BJS Federation of Schools

Leave Code Policy

Policy Adopted by Executive Headteacher in: Autumn 2024

Signed _____
Ms A. Parker, Executive Headteacher

Signed _____
Mrs F. Morris, Chair of Full Governing Board

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1. Introduction

1.1 Aim

1.1.1 This policy explains the range of leave provisions available to School/Council employees; some reflect the terms of the National Agreements whilst others are locally determined.

1.1.2 This policy aims to set out fully the School/Council leave provisions, ensuring a fair and consistent application of policy.

1.2 Scope and Application

1.1.3 The day-to-day management of School leave arrangements is the responsibility of the Headteacher.

1.1.4 Teaching staff have leave during school closure periods in accordance with the Conditions of Service for Teachers in England and Wales.

1.1.5 Support staff working term time arrangements will accrue annual leave, for which payment is made. It is not usually permitted to take annual leave during term time other than in very exceptional circumstances.

2. Responsibilities

2.1 Employees have responsibility for ensuring that all leave is properly recorded and authorised and for ensuring that they manage their annual leave appropriately, using their full entitlement within the leave year.

2.2 Managers are responsible for ensuring that all leave granted falls within contractual entitlements and these guidelines and that where unpaid leave is granted, payroll is notified accordingly.

2.3 Managers are responsible for making employees aware that they should take their full annual leave entitlement within the leave year.

2.4 Human Resources (HR) is responsible for providing advice and support throughout the process.

3. Holiday entitlement for Support Staff

3.1 Annual leave

3.1.1 Support staff are entitled to paid annual holiday leave and public holidays based on their continuous service with the School/Council and other relevant employers.[1]

3.1.2 The contractual annual leave entitlement for support staff employees is governed by the Green Book, except where separate arrangements have been determined locally. In Lambeth the support staff receive more than the green book entitlement, namely:

- **27 days** Basic entitlement
- **32 days** After five years' continuous service
- **35 days** After ten years' continuous service

3.1.3 This incorporates two extra statutory days' holiday, under the provisions of the terms and conditions of the National Joint Council for Local Government[2].

[1] Redundancy Payments (Continuity of Employment in Local Government etc) Modification Order 1999.

[2] The green book entitlement is 23 days rising to 27 days after 5 years plus bank holidays, this is inclusive of 2 days statutory holidays. Currently statutory minimum entitlement is 20 days plus public holidays.

3.1.4 Employees have the right to be paid for any outstanding leave entitlement before their last day of employment unless transferring to elsewhere in the Council or another local authority, in which case leave also is transferred. Leave taken in excess of entitlement must be refunded and will be deducted from final salary.

3.1.5 The annual leave year runs from 1st April to 31st March. Entitlement to additional leave after five and ten years' service is calculated from the anniversary of your continuous service date. For example:

- If an employee commenced employment with the School/Council in August 2014 and therefore has five years' continuous service in August 2019, their entitlement for 5 months (April to August 2019) would be based on 27 days pro rata and 7 months (September 2019 to March 2020) at 32 days pro rata.
- If an employee commenced employment with the School/Council on 1st October 2009 and has 10 years of continuous service on 1st October 2019 their entitlement for 6 months (April to September 2019) would be based on 32 days pro rata and 6 months (October 2019 to March 2020) at 35 days pro rata.

3.1.6 There is no accrual of annual leave during periods of zero pay, for example, absence without permission or sabbatical leave, with the exception of unpaid maternity/adoption leave (where contractual leave entitlement will continue to accrue) and unpaid sick leave (where only statutory leave entitlement will continue to accrue).

3.2 Public holidays

3.2.1 Employees are entitled to a holiday with a normal day's pay, irrespective of length of service, for each of the statutory, general, and public holidays as they occur (or alternative days when actually worked).

3.2.2 For part-time staff, public holidays are added on a pro rata basis to other leave entitlement.

3.3 Calculating the annual leave of part-time/job share employees

3.3.1 Annual leave for part-time/job share employees is expressed in hours, and calculated as follows:

- Calculate the full-time equivalent entitlement based on length of service (27, 32 or 35 days).
- Add the number of Public Holidays falling in the leave year.
- Express the resultant entitlement on an hourly basis (e.g. (27 + 8) x 7 = 245 hours – for an employee with less than five years continuous local government service where the full-time daily hours are 7, and the leave year has 8 Public Holidays).
- Multiply this hourly entitlement by the fraction reflecting the hours worked of the full working week (e.g., if 18 hours per week are worked, then in the above example the annual leave entitlement would be 245 x $^{18}/_{35}$ = 126 hours.
- Where a Public Holiday falls on a date when the employee would normally be at work, the hours the employee would have worked on that day are deducted from their leave entitlement.

3.3.2 The calculations for the part year worker (TTO) are in the specific contracts.

NB: Any changes to a part time work pattern must be agreed in advance with the Headteacher/line manager.

3.4 Taking annual leave

3.4.1 Timing of annual leave must be arranged to fit in with service requirements, for example, to maintain cover during the absence of other staff or during peak work periods. Where possible, significant periods of annual leave, i.e., annual holidays should be planned in

advance and should be taken as far as possible in school closure periods. In any event notice by the employee to take leave must be at least twice as many days in advance of the earliest date as days to be taken off. For example, a minimum of two days' notice for a request for one day's leave, or a minimum of two weeks' notice for a request for one week's leave. Requests for annual leave will not be unreasonably refused but Headteachers/line managers must ensure service provision is maintained.

3.4.2 There may be occasions when, in the interests of efficiency, the School/Council requires employees to take leave at a particular time. In these circumstances the School/Council undertakes to consult the relevant trade union/staff in advance with a view to reaching an agreement.

3.4.3 Headteachers/line managers and employees must ensure that they do not allow leave entitlements to build up and that leave is staggered across the whole of the leave year. However, there may be occasions, such as school holidays, where several staff require annual leave at the same time. In such instances, Headteachers/line managers may need to roster staff leave in advance to meet business needs.

3.4.4 During the probationary period, only annual leave that has been accrued to date on a pro-rata basis may be taken unless this has already been agreed in advance and in writing by the Headteacher. Headteachers may, when necessary, extend any probationary periods proportionate to the amount of annual leave authorised throughout the probationary period by blocks of one week in line with the School/Council Probationary Procedure.

3.4.5 Staff in Children's Centres with fixed closure period will be required to take annual leave during the whole of the Children's Centre closure period. There will be 4 weeks' fixed closure periods during the year of which the employee will be advised in advance by their line manager. The balance of annual leave entitlement can be taken by agreement with the Headteacher/line manager subject to the demands of the service.

3.5 Carry Over of Annual Leave.

3.5.1 Employees are required to take all of their leave entitlement within the leave year. In exceptional circumstances, for example where it has not been possible to take leave due to work demands, up to five days may be carried forward from one leave year to another. Leave carried forward is at the discretion of the Headteacher/Chair of Governors and must be taken by the 1st of June in the new leave year.

3.5.2 Where the employee requests to carry over annual leave to enable an extended period of leave in the next leave year, for example, to visit family abroad or for extended care responsibilities, this may be granted at the discretion of the Headteacher/Chair of Governors.

3.6 Annual Leave and Sickness Absence

3.6.1 Where a period of sickness coincides with annual leave, sickness absence will be dealt with in line with the **Schools' Sickness Procedure**.

3.6.2 If an employee falls sick whilst on annual leave the normal reporting and certification arrangements apply. Annual leave may be reclaimed if the employee provides a valid medical certificate.

3.6.3 An employee on long-term sickness absence (absence that lasts or is anticipated to last more than 28 calendar days) is entitled to take annual leave but must request this according to the normal Leave Code Policy.

3.6.4 Support staff on long term sick leave who are unable to return to work before the end of the annual leave year are legally entitled to carry over to the new annual leave year any unused **statutory** leave accrued. This should be taken as soon as is reasonably possible.

3.6.5 Support staff will accrue statutory annual leave entitlement during periods of unpaid sickness.

3.6.6 Where an employee's employment is terminated and absence on sick leave has prevented the employee from exercising the right to take paid annual leave, they will be entitled to a payment in lieu.

4. Annual Leave - Teaching Staff

The Burgundy book (Teachers' National Conditions) makes no mention of the entitlement to annual leave, however under the Working Time Regulations, Teachers are entitled to statutory annual leave. This leave must be taken during school closure periods. All bank holidays are regarded as school closures.

5. Other leave arrangements

5.1 Special leave

5.1.1 Special leave, paid and unpaid, may be used to cover the statutory right to time off for dependants, but can also cover a wider range of situations beyond that statutory right: for example compassionate leave (for children, spouses, partners and parents, or other close family members depending on individual family circumstances). It can also be used to cover disability-related absences, for example, time off for treatment, therapy or rehabilitation. There are specific entitlements in relation to parental bereavement – see section below.

5.1.2 The Chair of Governors has discretion to grant up to five working days paid special leave in any 12-month period. The Chair of Governors may delegate their discretion; in doing so they must make clear which levels of management have discretion for granting paid special leave under this policy. Additionally the Chair of Governors has authority to grant further unpaid special leave and, in very exceptional circumstances only, further paid special leave.

5.1.3 Requests for special leave will be considered according to individual circumstances and where appropriate, take account of any outstanding annual leave.

5.1.4 Special Leave must be recorded and reported to payroll and locally monitored to ensure consistency of application.

5.2 Time off for dependants (Emergency family leave)

5.2.1 To qualify for time off for dependants, employees must inform their Headteachers/line managers of their absence as soon as possible. The absence will normally be unpaid; however, Headteachers/line managers will have the discretion with agreement from the employee to treat the time off as annual leave or TOIL, if appropriate.

5.3 Carer's Leave

5.3.1 Carer's leave applies to anyone caring for a spouse, civil partner, child, parent or other dependant who needs care because of a disability, old age or any illness or injury likely to require at least three months' care.

5.3.2 Dependant's with long term care are defined as follows:

- A person is a dependant of an employee if they: are a spouse, civil partner, child or parent of the employee; live in the same household as the employee, otherwise than by reason of being the employee's boarder, employee, lodger or tenant; or reasonably rely on the employee to provide or arrange care.
- A dependant of an employee has a long-term care need if: they have an illness or injury (whether physical or mental) that requires, or is likely to require, care for more than three months; they have a disability for the purposes of the Equality Act 2010; or they require care for a reason connected with their old age.'

5.3.3 Employees are entitled to carer's leave from their first day of employment.

5.3.4 Carer's leave is unpaid, and the maximum duration of the leave is five days per year however, the five days can be taken at any time (individual/half days), non-consecutively, within the 12-month rolling period, and no evidence is required to support a request.

5.3.5 The Headteacher cannot decline a request altogether but may postpone carer's leave where all of the following apply:

- They reasonably consider that the school would be unduly disrupted if it allowed the leave during the requested period.
- They allow the employee to take a period of carer's leave of the same duration, within a month of the period initially requested.
- The Headteacher gives the employee a written notice within seven days of the initial request, setting out the reason for the postponement and the agreed dates on which the leave can be taken.

5.4 Parental leave

5.4.1 Parental leave is planned unpaid leave taken to care for a child.

5.4.2 Employees are entitled to parental leave[3] if:

- they've been employed for more than a year;
- they're named on the child's birth or adoption certificate, or they have or expect to have parental responsibility;
- they're not self-employed or an agency worker or contractor;
- they're not a foster parent (unless they've secured parental responsibility through the courts) and
- the child is under 18

5.4.3 **Entitlement**

5.4.3.1 If the conditions outlined above are met the entitlement is 18 weeks unpaid leave (in total, not per year) for each child, of which no more than 4 weeks can be taken in one year.

5.4.4 **Procedure for taking parental leave**

5.4.4.1 Up to four weeks' parental leave can be taken per year, in blocks of one or more weeks at a time. Where parental leave is taken to care for a disabled child it may be taken in single days, or multiples of a day, up to a maximum of four weeks per year.

5.4.4.2 Before their intended start of unpaid parental leave, employees must give 21 days' written notice to their Headteacher/line manager giving the start and end dates. If they or their partner are having a baby or adopting and the leave is to commence on the date

[3] The Maternity and Parental Leave etc. Regulations 1999

of the birth or adoption, the notice should be given 21 days before the week the baby or child is expected.

5.4.4.3 Once the leave has been agreed, the employee should complete a leave card, which will record the leave taken (or comply with the usual school process for recording leave).

5.4.4.4 The employer may not postpone the leave request if it relates to leave taken immediately from the date of birth or adoption. Otherwise, the employer may postpone the request by up to 6 months if there is a 'significant reason' for example the leave would cause significant disruption to the school. The employer must give written reasons for the postponement within 7 days of the request, stating the alternative date proposed. The duration of the parental leave may not be amended. Any postponement must not be to a date later than the child's 18th birthday.

5.4.4.5 For part time employees parental leave entitlement will be commensurate with the part time hours. For example an employee who works 2 days per week will be entitled to a maximum of 36 days (18 weeks) parental leave, or 8 days (4 weeks) per year.

5.5 Bereavement Leave for Parents And Guardians.

5.5.1 Parents and guardians (and their partner) have a statutory entitlement to paid leave if their child aged under 18 dies or is still born after 24 weeks of pregnancy[4].

5.5.2 The partner must be living with the parent or guardian to be entitled.

5.5.3 The entitlement is to 2 weeks' taken within 56 weeks of the child's death – either 2 weeks in one block or 2 periods of one week. The employee must notify the employer of the date of the child's death or still birth, and dates of leave. There is no requirement to give advance notice of the leave within 8 weeks after the death or still birth, following that a week's notice is required.

5.5.4 The employee should complete an online or paper form as requested.

5.5.5 The statutory pay scheme is for a capped amount, the Council's policy is to pay normal pay during the bereavement leave period.

5.5.6 Bereavement leave is additional to any entitlement to maternity pay and leave.

5.5.7 Employees should refer to section on compassionate leave for any additional leave requirement.

5.6 Sabbatical leave

5.6.1 Subject to school business demands and a minimum of 2 years' service with the School/Council, an employee may request unpaid sabbatical leave for a maximum period of up to 3 months in any 5-year period.

5.6.2 The employee will be required to make an application in writing to their Headteachers/Chair of Governors outlining full details of why they wish to request a period of unpaid leave, the benefits this will bring to both the individual and the School/Council and a proposal of how their position could be covered in their absence without the School incurring any undue additional costs.

5.6.3 Employees should be aware that annual leave will not accrue throughout any period of unpaid sabbatical leave. The Chair of Governor in consultation with the Headteacher/line manager will make a decision based on the demands placed on the School and the resources currently available thus ensuring equality and consistency.

[4] Parental Bereavement Leave Regulations SI 2020/249 and Statutory Parental Bereavement Pay General Regulations 2020 SI2020/233.

5.6.4 Employees should also be aware that neither employee nor employer pension contributions will be made during unpaid sabbatical leave. Employees should contact the Lambeth pension service or Teachers' Pension Scheme for further information,

5.6.5 The Headteacher in consultation with the Chair of Governors may authorise extended unpaid leave of more than 3 months in exceptional circumstances based on the employee's personal circumstances and school requirements although in these cases, precedents will not be set within the School/Council. In these circumstances, there is no automatic guarantee that the postholder will return to the same job.

5.7 Flexi Leave / Toil

5.7.1 There is no council wide provision for flexi-leave or TOIL (Time Off In Lieu) as any flexi schemes in operation must be determined in a local agreement at school level and at the discretion of the Chair of Governors.

5.8 Doctor/Dentist/Hospital appointments

5.8.1 Wherever possible, health appointments should be arranged outside of normal working hours. Where this is not possible, flexi-leave (where applicable) or annual leave should be used to attend these appointments. Where the appointment is at management's request or arises from an Industrial Injury or from a disability as defined by the Equality Act 2010, time off within working hours will normally be granted where it is not possible for alternative arrangements to be made.

5.8.2 Additionally, evidence for medical appointments should be submitted with any request for special leave.

5.9 Jury Service

5.9.1 Leave with pay will be granted to employees appointed for jury service. Any allowance for loss of earnings must be claimed from the courts and will be deducted from pay.

5.10 Religious festivals and observance

5.10.1 Employees who have particular religious or cultural needs which conflict with normal working arrangements will be allowed to take annual leave, flexi leave (where applicable) or unpaid leave subject to service needs or working arrangements will be adapted to enable such needs to be met where reasonably practicable.

5.11 Non regular forces

5.11.1 Volunteer members of the non-regular forces who attend summer camp will be allowed up to an additional two weeks' leave.

5.11.2 Members of the Territorial Army who are required to undertake training in addition to attending summer camp and who are unable to arrange it outside working hours may also be granted reasonable paid leave.

5.12 Examination leave and leave for study or training

5.12.1 Paid examination leave to sit an exam will be given for qualification and short courses relevant to the area of work and / or sponsored by the School/Council. This is at discretion of the Headteacher or Chair of Governors in respect of the Headteacher.

5.12.2 Employees are entitled to request unpaid time off for study or training[5] relevant to their work. If such a request is made the employer must give consideration to the request in accordance with the statutory provisions.

5.12.3 The employer may agree that the employee has paid time off for study and training, this will be at the discretion of the employer.

5.13 Job interviews

5.13.1 Staff are required to provide proof of interview confirmation prior to attendance.

5.13.2 Interviews outside the Council – no paid time off.

5.13.3 Interviews within the Council – paid time off.

5.13.4 Redeployees - reasonable paid time off to attend interviews both inside and outside the Council.

5.14 Election duties

5.14.1 Employees appointed as presiding officers or poll clerks for local government and parliamentary elections will be granted annual leave, flexi leave (where applicable) or unpaid leave subject to service needs.

5.15 Leave for Parliamentary Candidates

5.15.1 This applies to employees not in "politically restricted posts" as defined in the Local Government and Housing Act 1989[6]. Unpaid leave may be granted to an employee who has been adopted as a parliamentary candidate to devote time to their election campaign. Unpaid leave may be granted for any specified time from the start of the election campaign up to the election itself. Employees should give notice of their need to take leave as soon as their candidacy is confirmed, through an application for special leave.

5.16 Maternity/Adoption/ Surrogacy leave

5.16.1 Refer to the School/Council's Maternity/Adoption Leave Policy. Employees who are making surrogacy arrangements and who are eligible for statutory adoption pay[7] will receive the same

[5] Section 40 of the Apprenticeships, Skills, Children and Learning Act 2009

[6] School based employees are usually not covered by these provisions.

[7] See Paternity, Adoption and Shared Parental Leave (Parental Order Cases) Regulations 2014, Statutory Paternity Pay and Statutory Adoption Pay (Parental Orders and Prospective Adopters) Regulations 2014 and Employment Rights Act 1996 (Application of Sections 75A, 75B, 75G, 75H, 80A and 80B to Parental Order Cases) Regulations 2014 (SI 2014/3095).

contractual paid leave as set out in the policy on adoption (subject to compliance with provisions on notice etc).

5.17 Leave for ante-natal care

5.17.1 Any pregnant employee has the right to paid time off for ante-natal care. After the first appointment, evidence of appointments must be provided if requested.

5.18 Paternity or Maternity Support Leave (for nominated carer)

5.18.1 Paid Paternity or maternity support leave[8] of up to two weeks can be granted in respect of an employee in the following list:

- the father
- the husband or partner of the mother (or adopter) - this includes same-sex partners
- the child's adopter
- the intended parent (if you're having a baby through a surrogacy arrangement)

5.18.2 To be entitled to paternity pay the employee must have been continuously employed for at least 26 weeks up to any day in the 'qualifying week'. The qualifying week is the 15th week before the baby is due. Statutory entitlements will apply but the employer will pay contractual pay rather than the statutory cap.

5.18.3 The leave can start on any day of the week on or after the date of birth but it must finish within 52 weeks of the birth.

5.18.4 Employees can take either 1 or 2 weeks' leave. If the employee is taking 2 weeks they can either be taken consecutively or separately.

5.18.5 For cases of multiple births, the same amount of Paternity / Maternity Support leave will be granted as for a single birth.

5.18.6 Expectant fathers, partners or nominated carers must provide evidence of their intention to take leave to their line manager in advance of the birth by way of providing a copy of the mother's MATB1 certificate and completion of the Paternity & Maternity Support Leave application form.

5.18.7 Those entitled to paternity leave in respect of an adoption must provide evidence of their intention to take leave to their Headteacher/line manager in advance of the adoption by way of providing a copy of the certificate of adoption and the proposed week of matching. Further details about paternity pay in respect of adoption and surrogacy arrangements are at Appendix 1.

5.19 Time Off for cancer screening

5.19.1 Necessary paid time off will be granted for cancer screening by agreement with the Headteacher/line manager.

[8] Note that the statutory term for this leave is 'Paternity Leave'. 'Maternity Support Leave' is an alternative wording for this leave used within Lambeth.

5.20 Blood /bone marrow donors

5.20.1 Reasonable time off with pay will be granted for blood donors to attend local blood donation centres and to bone marrow donors.

5.21 Gender re-assignment

5.21.1 Employees undergoing gender reassignment shall have reasonable paid time off from work for specialist appointments. Any time taken off for surgery or for sickness as a result of the surgery will be treated in line with the Lambeth Schools' Sickness Absence Procedure.

5.22 Cosmetic surgery

5.22.1 Where employees elect to have cosmetic surgery, they should inform their Headteacher/line manager at the earliest possible time, requesting annual leave, unpaid leave or a combination of the two. Any time taken off for sickness as a result of the surgery will be treated in line with the Lambeth Schools' Sickness Absence Procedure.

5.23 Fertility treatment

5.23.1 Employees undergoing fertility treatment shall have reasonable paid time off from work for specialist appointments. Any time taken off for surgery or for sickness as a result of the surgery will be treated in line with the Lambeth School's Sickness Absence Procedure.

5.24 Time Off for Public Duties

5.24.1 The Governing Board will allow reasonable paid time off for employees to carry out certain prescribed public duties and any training relating to those duties including:

- Justice of Peace
- Member of a local authority
- Member of a statutory or employment tribunal
- Governor of a school or other educational establishment

5.24.2 Where possible such employees should take annual leave or flexitime (where applicable), however in circumstances where this is not possible a maximum of 10 days per annum additional paid leave may be granted. Employees are advised to discuss any public appointment with their Headteacher/line-manager before accepting and to seek advice from Schools HR services; any such interests must be registered under the Declaration of Interests for Employees.

5.25 Disability Leave

5.25.1 Employees who are disabled as defined in the Equality Act 2010 may be granted disability leave as a reasonable adjustment for a disability-related unexpected incident, for example, when a guide dog falls ill or when an employee's wheelchair breaks down or for training with a guidance/assistance dog.

5.26 Recognised Professional Association/Union Duties

5.26.1 Leave for union duties by accredited school representatives is guided by any facilities agreement reached between the local authority and the recognised trade unions. The Governing Board will grant reasonable time off to employees to carry out certain duties concerned with employee relations between the employer and employees or to undergo

training in aspects of industrial relations which is relevant to those duties and approved. Time off must be applied for and reasonable notice given.

5.26.2 Accredited school representatives shall be allowed reasonable paid time off for training related to their union duties in compliance with the Employment Rights Act. Time off must be applied for and reasonable notice given.

5.27 Secondment

5.27.1 This is prolonged leave of absence, which allows an employee to work for another school or organisation. The employee returns to his or her job at the end of the secondment. Secondments which last more than a couple of years may cause problems of reintegration into the school on the employee's return so the Governing Board will need to consider very carefully any request to be absent for more than a year or two at a time.

5.27.2 The employee will be paid in full by the school to which the employee is contracted. The school will invoice the organisation where the employee is seconded to receive reimbursement.

6. Approval and Variation Process

6.1 Where the School/Council wishes to amend this policy, it will consult with the relevant trade unions with a view to reaching agreement over the proposed amendment(s). This policy may be amended by agreement with the relevant trade unions at any time. Where agreement has not been reached with the relevant trade unions arising from consultations, the School/Council reserves the right to implement its proposed amendment(s) by giving one month's notice to employees of its proposal(s).

This Policy is approved and signed by:



Director, Education & Learning

Name: Abrilli Phillip

Date: April 2024

Agreed on behalf of all School Trade Unions

Date: April 2024

Chair of Governors of School or Federation ……

Name:

Date:

Appendix 1 – Paternity Leave for Adoption and Surrogacy

Adoptions

1. Eligibility.
   You must have been continuously employed by your employer for at least 26 weeks by the 'matching week'. For adoption this is either:
   - the end of the week you're matched with the child (UK adoptions)
   - the date the child enters the UK or when you want your pay to start (overseas adoptions)

   You must also meet the other eligibility conditions for paternity leave or pay.

2. Your period of Paternity Leave can start:
   - on the date of placement
   - within a year of the date of placement
   - on the date the child arrives in the UK or an agreed number of days after this (overseas adoptions only)
   - the day the child's born or the day after if you're working that day (surrogate parents)

   For overseas adoptions leave must be taken within 56 days of the date of placement or the child's arrival in the UK.

3. You must give your employer 28 days' notice if you want to change your start date.

4. How to claim - Paternity Leave or Pay

   You must use form SC4 (or your employer's own version) for:

   - leave - within 7 days of your co-adopter or partner being matched with a child
   - pay - 28 days before you want your pay to start

5. For overseas adoptions the form and notice period is different. The process is explained on form SC5.

6. Proof of adoption

7. You must give your employer proof of adoption to qualify for Paternity Pay. Proof is not needed for Paternity Leave unless your employer asks for it.

8. Proof can be a letter from your adoption agency or the matching certificate. You'll need to provide this information within 28 days.

Surrogacy arrangements

9. To be eligible for Paternity Pay and Leave if you use a surrogate to have a baby, you must:
    - be in a couple
    - be responsible for the child (with your partner)
    - have worked for your employer continuously for at least 26 weeks by the end of the 'qualifying week' (the 15th week before the baby is due)
    - At least 15 weeks before the due date, tell your employer when the baby is due and when you want to start your leave - they may ask for this in writing.

Your employer may ask for a written statement to confirm you intend to apply for a parental order in the 6 months after the child's birth. You must sign this in the presence of a legal professional.

Appendix 2 – Version Details.

	Version Date: April 2024
Section	**Summary of changes from April 2023 version**
Section 5.3	Inserted a new section explaining entitlements to Carers' leave
Appendix 1	Clarification of adoption paternity being taken within the first year of adoption
5.18.3	Clarification of legislative change stating that employees can take either 1 or 2 weeks' leave. If the employee is taking 2 weeks, they can either be taken consecutively or separately and it can now be taken at any point within the 52 weeks after the birth of the child.
	Version date: April 2023
Section 3.1	Annual leave entitlement increase by 1 day for all support staff
	Version date: June 2022
Section	**Summary of changes from 2011 version.**
Section 3.6	Clarified entitlements to carry over leave if off sick.
Section 5.3	Updated entitlements to unpaid parental leave so consistent with legislation
Section 5.4	Added entitlement to parental bereavement leave.
Section 5.11	Added entitlement to request training.
Section 5.15	Added reference to surrogacy and more details about arrangements for paternity leave for adoption.
Section 5.17	Clarified entitlement to paternity leave and added an appendix with more information about arrangements in respect of adoption and surrogacy.
	Updated some statutory references
	Formatting changes
	Minor changes

Date of agreement with trade unions: April 2024

Scheduled review date: 4 years from agreement with trade unions.