



HCAT Maternity and Adoption Support Leave Policy

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HCAT Maternity and Adoption Support Leave Policy

1. Introduction

- 1.1 This document summarises the rights and obligations of all employees under National and Local Conditions of Service for Maternity and Adoption Support Leave.
- 1.2 Throughout this policy reference to (Executive) Principals/Headteachers/Heads of School/Line Managers will read Headteacher/Manager.
- 1.3 This policy is to allow employees to offer support or care to the expectant mother/expectant adopter at or around the time of the birth/placement.

2. Scope

- 2.1 This policy applies to all employees of HCAT (the Trust) including those employed by Academies within the Trust.

3. Qualifying Conditions

- 3.1 Maternity/Adoption Support Leave which are additional to normal and special leave entitlements can be granted in the following circumstances:-
 - The employee must have 26 weeks continuous service by the end of the 15th week before the Expected Week of Confinement (EWC); or the end of the week in which the child's adopter is notified of being matched with the child; or when adopting from overseas the date the child enters Great Britain.
 - The employee must be the biological or adoptive father of the child or the spouse or partner of the child's biological or adoptive parent.
 - The employee is living with the mother in an enduring family relationship but is not an immediate relative.
 - The employee has or expects to have responsibility for the child's upbringing.
 - The employee is the child's nominated Carer (this criterion only applies to applications for Maternity Adoption Support Leave).
 - The child's mother is entitled to statutory maternity leave, maternity pay or allowance; or statutory adoption leave or pay.
- 3.1 The employee must be prepared to show appropriate evidence on the request of their Manager/Headteacher.
- 3.2 To qualify as a Nominated Carer, you must be a relative or have a caring relationship with the mother and/or child. You will be expected to be the primary provider of assistance in the case of the child and in the provision of support to the mother.
- 3.3 The employee qualifying for Maternity/Adoption Support leave will be entitled to retain the benefit of their terms and conditions of employment with the exception of contractual remuneration, and to return to their post.

- 3.4 Should the employee have less than the 26-week continuous service by the end of the 15th week before the EWC, and does not qualify for Maternity/Adoption Support, they would need to discuss taking annual leave or unpaid Special leave with their Manager/Headteacher.
- 3.5 The Trust also has a Parental Leave and a Shared Parental Leave Policy.

4. Amount of Leave

- 4.1 For babies born on or before 06.04.24 - The employee can choose to take a minimum of 1 week's leave or a maximum of 2 weeks' leave. If 2 weeks are chosen, the weeks cannot be split and leave (1 week or 2 weeks) must be taken in one go. NB a week of leave is the amount of days an employee would normally work in a week.
- 4.2 Maternity Support leave cannot commence prior to the date of the child's birth or placement for adoption. The leave may start:
- from the date of the child's birth or placement for adoption, whenever that actually occurs;
 - or
 - a number of days after the actual birth or placement for adoption.
- 4.3 Maternity Support Leave must end within 56 days of the actual birth (or due date, if the baby is premature).
- 4.4 The employee is only entitled to one period of Maternity/ Adoption Support leave, even if there are multiple births.
- 4.5 Should the expectant mother lose the baby beyond 24 weeks, the employee will qualify for Maternity Support Leave.
- 4.6 The employee does not have to give a precise date when they want to take Maternity Support Leave and can instead give a general time, such as the day of the birth or one week after the birth.
- 4.7 An employee should give 28 days' notice if they want to change the original start date. NB where the employee wishes to take their support leave immediately on the birth of the baby, the start date of leave may be different to that requested.
- 4.8 For babies born after 06.04.24 - The employee can choose to take a minimum of 1 week's leave or a maximum of 2 weeks' leave. If 2 weeks are chosen, the weeks can be taken together or split. NB a week of leave is the amount of days an employee would normally work in a week.
- 4.9 Maternity Support leave cannot commence prior to the date of the child's birth or placement for adoption. The leave may start:
- from the date of the child's birth or placement for adoption, whenever that actually occurs;
 - or
 - a number of days after the actual birth or placement for adoption.
- 4.10 Maternity Support Leave must end within 52 weeks of the actual birth (or due date, if the baby is premature).
- 4.11 The employee is only entitled to one period of Maternity/ Adoption Support leave, even if there are multiple births.
- 4.12 Should the expectant mother lose the baby beyond 24 weeks, the employee will qualify for Maternity Support Leave.

- 4.13 The employee does not have to give a precise date when they want to take Maternity Support Leave and can instead give a general time, such as the day of the birth or one week after the birth.
- 4.14 An employee should give 28 days' notice if they want to change the original start date. NB where the employee wishes to take their support leave immediately on the birth of the baby, the start date of leave may be different to that requested.

5. Notification

5.1 Maternity Support Leave

In respect of a birth, notice must be given in or before the notification week – the 15th week before the mother's EWC (or if this is not practicable, as soon as possible thereafter) and at least 28 days before the leave commences. Employees must provide a copy of the MATB1 form, which the expectant mother will be able to supply confirming their pregnancy.

5.2 Adoption Support Leave

For Adoption Support Leave, notice must be given no more than 7 days after the adopter was notified that they have been matched for adoption. The date given for the start of leave may be varied on 28 days notice. If it is not reasonably practicable for the employee to give this notice, it must be given as soon as is reasonably practicable. Employees must provide evidence in the form of one or more documents issued by the adoption agency that have matched the person applying for Adoption Support leave with the child.

5.3 Maternity/Adoption Support Leave

When the baby is born or has been placed for adoption, the employee must inform their Manager/Headteacher of the date of the start of leave and the length of leave requested.

Employees wishing to apply for Maternity/Adoption Support Leave should complete an MASL1 form (Appendix 1) and return it to their Manager/Headteacher who will advise the employee if their application has been approved. This form will then be forwarded on to Payroll.

Should the employee fail to give the appropriate notice and no valid reason for this failure can be offered, the Maternity/Adoption Support may be delayed or may even be declined.

6. Maternity/Adoption Support Pay

6.1 Maternity/Adoption Support Pay will be paid at the following rates:

- 1st week paid at employee's normal rate of pay.
- 2nd week paid either at the current rate of Statutory Maternity/Adoption Pay per week or 90% of their average pay, whichever is the lower.

6.2 The employee must earn at least the lower earnings limit for National Insurance contributions to qualify for Maternity/Adoption Support Pay. Should the employee earn less than the lower earnings limit the employee is entitled to unpaid Special Leave or may be able to take annual leave. The employee may be entitled to other welfare benefits.

7. Deductions from Salary

7.1 South Yorkshire Pensions Authority

For non-teaching staff, SYPA advise that you contact them directly for advice.

7.2 Teachers Pensions

For teaching staff, Teachers' Pension advise the following information:

Any period of Maternity/Adoption Support Leave for which the teacher receives full or statutory pay is classed as pensionable employment. Where the teacher receives no pay, that period must be shown as days excluded.

8. Grievance

- 8.1 Employees whose request for Maternity/Adoption Support Leave is refused have a right to appeal under the Trusts Grievance Resolution Procedure.

9. Income Tax and National Insurance Implications

- 9.1 Maternity and Adoption pay is assessable to tax under Schedule E (75) [ICTA 1988, S150; FA 2002, S35].

Therefore, payments made by the employer to employees during maternity or adoption leave, whether they are entitlements to pay, half Occupational pay or Statutory Maternity pay/Statutory Adoption pay are subject to Tax and National Insurance in the normal manner, having regard to Tax and National Insurance levels and rates at the time these payments are made.

10. Review

- 10.1 The Equality Act 2010 requires public bodies, in carrying out their functions, to have due regard to the need to:

- to eliminate discrimination and other conduct that is prohibited by the Act
- to advance equality of opportunity between people who share a protected characteristic and people who do not share it
- to foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.

- 10.2 In the development of this policy due regard has been given to achieving these objectives.

- 10.3 This procedure will be reviewed to respond to any changes in maternity support legislation, and at least every three years, in conjunction with the Trust's recognised trade unions.

11. Appendix 1 – Application for Maternity/Adoption Support Leave (MASL1)

Complete sections 1 and 2 and discuss your application with your Headteacher / Principal.

The Headteacher / Principal will complete section 3 and Human Resources will process your application and advise you of the outcome.

For further advice or information on completing this form please contact Human Resources.

1. Personal Details	
Full Name	
Job Title	
School	
Employee Number (on payslip)	

2. Details of Maternity / Adoption Support Leave	
I wish to apply for Maternity / Adoption Support Leave (please circle as appropriate)	
I have 26 weeks continuous service by the end of the 15 th week before the expected week of birth / placement	Yes / No
I attach a copy of the MATB1 / matching certificate	☐
I declare that I am: - the father - the husband or partner of the mother (or adopter) - this includes same-sex partners - the child's adopter - the intended parent (if you're having a baby through a surrogacy arrangement)	☐ ☐ ☐ ☐
Expected date of childbirth / placement for adoption (DD/MM/YY)	/ /
I would like to like to be absent for	One / Two weeks (please circle)
I Would like my Maternity / Adoption Support Leave to start on: Week 1: From _____ To _____ Week 2: From _____ To _____	

Signature of Applicant _____ Date _____

3. To be completed by the Headteacher / Principal	
I approve the above maternity / adoption support leave	Yes* / No**
*If approved, please forward completed form to payroll	
**If not approved, please write to the employee informing them of the reasons why the application has been unsuccessful.	

Signature of Headteacher / Principal _____ Date _____