken, your leave will be reduced by one twelfth.

6.8 Calculation of Deductions

The basis for calculating deductions is hours lost per week/month x hourly rate.

6.9 Entitlement to Statutory Holidays

Where periods of your unpaid leave exceed one month, there will be no entitlement to statutory holidays should they occur during a period of unpaid time off.

6.10 Qualification Training

Where the Trust has supported you to undertake post entry training, a requirement exists to remain with the Trust for a period of 3 years, following qualification.

If you take an extensive period of unpaid leave, the 3-year period will be proportionately extended to take this into account.

6.11 Pension Contributions during Leave

Local Government Pension Scheme

If you are:

- Moving to reduced contractual pay or nil pay as a result of sickness / injury absence
- Moving to reduced contractual pay as a result of

- ordinary maternity or adoption leave
- paid additional maternity, adoption or shared parental leave

You will only pay pension contributions on any pensionable pay received in the period of absence, however, the amount of pension you build up is worked out using an average of your usual pensionable pay before the reduction took place. This means that when the pay you receive is less than your normal pay, the pension you build up won't be affected.

- Moving to a period of nil pay as a result of:
 - unpaid additional maternity, adoption (usually weeks 39 to 52) or shared parental leave
 - unpaid parental leave
 - authorised unpaid leave

7. Medical Appointments

Paid time off will be granted to attend:

- Hospital appointments which cannot be arranged in the employee's own time (this includes appointments in relation to gender reassignment)
- Appointments for health screening* and donor activities up to a maximum of 5 days in any 12-month period
- Occupational health appointments
- Ante-natal appointments
- Assessment, treatment, rehabilitation or training for disabled employees covered by the Equality Act 2010 for the condition covered by the Act
- GP appointments where every attempt has been made to attend outside of the employee's normal working hours.

There are separate time recording options for hospital appointments, disability leave and other medical appointments.

Where a medical procedure has caused you to feel ill, e.g. chemotherapy, time off would be classed as sick leave.

The total hours for the day, whether all classed as 'Hospital Appointment', 'Medical Appointment' or a combination of this absence and working time, should not be for longer than the time the employee is planned to work up to a maximum of hours on their normal working pattern.

*Health screening: cervical screening, breast screening, well man/woman screening.

8. Special Leave

You may apply for a maximum of 5 days paid leave and 5 days unpaid leave (pro rata for part time employees) in any 12-month period as special leave, for example:

- urgent domestic such as fire, flood or burglary
- dependent leave to care for a dependent where no other immediate care is available
- Graduation ceremony following a Trust sponsored degree / degree relevant to your job role, or to attend the Graduation Ceremony of your son/daughter;
- Sporting / cultural events, for example national representation;

In exceptional circumstances additional special leave can be granted for personal emergencies.

The above examples are not exhaustive and final approval will be granted by the CEO.

The total hours recorded for the day, whether all classed as 'Special Leave' or a combination of 'Special Leave' and working time, should not be for longer than the time the employee is planned to work.

If you wish to apply for special leave, please discuss your request with your Line Manager for approval by the COO / CFO / Deputy CEO and complete the Special Leave Application Form before recording your time on your timesheet as appropriate.

9. Parental Leave

Eligible employees can take unpaid parental leave to look after their child's welfare. To qualify you must:

- Have one year's continuous service and;
- Be a named parent on the child's birth certificate or adoption certificate or expect to have parental responsibility for a child under 18 years old and;
- The purpose of requesting the leave is to care for a child.

9.1 Parental Leave Entitlement

Is 18 weeks unpaid leave (pro rata if part time), to be taken before child's 18th birthday. This also applies to adopted children. The maximum leave you can take in

one year is four weeks, although a longer period may be agreed in exceptional circumstances. The leave does not have to be taken in one period.

Parental leave should be taken in blocks of a week or multiples of a week. It can only be taken in single days if you have specific approval from your Line Manager or if your child is disabled. Time taken as parental leave will be treated as continuous service therefore, annual leave and all other contractual terms and benefits will accrue during this period.

The Trust may postpone parental leave for up to 3 months for operational purposes and will provide the reasons for the postponement in writing together with the agreed revised commencement and end dates. It cannot be postponed if it immediately follows the birth or adoption or if postponement means the employee would no longer qualify for the leave.

You have the right to return to your existing post.

If you fall ill during a period of parental leave and you give the Trust relevant notification and documentation you will be entitled to pay under the sickness scheme (where applicable) and this period will not count towards your parental leave entitlement.

9.2 Applying for Parental Leave

Requests should be discussed with your Line Manager providing at least 21 days' notice of any proposed days of absence, with a copy of the relevant documentation (either the birth certificate or adoption certificate). You will need to request your time off through your Line Manager as appropriate and complete the Parental Leave Application Form submitting the completed form and relevant documentation to HR@DDAT.org.uk. You will need to record your time off as appropriate to your working arrangements on your timesheet.

See the government website GOV.UK for more detail and to check your eligibility for Parental Leave.

10.0 Discretionary Bereavement Leave and Serious Illness Leave

10.1 The table below outlines examples of bereavement leave that are discretionary and will be considered on a case-by-case basis with approval from the COO / CFO / Deputy CEO or CEO. Should employees experience more than one such situation, the potential durations of leave to be granted exemplified below are not cumulative but are per event:

| Reason for absence | Period of absence | Paid/unpaid |
|---|--|--------------------|
| Bereavement/Serious illness | | |
| Death of immediate family i.e. mother, father, husband, wife, partner, civil partner, son, daughter, brother, sister, grandparent, or grandchild. | Up to 5 days (including the day of the funeral) As a principle: Up to 2 days including the day of the funeral (½ or 1 day where only attendance at a funeral is required) 3 days for funeral arrangements and attendance at the funeral 5 days for funeral arrangements, attendance at the funeral and dealing with affairs of deceased. | Paid |
| Death of an aunt, uncle, nephew, niece, cousin, mother-in-law, father-in-law, sister-in-law, brother-in-law, spouse/partner's close relative. | Up to 2 days including the day of the funeral (½ or 1 day where only attendance at a local funeral is required) | Paid |
| Appointment as Executor of the will/arrangements of non-immediate family. Immediate family entitlement is included as above. | 5 days maximum (not in addition to the above) | Paid |
| Serious illness of near relative * | Up to 5 days | Paid |

* 'Serious illness of near relative' – examples could be life threatening, life changing, terminal illness, or serious accident. This list is neither prescriptive nor comprehensive. As above, a sympathetic consideration of requests for these types of leave of absence should be taken. Circumstances should be considered on their own contributory factors and in the context of maintaining effective and efficient smooth running of the Trust.

Where the leave of absence is granted in relation to activities beyond attendance at the funeral, the days authorised may not necessarily be continuous.

For over 18 and for under 18 see clause 11.

Line managers should sensitively establish the nature of the relationship to fully understand the requirements necessary for the amount of time off. For example, an Aunt/Uncle may have brought the employee up as opposed to the employees' biological parents, therefore the Line Manager, with the advice from HR / COO may use their discretion to grant the allowance for the death of an immediate family member (up to 5 days) or the serious illness of a near relative.

10.2 Request for Discretionary Bereavement and Serious Illness Leave

All requests should be put in writing to the employees' Line Manager, detailing the nature of the request and the dates required. The Line Manager should consult with the HR department for advice before granting any discretionary leave, where discretion in the application of this guidance is required to ensure consistency is maintained.

Where the Line Manager does not authorise the request, they should provide reasons confirming their decision. If the employee wishes to challenge the decision, they should do so in writing to the HR department at HR@DDAT.org.uk stating their reasons why they believe their request should have been granted. This will be reviewed by a member of the Central Executive Team and a response communicated in writing. There will be no further right of appeal.

11. Statutory Parental Bereavement Leave Entitlement

The table below outlines the statutory parental leave entitlement:

| Reason for absence | Period of Absence | Paid/Unpaid |
|--|-------------------|-------------|
| Parental bereavement leave for a child under 18 years or still birth baby at 24 weeks or later | 2 weeks | Paid |

Statutory Parental Bereavement Leave can be taken in the 56 weeks following their child's death.

If more than 1 child dies, the employee is entitled to 2 weeks' Statutory Parental Bereavement Leave for each child.

An employee can choose to take either 1- or 2-weeks' leave. If an employee takes 2 weeks, this can be taken as one block, or as 2 separate weeks. For example, they could take 1 week immediately after the death, and take the second week

later.

The leave must end within 56 weeks of the child's death. The date of the child's death is the first day of the 56 weeks.

This is a day one right and will apply to the:

- biological parent
- adoptive parent, if the child was living with them at the time of their death
- person who lived with the child and had responsibility for them, for at least 4 weeks before they died
- 'intended parent' – due to become the legal parent through surrogacy
- partner of the child's parent if they live with the child and the child's parent in an enduring family relationship

11.1 Giving notice to take Statutory Parental Bereavement Leave

An employee must tell their employer (give 'notice') to use Statutory Parental Bereavement Leave. This notice is preferred in writing as a record must be kept and reported accordingly.

To give notice, the employee must tell their employer:

- when they want their leave to start
- whether they want to take 1 or 2 weeks leave
- the date their child died

The rules for giving notice depend on how long it's been since their child died.

11.2 Taking leave in the first 8 weeks:

If it's within 8 weeks (56 days) of their child dying, an employee can start their leave as soon as they give notice. They:

- must tell their employer before they start their leave. This can be on the first day of leave as long it's before they're due to start work. For example, if they've started work and give notice to start their leave straight away, Statutory Parental Bereavement Leave must start the following day.
- can also cancel the leave, provided they tell their employer before their leave starts. This can be on the day their leave is due to start, as long it's before they're usually due to start work. Any cancelled leave can be taken later by giving notice again.

11.3 Taking leave after the first 8 weeks:

If leave will be taken more than 8 weeks (56 days) since their child died, the employee must give their employer 1 weeks' notice:

- to take the leave
- if they want to cancel the leave

Any cancelled leave can be taken later within the 56 weeks following their child's death by giving notice again.

12. Claiming Enhanced/Statutory Parental Bereavement Pay

12.1 Employees must ask their employer in writing (give 'notice') to receive Statutory Parental Bereavement Pay. They must confirm:

- their name
- their entitlement to Statutory Parental Bereavement Pay
- the start and end dates of the leave they want to claim the pay for
- the date of their child's death
- their relationship with the child

12.2 Notice must be given within 28 days of intending to start the leave. If someone takes the 2 weeks off separately, they must give notice in writing for each week.

12.3 For ease, employees can give notice for their leave and pay in one document.

12.4 Parental Bereavement Pay is payable for a maximum of two weeks, at full basic pay, regardless of service and earnings.

13. Record Keeping for Enhanced/Statutory Parental Bereavement Pay

Line managers should report all approved bereavement or serious illness leave to the HR Manager for processing through payroll and to be recorded in the individual's electronic folder.

14. Study Leave

For approved courses of study, in accordance with the Trust's guidelines, you are entitled to the following (up to a maximum of 3 days):

- If you are not on day release you will receive 1 days paid leave for final revision for each ½ day of examination
- If you are on day release you will receive ½ day paid leave for each ½ day of examination

15. Interview Leave

You are entitled to time off with pay for attending interviews and for any other associated appointments e.g. visit in advance must be offset with TOIL. This must be with prior approval from the COO / CFO / Deputy CEO or CEO. Evidence may be requested.

16. Disability Leave

If you are covered by the Equality Act 2010, you can take disability leave if it is specifically for appointments for assessment, treatment, rehabilitation or training for a condition covered by the Act.

17. Jury Service

If you are called for jury service, you are paid your normal rate of pay from the Trust and should provide evidence to HR@DDAT.org.uk so that the fee from the Court is deducted. The fee is a standard rate and, depending on grade, can be less than your actual pay. This also applies if you are a witness or subpoenaed. Your leave for this reason will be coded as jury service.

18. Time Off for Public Duties

Public Duties

You may apply to the CEO in advance of signing up for public duties. If authorized, the maximum paid leave is 18 days/36 half days per year if you are undertaking public duties for the following:

- Magistrates/Justices of the Peace
- Statutory tribunal
- Education body – Chair of school/ Trust /college governors (other governors see below)
- Probation Boards
- Member of Court Boards
- Health Authority
- Environment Agency
- Youth Offending Panels

Education Body / School / Trust / College Governors

You may apply for a maximum of 7 days paid leave and 7 days unpaid leave in a leave year to undertake school / Trust / College governor duties. This forms part of the 18 days referred to above if you have more than one role attracting time off for public duties.

The total hours recorded for the day whether classed as 'leave for school governors' or a combination of 'leave for school governors' and working time should not be for longer than the time the employee is planning to work depending on their normal working pattern.

Before committing to public duties, you must seek the approval of your Line Manager. When doing so you should give a clear indication of what level of commitment is likely to be required.

Further reasonable unpaid time off for public duties may be granted at the discretion of the CEO.

All time off for public duties is pro rata for part time employees.

19. Maternity Leave

Regarding pregnancy and maternity leave, the following definitions are used:

- 'Expected week of childbirth' (EWC) means the week, starting on a Sunday, during which you are expected to give birth;
- 'Qualifying Week' (QW) means the 15th week before the expected week of childbirth.

19.1 Ante-natal Care

Once you have advised your Line Manager that you are pregnant, you are eligible to paid time off to attend antenatal appointments, as advised by your doctor, registered midwife or health visitor. Your Line Manager can request to see your appointment card after the first visit.

You continue to accrue annual leave and bank holidays whilst on maternity leave, and these may be taken before your maternity leave commences if you choose or carried over to the next leave year.

Term time only workers also continue to accrue annual leave and bank holidays whilst on maternity leave, and the HR Department will calculate and advise you of your entitlement at the end of your maternity leave.

You should discuss with your Line Manager when and how you will take your annual leave entitlement.

During maternity leave, all your terms and conditions (except normal pay will continue).

19.2 Maternity Leave Entitlement

Pregnant employees are entitled to 52 weeks maternity leave comprising:

- 26 weeks ordinary maternity leave; followed by
- 26 weeks additional maternity leave.

There is no requirement for a period of qualifying service.

The earliest you can commence maternity leave is the beginning of the 11th week before your baby is due.

Maternity leave will commence automatically 4 weeks before your baby is due if you are off work due to a pregnancy related illness.

If your baby is born earlier than expected, your maternity leave will commence automatically on the day following the birth.

You do not have to take the whole 52 weeks, but you must take a minimum of 2 weeks leave immediately after your baby is born.

19.3 Eligibility

To be eligible for maternity leave, you must provide notice by the qualifying week:

- That you are pregnant;
- Of the expected week of childbirth; and
- The date you intend to commence your maternity leave.

Ideally, you should inform your Line Manager as soon as possible that you are pregnant to enable them to carry out a risk assessment for you. He/she may request help to do this from either Occupational Health or the External Health and Safety Provider

The pregnant worker risk assessment form is available from HR@DDAT.org.uk.

Your Line Manager will also notify HR@DDAT.org.uk of your intention to take maternity leave once you provide your maternity leave notice in writing. You will need to forward the original MATB1 form to HR@DDAT.org.uk once this is issued to you, which will be approximately 20 weeks before your EWC.

Once the HR Department have been notified of your intention to take maternity leave, they will respond within 28 days, confirming the date on which you are due to return if you take your full 52-week entitlement to maternity leave.

You can change your return-to-work date but must provide 8 weeks' notice.

19.4 Sickness and maternity leave

In the unfortunate event of a still birth, you are entitled to the full provisions of the maternity leave scheme if this occurs after 24 weeks of pregnancy. If earlier than this, then the CEO may grant time off under the provision of the Trust's Special Leave Scheme.

19.5 Maternity Pay

Is paid up to a maximum of 39 weeks, dependent upon eligibility for Statutory Maternity Pay (SMP) and Occupational Maternity Pay (OMP). This comprises:

- 6 weeks at 90% of earnings made up of both OMP and SMP;
- 12 weeks at half pay OMP plus SMP (provided this does not exceed normal full pay);
- 21 weeks of SMP.

Your eligibility for 12 weeks OMP at half pay is dependent on being employed in local government service for 52 weeks by the 11th week before the expected week of childbirth (i.e. at week 29 of your pregnancy you have been employed for 1 year or more.

The 12 weeks half pay OMP is paid if you are returning to work for at least 3 months and can be spread over a longer period if requested. If you are unsure whether you intend to return to work you can opt to have the half pay frozen and paid to you at a later date.

Your eligibility for SMP is dependent upon being employed continuously for at least 26 weeks by the 15th week before the expected week of childbirth (week 25 and you must earn, on average at least equal to the lower earnings limit for National Insurance purposes 8 weeks prior to this date (between weeks 17 to 25).

You can check your eligibility and find our current statutory rates on the government website [GOV.UK](https://www.gov.uk).

19.6 Non-Qualification for SMP

If you do not qualify for SMP you may be eligible to claim a maternity allowance through Jobcentre Plus for 39 weeks. An SMP1 form will be sent to you confirming the reason why SMP is not payable. The 12 weeks half pay OMP (weeks 7 to 18) will be paid in addition to any maternity allowance paid provided it does not exceed full pay. OMP will be reduced by the maternity allowance for the first 6 weeks.

19.7 Tax free childcare scheme

You may be eligible to participate in the government's tax-free childcare scheme. For more information check the government website GOV.UK.

19.8 Applying for Maternity Leave

Following receipt of our notification letter, you will receive a written acknowledgement from HR Services within 28 weeks, informing you when you are due back at work. You must return the slip from this letter to HR Services to confirm maternity pay arrangements during your maternity leave.

Contact during maternity leave / Keeping in Touch days (KIT Days). By mutual agreement you can work up to 10 days during your maternity leave although you are not obliged to do so.

You will receive payment for the number of hours worked without it affecting your SMP or maternity leave entitlement.

You will remain on maternity leave during this period.

The additional hours worked can be claimed through Workplace, or your usual time recording process, and will be paid at your existing rate of pay. You will only be paid for the time worked i.e. if you attend work for 1 hour this will count as 1 KIT day. You must not work in excess of your standard day.

19.9 Returning to work after maternity leave

You can return to work at any time during your maternity leave, provided you give the appropriate notification, which is 8 weeks' notice of the date you intend to return. Alternatively, you can take the full period of maternity leave entitlement and return to work at the end of this period.

You have the right to return to your existing post after taking ordinary maternity leave (up to 26 weeks).

If you also take additional maternity leave you have the right to return to your original job unless this is not reasonably practicable. In that case, you will be offered suitable alternative employment on terms no less favourable than your original post.

You have the right to request flexible working. Information on flexible working is available on Our Derbyshire/Flexible Working Policy

If you are still breastfeeding when you return to work, you will need to notify your manager who will carry out a risk assessment and discuss appropriate arrangements with you.

If you decide during your maternity leave that you do not want to return to work, you should provide written notice of resignation as soon as possible, and in accordance with the terms of your contract of employment.

Appendix 1

Letter for Employee taking Maternity Leave

You may use this as a letter to advise the HR Department that you are pregnant.

Notification must be at least 15 weeks before your expected week of childbirth (week 25). You should keep a copy of this letter and send a copy to your Line Manager and HR@DDAT.org.uk.

Dear <>

Name:

Employee Number:

Function:

I am writing to notify you that I am expecting a baby, and the baby is due on <>.

At present I intend to take maternity leave from < > and I expect/do not expect* to return to work after the baby is born. Please send me any relevant information.

I will keep you updated if my circumstances change.

Yours sincerely,

*delete as appropriate

Send completed letter to HR@DDAT.org.uk

20. Paternity Leave

Paternity leave and pay is available for employees whose partner is having a baby, adopting a child, or having a child through a surrogacy arrangement.

20.1 Eligibility for Ordinary Paternity Leave (OPL)

To qualify for paternity leave, the employee must:

- Have or expect to have responsibility for the child's upbringing; and
- Be the biological father of the child OR the mother's husband / partner
- Have worked for us continuously for 26 weeks ending with the 15th week before the baby is due, or the end of the week in which the child's adopted is notified of being matched with a child, or the date the child enters Great Britain (overseas adoptions).

20.2 Ordinary Paternity Leave

You are entitled to:

5 half days with pay to accompany your partner to antenatal appointments (e.g. Relaxation classes, exercise and parent craft classes, medical appointments). These examples are not exhaustive.

10 days leave with contractual pay (pro rata for part time employees). This is regardless of the number of children born as the result of the same pregnancy.

All days must be taken within 8 weeks of the date of birth (or if the baby is born early within the period from the actual date of birth up to 8 weeks after the first day of the expected week of birth) or within the placement date for adoptive parents.

You do not have to give a precise date when you want to take leave. Instead, you can give the general time (e.g. from the day after the birth or from one week after the birth).

You have the right to return to your existing post.

You can take your paternity leave in blocks of one week or as individual days spread throughout the 8-week period. Taking your leave in blocks of one week enables the Trust to reclaim some of the costs. If you take your leave in this way you should therefore record it as 'Paternity Leave – Full Week'.

If you prefer to take your paternity leave as individual days, you should record it as 'Paternity Leave – In Days'.

20.3 Applying for Paternity Leave

You should notify your Line Manager and HR@DDAT.org.uk of the proposed dates of absence in writing prior to the 15th week (week 25) before the expected week of childbirth or as soon as is reasonably practicable.

You do not have to provide evidence of pregnancy or birth but must provide notice in writing. You can use form SC3 on the www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-a-birth-parent-sc3 website, and forward it to HR@DDAT.org.uk to help you with this.

In the case of adoptive parents, a copy of the matching certificate should be provided to qualify for paternity pay. You must also provide notice in writing, and you can use form SC4 or SC5 on the Gov.uk website, and forward it to HR@DDAT.org.uk to help you with this.

If you change your mind about the date on which you want your leave to start you should inform your Line Manager at least 6 weeks in advance (unless it is not reasonably practicable to do so).

20.4 Statutory Paternity Pay

To qualify for Statutory Paternity Pay you must meet the eligibility conditions for OPL as stated above. In addition, you must have average weekly earnings of at least the lower earnings limit for NI purposes over the 8-week period ending with the 15th week before the EWC (or matching date in the case of adoption).

See the government website GOV.UK for more details on paternity leave and pay.

21. Shared Parental Leave

Overview

An entitlement to Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) is available and replaces Additional Paternity Leave and Pay which was previously available to fathers.

SPL enables mothers to end their maternity leave and pay early and to share the untaken balance of leave and pay as SPL with their partner. SPL is designed to allow couples greater freedom to decide how to take their leave and is also available to adoptive parents. Your partner does not have to be employed by the Trust to partake in this scheme.

SPL must be taken in blocks of at least one week. Individuals can request to take SPL in one continuous block (in which case an employer is required to accept your

request provided that you meet the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case you will need your employers agreement).

Each parent can make up to three separate requests.

You can choose how much SPL each of you will take, and you can take it at the same time or separately.

SPL and ShPP pay must be taken between the baby's birth and first birthday (or within 1 year of adoption).

21.1 Eligibility and Entitlement

To be able to take SPL, both you and your partner must have at least 26 weeks' continuous employment with your employer by the 15th week before the expected week of childbirth and remain in employment with that employer until the week before any period of shared parental leave you are planning.

You must supply notices to the Trust and your partner must supply notices to their employer. These are made up of three elements:

- A 'leave curtailment notice' from the mother setting out when she proposes to end her maternity leave;
- A 'notice of entitlement and intention' from the mother or partner giving an initial
- (non-binding) indication of each period of SPL that he/she is requesting;
- A 'period of leave notice' setting out the start and end dates of each period of SPL being requested.

21.2 Statutory Shared Parental Pay

You can get ShPP if one of the following applies:

- You qualify for Statutory Maternity Pay or Statutory Adoption Pay
- You qualify for Statutory Paternity Pay and have a partner who qualifies for
- Statutory Maternity Pay or Maternity Allowance or Statutory Adoption Pay

If you think you may be interested in Shared Parental Leave, you should discuss this in the first instance with your Line Manager.

For more details about SPL and ShPP please see the guidance on the Government website GOV.UK. This provides details of the notices you are required to provide as well as templates of letters you can use to apply. You can check whether you and your partner are eligible for SPL and ShPP. Alternatively, you can contact HR@DDAT.org.uk, who will be able to provide further advice.