

Family Friendly Policy

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Related policies/documents:

Staff Disciplinary Policy & Procedure (Conduct)

1. Introduction

- 1.1. North Kent College (“the College”), in common with all responsible employers, intends for its policies to comply with equality of opportunity for all.
- 1.2. This policy aims to be used as a step-by-step guide to the entitlements of College employees in respect of family related provisions in employment law.
- 1.3. The following procedures are therefore intended to allow a more effective combination of home and work responsibilities; enhance equality of opportunity at work and allow the organisation to retain skilled and valued employees with family responsibilities.
- 1.4. The following procedures do not form part of any employee’s contract of employment. They may be amended at any time.

2. Impact Assessment

The College recognises its responsibility to ensure that no-one is discriminated against or disadvantaged either through membership of any particular group or on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. This policy has been assessed as being a key component in ensuring the College fulfils its duties under anti-discrimination legislation and the College will review its impact on equality and diversity through regular monitoring and will take action where necessary.

3. Parental Orders

Where reference is made to Parental Order, this is a request to become a child’s legal parent in the case of a surrogacy arrangement. A parental order transfers legal rights from the birth mother to the intended parents when a surrogate is used to have a child. One of the parents must be genetically related to a child, i.e. the egg or sperm donor, and in a relationship where the intended parents are either married, civil partners or living as partners

4. Maternity Policy

4.1 Scope

This policy outlines the statutory rights and responsibilities of employees who are pregnant or have recently given birth and sets out the arrangements for pregnancy-related sickness, health and safety and maternity leave. It does not apply to agency workers or the self-employed.

In some cases, you and your spouse or partner may be eligible to opt into the Shared Parental Leave (“SPL”) scheme which gives you more flexibility to share the leave and pay available in the first year after birth. However, you must take a period of two weeks compulsory maternity leave first. Details of SPL are set out in our Shared Parental Leave Policy (see Section 7).

4.2 Informing the College of your pregnancy

Employees should inform their Line Manager as soon as possible after the pregnancy is confirmed. To qualify for statutory maternity provisions employees need to formally notify the HR department of their pregnancy no later than the 15th week before the expected week of confinement (“EWC”).

Employees are expected to confirm in writing:

- 4.1.1 the fact they are pregnant;
- 4.1.2 the date the baby is due (EWC) including an original MATB1 Certificate, which is normally issued by the Midwife/GP after at least 20 weeks of the pregnancy; and
- 4.1.3 the date they intend to start their maternity leave. This date cannot be any earlier than the 11th week before the EWC (week 29 of pregnancy).

4.3 Time off for Antenatal Care

Arrangements for time off for antenatal care and to accompany a pregnant woman to antenatal appointments are set out in our Time off for Antenatal Appointments Policy (see Section 10)

4.4 Health & Safety at work

The College is committed to creating and maintaining a healthy and safe working environment, which is particularly important for new and expectant mothers.

To ensure that pregnant employees are not exposed to any risks that could affect them or their unborn child, the College will carry out a risk assessment as soon as possible after notification of the pregnancy and reasonable adjustments will be made to the working environment as necessary.

Where it is identified that the employee cannot continue in their current post because of Health & Safety implications, the College will try to redeploy them into suitable alternative employment until the start of the maternity leave period. This will be in consultation with the employee, and the substantive terms and conditions of employment will be protected.

If there is no such work available, the employee may be suspended from their duties on full pay until either suitable work is found, or they become able to resume their previous duties.

4.5 Maternity Leave entitlement and terms and conditions during Maternity Leave

Regardless of length of service or number of hours worked, all employees are entitled to 26 weeks ordinary maternity leave ("OML") followed by 26 additional weeks maternity leave ("AML"), which must be taken directly after the first 26 weeks OML, making a total of up to 52 weeks maternity leave.

All the terms and conditions of your employment remain in force during OML and AML, except for the terms relating to pay. In particular:

4.5.1 benefits in kind shall continue;

4.5.2 annual leave entitlement under your contract shall continue to accrue;
and

4.5.3 pension benefits shall continue.

Annual Leave

Contractual annual leave continues to accrue at the rate provided under your contract of employment during both OML and AML. In order to avoid the employee having unmanageable amounts of annual leave to book on their return to work, the College will require the employee to take any annual leave accrued during the maternity leave period immediately at the end of the maternity leave.

Pension

Local Government Pension Scheme (“LGPS”)

During paid maternity leave, pension contributions are paid at the normal rate based on the actual pay received. However, the pensionable pay figure used to work out your pension is your assumed pensionable pay, which is the pensionable pay you receive in that post in the three months prior to the period of reduced or no pay.

Periods of unpaid maternity leave will not count for pension purposes unless you elect to pay Additional Pension Contributions (“APCs”) to purchase the amount of pension lost. If you wish to purchase the amount of pension lost, you must elect to do so in writing within 30 days of returning to work in order that this can be actioned. Further information about this provision can be obtained from the LGPS website or from the Payroll department.

Teachers’ Pension Scheme (“TPS”)

During paid maternity leave, contributions are paid at the normal rate based on the actual pay received. However, for pension purposes reckonable service will accrue as if you were receiving full pay.

During unpaid maternity leave, no reckonable service for pension purposes will be accrued. If you return to work, you have the right to purchase additional pension. Further information about this provision can be obtained from the [TPS website](#) or from the Payroll department.

4.6 Pregnancy Related Sickness

Periods of pregnancy related sickness absence shall be paid in accordance with your contract of employment and our Sickness Absence Policy and in the same manner as any other sickness absence. Sick pay under our Sickness Absence

Policy is service related for absence in any 12 month period. Any payment of sick pay in excess of this as a result of pregnancy-related sickness shall be entirely at our discretion.

Periods of pregnancy-related sickness absence from the start of your pregnancy until the end of your maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.

If you are absent for a pregnancy-related reason during the four weeks before your Expected Week of Childbirth, your maternity leave will usually start automatically.

4.7 Starting your maternity leave

The earliest date you can start maternity leave is 11 weeks before the EWC (unless your child is born prematurely before that date), and your maternity leave **must** include a compulsory maternity leave period of the two weeks immediately after childbirth.

You can postpone your Intended Start Date, by informing us in writing at least 28 days before the original Intended Start Date, or if that is not reasonably possible, as soon as is reasonably practicable.

You can bring forward the Intended Start Date, by informing us at least 28 days before the new start date, or if that is not possible, as soon as reasonably practicable.

Your maternity leave will start on the earliest of:

- 4.7.1 your Intended Start Date (if notified to us in accordance with this policy) which must be scheduled for no later than the expected date of delivery.
- 4.7.2 the day after any day on which you are absent for a pregnancy-related reason during the four weeks before the EWC. If this happens, you must let us know as soon as possible in writing. Maternity leave will be triggered unless we agree to delay it.
- 4.7.3 the day after you give birth. If you give birth before your maternity leave was due to start, you must let us know the date of the birth in writing as soon as possible.

Shortly before your maternity leave starts, we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave. Unless you request otherwise, you will remain on circulation lists for any internal College news or correspondence.

The law prohibits you from working during the two weeks following childbirth.

4.8 Return to Work

The College will presume the employee will take the full statutory maternity leave period i.e. 52 weeks, and there is no need to give the College notice of their return at the end of the AML period. However, the employee has the right to return to work at any point before the end of either the ordinary or additional maternity leave period. In this event the employee must give the College at least eight weeks written notice of the intended return date. If this written notification is not received the College has the right to postpone the return to work to allow for this notice, but not beyond the end of the statutory maternity period.

An employee wishing to return to work at the end of the OML period is entitled to return to the same job and terms and conditions of employment.

Employees returning after the AML period have the right to return to the same job with the same terms and conditions if this is reasonably practicable. However, if it is not reasonably practicable they have the right to be offered a similar and appropriate job with terms and conditions not less favourable than those enjoyed prior to the period of absence, subject to changes arising from for example an annual pay award.

Employees have no automatic right to return to part-time working if they were full time before going on maternity leave. However employees have the right to submit a flexible working application in line with College procedures (see Flexible Working Policy, Section 9). Any request for flexible working should be submitted to the College in writing as soon as is reasonably practicable but at least eight weeks before a return to work in order that the application can be processed fairly and in line with College procedures.

If you do not intend to return to work, or are unsure, it is helpful to discuss this with us as early as possible. If you decide not to return you should give us notice of resignation in accordance with your contract. The amount of maternity leave left to run, when you give notice, must be at least equal to your contractual

notice period, otherwise we may require you to return to work for the remainder of the notice period. Once you have given notice that you will not be returning to work, you cannot change your mind without our consent. This does not affect your right to receive SMP.

4.9 Miscarriage & Still Birth

In the sad event that the employee has a miscarriage or still birth after 24 weeks of pregnancy, the employee will be entitled to 52 weeks statutory maternity leave, and if the service requirements are met, 39 weeks maternity pay (including College Maternity Pay).

If the employee has a miscarriage earlier than 24 weeks of pregnancy, any absence is likely to be covered by the Compassionate and Sick Leave policies.

4.10 Keep in touch days (“KIT” days)

Employees on maternity leave can request to work 10 “keep in touch days” (KIT) during the maternity leave period. KIT days enable the employee to attend meetings, complete handovers, training courses or for example finish a project they commenced before starting their maternity leave. There is no obligation for the employee or the employer to utilise this entitlement, however where it is utilised the following rules apply:

- 4.10.1 no keeping in touch days can be taken during the first two weeks directly after childbirth (the compulsory maternity leave period);
- 4.10.2 the employee has to give reasonable notice of when they would like to utilise their entitlement and this has to be agreed with the line Manager, prior to any work being undertaken;
- 4.10.3 regardless of if an employee attends work for an hours’ meeting or a seven hour handover, each occasion will constitute as a full KIT day and will be deducted from the 10 day allowance; and
- 4.10.4 Payment for these days will be at the employees’ normal daily rate of pay.

4.11 Maternity Pay

Statutory Maternity Pay (“SMP”) and College Maternity Pay (“CMP”)

Employees will be eligible to receive SMP if the following criteria are satisfied:

- 4.11.1 26 weeks' continuous service have been completed at the 15th week before the expected week of childbirth;
- 4.11.2 the employees average weekly earnings during the eight weeks ending with the Qualifying Week are not less than the lower earnings limit set by the government;
- 4.11.3 the employee provides the College with a doctor or midwife's certificate (MAT B1 form) stating the EWC;
- 4.11.4 the employee gives the required notice of their intention to take maternity leave, as set out in 4.2 above;
- 4.11.5 the employee is still pregnant at the 11th week before the expected week of childbirth; and
- 4.11.6 the employee has stopped work wholly or partly because of her pregnancy, or childbirth.

Subject to all of the eligibility criteria for statutory maternity pay being satisfied, employees will also be entitled to CMP which is 50% of the normal salary payment plus the SMP payment. CMP is paid for weeks 7-18 (inclusive) of the maternity pay period.

The breakdown of SMP and CMP is as follows:

- 4.11.7 first six weeks payable at 90% of average weekly earnings;
- 4.11.8 the next 12 weeks payable at 50% of average weekly earnings (CMP) plus SMP (subject to CMP and SMP not exceeding the employee's average weekly earnings); and
- 4.11.9 the final 21 weeks payable at the standard rate of SMP, or at 90% of the employee's average weekly earnings if this is less than the current SMP rate.

Any maternity leave beyond the 39 week period (i.e. weeks 40 to 52) is unpaid.

Not all employees will be eligible for SMP. In this event they should apply for Maternity Allowance to their local Jobcentre Plus. The College can provide an application form for this purpose.

If the employee is awarded a pay increase between the beginning of the original calculation period and the end of the period of statutory maternity leave, their normal weekly earnings for the purposes of calculating entitlement to SMP will be recalculated as if the pay increase applied in each week of the relevant period, regardless of whether SMP has already been paid. The employee will be paid retrospectively for any difference between the SMP already paid and the amount payable as a result of the pay increase. *This is in accordance with the Statutory Maternity Pay (General) (Amendment) Regulations 2005 [SI 729].*

4.12 Circumstances in which SMP and CMP is lost

An employee will lose the right to receive SMP and CMP if they:

- 4.12.1 are taken into legal custody.
- 4.12.2 start work for another employer.
- 4.12.3 return to work (excluding circumstances when a “keeping in touch day” is undertaken, see 2.10 above).

4.13 General points

If an employee's job becomes redundant during the course of maternity leave, the College will offer any other suitable alternative work that becomes available. The employee will have the right to be considered for such work when on maternity leave. The offer will be made before the previous employment ends and (if accepted) the new employment will commence immediately. It must involve suitable work and the terms and conditions will not be less favourable than the old contract. If there is no suitable alternative work available, then the employee will be made redundant, and receive redundancy pay in line with statutory and contractual entitlements.

If industrial action or any other interruption of work makes it unreasonable for the employee to return to work on the date specified by the employee, the employee may, instead, return when work resumes.

Separate to the KIT arrangements outlined in Section 4.10, the College is entitled to maintain reasonable contact with the employee during the maternity leave period regarding issues relevant to the employment, should circumstances mean communication and/or consultation with the employee is necessary. For example:

- 4.13.1 to communicate important news about the College;
- 4.13.2 to update the employee on developments which have occurred during the absence;
- 4.13.3 to keep the member of staff advised of changes that may affect their job e.g. mergers, restructures, job evaluations etc.; and/or
- 4.13.4 to discuss and plan their return to work

An employee who is unable to return to work at the end of the maternity leave period due to illness, will be entitled to sick pay in accordance with the relevant procedures.

Periods of maternity leave and absence are regarded as continuous service for the purpose of calculating entitlements to employment benefits.

The employee will be entitled to leave with full pay if in the early months of pregnancy their GP advises that the employee should refrain from work because of the risk of rubella.

Pregnant employees are protected from unfair treatment due to pregnancy, childbirth or taking maternity leave.

5. Paternity Policy

5.1 Paternity Leave

Paternity leave is available to employees of any gender.

An employee qualifies for Paternity Leave ("PL") if:

- 5.1.1 They have - or expect to have - responsibility for the baby's upbringing.
- 5.1.2 They are the biological father of the baby and/or the mother's husband or partner (including same-sex partner or civil partner) a partner is someone who lives with the mother of the baby in an enduring family relationship but is not an immediate relative.
- 5.1.3 On the birth of a child to a surrogate mother where you are, or your Partner is, one of the child's biological parents, and you expect to obtain a parental order giving you and your Partner responsibility for the child.
- 5.1.4 Where an adoption agency places a child with you and/or your Partner for adoption and you expect to have main responsibility (with your Partner) for the child's upbringing.
- 5.1.5 Where a local authority places a child with you and/or your Partner under a fostering for adoption arrangement and you expect to have main responsibility (with your Partner) for the child's upbringing.

In addition they must:

- 5.1.6 Have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth / by the end of the week they were matched with a child (UK adoptions) / by either the date the child arrives in the UK or when they want their pay to start (overseas adoptions) (the 'qualifying week')
- 5.1.7 Be employed by the College from the qualifying week up until the date of the birth (or the date of the adoption placement).

- 5.1.8 Have notified the College in writing of their intention to take PL (including submitting a completed SC3 form, SC4 form in cases of adoption or surrogacy arrangements, SC5 form in cases of overseas adoption)
- 5.1.9 Be taking time off to support the mother/main adopter and/or care for the baby/child

5.2 Time and length of Paternity Leave

Eligible employees can choose to take a single block of either one week or two weeks' PL. PL cannot be taken as odd days or as two separate weeks.

The duration of PL remains the same regardless of the number of children resulting from a single pregnancy.

PL can start on any day of the week (but not before the baby is born). It has to finish within 56 days of the baby's birth / the date of the placement (UK adoptions) / the date of the child's arrival in UK (overseas adoptions). If the baby is born before the week it was due, it must finish within 56 days of the first day of that week.

An employee cannot take paternity leave if they have already taken Shared Parental Leave in respect of the same child. You may be eligible to take Shared Parental Leave after paternity leave (see Section 7).

5.3 Paternity Pay

Paternity Pay is made in line with statutory obligations and is payable at the statutory rate through the College to all employees providing the requirements of this procedure are met.

5.4 Notification

To take paternity leave you must give us written notice by the end of the 15th week before the Expected Week of Childbirth, or no more than seven days after you and/or your Partner were notified of having been matched with the child, or as soon as you reasonably can, stating:

- 5.4.1 the Expected Week of Childbirth or the Expected Placement Date;

5.4.2 the date you would like your leave to start (which may be a specified date after the start of the Expected Week of Childbirth or the Expected Placement Date, the actual date of birth or a specified number of days after birth); and

5.4.3 whether you intend to take one week or two weeks' leave.

We may require a signed declaration from you that you are taking paternity leave to care for the child or to support the child's other parent in caring for the child.

You can vary (bring forward or postpone) the start date of your paternity leave, by informing us in writing at least 28 days before the original intended start date, or if that is not possible, as soon as is reasonably practicable.

5.5 Terms and conditions during paternity leave

All the terms and conditions of your employment remain in force during PL, except for the terms relating to pay. In particular:

5.5.1 benefits in kind shall continue;

5.5.2 annual leave entitlement under your contract shall continue to accrue; and

5.5.3 pension benefits shall continue.

Annual Leave

Contractual annual leave continues to accrue at the rate provided under your contract of employment during PL.

You should discuss your holiday plans with your manager in good time before starting your paternity leave. All holiday dates are subject to approval by your manager.

Pension

An employee in receipt of remuneration, whether salary, or Paternity Pay, or both, during paternity leave will be treated as working normally for the purposes of access to occupational pension scheme membership and benefits. Member and employer contributions will continue during paid paternity leave according

to the scheme rules. Further guidance should be obtained from the relevant pension authority.

Employees who wish to continue pension contributions during the period of unpaid maternity leave, should contact the pension authority to obtain the appropriate advice on how to do so.

5.6 Right to return to work

You are normally entitled to return to work after paternity leave to the same position you held before commencing leave. Your terms of employment will be the same as if you had not been absent.

However, if you have taken paternity leave straight after or immediately before a period of parental leave of more than four weeks, and it is not reasonably practicable for us to allow you to return to the same job, we may give you another suitable and appropriate job on terms and conditions that are not less favourable.

If you are also taking Shared Parental Leave in respect of the same child, see Section 7 for information about rights on return to work.

6. Adoption Policy

6.1 Adoption Leave

Regardless of length of service or number of hours worked, all employees are entitled to 26 weeks Ordinary Adoption Leave (“OAL”) followed directly by 26 weeks Additional Adoption Leave (“AAL”), making a total of up to 52 weeks adoption leave.

To qualify for Statutory Adoption Leave (“SAL”) you must have satisfied the College notice requirements detailed in Sections 6.2, 6.3 and 6.4 and:

- 6.1.1 You must be adopting the child through a UK adoption agency, or you are a local authority foster parent who has been approved as a prospective adopter.
- 6.1.2 The adoption agency or local authority has given you written notice that it has matched you with a child for adoption, or that it will be placing a child with you under a fostering for adoption arrangement, and tells you the date the child is expected to be placed into your care (Expected Placement Date).
- 6.1.3 You have notified the agency that you agree to the child being placed with you on the Expected Placement Date.

In a surrogacy case, you are entitled to adoption leave if all of the following conditions are met:

- 6.1.4 A surrogate mother gives birth to a child who is biologically your child, the child of your spouse or partner, or the child of both of you.
- 6.1.5 You expect to be given parental responsibility for the child under a placement order from the court. The child must live with you and you must apply for the parental order within six months of the child’s birth.

Where a couple are adopting a child, only one person can take adoption leave (the couple can choose); the other partner could take paternity and parental leave.

If more than one child is being adopted at the same time this will not affect the length of the leave.

An employee will not qualify for SAL (or Statutory Adoption Pay) if they arrange a private adoption, become a special guardian / kinship carer, or adopt a stepchild / family member.

6.2 Notice requirements to take Adoption Leave

To take SAL you must confirm in writing, within seven days of the agency or local authority notifying you in writing that it has matched you with a child, or as soon as is reasonably practicable:

6.2.1 the intended start date of your adoption leave and

6.2.2 the Expected Placement Date.

6.3 Overseas adoptions

You must have received notification that the adoption has been approved by the relevant UK authority (**Official Notification**).

You must give us notice in writing of:

6.3.1 your intention to take adoption leave;

6.3.2 the date you received Official Notification; and

6.3.3 the date the child is expected to arrive in Great Britain.

This notice should be given as early as possible but in any case within 28 days of receiving Official Notification (or, if you have less than 26 weeks' employment with us at the date of Official Notification, within 30 weeks of starting employment).

You must also give us at least 28 days' notice in writing of your Intended Start Date. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.

You must also notify us of the actual date the child arrives in Great Britain within 28 days of that date.

We may also ask for a copy of the Official Notification and evidence of the date the child arrived in Great Britain.

6.4 Surrogate adoptions

In a surrogacy case, you must tell us in writing of your intention to take adoption leave and give the expected week of childbirth (“**EWC**”). You must give this information by the end of the 15th week before the EWC, or if that is not possible, as soon as is reasonably practicable.

The HR department will write to you within 28 days of receiving your notification, to confirm your Expected Return Date assuming you take your full entitlement to adoption leave.

You must also confirm to HR the date of the birth of the child in writing.

6.5 Starting Adoption Leave

OAL may start on a predetermined date no more than 14 days before the Expected Placement Date (this can be any day of the week), or on the date of placement itself, but no later.

You can vary (bring forward or postpone) the start date of your adoption leave, by informing us in writing at least 28 days before the original intended start date, or if that is not possible, as soon as is reasonably practicable. In this event, the HR department will write to you within 28 days to confirm your revised expected return date.

In a surrogacy case, OAL will start on the day the child is born, unless you are at work, in which case it will start on the following day. You cannot change the start date.

Shortly before your adoption leave starts we will discuss with you the arrangements for covering your work and the opportunities for you to remain in contact, should you wish to do so, during your leave.

6.6 Disrupted Adoption

In an adoption or fostering for adoption case, adoption leave is disrupted if it has started but:

6.6.1 you are notified that the placement will not take place;

6.6.2 the child is returned to the adoption agency after placement; or

6.6.3 the child dies after placement.

In a surrogacy case, adoption leave is disrupted where you do not apply for a Parental Order within the relevant time, or the court does not grant a parental order and the time limit for appeal or further application has expired, or where the child dies.

In the event of disruption, your entitlement to adoption leave and pay (if applicable) will continue for a further eight weeks from the end of the week in which disruption occurred, unless your entitlement to leave or pay would have ended earlier in the normal course of events.

6.7 Shared Parental Leave

In some cases you and your spouse or partner may be eligible to opt into the SPL scheme which gives you more flexibility to share the leave and pay available in the first year. Your partner should check with their employer if they are eligible.

You will need to give us at least eight weeks' written notice to end your adoption leave and opt into SPL. You can give this notice before or after the child is placed with you, but you must take at least two weeks' adoption leave. You would then be able to share any remaining leave with your partner. For further information about how SPL works, see our Shared Parental Leave Policy at Section 7.

6.8 Returning to Work

The College will presume the employee will take the full statutory adoption leave period i.e. 52 weeks and there is no need to give the College notice of their return at the end of the AAL period.

The employee has the right to return to work at any point before the end of either the SAL or AAL period. In this event the employee must give the College at least eight weeks written notice of the intended return date. If this written notification is not received the College has the right to postpone the return to work to allow for this notice but not beyond the end of the statutory adoption leave period.

An employee wishing to return to work at the end of the OAL period is entitled to return to the same job and terms and conditions of employment.

Employees are normally entitled to return to work in the same position as was held before commencing leave. Your terms of employment shall be the same as they would have been if you had not been absent. However, if you have taken any period of AAL or have combined your adoption leave with more than four week's parental leave, and it is not reasonably practicable for us to allow you to return to the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable

Employees have no automatic right to return to part-time working if they were full time before going on adoption leave. However employees have the right to submit a flexible working application in line with College procedures (see Flexible Working Policy, Section 10). Any request for flexible working should be submitted to the College in writing as soon as is reasonably practicable but at least eight weeks before a return to work in order that the application can be processed fairly and in line with College procedures. We will try to accommodate your wishes unless there is a justifiable reason for refusal, bearing in mind the needs of the College. It is helpful if requests are made as early as possible.

If you do not intend to return to work, or are unsure, it is helpful to discuss this with us as early as possible. If you decide not to return you should give us notice of resignation in accordance with your contract. The amount of adoption leave left to run, when you give notice, must be at least equal to your contractual notice period, otherwise we may require you to return to work for the remainder of the notice period. Once you have given notice that you will not be returning to work, you cannot change your mind without our consent. This does not affect your right to receive SAP.

6.9 Keeping in Touch Days

The same rules apply as those under maternity leave. Please read Section 4.10.

6.10 Terms and conditions during adoption leave

All the terms and conditions of your employment remain in force during OAL and AAL, except for the terms relating to pay. In particular:

6.10.1 benefits in kind shall continue;

6.10.2 annual leave entitlement under your contract shall continue to accrue; and

6.10.3 pension benefits shall continue.

Annual Leave

Contractual annual leave continues to accrue at the rate provided under your contract of employment during both OAL and AAL. In order to avoid the employee having unmanageable amounts of annual leave to book on their return to work, the College will require the employee to take any annual leave accrued during the adoption leave period immediately at the end of the adoption leave.

Pension

Local Government Pension Scheme (“LGPS”)

During paid adoption leave, pension contributions are paid at the normal rate based on the actual pay received. However, the pensionable pay figure used to work out your pension is your assumed pensionable pay, which is the pensionable pay you receive in that post in the three months prior to the period of reduced or no pay.

Periods of unpaid adoption leave will not count for pension purposes unless you elect to pay Additional Pension Contributions (“APCs”) to purchase the amount of pension lost. If you wish to purchase the amount of pension lost, you must elect to do so in writing within 30 days of returning to work in order that this can be actioned. Further information about this provision can be obtained from the LGPS website or from the Payroll department.

Teachers’ Pension Scheme (“TPS”)

During paid adoption leave, contributions are paid at the normal rate based on the actual pay received. However, for pension purposes reckonable service will accrue as if you were receiving full pay.

During unpaid adoption leave, no reckonable service for pension purposes will be accrued. If you return to work, you have the right to purchase additional pension. Further information about this provision can be obtained from the [TPS website](#) or from the Payroll department.

6.11 Adoption Pay

Statutory Adoption Pay (SAP) and College Adoption Pay (CAP)

SAP is payable for up to 39 weeks. Employees may be eligible to receive SAP if the following criteria is satisfied:

- 6.11.1 at least 26 weeks' continuous service have been completed by the week the employee is matched with a child (adoption) / by the time the employee gets their 'official notification' (overseas adoption) / by the end of the 15th week before the baby is due (surrogacy arrangement);
- 6.11.2 the employees earnings during the eight weeks ending with the Qualifying Week (the Relevant Period) are not less than the lower earnings limit set by the government; and
- 6.11.3 the employee has given us the relevant notifications under the appropriate headings, above, in the event that the adoption is from the UK, overseas or from a surrogate.

Subject to all of the eligibility criteria for statutory adoption pay being satisfied, employees will also be entitled to CAP of 50% of their normal salary payment plus the SAP payment. CAP is paid for weeks 7-18 (inclusive) of the adoption pay period.

The breakdown of SAP and CAP is as follows:

Adoption pay for an employee who qualifies for SAP and CAP, for children up to 18 years old who are new to the home, is:

- 6.11.4 first six weeks payable at 90% of average weekly earnings over the Relevant Period;
- 6.11.5 next 12 weeks payable at 50% of average weekly earnings (CAP) plus SMP (subject to CAP and SAP not exceeding average weekly earnings); and
- 6.11.6 final 21 weeks payable at the standard rate of SAP, or at 90% of the employee's average weekly earnings if this is less than the current SAP flat rate.

- 6.11.7 Any adoption leave beyond the 39 week period (i.e. weeks 40 to 52) is unpaid.

Not all employees will be eligible for SAP. Employees whose average weekly earnings are below the lower earnings limit for SAP purposes should contact their local Jobcentre Plus for guidance on other financial support available.

If the employee is awarded a pay increase between the beginning of the original calculation period and the end of the period of statutory adoption leave, their normal weekly earnings for the purposes of calculating entitlement to SAP will be recalculated as if the pay increase applied in each week of the Relevant Period. This means that your SAP and CAP will be recalculated and increased retrospectively or you may qualify for SAP if you did not previously qualify. We shall pay you a lump sum to make up the difference between any SAP or CAP already paid and the amount payable by virtue of the pay rise.

6.12 Circumstances in which the right to SAP or CAP will be lost

An employee will lose the right to receive SAP (and CAP) if they:

- 6.12.1 they start work for another employer;
- 6.12.2 they return to work (excluding circumstances when a “keeping in touch day” is undertaken, see 4.10);
- 6.12.3 they are receiving statutory sick pay;
- 6.12.4 the child reaches the age of 18;
- 6.12.5 they are taken into legal custody or sentenced to imprisonment;
- 6.12.6 the placement is disrupted.

6.13 General points

If the employee’s job becomes redundant during the course of adoption leave, the College will offer any other suitable alternative work that becomes available. The employee will have the right to be considered for such work, when on adoption leave. The offer will be made before the previous employment ends and (if accepted) the new employment will commence immediately. It must involve suitable work and the terms and conditions will not be less favourable than the old contract. If there is no suitable alternative work available, then the

employee will be made redundant, and receive redundancy pay in line with statutory and contractual entitlements.

If the employment is terminated before the adoption pay period the right to SAP will be retained. In those circumstances, the adoption pay period will begin either:

- 6.13.1 on the date the child is placed for adoption; or
- 6.13.2 on the date immediately after the last day of employment where the termination occurs on or within 14 days before the expected date of placement.

Separate to the KIT arrangements outlined in Section 4.10, the College is entitled to maintain reasonable contact with the employee during the adoption leave period regarding issues relevant to the employment, should circumstances mean communication and/or consultation with the employee is necessary. For example:

- 6.12.3 to communicate important news about the College;
- 6.12.4 to update the employee on developments which have occurred during the absence;
- 6.12.5 to keep the member of staff advised of changes that may affect her job e.g. mergers, restructures, job evaluations etc.; and/or
- 6.12.6 to discuss and plan the return to work

Periods of adoption leave and absence are regarded as continuous service for the purpose of calculating entitlements to employment benefits.

If an employee acts dishonestly in respect of any element of the College's adoption leave policy this will be regarded as serious misconduct and will result in the employee being subject to the College's disciplinary procedure.

7. Shared Parental Leave Policy

Shared Parental Leave (SPL) is designed to provide parents with flexibility in how to share the care of their child in the first year following the birth or adoption.

Eligible parents are able to share a maximum of 50 weeks leave and 39 weeks statutory pay, for the purpose of caring for a child within the first year of the child's life or in the year after the child is placed for adoption.

7.1 Shared Parental Leave Eligibility

Birth

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

- 7.1.1 you are the child's mother and share the main responsibility for the care of the child with the child's father or with your partner;
- 7.1.2 you are the child's father and share the main responsibility for the care of the child with the child's mother; or
- 7.1.3 you are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).
- 7.1.4 either you or your partner must qualify for statutory maternity leave and/or SMP and in the case of the mother must take two weeks of maternity leave and/or pay.

Adoption

You are entitled to SPL if an adoption agency has placed a child with you and/or your partner for adoption, or where a child is placed with you and/or your partner as foster parents under a "fostering for adoption" or "concurrent planning" scheme. You must intend to share the main responsibility for the care of the child with your partner.

Either you or your partner must qualify for statutory adoption leave and/or SAP and must take two weeks of adoption leave and/or pay.

Additional requirements

In addition to either the birth or adoption requirements, the following conditions must also be fulfilled:

- 7.1.5 you must have at least 26 weeks continuous employment with us by the end of the 15th week before the expected week of childbirth (EWC)/the week the adoption agency notified you that you have been matched with a child for adoption, and still be employed by us in the week before the leave is to be taken;
- 7.1.6 the other partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC (or the week of matching with an adopted child) and had average weekly earnings of at least £30 during 13 of those weeks; and
- 7.1.7 you and the other parent must give the necessary statutory notices and declarations as summarised in Section 7.3 below, including notice to end any maternity/adoption leave, statutory maternity pay (SMP)/ statutory adoption pay (SAP) or maternity allowance (MA) periods.

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

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

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

7.2 Opting in to Shared Parental Leave and pay

The employee must submit a notice of entitlement and intention to take shared parental leave. This may be submitted at the same time as the maternity/adoption curtailment notice or at a date no later than eight weeks before the date of the first period of shared parental leave. At least the first period of SPL

will be identified in the initial notice, however this is not binding unless confirmed by the employee.

The employee should fully complete Sections 1 to 5 of the Notice of Entitlement and Intention to take Shared Parental Leave Form (Appendix C)

The partner of the employee must also provide the College with a signed declaration by fully completing Section 7 of the form.

False declarations may subject the individual to the staff disciplinary procedure. The College may request a copy of the child's birth certificate/placement confirmation and the name and address of the partner's employee within 14 days of receiving a notification. The employee should respond with the requested information within 14 days.

The form at Appendix C must clearly state:

- 7.2.1 your name and the name of the other parent;
- 7.2.2 whether you are the child's mother and the start and end dates of your maternity leave or if you are taking adoption leave, your adoption leave start and end dates. If you are not taking adoption leave, your partner's adoption leave start and end dates or if your partner is not entitled to adoption leave, the start and end dates of their SAP;
- 7.2.3 if you are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period;
- 7.2.4 the total SPL available which is 52 minus the number of weeks' maternity leave, SMP, MA or SAP period taken or to be taken by you or your partner;
- 7.2.5 how many weeks of the available SPL will be allocated to you and how many to the other parent (you can change the allocation by giving us a further written notice and you do not have to use your full allocation);
- 7.2.6 if you are claiming statutory Shared Parental Pay ("ShPP") the total ShPP available, which is 39 weeks minus the number of weeks of the SMP, MA or SAP period taken or to be taken:

- 7.2.7 how many weeks of available ShPP will be allocated to you and how much to the other parents. (You can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- 7.2.8 an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage but please give as much information as you can about your future intentions; and
- 7.2.9 declarations by you and the other parent or your partner that you both meet the statutory conditions to enable you to take SPL and ShPP.

7.3 Ending your Maternity/Adoption Leave

If you are the child's mother/main adopter and want to opt into SPL, you must give us at least eight weeks' written notice to end your maternity/adoption leave (a **curtailment notice**) before you can take SPL.

The notice must state the date your maternity/adoption leave will end. You can give the notice before or after you give birth/the child is placed with you. An employee cannot end maternity leave / adoption leave until at least two weeks after birth/placement of the child.

At the same time as the curtailment notice, you must also give the College notice to opt into the SPL scheme or a written declaration that the other parent or your partner has given their employer an opt-in notice and that you have given the necessary declarations in that notice.

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

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

- 7.3.1 if you realise that neither you nor the other parent are in fact eligible for SPL or ShPP, in which case you can revoke the curtailment notice in writing up to eight weeks after it was given;

- 7.3.2 if you gave the curtailment notice before giving birth, you can revoke it in writing up to six weeks after birth of the child; or
- 7.3.3 if the other parent has died.

Once you have revoked a curtailment notice, you will be unable to opt back into the SPL scheme.

7.4 Ending your partner's Maternity/Adoption Leave

If you are not the mother of the child, but the mother is still on maternity leave or claiming SMP or MA or, alternatively, your partner is taking adoption leave or claiming SAP from their employer you will only be able to take SPL once she / your partner has either:

- 7.4.1 returned to work;
- 7.4.2 given her employer a curtailment notice to end her / their maternity leave / adoption leave;
- 7.4.3 given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave) or SAP (if they are entitled to SAP but not adoption leave); or
- 7.4.4 given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or SMP).

7.5 Booking your SPL dates

Having opted into SPL, you must book your leave by giving the College notice of your intention. This must be done at least eight weeks' before the start of the SPL.

The period of leave can either give the dates you want to take or, if the child has not been born / has not been placed with you yet, it can state the number of days after birth / placement that you want the leave to start and end. This may be particularly useful if you intend to take paternity leave starting on the date of birth / placement and wish to take SPL immediately afterwards.

Leave must be taken in blocks of at least one week.

If employees have asked for a single continuous period of leave, they will be entitled to take it.

Employees can give up to three periods of leave notices. This may enable you to take up to three separate blocks of SPL (although if you give a notice to vary or cancel a period of leave this will in most cases count as a further period of leave notice).

When booking dates for SPL, employees are encouraged to use Appendix D.

7.6 Procedure for requesting split periods of SPL

In general, a period of leave for SPL should be set out in a single continuous block of leave. We may be willing to consider a period of leave where SPL is split into shorter periods with periods of work in between. When you are considering this, it would be good practice to discuss this with your manager and HR in good time before formally submitting your period of leave notice under Appendix D. This will give the College more time to consider the request and hopefully agree a pattern of leave with you from the start.

If you want to request split periods of SPL, you must set this out in your request for SPL under Appendix D. We will either agree to the request or start a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached an agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in Appendix D. Alternatively, you may:

- 7.6.1 choose a new start date (which must be at least eight weeks after the date you submitted the notice requesting split periods of leave) and tell us within five days of the end of the two week discussion period; or
- 7.6.2 withdraw the notice and tell us within two days of the end of the two-week discussion period (in which case it will not be counted as a period of leave notice, and you may submit a new one if you choose).

If you have requested discontinuous periods of SPL in two weeks beginning with the date the notice was given, the College can:

- 7.6.3 agree to the requested pattern of leave;

7.6.4 refuse the request; or

7.6.5 refuse the request but propose alternative dates.

7.7 Statutory Shared Parental Leave Pay (“ShPP”)

You may be able to claim Statutory Shared Parental Leave Pay of up to 39 weeks (less any weeks of SMP, MA or SAP claimed by you or your partner). This is subject to the requirements outlined above.

ShPP is paid by employers at a rate set by the government each year.

7.8 Changing or cancelling booked Shared Parental Leave

In the event that you wish to cancel or vary a period of booked leave you must give written notice, which includes a clear description of the change you are seeking. Any variation must be made at least eight weeks before the new requested date(s) begin and will count as a further notification.

Employees can combine discontinuous periods of SPL into a single continuous period of leave, providing you have satisfied the notice requirements outlined above.

If all three notifications have been used, the College is under no obligation to agree to vary/cancel the leave. A notice to vary or cancel a period of leave will count as one of your three periods of leave notices unless:

7.8.1 it is as a result of your child being born earlier or later than the EWC; or

7.8.2 you are cancelling a request for discontinuous leave within two days of the end of the two week discussion period.

If you have satisfied the notice requirements outlined above, you can request that a continuous period of SPL be split into two or more discontinuous periods of SPL, with periods of work in between. This will involve a change to the start and/or end date. We do not have to grant this request but will consider it.

7.9 Premature Birth

If the baby is born prematurely (before the beginning of the EWC) and the employee has booked to take a period of SPL within the first 8 weeks of the due

date, they may take the same period of time off after the actual birth without providing 8 weeks' notice by submitting a request to vary their leave as soon as reasonably practicable. This would not count as one of the three notifications. Any leave arranged after eight weeks of the due date is still bound by the eight week notice requirement.

7.10 Death of a child before or during birth, or within the first year

In the sad event that the child dies before the parents have submitted a notice to take SPL, then they are no longer eligible to take any SPL. The mother/main adopter will remain entitled to maternity or adoption leave and the partner may still qualify for statutory paternity leave.

If the parents have already requested to opt into SPL and have booked leave, they will still be entitled to take this. However, no further bookings can be submitted and only one notice to vary the dates or to rearrange discontinuous periods into one single block can be requested.

7.11 Keeping in Touch Days

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

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

You will be paid at your normal basic rate of pay for the time spent working on a SPLIT day and this will be inclusive of any shared parental pay entitlements.

7.12 Right to return to work

After a period of SPL an employee will be entitled to return to the same job on the same terms and conditions of employment as if they had not been absent, as long as the period of combined leave period (comprising of maternity/paternity/adoption) and SPL totalled 26 weeks or less.

Where the number of weeks of maternity/paternity/adoption and SPL exceeds 26 weeks in aggregate or the total number of unpaid parental weeks exceeds 4

weeks an employee will be entitled to return to the same job unless this is no longer reasonably practicable. In such circumstances, the employee will be entitled to return to a suitable alternative role.

7.13 Terms and conditions during shared parental leave

All the terms and conditions of your employment remain in force during shared parental leave, except for the terms relating to pay. In particular:

- 7.13.1 benefits in kind shall continue;
- 7.13.2 annual leave entitlement under your contract shall continue to accrue; and
- 7.13.3 pension benefits shall continue.

Annual Leave

Contractual annual leave continues to accrue at the rate provided under your contract of employment during SPL. In order to avoid the employee having unmanageable amounts of annual leave to book on their return to work, the College will require the employee to take any annual leave accrued during the SPL period immediately at the end of the SPL.

Pension

Local Government Pension Scheme (LGPS)

During paid SPL, pension contributions are paid at the normal rate based on the actual pay received. However, the pensionable pay figure used to work out your pension is your assumed pensionable pay, which is the pensionable pay you receive in that post in the three months prior to the period of reduced or no pay.

Periods of unpaid SPL leave will not count for pension purposes unless you elect to pay Additional Pension Contributions (“APCs”) to purchase the amount of pension lost. If you wish to purchase the amount of pension lost, you must elect to do so in writing within 30 days of returning to work in order that this can be actioned. Further information about this provision can be obtained from the LGPS website or from the Payroll department.

Teachers' Pension Scheme (TPS)

During paid SPL, contributions are paid at the normal rate based on the actual pay received. However, for pension purposes reckonable service will accrue as if you were receiving full pay.

During unpaid SPL, no reckonable service for pension purposes will be accrued. If you return to work, you have the right to purchase additional pension. Further information about this provision can be obtained from the [TPS website](#) or from the Payroll department.

8. Parental Leave Policy

8.1 Eligibility

In addition to the right to take maternity, paternity and adoption leave, employees' are entitled to 18 weeks' unpaid parental leave if:

- 8.1.1 they have at least one years' continuous service;
- 8.1.2 they have or expect to have responsibility for the child; and
- 8.1.3 the leave will be spent with or caring for the child.

Employees have responsibility for a child if they:

- 8.1.4 are the child's biological mother or father (whether or not they live with the child);
- 8.1.5 are the child's adoptive parent; or
- 8.1.6 otherwise have legal parental responsibility for the child, for example, if they are the child's guardian, or a step-parent who has a parental agreement or parental responsibility order.

An employee is entitled to 18 weeks' unpaid parental leave if their child is entitled to receive disability living allowance.

The right to parental leave applies to each child if the criteria above are met. Therefore, if an employee has twins they are entitled to 36 weeks' parental leave.

Parental leave can be for any purpose connected with the care of the child.

Parental leave cannot be transferred between parents.

8.2 Length of parental leave

Employees can take parental leave before the child's 18th birthday.

Employees can take a maximum of four weeks' leave in any academic year in respect of any individual child.

Parental leave can only be taken in blocks of one week or multiples of one week (based on the normal working week, e.g. if the employee works five days a week one week will be considered to be five days, if they work three days per week one week will consist of three days), unless the leave is to be taken in respect of a disabled child.

For the purposes of this policy, a disabled child means a child who is entitled to a disability living allowance, armed forces independence allowance or personal independence payment.

8.3 Notification and postponement of parental leave

Employees must give the College at least 21 days' notice in writing before a period of parental leave begins, of both the start and end dates of the leave period they intend to take. The College parental leave application form is at Appendix B.

With the written notice requesting the leave the employee should include either:

- 8.3.1 a copy of the child's birth certificate or
- 8.3.2 papers confirming the child's adoption (or date of placement in adoption cases) or
- 8.3.3 the award of disability living allowance for the child.

We will always try to accommodate your request. However, the start date of parental leave can be postponed by the College for up to six months if it would cause significant disruption to the College. If we need to postpone your request for parental leave, we will consult with you about alternative dates. We will notify you in writing of the reason for the postponement and the new start and end dates for your parental leave.

8.4 Terms and conditions during parental leave

During any period of parental leave you remain bound by your contract of employment, including your obligations of good faith towards the College. However, parental leave is unpaid and so your contractual provisions relating to pay and benefits are suspended during parental leave.

8.5 Returning to work

Employees are normally entitled to return to work following parental leave to the same position they held before commencing leave. Their terms and conditions are the same as they would have been, had they not been absent.

However, where the period of parental leave is longer than four weeks or has been combined with a period of additional maternity, paternity or adoption leave, it might not be possible in some cases for the employee to return to the same job. In such circumstances we will offer you a suitable and appropriate alternative position on no less favourable terms.

8.6 Abuse of this policy

Where an employee takes a period of parental leave under this policy for purposes other than spending time with or otherwise caring for their child, this will be dealt with as a disciplinary issue.

9. Parental Bereavement Leave Policy

9.1. Eligibility

The College is committed to providing support to employees who experience loss in their lives and, in particular, the death of a child, or a stillbirth. Entitlement to parental bereavement leave is available from day one of employment to employees after the death of a child under the age of 18. Employees can take parental bereavement leave if they fall into any one of the following categories if they are:

- 9.1.1 the 'natural' parent;
- 9.1.2 an adoptive parent, and those with whom a child has been placed under the 'foster to adopt' scheme, providing the placement is ongoing;
- 9.1.3 a 'natural' parent where the child has been adopted but a Court Order exists to allow the 'natural' parent to have contact with the child;
- 9.1.4 living with a child who has entered Great Britain from overseas in relation to whom they have received official notification that they are eligible to adopt
- 9.1.5 an intended parent under a surrogacy arrangement where it was expected that a parental order would be made
- 9.1.6 a 'parent in fact' which is someone in whose home the child has been living for a period of at least four weeks before the death and has had day to day responsibility for the child, subject to exceptions. This category includes guardians and foster parents but does not include paid carers;
- 9.1.7 the partner of anyone who falls into the above categories, where they live in an enduring family relationship with the child and their parent.

In addition, parents who suffer a stillbirth after 24 weeks of pregnancy are entitled to take parental bereavement leave.

9.2 Length of Parental Bereavement Leave

An employee may take a total of two weeks as parental bereavement leave as follows:

9.2.1 A single block of one week

9.2.2 A single block of two weeks

9.2.3 Two separate blocks of one week

Leave may start on any day of the week and must be taken in whole weeks. It may be taken at any time in the 56 week period following the death.

In addition to parental bereavement leave, if an employee suffers a stillbirth after 24 weeks of pregnancy, they are still entitled to take their full entitlement to maternity and paternity leave, provided they were eligible to take maternity or paternity leave in the first place. Parental bereavement leave cannot be taken at the same time as maternity or paternity leave.

Where more than one child dies or is stillborn, employees are entitled to two weeks of parental bereavement leave in relation to each child.

9.3 Notification

An employee must give the College notice of their intention to take any absence from work as parental bereavement leave and at that time must confirm:

9.3.1 the date of the child's death,

9.3.2 the date on which the period of parental bereavement leave will begin, and

9.3.3 whether they intend the absence to be a period of one or two weeks' parental bereavement leave.

Leave to be taken within the first 56 days of the death

In addition to the information required in 9.3 above, notification of parental bereavement leave within the first 56 days of the death must be provided to the HR department, by telephone or email to hr@northkent.ac.uk, before the employee is due

to start work on the first day of absence from work in that week or, if this is not possible, as soon as is reasonably practicable.

Leave to be taken later than the first 56 days since the death

In addition to the information required in 9.3 above, notification of parental bereavement leave to be taken later than the first 56 days since the death must be provided in writing to the HR department, at hr@northkent.ac.uk, providing at least one week's notice before the start of the week that the leave is required.

Cancelling or changing leave dates

An employee can cancel a period of leave that has already been confirmed providing the period of leave has not already started. To cancel a period of leave which was to begin within the first 56 days of the death, the employee must inform the HR department by the time they are due to start work on the first day that the leave was originally due to start.

To cancel leave which was to begin later than 56 days after the death, the employee must give notice to the HR department, by email to hr@northkent.ac.uk, at least one week prior to the intended start date.

An employee can change the start date of leave by following the notice requirements above.

9.4 Parental Bereavement Pay

Employees will be eligible to receive Statutory Parental Bereavement Pay if:

- 9.4.1 26 weeks' continuous service have been completed by the week prior to the week in which the child dies;
- 9.4.2 the employee's average weekly earnings are not less than the lower earnings limit relevant for national insurance purposes;
- 9.4.3 the employee is still employed by the College on the date the child dies.

Statutory payment will be made at the rate set by the government each year or 90 percent of the employee's average weekly earnings (whichever is lower). Subject to all of the eligibility criteria for Statutory Parental Bereavement pay being satisfied, employees will also be entitled to College Parental Bereavement Pay which will be an amount equal to the difference in statutory pay and the employee's normal rate of pay,

to ensure the employee receives their normal weekly pay in the event they take Parental Bereavement Leave.

9.5 Terms and Conditions during Parental Bereavement Leave

All the terms and conditions of your employment remain in force during Parental Bereavement Leave, except for the terms relating to pay. In particular:

9.5.1 benefits in kind shall continue;

9.5.2 annual leave entitlement under your contract shall continue to accrue;
and

9.5.3 pension benefits shall continue.

Annual Leave

Contractual annual leave continues to accrue at the rate provided under your contract of employment during Parental Bereavement Leave.

Pension

An employee in receipt of remuneration, whether salary, or parental bereavement pay, or both, during parental bereavement leave will be treated as working normally for the purposes of access to occupational pension scheme membership and benefits. Member and employer contributions will continue during paid parental bereavement leave according to the scheme rules. Further guidance should be obtained from the relevant pension authority.

9.6 Right to return to work

You are normally entitled to return to work after parental bereavement leave to the same position with the same terms and conditions you held before commencing leave.

However, where the period of leave that has been taken is more than 26 weeks when added to any other period of statutory leave (including maternity, paternity, adoption leave etc) in relation to the same child, and it is not reasonably practicable for the employee to return to the same job, the College may offer a suitable and appropriate alternative position on terms and conditions that are not less favourable.

9.7 Abuse of this policy

Where an employee takes a period of parental bereavement leave under this policy for purposes other than the death of a child, this will be dealt with as a disciplinary issue.

10. Flexible Working Policy

Under the Children and Families Act 2014, all staff have a statutory right to request a change to their terms of employment to work flexibly subject to the eligibility conditions set out below. Applications for flexible working are not restricted to employees with care commitments. The College will consider applications in accordance with the following procedure.

10.1. Eligibility to make a formal flexible working request

To exercise their statutory right to request flexible working the employee should have:

- 10.1.1 worked for the College continuously for at least 26 weeks on the date they make their request; and
- 10.1.2 not have made another statutory request during the past 12 months.

If you are not eligible to make a formal request, you may make an informal request. If you wish to do so, please contact the HR Department.

10.2 Forms of flexible working

Flexible working can incorporate a number of possible changes to working arrangements. Eligible employees can make a request to:

- 10.2.1 change the hours they work;
- 10.2.2 change the days they work;
- 10.2.3 change the times when they are required to work; and/or
- 10.2.4 work from another location (whether for all or part of the week).

This Policy does not cover requests for:

- 10.2.5 a change in duties or responsibilities;
- 10.2.6 starting a job share;
- 10.2.7 working a set number of hours a year, rather than a week;

- 10.2.8 working flexi-time;
- 10.2.9 one-off occasions when staff work from home. Line managers would consider such requests in the first instance; and /or
- 10.2.10 requests for reasonable adjustments associated with ill health or disability.

10.3 Applying for flexible working

An employee can only make one flexible working application in any 12 month period.

Applications must be made in writing to the HR by fully completing the Flexible Working Request Form (Appendix A).

An application for flexible working must:

- 10.3.1 state that it is being made under the statutory right to request a flexible working pattern;
- 10.3.2 specify the flexible working pattern applied for and the date on which it is proposed the change should become effective;
- 10.3.3 explain what effect, if any, the member of staff thinks the proposed change would have on the department and how, in their opinion, any such effect might be dealt with;
- 10.3.4 provide reasons explaining why their preferred working pattern is compatible with the needs of the department, as far as they can tell;
- 10.3.5 consider how their colleagues will manage if their working pattern is changed;
- 10.3.6 state whether a previous application has been made and, if so, when; and
- 10.3.7 be signed and dated.

Applications are more likely to succeed where the flexible working pattern is consistent with the needs of the department and fit well with the working patterns of other staff.

The employee should give careful consideration to the working pattern requested and the financial implications it may have on them, including for their pension where the desired working pattern involves a drop in salary.

The proposed date set by employee should allow time for the application to be considered and implemented if practicable. All requests will be considered as quickly as possible and will normally be considered within a calendar month of receiving the request, However it could take up to six weeks for an application to be considered or longer if during the College vacation period.

The whole process including any possible appeal against the decision must be conducted within a maximum period of three months from receipt of the request. This timescale may be extended if necessary with the agreement of both parties, for example to allow for a trial period if there are some concerns as to whether any new arrangements will work.

10.4 Considering an Application

If the application fails to provide all the required information, HR will inform the employee, in writing, what they have omitted and ask them to resubmit their application. On re-submission of a complete request HR will provide written acknowledgement of receipt of the application (this may be by e-mail or letter).

HR will forward the application form to the line manager for consideration.

The employee's line manager has a legal duty to consider all applications and to establish whether the requested working pattern can be accommodated within the needs of the department. On receiving a written request, the line manager will meet with the employee as soon as possible to discuss it. If it is possible to approve the request without a meeting then a meeting will not be necessary.

10.5 Meeting

The line manager should write to the employee, inviting them to attend a meeting giving the date, time and venue of the meeting and confirm if an HR representative will be present. They should also inform the employee of their right to be accompanied at the meeting by a Trade Union representative or a current work colleague, if desired. The representative can address the meeting or confer with the employee during the meeting but is not permitted to answer questions on behalf of the employee.

If a Trade Union representative or work colleague is unable to attend the meeting, another date will be arranged. The new date should be convenient to all parties. If this is not possible, the employee should consider an alternative representative.

The meeting will give both parties the opportunity to explore the desired working pattern in depth and to discuss how and when it might be best accommodated. The employee should therefore come to the meeting prepared to expand on any points in their application. They should also be prepared to be flexible.

The meeting will also provide an opportunity to consider other alternative working patterns should there be a problem in accommodating the desired work pattern as outlined in the employee's application. The employee may be asked to consider other working patterns, an alternative start date or a trial period.

There may be occasions when it may be advantageous to both the line manager and the employee to agree a trial period of the new working pattern to see how it suits both parties.

The line manager will consider each case carefully looking at the benefits of the requested changes for the employee and the College whilst weighting these against any adverse business impact. Once a decision has been made the employee will be informed of the decision as soon as possible. Decisions will be confirmed in writing.

10.6 Where an application is accepted

If an employee's request is accepted, or accepted with modifications, HR will write to the employee, copied to their line manager, to confirm the new work pattern, start date and any associated changes to the employee's terms and conditions of employment. The employee will be advised that the revised working pattern will be considered a permanent change to their terms and conditions of employment, unless otherwise advised. Employees have no right to revert back to the previous working pattern at a later date unless otherwise agreed.

Where a trial period or a time limited period has been agreed, this will also be detailed in the written notice.

A note and/or signed letter will be kept on the employee's file to confirm the variation to the employee's contract of employment.

10.7 Where an application is refused

Where the request cannot be accommodated, HR will write to the employee informing them of the decision, the business grounds as to why the application cannot be accepted and the reasons why the grounds for refusal apply in the circumstances. HR will also provide details to the employee of their right of appeal against the decision, how and whom to make an appeal to and the timescale for doing so.

Business grounds for refusing a request could be for some of the following reasons:

- 10.7.1 burden of additional costs;
- 10.7.2 inability to re-organise work amongst existing staff;
- 10.7.3 inability to recruit additional staff;
- 10.7.4 detrimental impact on quality;
- 10.7.5 detrimental impact on performance;
- 10.7.6 detrimental effect on the ability to meet customer demand;
- 10.7.7 planned changes; and/or
- 10.7.8 insufficient work during the periods the member of staff proposes to work.

When specifying business grounds for refusing an application, explanation will be provided about why the business grounds apply in the circumstances.

10.8 Appeals Procedure

In all cases, where it has not been possible for the line manager to agree to a new working pattern, the employee has the right of appeal against the decision.

The appeal, grounds must be set out in writing and should be dated and submitted within ten working days of the decision being formally confirmed in writing.

An Appeal meeting will be convened and will be heard by a senior manager who has not had any previous involvement in the application. A member of Human Resources will also be present at the meeting.

The member of staff has the right to be accompanied to the meeting, by a Trades' Union representative or a current work colleague.

Appeal hearings will be conducted in accordance with the following terms of reference:

- 10.8.1 to review whether the request for Flexible Working was given adequate consideration;
- 10.8.2 to review whether the College's procedures were correctly and fairly implemented; and
- 10.8.3 to consider whether the decision was reasonable in the circumstances known to management.

The employee will be informed of the outcome of the appeal in writing within ten working days after the date of the appeal meeting.

If the appeal is upheld, the written decision will include the following:

- 10.8.4 description of the new working pattern;
- 10.8.5 the start date from which the new working is to take effect.

If the appeal is dismissed the written decision will state the following:

- 10.8.6 the grounds for the decision. These will be appropriate to the employees own grounds for making the appeal;
- 10.8.7 provide an explanation as to why the grounds for refusal apply in the circumstances.

The College regards the appeal decision as final.

10.9 Extension of Time Limits

There may be exceptional circumstances when it is not possible to complete the consideration of your request within the expected time limits. Time limits can be extended if:

- 10.9.1 there is agreement by the line manager and the employee – there may be occasions when it is not possible to complete the full procedure within the three month time limit. The extensions of

time can only take place if both parties agree and a written record of the agreement will be made.

- 10.9.2 the line manager has been absent - where a line manager is absent from work, due to leave or illness, an automatic extension applies. HR will advise the applicant of such circumstances. When the line manager returns, they should acknowledge receipt of the application so that the employee is aware that the extension to the three month period has been applied and when they can expect to meet to discuss the request.

10.10 When an Application can be Treated as Withdrawn

There are three reasons why an application may be treated as withdrawn.

If the formal application for flexible working is withdrawn for any of the reasons, you will not be eligible to make another formal request for 12 months from the date of your original request.

These reasons are as follows:

- 10.10.1 The employee withdraws the application

To withdraw an application the employee will need to do so in writing to HR as soon as possible. The employee will not be eligible to make a further application for twelve months from the date their application was made. A line manager or HR who is informed verbally that an application is withdrawn should advise the employee to confirm this intention in writing. If written confirmation is not received, the withdrawal will be confirmed in writing.

- 10.10.2 The employee fails to attend two meetings

Where an employee misses a meeting without good reason and any subsequent re-arranged meeting, including any appeal, the line manager may treat the application as withdrawn. It is therefore in the employee's interest to inform their line manager as soon as possible if and why they are not able to attend a meeting. If the employee misses a meeting and does not explain why, they can expect their absence to be treated less sympathetically. The line manager should warn the employee that

they risk their application being treated as withdrawn if they miss another meeting without reasonable cause when rearranging the meeting. If an application is considered withdrawn, HR will write to the employee to inform them of this.

10.10.3 The employee unreasonably refuses to provide their line manager with the required information

There may be occasions where the line manager is willing to accept a request for flexible working but requires the employee to provide certain information before they can do so. If an employee unreasonably refuses to provide the employer with the information, then the employer can treat the application as withdrawn.

11. Time Off for Antenatal Appointments Policy

This policy applies to employees and agency workers. It does not apply to self-employed contractors.

If you are an agency worker, the rights set out in this policy only apply to you once you have worked in the same role with us for at least 12 continuous weeks (which may include more than one assignment).

11.1 Time off if you are pregnant

If you are pregnant you may take reasonable paid time off during working hours for antenatal appointments.

Please try to give us as much notice as possible of the appointment. We may ask you to provide the following, unless it is the first appointment:

- 11.1.1 a certificate from the doctor, midwife or health visitor stating that you are pregnant; and
- 11.1.2 an appointment card.

11.2 Time off for accompanying a pregnant woman: eligibility

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

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

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

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

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

11.4 Time off if you are accompanying a pregnant woman: amount of time off

You may take time off to accompany a pregnant woman to up to two antenatal appointments in relation to each pregnancy.

You must not take more than six and a half hours off for each appointment, including travel and waiting time.

Time off to attend these appointments is unpaid.

If you wish to take time off to attend further antenatal appointments you should request annual leave.

Appendix A – Flexible Working Request (Formal)

Please read the policy at Section 9 before completing this application. You are advised to give careful consideration to which working pattern will help you to balance commitments outside work with contractual duties and responsibilities, and any financial implications it might have on you where the application involves reduced hours and a drop in salary and any effects it might have on your curriculum area/Department, together with how these might be accommodated. A formal flexible working request should be made in the event that an informal request has not been possible to agree with your line manager.

I am applying to work flexibly under the Flexible Working Regulations.

All completed forms can be accompanied by a letter of application, giving further details.

Personal Details:

Your name (in full)	
Job title	
Department	
Line Manager	
Date joined the College	
Current hours worked per week and working pattern	

Please refer to your current job description and detail your proposed changes in working pattern

Proposed new hours	
Proposed working pattern (e.g. days/hours/times/place you work)	
Any proposed reduction in hours to be worked? Yes/No	
Proposed date of commencement	

How will you be able to continue to perform all current duties within the proposed working pattern? Comment on following:

If you will not be able to perform all your duties, what duties will be affected?
How do you envisage such duties would be re-allocated?

For us to consider your application and alternative ways of providing a service, please outline how your request will affect your department and colleagues and how you think these effects can be dealt with, including the following considerations:

Service to other staff/students?
Colleagues who may have to cover at times when you would previously have been working?
Contact with your line manager?

If your role includes acting as a mentor or appraiser for other members of staff/students, how do you propose to fulfil these responsibilities?

If your role involves teaching, supervision/direction of staff or students, how will this proposal affect your provision of supervision, communication, training, support etc.?

Declaration:

I am making a statutory request to work flexibly. The information included in this application is correct. I understand that if this application is accepted it will mean a permanent change to my terms and conditions of employment and I will have no right in law to revert back to my previous working pattern.

Signature: _____ Date:_____

This form should be sent to:

The HR Department
North Kent College
Oakfield Lane
Dartford
DA1 2JT

Appendix B – Parental Leave Application

Please read the accompanying policy at Section 8 before completing this application.

Parental leave is unpaid and limited to a maximum of four weeks leave in any academic year in respect of an individual child. Leave must be taken in blocks of one week and 21 days' notice must be provided. You must satisfy the eligibility criteria set out at Section 8.

Personal Details

Name	
Job Title	
Department	
Line Manager	
Date joined College	

Leave request

Date of leave commencement	
Date of leave finishing	
Amount of leave in weeks	

Child Details

Name of Child	
Child's Date of Birth or date of adoption or date of birth of child if entitled to disability living allowance	

Employee Signature:	Date:
(include copy of full birth certificate or adoption details or disability living allowance information). Submit form to your line manager.	

Line Manager

Approval given date			
Reason for postponing leave with Business case (if applicable)			
New dates agreed (if applicable)			
Line Manager agreed		Date:	

This form should be sent to:

The HR Department
North Kent College
Oakfield Lane
Dartford
DA1 2JT

Appendix C – Notice of Entitlement and Intention to take Shared Parental Leave

Employees who wish to take shared parental leave (“SPL”) to share the main caring responsibilities with the other parent/partner must submit this form to HR **at least eight weeks** before the start date of the first period of SPL. Please refer to the College’s Shared Parental Leave policy at Section 7 for further information before completing this form.

Section 1 – Basic Details

Employee name	
Child’s expected date of birth/ date of placement for adoption	
Child’s actual date of birth/date of placement for adoption (if known)	
Start date of mother/main adopter’s maternity/adoption leave (or pay period*)	
End date of mother/main adopter’s maternity/adoption leave (or pay period*)	

* The start and end dates of the statutory maternity/adoption pay or maternity allowance period if the mother/main adopter is not entitled to statutory leave.

Section 2 - Shared Parental Leave Details

The total amount available is 52 weeks minus the number of weeks’ leave/pay already taken by the mother/main adopter according to the dates given in the previous section.

Total number of weeks’ SPL available	
Number of weeks’ SPL you intend to take	
Number of weeks’ SPL the other parent intends to take	

<p>Indication of start and end dates of SPL that you intend to take</p> <p>This indication is non-binding. You must submit a formal period of leave notice for each period of SPL you wish to request for it to be binding. Complete the section below if you wish your request for any/all of these periods of leave to be treated as a period of leave notice.</p>	
<p>Do you wish the dates indicated for the period(s) of leave to constitute a formal (binding) period of leave notice? (delete as appropriate)</p>	<p>YES / NO / YES, for the following dates only:</p>

Section 3 - Shared Parental Pay Details

The total amount of shared parental pay (ShPP) which may be available is 39 weeks minus the number of weeks' pay already taken by the mother/main adopter according to the dates given in Section 1 of this form.

<p>Total number of weeks' ShPP available</p>	
<p>Number of weeks' ShPP you intend to claim</p>	
<p>Number of weeks' ShPP the other parent intends to claim</p>	
<p>Indication of start and end dates of your ShPP periods</p>	

Section 4 – Employee Declaration

I confirm that I meet the following conditions:

- 1 I have or I share with the other parent the main responsibility for the care of the child and I am taking SPL in order to care for the child
- 2 The mother/my partner has given notice to end their maternity/adoption leave (where applicable)
- 3 I agree to inform the College immediately if I cease to meet the conditions for entitlement to SPL or ShPP
- 4 The information that I have given is accurate

Signature: _____ Date: _____

Section 5 – Employee notice of curtailment of maternity/adoption leave

Complete this section if you are the employee named in this notice and you are the mother or main adopter. You must give at least eight weeks' notice of your curtailment date. If you are entitled to maternity / adoption leave the curtailment date must be at least two weeks after the birth of / placement of the child.

I wish my maternity/adoption leave to end on _____ (insert date).

Section 6 – Employee declaration

I confirm that I meet the following conditions, and agree to inform the College immediately if I cease to meet the conditions for entitlement to SPL or ShPP:

- 1 I am the mother, father, or main adopter of the child, or the mother/main adopter's partner
- 2 I have (or share with the other parent) the main responsibility for the care of the child and I am taking SPL in order to care for the child
- 3 I have at least 26 weeks' continuous service at the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- 4 I intend to be in continuous employment until the week before any SPL is taken
- 5 (If I am claiming shared parental pay) I have average weekly earnings equal to or above the Lower Earnings Limit over the eight week period ending with the relevant week

If you are the mother/main adopter:

I have submitted a curtailment of maternity/adoption leave notice by completing Section 5 above.

Signature: _____ Date: _____

Section 7 – Declaration of other parent

Name	
Address	
National Insurance Number	

I confirm that I meet the following conditions:

- 1 I have least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the 15th week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- 2 I have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week
- 3 I agree to inform your employee immediately if I cease to meet the two conditions above
- 4 I consent to your employee taking SPL and ShPP as set out in Sections 2 and 3 above.

If you are the mother/main adopter:

I have curtailed my maternity leave and pay/adoption leave and pay/maternity allowance or will have done so by the time your employee starts shared parental leave

I consent to you processing the information contained in this declaration.

Signature: _____ Date: _____

This form should be sent to: The HR Department, North Kent College, Oakfield Lane, Dartford DA1 2JT

Appendix D – Notice to take Shared Parental Leave

Please complete and return this form to HR.

Use this form to give notice to take a period of shared parental leave (and pay if applicable), giving **at least eight weeks'** notice of the start date of the leave. You may submit up to three period of leave notices.

You must have previously submitted the notice of entitlement and intention to take leave form, and had your eligibility for shared parental leave confirmed.

If a continuous period of leave is requested in a period of leave notice, you will be entitled to take that period of leave and this will be confirmed in writing. If you request discontinuous periods of leave in this notice and it is not practicable to accommodate your requested pattern of leave your manager will discuss alternative options with you.

Please refer to the College's Shared Parental Leave Policy at Section 7 for further details regarding the notification and variation of periods of shared parental leave.

Shared parental leave dates

Start date	End date	Number of weeks

Shared parental pay dates (if applicable)

Start date	End date	Number of weeks

Name: _____

Signature: _____ Date: _____