

# PARENTAL LEAVE AND PAY POLICY

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| <b>Approving Body</b>      | Trust                                      |
| <b>Date of Last Review</b> | March 2024                                 |
| <b>Statutory (Y/N)</b>     | Y  |
| <b>Responsible Officer</b> | BMAT CEO<br>for and on behalf of the Trust |

## **I. INTRODUCTION - PURPOSE AND SCOPE**

1. This Policy serves as a guide for employees seeking to find out and/or engage their rights in relation to parental leave and pay, specifically:
  - a. Maternity leave and pay – Section II;
  - b. Paternity leave and pay – Section III;
  - c. Unpaid Parental Leave – Section IV;
  - d. Shared parental leave and pay – Section V; and
  - e. Adoption leave and pay – Section VI.
2. This Policy was written in accordance with:
  - a. Extant government guidance on parental leave and pay;
  - b. The terms of the Conditions of Service for School Teachers in England and Wales i.e. ‘the Burgundy Book’.
  - c. BMAT contracts of employment; and
  - d. Guidance from ACAS.
3. The onus is on BMAT to draft and communicate this policy, such that its employees are able to understand their rights and engage them in a manner that is consistent with the required procedures; and to apply the provisions of this policy fairly and consistently.
4. The onus is on individual employees to read this Policy and to comply with the appropriate eligibility requirements. In some cases, a failure to do so could result in a delay to parental leave and/or pay.
5. This policy does not have contractual status; where it differs from the terms set out in a contract of employment, those terms will prevail unless they are in any way inconsistent with employee’s statutory entitlements.

## **II. STATUTORY MATERNITY LEAVE AND PAY**

### Statutory Maternity Leave (‘SML’)

6. New mothers must take a minimum of two weeks’ SML.
7. A pregnant employee has the right to 26 weeks of ordinary SML and 26 weeks of additional SML. The combined 52 weeks is known as SML.
8. To qualify for SML, employees **must** notify the BMAT HR Department in writing at least 15 weeks before the baby is due:
  - a. That she is pregnant; and
  - b. The expected week of childbirth, by means of a medical certificate if requested by BMAT; and

- c. The date she intends to start SML.

9. Provided she gives the correct notice, as above, an employee can take SML irrespective of:

- a. Length of service;
- b. Hours of work; and
- c. Level of pay.

10. Commencement of SML:

- a. SML may begin on any date from the beginning of the 11th week before the baby is due up until the date of the birth.
- b. If the employee is off work with a pregnancy-related illness up to 4 weeks before the baby is due, then SML will automatically start from that point.
- c. If the baby arrives prematurely, then SML will commence on the day after the birth.

11. Once the BMAT HR Department has been notified of the employee's pregnancy and the intended start date of SML, it has 28 days to notify the employee in writing with details of her return date. The employee may change this date if she gives at least eight weeks' written notice to the BMAT HR Department.

12. BMAT cannot ask an employee to take SML on specific dates. If the employee gives the required notice and adheres to the permitted time frames for statutory maternity leave, she has the right to begin SML on the date she chooses and to change the return date given by her employer.

13. If a child is stillborn after 24 weeks of pregnancy, or is born alive but dies after birth, the mother will retain her rights to SML and/or pay.

14. Pregnant employees are entitled to reasonable paid time off for antenatal care if they have been advised to attend by a registered doctor, midwife or health visitor. It is expected that the employee provides evidence of the appointments (apart from the first appointment)

### Statutory Maternity Pay ('SMP')

15. Employees qualify for SMP if they:

- a. Have been employed by BMAT continuously for at least 26 weeks continuing into the 'qualifying week' i.e. the 15th week before the week that the baby is due.
- b. Earn on average at least the lower earnings limit or above.  
<https://www.gov.uk/maternity-pay-leave/eligibility> per week from their BMAT role; and
- c. Provide the BMAT HR Department with the correct notice; and
- d. Provide the BMAT HR Department with proof of pregnancy (e.g. a letter from a doctor or midwife or a MATB1 Certificate).

16. When SMP is awarded, BMAT pays:

- a. 90% of the employee's gross average weekly earnings for the first six weeks;
- b. For the following 33 weeks, statutory maternity pay will be paid, (for the current rate of SMP , see guidance - <https://www.gov.uk/maternity-pay-leave/eligibility>) or 90% of the employee's average weekly earnings, whichever is less; and
- c. Nothing for the remaining 13 weeks.
- d. Use the [maternity pay calculator](#) To check if you can get Maternity or Paternity Leave or Pay, or Maternity Allowance

17. Category 1: Teachers employed under the terms of the Burgundy Book with at least 26 weeks' continuous employment with BMAT and at least one year's continuous employment with one or more local authorities (LAs) will receive up to 26 weeks of ordinary maternity leave, which will be paid as follows:

- a. The first four weeks of absence - full pay inclusive of SMP;
- b. Next two weeks - 90% of average weekly earnings, inclusive of SMP;
- c. Next 12 weeks - half pay plus SMP;
- d. Next eight weeks – SMP.
- e. Thereafter, additional maternity leave of up to a further 26 weeks, 13 of which will be paid at the SMP rate, and a further 13 weeks unpaid.

18. Category 2: Teachers employed under the terms of the Burgundy Book with less than 26 weeks' continuous employment with BMAT but at least one year's continuous employment with one or more LAs will be entitled to the benefits of the Burgundy Book Scheme. However, if they have completed less than 26 weeks' continuous employment with BMAT they will not be entitled to SMP, although they may be entitled to the state benefit maternity allowance ('MA'), depending on their recent national insurance contributions in other employment). Teachers in this category may be absent for up to 52 weeks, including ordinary maternity leave of up to 26 weeks, of which either 18 or 26 weeks will be paid as follows:

- a. First four weeks - full pay (inclusive of MA if eligible);
- b. Next two weeks - 90% of a week's salary (inclusive of MA if eligible);
- c. Next 12 weeks - half pay plus MA if eligible (not exceeding full pay i.e. whichever is less);
- d. Next eight weeks: MA if eligible, otherwise unpaid); and
- e. Thereafter, a teacher will be entitled to additional maternity leave of up to a further 26 weeks. Teachers will be paid MA for 13 weeks (if eligible) and the remaining 13 weeks will be unpaid.

19. Category 3: Teachers with at least 26 weeks' continuous employment with BMAT but less than one year's continuous employment with one or more LAs are not entitled to the occupational maternity pay provisions in the Burgundy Book. However, they are entitled to:

- a. First six weeks - SMP equal to 90% of average weekly earnings;
- b. The remaining 33 weeks – SMP or 90% of average weekly earnings, whichever is less;
- c. 13 weeks unpaid.

20. Category 4: Teachers with less than 26 weeks' continuous employment with BMAT and less than one year's continuous employment with one or more LAs are not eligible for the occupational maternity pay provisions in the Burgundy Book. The teacher will be entitled to up to 52 weeks of maternity leave but will have only limited entitlements to statutory maternity pay and, depending upon National Insurance contributions in recent employment, to maternity allowance. This equates to:

- a. 26 weeks' maternity leave, with no SMP but with MA if the teacher is eligible; and
- b. Thereafter, a further 26 weeks' maternity leave, 13 of which will be paid at the MA rate, if eligible, and the rest of which will be unpaid.

21. Employees are not required to pay back SMP if they do not return to work following statutory maternity leave.

22. Returning to work:

- a. Employees must return to work at the end of their period of entitlement unless they choose to return early;
- b. Employees are entitled to make reasonable contact during periods of leave e.g. to discuss the practicalities of returning to work;
- c. Written notice to return to work needs to be sent to the BMAT HR Department if the employee intends to return to work earlier than the end of their maximum period of entitlement. The notice must be submitted at least 21 days prior to the proposed return date (if this period is not given, BMAT may postpone an employee's return date for up to 21 days or the end of the employee's period of entitlement if earlier);
- d. Teachers who are employed under the Burgundy Book must return to work for at least 13 weeks (including periods of school closure) after taking maternity leave. If a teacher does not return to work for this period, then BMAT is entitled to reclaim payments made after the first six weeks of leave.

23. Employees seeking to apply for MA must submit Form MA1 to their local Job Centre.

24. If a child is stillborn after 24 weeks of pregnancy, or is born alive but dies after birth, the mother will retain her rights to maternity leave and/or pay.

### **III. STATUTORY PATERNITY LEAVE AND PAY**

#### **Statutory Paternity Leave ('SPL')**

25. BMAT employees may be eligible for two weeks' paternity leave on full pay.

26. To be eligible, employees must be a current BMAT employee who:

- a. Has worked continuously for BMAT ['the employer'] for at least 26 weeks by the end of the qualifying week i.e. the 15th week before the expected week of childbirth;
- b. Is taking time off to look after the child or their partner; and
- c. Is the father, husband or partner of the mother, adopter or intended parent in a surrogacy arrangement;
- d. Provide the correct notice by notifying the BMAT HR Department in writing when paternity leave is intended to start, at least 15 weeks' before the baby's due date, stating when they want their leave to start (employees may change this date within 28 days' notice).

27. Duration of SPL (including start dates, end dates and changes to dates):

- e. Employees don't have to give a precise date when they want to take SPL; they may give the general time, e.g. 'the day of the expected birth' or 'one week after the expected birth'.
- f. However, SPL cannot start before the birth and must end within 56 days of the birth.
- g. SPL may last for two weeks and the employee has the right to take paternity leave as two separate one-week blocks. The leave can be taken at any time in the 52 weeks after birth or adoption. They will have to give 28 days' notice of their intention to take paternity leave.
- h. A week is the same amount of days that the employee would normally work in a week (e.g. a part time employee who works two days a week would be granted a maximum of four days SPL).
- i. Employees are not entitled to a longer period of SPL if their partner has a multiple birth.

28. Unpaid paternity leave for antenatal appointments: employees may take unpaid leave to accompany a pregnant woman to two antenatal appointments, up to a maximum of six and a half hours each, if they are:

- a. The baby's father;
- b. The expectant mother's spouse or civil partner;

- c. In a long-term relationship with the expectant mother; or
- d. The intended parent (for surrogacy arrangements).

29. Adopting fathers: Employees who adopt a child are entitled to the same period of SPL as biological fathers. However, there are differences in eligibility, notice periods and forms:

- a. The qualifying week for adoptions is the end of the week of being matched with a child for UK adoptions; or the date the child enters the UK for overseas adoptions;
- b. For UK adoptions, SPL can start on the date of placement or an agreed number of days after that date;
- c. For overseas adoptions, SPL can start on the date the child arrives in the UK or an agreed number of days after that date;
- d. For UK adoptions, the employee must notify BMAT of when he wants to take SPL by submitting Form SC4 to the BMAT HR Department no later than seven days after he or his partner receives notification of the match; and at least 28 days before the SPL is intended to start.
- e. For overseas adoptions, the employee must notify BMAT of when he wants to take SPL by submitting Form SC5 to the HR Department within 28 days of the date the official notification from the UK authority was sent.
- f. Paternity leave must be taken within 56 days of the date of placement or the child's arrival in the UK.
- g. BMAT may request proof of adoption for paternity leave.

30. In the case of paternity leave for surrogacy arrangements:

- a. Applicants must be in a couple and share joint responsibility for the child with their partner;
- b. The qualifying week is the expected week of childbirth;
- c. Applicants must notify the BMAT HR Department in writing when SPL is intended to start, at least 15 weeks' before the qualifying week.
- d. BMAT may ask for a written statement to confirm that an employee intends to apply for a parental order within six of the child's birth.

31. Employees may still qualify if the baby is stillborn after at least 24 weeks of pregnancy or born alive at any point during the pregnancy.

32. Employment rights are protected during SPL. This includes pay rises, accrued holiday pay and return to work entitlements.

### Statutory Paternity Pay ('SPP')

33. Employees may apply for SPP at the same time as SPL. To qualify for SPP in addition to paternity leave, employers must:

- a. Submit Form SC3 to the BMAT HR department at least 15 weeks before the expected birth date; and
- b. Be employed by BMAT up to the date of birth; and
- c. Earn at least £116 a week (before tax) in an eight week 'relevant period'.

34. Depending on the terms of their contract of employment, BMAT employees may be eligible for two weeks' paternity leave on full pay.

35. For current rates of statutory paternity pay, please refer to the guidance -

<https://www.gov.uk/paternity-pay-leave/pay> or 90% of average weekly earnings, whichever is less:

- a. Tax and national insurance will be deducted;
- b. Statutory paternity pay is paid in the same way as wages, e.g. monthly or weekly;
- c. Statutory paternity pay is usually paid while the employee is on leave.

36. As the employer, BMAT:

- a. Will confirm the start and end dates of SPP when the employee claims it;
- b. Will inform employees within 28 days of receiving an application for statutory paternity pay if they don't qualify, using Form SPP1; and
- c. May request notice in writing.

37. To change the start date of SPP, the employee must give BMAT 28 days' notice, in writing to the HR Department.

38. Employees who adopt a child are entitled to statutory paternity pay, subject to the following requirements:

- a. The employee must submit Form SC4 to the HR Department no later than seven days of their co-adopter or partner being matched with a child; and at least 28 days before SPP is intended to start.
- b. In the case of overseas adoptions, Form SC5 must be submitted within 28 days of the date the official notification from the UK authority was sent.
- c. Employees must submit proof of adoption to qualify.

39. In the case of SPP for surrogacy arrangements:

- a. Applicants must be in a couple and share joint responsibility for the child with their partner;
- b. The qualifying week is the expected week of childbirth; and



- c. BMAT may ask for a written statement to confirm that an employee intends to apply for a parental order within six months of the child's birth.
40. Employees may still qualify for SPP if the baby is stillborn after at least 24 weeks of pregnancy or born alive at any point during the pregnancy.

#### **IV. UNPAID PARENTAL LEAVE**

41. Parental leave offers qualifying parents the right to take unpaid parental leave to look after their child or to make arrangements for their welfare; it can help to facilitate a better balance between work and family commitments. To be eligible, employees must:

- a. Have a child aged under 18;
- b. Be an employee and have at least one year's continuous service with BMAT;
- c. Be the parent named on the child's birth certificate/ adoption certificate or with legal parental responsibility for the child. If you are separated and you don't live with your children, you have the right to unpaid parental leave if you retain formal parental responsibility for the child or children. Foster parents do not have rights to unpaid parental leave but may be able to request a flexible working pattern.

42. BMAT may request evidence of eligibility.

43. Duration and Timing of Parental Leave:

- a. Members of staff must give 21 days' notice to the BMAT HR Department, in writing, before their intended start date. Notice must confirm the start and end dates for unpaid parental leave;
- b. Each parent can take a total of up to 18 weeks' unpaid parental leave for each one of their children, up to his/her 18<sup>th</sup> birthday. This is limited to a maximum of four weeks in a year for each child;
- c. Unpaid parental leave is an individual right and cannot be shared or split between parents;
- d. Unpaid parental leave must be taken as whole weeks rather than individual days, unless otherwise agreed by BMAT;
- e. Unpaid parental leave may be taken immediately after maternity, paternity or adoption leave (provided the correct notice is given).

44. BMAT may postpone unpaid parental leave by writing to the member of staff concerned within seven days of the original request, to propose a new start date. BMAT may do this if:

- a. There is a significant reason e.g. serious disruption to BMAT;

- b. The leave is not being taken by the father or partner immediately after the birth or adoption of a child;
- c. Postponement would not prevent the member of staff from qualifying for unpaid parental leave (e.g. postponing the leave until after the child's 18<sup>th</sup> birthday).

45. BMAT cannot change the amount of leave being requested

46. Parental leave is unpaid, but members of staff on a low income may qualify for income support.

47. All members of staff are entitled to compassionate leave if there is a certain emergency involving people they care for.

## **V. SHARED PARENTAL LEAVE AND PAY**

### *Shared Parental Leave ('ShPL')*

48. ShPL is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave and can decide to be off work at the same time or take it in turns to have periods of leave to look after the child.

#### 49. To be eligible:

- a. Applicants must share the main responsibility for caring for the child with their husband/wife/civil partner/co-adopter, the child's other parent, or their partner, if they live with you and the child;
- b. At least one person in the 'couple' must be entitled to SMP, SMP, adoption pay, adoption leave or MA.
- c. The applicant must pass the continuity of employment test i.e. have worked for BMAT for at least 26 weeks at the end of the 15th week before the week in which the child is due (or the week in which an adopter was notified of having been matched with a child); still be employed by BMAT in the first week that ShPL is to be taken; and remain employed by BMAT while ShPL is taken.
- d. In turn, the other parent/carer/adopter must meet the employment and earnings test i.e. have worked for at least 26 weeks in the 66 weeks leading up to the due date/matching date and earned at least on or above the lower earnings limited per week in any 13 of the 66 weeks. (see guidance - <https://www.gov.uk/shared-parental-leave-and-pay/eligibility-for-birth-parents> They don't need to be consecutive and the employee doesn't have to be working on the date of the birth/adoption or the date when ShPL commences.

50. A 'couple' may still use ShPL when only one parent meets the eligibility criteria. For example, a self-employed parent would not be eligible for ShPL but could pass the employment and earnings test, thereby allowing their partner/the other parent to qualify.

51. Period and duration of ShPL:

- a. ShPL may be taken at any time within the period which begins on the date the child is born/date of the placement and ends 52 weeks after that date.
- b. To commence ShPL, the mother or her partner must end maternity or adoption leave and give binding notice of the date when it will end, and end maternity pay or maternity allowance. The remaining leave is then available as ShPL.
- c. A mother or adoptive parent taking statutory adoption pay must take a minimum of two weeks' leave. This means that the maximum amount of ShPL that can be taken is 50 weeks (the remaining part of the 52 weeks' maternity leave).

52. Blocks of ShPL:

- a. ShPL can be split into up to three separate blocks instead of being taken in one go, meaning eligible employees may stop and start their ShPL and return to work between blocks;
- b. Blocks may be taken either in a continuous period e.g. four weeks' leave, which an employer cannot refuse if the employee is eligible and the correct notice is given;
- c. Blocks may be taken as a discontinuous period e.g. a fixed period in which the employee will work every other week, which BMAT may refuse. BMAT will discuss a request for discontinuous leave with the employee within 14 days of receiving the request. If a request for discontinuous leave is refused, then the total amount of leave requested in the notice will automatically become a continuous block unless the notice is withdrawn by the applicant.
- d. Employees must provide eight weeks' notice before taking a block of shared parental leave. Notice must be provided by submitting the appropriate Shared Parental Leave Form (maternity, adoption or surrogacy) to the HR Department.
- e. After receiving notice, BMAT may ask for a copy of the child's birth or adoption certificate and the name and address of their partner's employer. BMAT has 14 days to request this information. The employee has a further 14 days to provide it.

53. Employees may change their mind later about how much ShPL they plan to take and when they want to take it. However, they must give notice of any changes at least eight weeks before the start of any shared parental leave.

54. If both parents are taking ShPL they can take it at the same time or at different times.

55. For illustration purposes:

- a. Assume that a mother and her partner are both eligible for shared parental leave. The mother goes on maternity leave 10 weeks before her baby is born. She decides that she'll take 16 weeks of maternity leave and gives notice to her employer. Since the mother has given binding notice, her partner can start shared parental leave as soon as the baby has been born (as long as they've given at least eight weeks' notice).
- b. Assume that a mother finishes her maternity leave at the end of October and takes the rest of her leave as ShPL. She shares it with her partner, who's also eligible. They each take the whole of November as their first block of ShPL. They both return to work in December. The mother gives her employer notice that she'll go on leave again in February - this is her second block of ShPL. Her employer agrees to a work pattern of two weeks on, two weeks off during the block.

#### Statutory Shared Parental Pay ('ShPP')

56. Employees are entitled to ShPP if:

- a. They are eligible for statutory maternity pay or statutory adoption pay; or
- b. They are eligible for statutory paternity pay and their partner is eligible for statutory maternity pay, statutory maternity allowance or statutory adoption pay.

57. ShPP is paid at the current rate, please refer to guidance at <https://www.gov.uk/shared-parental-leave-and-pay> , or 90% of average weekly earnings, whichever is less. This rate will be paid for a maximum of 37 weeks (39 weeks minus the minimum of two weeks' leave that mothers or adopters must take). The rate of ShPP is the same as SMP, except that during the first six weeks SMP is paid at 90% of whatever an employee earns (with no limit).

58. ShPP must be taken between the baby's birth and first birthday, or within one year of adoption.

59. For illustration purposes:

*Assume that a mother and her partner are both eligible for parental leave and pay; and that the mother ends her maternity leave and pay after 12 weeks. This would leave 40 weeks for shared parental leave (52 weeks minus 12 weeks of maternity leave and pay) and 27 weeks for statutory shared parental pay (39 weeks minus 12 weeks of maternity leave and pay). The mother and her partner can choose how to split this between them.*

60. Commencing ShPP:

- a. Notice must be provided by submitting the appropriate Statutory Shared Parental Pay Form (maternity, adoption or surrogacy) to the BMAT HR Department, at least eight weeks before the employee intends to take ShPL.
- b. After receiving this notice, BMAT may ask for a copy of the child's birth certificate and the name and address of their partner's employer. BMAT has 14 days to request this information. The employee has a further 14 days to provide it.
- c. The mother (or the person receiving adoption pay) must give the BMAT HR Department binding written notice of the date when they plan to end any maternity or adoption pay.
- d. If the applicant receives maternity allowance, they must give binding written notice to Job-Centre Plus instead.
- e. ShPP may start while the applicant's partner is still on maternity pay, adoption pay or maternity allowance, as long as they have given binding notice to end it.
- f. Once maternity pay, maternity allowance or adoption pay is ended, it cannot restart.

61. BMAT will tell the employee the reason(s) if it refuses ShPP.

## **VI. STATUTORY ADOPTION LEAVE AND PAY**

### *Statutory Adoption Leave ('SAL')*

62. The adoptive parent must take at least two weeks of adoption leave.

63. An employee adopting a child, who satisfies eligibility criteria, is entitled to 52 weeks statutory adoption leave. The first 26 weeks is known as 'Ordinary Adoption Leave'. The last 26 weeks is known as 'Additional Adoption Leave'.

64. Only one parent in a couple is entitled to take SAL. The other could take paternity leave.

65. To be eligible for SAL, employees must:

- a. Be classed as an employee;
- b. Give notice by informing the BMAT HR Department how much leave they want, their leave start date and the 'date of placement', within seven days of being matched with a child.
- c. Provide BMAT with proof of the adoption if requested;
- d. If an employee is adopting from overseas, the following additional conditions apply: The employee must have 'official notification' (permission from a UK authority) that they can adopt from abroad; and must sign Form SC6 if adopting a child with a partner

66. SAL may start:

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

67. Employees must inform BMAT about changes to leave dates at least 28 days before their original start date or the new start date - whichever is earliest.

68. BMAT has 28 days from receipt of notice to write to the employee confirming their leave start and end date.

69. BMAT cannot refuse SAL or change the amount of leave an employee wants to take off.

However, if the employee has provided the wrong amount of notice without having a reasonable excuse for doing so, BMAT can delay the start date. To do so, BMAT will write to the employee within 28 days of the employee's leave request.

70. Employees must give eight weeks' notice to BMAT if they want to change the date of their return to work.

71. In the case of overseas adoptions, the conditions are the same, except that employees must also inform BMAT of:

- a. The date of their 'official notification' and the expected date the child arrives in the UK - within 28 days of getting the notification
- b. The actual date the child arrives in the UK - within 28 days of this date
- c. How much leave they want and when they want it to start - giving 28 days' notice.

### Statutory Adoption Pay ('SAP')

72. SAP is paid at:

- a. 90% of the employee's gross average weekly earnings for the first six weeks; and
- b. The current rate of SAP (<https://www.gov.uk/adoption-pay-leave/eligibility>) or 90% of the employee's gross average weekly earnings, whichever is less, for the next 33 weeks.

73. To be eligible for SAP, employees must:

- a. Have worked continuously for BMAT for at least 26 weeks up until the week that they're matched with the child;

- b. Be on the BMAT payroll and earn an average of at least on or above the lower earnings limited (see LEL- <https://www.gov.uk/guidance/rates-and-thresholds-for-employers>) a week in an eight week period (before tax);
- c. Provide proof of the adoption - name and address of the agency and employee; the matching certificate; the expected or actual date of placement; the relevant UK authority's 'official notification' confirming the parent is allowed to adopt (overseas adoptions only); the date the child arrived in the UK, e.g. plane ticket (overseas adoptions only).
- d. Give notice in writing to the BMAT HR Department at least 28 days' before the employee wants to receive SAP, unless the time between the child being matched and placed is less than that.

74. If an employee doesn't qualify for SAP, BMAT will give the employee Form SAP1 within seven days of its decision; and within 28 days of the employee's request for SAP or the date they were matched with the child (whichever is earlier).

75. For employees in surrogacy arrangements, the conditions are the same, except that the employee must have worked continuously for at least 26 weeks by the 15th week before the week the baby is due; and, if requested, give a written statement to confirm that, in the six months after birth, they intend to apply for a parental order and expect the order to be granted.

76. **Keeping in touch** - BMAT will agree when/how they will get in contact with the employee. Employees can work up to 10 days during their maternity or adoption leave. These days are called 'keeping in touch days'. Keeping in touch days are optional - both the employee and employer need to agree to them. The type of work and pay employees get should be agreed before they come into work. The employee's right to maternity or adoption leave and pay is not affected by taking keeping in touch days.

77. Employees can work up to 20 days during their Shared Parental Leave. These are called 'shared parental leave in touch' (or SPLIT) days. These days are in addition to the 10 'keeping in touch' (or KIT) days already available to employees on maternity or adoption leave.

## **VII REDUNDANCY PROTECTION FOR BMAT EMPLOYEES ON MATERNITY LEAVE, SHARED PARENTAL LEAVE OR ADOPTION LEAVE**

78. Redundancy protection for BMAT employees on maternity leave, shared parental leave or adoption leave. Redundancy protection applies during pregnancy and for an 18 month period after taking relevant leave i.e.:

- a. Pregnancy and maternity leave - employees are protected from the point they tell BMAT HR they are pregnant and during an additional protected period after they return to work from statutory maternity leave. This period is calculated from the first day of the expected week of childbirth for a period of 18 months. Employees who have suffered a miscarriage will be protected for a period of two weeks after the pregnancy ends.
- b. Adoption leave - employees will be protected during adoption leave plus during an additional protected period when they return to work, calculated from the day the child is placed for adoption with the employee for a period of 18 months.
- c. Shared parental leave - employees will be protected during shared parental leave including an additional protected period when they return to work, calculated from the date of birth of the child/the child's placement for adoption for a period of 18 months. This additional protected period will only be available providing the employee has taken at least six weeks of continuous shared parental leave.

#### **VIII. RECORD KEEPING**

79. BMAT will keep records of the forms of parental pay covered in this policy for HMRC. This includes:

- a. Proof of the pregnancy, adoption or surrogacy arrangement.
- b. The date that parental pay commenced.
- c. The dates of parental payments.
- d. The dates of any parental payments not paid and why.
- e. The amount of any parental payments reclaimed.

80. Records will be retained for three years from the end of the tax year they relate to. BMAT may use the HMRC forms or keep its own records. The HMRC forms are linked below.

- a. [Maternity Pay](#)
- b. [Paternity Pay](#)
- c. [Adoption Pay](#)
- d. [Statutory Shared Parental Pay](#)