



Cherry Tree
EDUCATION

CHERRY TREE SCHOOL STAFF POLICY AND PROCEDURES

(INCLUDING INDUCTION, STAFF ABSENCE,
DISCIPLINARY, CAPABILITY, CONDUCT & GRIEVANCE,
STAFF TRAINING & DEVELOPMENT, RESTRUCTURE
AND REDUNDANCY, MATERNITY, PATERNITY &
ADOPTION AND DRESS CODE)

DATE AGREED / REVIEWED: SEPTEMBER 2017, SEPTEMBER 2018,
SEPTEMBER 2019, SEPTEMBER 2020, SEPTEMBER 2021, SEPTEMBER
2022, SEPTEMBER 2023

DATE OF NEXT REVIEW: SEPTEMBER 2024

HEADTEACHER SIGNATURE:

MANAGEMENT COMMITTEE CHAIR SIGNATURE:

ALL STAFF MUST HAVE ACCESS TO THIS POLICY, AND SIGN TO
CONFIRM THAT THEY HAVE READ, UNDERSTOOD AND WILL
ADHERE TO ITS CONTENTS.

Staff Induction

To enable all staff to become effective and efficient in their role as quickly as possible, it is essential that all staff new to Cherry Tree receive an appropriate induction. New staff will meet with a senior member of school staff on the first day. The aim of this meeting is to enable new staff to understand the systems and culture of the school environment so that they can feel comfortable in their new environment and ask any questions relating to their new role. Cherry Tree operates an open door policy so any staff a member can access a senior member at any time.

The specific activities for induction will depend on the responsibilities and tasks of the role and will take into account the experience and skills of the new employee / volunteer. Senior staff will be responsible for the induction of all new staff / volunteers. However, there will be an expectation on new staff to be proactive in reading policies and procedures relevant to their roles.

Staff Absence

A satisfactory level of attendance at work is required by employees to ensure the successful operation of the school. High absence rates can lead to disruption for pupils and other staff, increased salary costs, lower standards of work and service, and low morale amongst staff. Cherry Tree does not pay staff for sick leave or absence.

Types of Absence

Absence from work can be broadly defined as any time when the employee is not at his or her place of work during normal working hours or at other times when the employee is contractually required to be at work.

Types of absence can be defined as follows:

- statutorily entitled absence, eg. time off for ante-natal care, maternity and parental leave
- absence authorised by the employer, eg. approved training course, approved special leave
- absence provided for by way of the contract of employment, eg. contractual maternity leave, sick leave
- unauthorised absence, including:
 - absence in breach of contractual sick pay and absence schemes
 - wrongly claiming to be absent on health grounds
 - late attendance
 - leaving work early without prior authorisation
 - prolonged meal or other breaks without authorisation
 - failure to return to work from approved leave on time
 - taking leave without approval when prior permission is required
 - exceeding the contractual leave entitlement without approval
 - being elsewhere than at the required place of work, except when authorised to travel between workplaces
 - regular absenteeism where the employer has doubts about the genuineness of the reasons given.

What to do if absent

Day 1

You are required to report absence no later than between 7:30am and 8.00am the morning of your first day of absence. You must telephone the School Operations Manager and if the phone call is unanswered, leave an initial phone message and phone again until you speak to the above person. If *you* cannot contact the school (e.g. due to hospitalisation) you must arrange for someone else to report your absence in the same way as above. You must telephone as directed above, every morning of your absence.

Absence before the completion of one half of the working day will be recorded as one full day's absence; absence after the completion of one half day will be recorded as half a day's absence.

Days 2,3,4,5 (Working Days)

You must telephone as directed above, every morning of your absence. You will be required to fill in a self-certification form on your return to work if your absence through sickness is no longer than 5 working days.

Day 6 and Onwards (Working Days)

Periods of absence due to sickness of more than 5 days must be covered by a medical certificate. You must obtain a medical certificate from a doctor and send it to school without delay. Please note: For periods of absence due to sickness either side of a public or school holiday, you must provide a medical certificate stating your illness and its duration, in addition to a fit note.

Every Further 5th Working Day

Contact the School Operations Manager to report that you are still sick and to give an indication of when you intend to return to work. Further medical certificates may be required, if the first did not cover the entire period of sickness. These must be sent to school without delay.

Returning to Work

A senior member of staff may conduct a 'Return to Work' interview as soon as possible after your return, normally within 1 week of the date of your return to work.

The purpose of this interview is to:

- ensure that you are fit to return to work from a management viewpoint and to provide necessary assistance to facilitate you undertaking work duties
- confirm you have submitted the necessary certificates
- update you on anything that may have happened during your absence
- raise any other concerns regarding your absence record or your return to work be confident that there are no underlying problems contributing to the absence either at home or at work

You must gain a fit to work certificate from your doctor if

- you have been sick for 21 days or more
- you have a medical certificate covering more than 14 days
- you have had one or more medical certificates issued
- you are returning to work against doctors advice on the medical certificate

If your doctor provides a certificate stating that you "may be fit for work" you must inform the School Operations Manager immediately. The school will hold a discussion with you about how to facilitate your return to work, taking account your doctor's advice. If appropriate measures cannot be taken, you will remain on sick leave and a review date will be agreed.

Half Termly Review

The School Operations Manager will look at the absence records for all staff on a half termly basis and set attendance targets, if appropriate.

A formal review will be set in motion where:

- persistent short term absence defined as irregular odd days, odd days forming a pattern or short periods of unrelated absences are recorded
- there are 5 spells of absence of any length, within the previous 3 months
- attendance is less than 95%

Further Stages

A further review meeting will be arranged 6 weeks after the first meeting. This review meeting will broadly follow the same process with further action taken as appropriate. Medical certificates may be required from day 1 for any sickness at this stage.

A third review meeting will be arranged 6 weeks after the 2nd review meeting. If the absence record has improved in this 3-month period, the review will be formally terminated and your absence monitored as part of the general process.

If there is no improvement by the end of this process, then School Operations Manager will consider the disciplinary procedures available.

Managing Long-Term or Persistent Absence

Persistent absence is defined as attendance below 95% or patterns of absence. The following paragraphs set out the procedure for dealing with long-term absence or where your level or frequency of short-term absence has given the school cause for concern. The purpose of the procedure is to investigate and discuss the reasons for your absence, whether it is likely to continue or recur, and whether there are any measures that could improve your health and/or attendance. The school may decide that medical evidence, or further medical evidence, is required before deciding on a course of action. Meetings will normally be conducted with The School Operations Manager.

- The school will notify you in writing of the time, date and place of any meeting, and why it is being held. Usually a week's notice of the meeting will be given
- You may bring a companion to any meeting or appeal meeting under this procedure. Your companion may be either a trade union representative or a colleague, who will be allowed to act as your companion.
- If you or your companion cannot attend at the time specified, you should let us know as soon as possible and the school will try, within reason, to agree an alternative time.
- If you have a disability, the school will consider whether reasonable adjustments may need to be made to the absence meeting procedure, or to your role or working arrangements.

Medical Examinations

The school may ask you to consent to a medical examination by a doctor or Occupational Health professional or other specialist nominated by the school (at the school's expense).

You will be asked to agree that any medical report produced may be disclosed to us and that the school may discuss the contents of the report with the specialist and with advisers. All medical reports will be kept confidential and held in accordance with GDPR.

Although referrals may be made for a variety of reasons, the main triggers are:

- below 95% attendance
- 20 or more days of absence in total over one year
- 5 or more separate instances of absence over one year

Upon receipt of the Occupational Physician's report, the School Operations Manager will consider the appropriate action. It is important to note that as this report is an advisory one, it is for the School Operations Manager in consultation with the Headteacher, to determine whether or not to accept the advice offered.

If there is an underlying medical reason

The medical opinion of the Occupational Physician will be considered in the light of the needs of the school and the likely duration of the sickness. The following will be considered:

- no further action
- job re-design
- termination of employment on grounds of incapacity

If there is no underlying medical reason and no satisfactory explanation

This may give rise to disciplinary action. You will be informed in writing of any action that may take place.

Provision of Medical Certificates

You must provide a medical certificate for each day of sickness if you are sick:

- during a period of notice
- on the day either side of a public bank holiday
- on the day either side of a school holiday

Medical certificates must indicate the period of sickness they are covering. If this is not shown, the certificate is assumed to cover a maximum of 5 working days from the date of issue. Certificates obtained after the sickness absence will not be accepted.

Initial Absence Meeting

- The purposes of an absence meeting or meetings will be to discuss the reasons for your absence, how long it is likely to continue, whether it is likely to recur, whether to obtain a medical report, and whether there are any measures that could improve your health and/or attendance.
- In cases of short-term, intermittent absence, the school may set a target for improved attendance within a certain timescale.

Final Absence Meeting

Where you have been warned that you are at risk of dismissal, and the situation has not changed significantly, the school will hold a meeting to consider the possible termination of your employment. Before the school makes a decision, it will consider any matters you wish to raise and whether there have been any changes since the last meeting.

Appeals

You may appeal against the outcome of any stage of this procedure. If you wish to appeal, you should set out your appeal in writing to the Head stating your grounds of appeal, following the procedure laid out in the appeals section below.

Compassionate/Special Leave

Special Leave is not an entitlement. All leave should be considered unpaid. It is the School Operations Manager's decision to grant special leave with pay and only in very exceptional

circumstances. A special leave form should be completed and handed to the School Operations Manager prior to asking for absence. Special Leave should only relate to emergency situations. Staff are advised to make it clear to their partners, friends and family, not to book surprise holidays, etc. in term time as the leave will not be authorised.

Staff Dress Code

Cherry Tree recognises that, whilst we would want staff to exercise choice in the clothing they wear to work, there is a need for clothing to be appropriate for working with children. Members of staff are role models and in line with our ethos of modelling the behaviours we wish to promote members of staff need to lead by example when it comes to dress and appearance. There is no desire to set a particular style of dress or appearance, but rather to set a standard that is appropriate within a learning environment that both promotes effective teaching and learning and sets the tone for pupils' dress and appearance. While at work, all members of staff represent the school and through their appearance have an impact on the image the school projects to pupils, parents, carers and visitors. The Headteacher has the final say on whether clothing and appearance is appropriate. However, priority will be given to Safeguarding, health and safety and security considerations.

Staff must:

- Ensure their clothes are appropriate to work in a school setting
- Ensure their clothes are not likely to be viewed as offensive, revealing, or sexually provocative
- Ensure their clothes do not distract, cause embarrassment or give rise to misunderstanding and is absent of any political or otherwise contentious slogans.
- Ensure their clothes are not considered to be discriminatory or are culturally sensitive
- Ensure their clothes do not place themselves or others at risk.

(Please note that 'clothes' includes footwear)

If a staff member's clothing or appearance is not deemed appropriate, the School Operations Manager will speak to the staff member concerned to discuss any concerns.

Failure to adhere to Cherry Tree's standard of dress and appearance may constitute misconduct and could ultimately result in formal disciplinary procedures being implemented.

Staff Disciplinary, Capability, Conduct and Grievance

The following policy sets standards of performance and behaviour whilst the procedures are designed to help promote fairness and order in the treatment of individuals. It is our aim that the rules and procedures should emphasise and encourage improvement in the conduct of individuals, where they are failing to meet the required standards, and not be seen merely as a means of punishment. We reserve the right to amend these rules and procedures where appropriate.

Every effort will be made to ensure that any action taken under this procedure is fair, with you being given the opportunity to state your case and appeal against any decision that you consider to be unjust.

Minor Disciplinary/Capability Issues

Minor disciplinary issues will be dealt with informally at first, and will be escalated only where:

- There has been no resolution
- The issue is more serious
- There are repeated or multiple instances of misconduct
- There is suspected gross misconduct

When dealing with an issue informally, the Cherry Tree School Operations Manager will organise a brief meeting with the employee and set out the concerns. They will remind the employee of the expected standard of behaviour and consider what support is needed to help them improve. Notes will be taken and retained.

If the issue cannot be dealt with informally, formal procedures will begin. The employee will be notified of this in a face-to-face meeting with the appropriate staff member. This will be followed up in writing.

Rules Covering Unsatisfactory Conduct and Misconduct

(These are examples only and not an exhaustive list.)

You will be liable to disciplinary action if you are found to have acted in any of the following ways:

- failure to abide by the general health and safety rules and procedures
- smoking in any of the school areas both inside and within the grounds
- consumption of alcohol / under the influence of drugs on the premises
- persistent absenteeism and/ or lateness
- unsatisfactory standards or output of work
- rudeness towards pupils, members of the public or other employees, objectionable or insulting behaviour, harassment, bullying or bad language
- failure to devote the whole of your time, attention and abilities to the business and affairs during your normal working hours
- unauthorised use of E-mail and Internet
- failure to carry out all reasonable instructions or follow our rules and procedures
- unauthorised use or negligent damage or loss of Cherry Tree property
- failure to report immediately any damage to property or premises caused by you
- if your work involves driving, failure to report immediately any type of driving conviction, or any summons which may lead to your conviction
- breaches of confidentiality
- failure to report immediately any cautions or convictions you may receive for any offence

Serious Misconduct

Where one of the unsatisfactory conduct or misconduct rules has been broken and if, upon investigation, it is shown to be due to your extreme carelessness or has a serious or substantial effect upon our operation or reputation; you may be issued with a final written warning in the first instance.

You may receive a final written warning as the first course of action, if, in an alleged gross misconduct disciplinary matter, upon investigation, there is shown to be some level of mitigation resulting in it being treated as an offence just short of dismissal.

Rules Covering Gross Misconduct

Occurrences of gross misconduct are very rare because the penalty is dismissal without notice and without any previous warning being issued. It is not possible to provide an exhaustive list of examples of gross misconduct. However, any behaviour or negligence resulting in a fundamental breach of contractual terms that irrevocably destroys the trust and confidence necessary to continue the employment relationship will constitute gross misconduct. Examples of offences that will normally be deemed as gross misconduct include serious instances of:

- theft or fraud
- physical violence or bullying
- deliberate damage to property
- deliberate acts of unlawful discrimination or harassment
- possession, or being under the influence, of illegal drugs at work
- breach of health and safety rules that endangers the lives of, or may cause serious injury to, employees or any other person
- Taking any pupil to your private address, or any address or place not authorised by the Operations Manager or Headteacher
- (The above examples are illustrative and do not form an exhaustive list.)

Disciplinary Procedure

Disciplinary action taken against you will be based on the following procedure:

OFFENCE	FIRST OCCASION	SECOND OCCASION	THIRD OCCASION	FOURTH OCCASION
UNSATISFACTORY CONDUCT	Formal verbal warning	Written warning	Final written warning	Dismissal
MISCONDUCT	Written warning	Final written warning	Dismissal	
SERIOUS MISCONDUCT	Final written warning	Dismissal		
GROSS MISCONDUCT	Dismissal			

We retain discretion in respect of the disciplinary procedures to take account of your length of service and to vary the procedures accordingly. If you have a short amount of service, you may not be in receipt of any warnings before dismissal, but you will retain the right to a disciplinary hearing, and you will have the right of appeal.

If a disciplinary penalty is imposed it will be in line with the procedure outlined above, which

may encompass a formal verbal warning, written warning, final written warning, or dismissal, and full details will be given to you.

In all cases warnings will be issued for misconduct, irrespective of the precise matters concerned, and any further breach of the rules in relation to similar or entirely independent matters of misconduct will be treated as further disciplinary matters and allow the continuation of the disciplinary process through to dismissal if the warnings are not heeded.

Disciplinary Authority

The operation of the disciplinary procedure contained in the previous section is based on the following authority for the various levels of disciplinary action. However, the list does not prevent a higher level of seniority progressing any action at whatever stage of the disciplinary process.

Formal verbal warning	Headteacher / School Operations Manager
Written warning	Headteacher / School Operations Manager
Final written warning	Headteacher / School Operations Manager
Dismissal	Headteacher / School Operations Manager

Period of Warnings

- Formal verbal warning
- A formal verbal warning will normally be disregarded for disciplinary purposes after a three-month period
- Written warning
- A written warning will normally be disregarded for disciplinary purposes after a six-month period
- Final written warning
- A final written warning will normally be disregarded for disciplinary purposes after a twelve-month period

General Notes

- Before a disciplinary hearing takes place, an investigating officer will be allocated and will gather the facts of the case and evidence. The investigating officer will, if necessary, hold investigatory meetings. The employee will be informed of the outcome of the investigation in writing. If the investigating officer determines that the matter should move forward to a formal disciplinary hearing a disciplinary officer will be appointed. This will be a person independent from the investigating officer.
- If it is decided that there is a disciplinary case to answer, the employee will receive a written notification 5 working days before the hearing. The meeting could be sooner if it is agreed by both parties. The notification will include the following: details of the alleged misconduct and its possible consequences, copies of any written evidence including witness statements, the time, date and location of the disciplinary

meeting and a statement that the employee has the right to be accompanied by a colleague.

- Before any disciplinary hearing, the employee will receive a copy of all evidence that will be relied upon during the procedure. At the hearing, the person conducting the hearing will explain the case against the employee and go through the evidence that has been gathered.
- The employee will be allowed to set out their case and answer any allegations that have been made. The employee will also be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses. They will also be given an opportunity to raise points about any information provided by witnesses.
- Employees have a statutory right to be accompanied at a meeting that may result in a formal warning being issued, disciplinary action being taken, or the confirmation of either of these.
- In some circumstances it will be appropriate to suspend a member of staff temporarily, for example, where there is suspected gross misconduct. This will be a neutral act in that it does not amount to guilt or constitute disciplinary action. The staff member will be informed of this in a face to face meeting and will be suspended on full pay.
- In exceptional circumstances, suspension from work without pay for up to five days as an alternative to dismissal (except dismissal for gross misconduct) may be considered by the person authorised to dismiss.
- Gross misconduct offences will result in dismissal without notice.
- You have the right to appeal against any disciplinary action.
- We reserve the right to allow third parties to chair any formal hearing. You agree to permit us to share any relevant sensitive data where it is necessary for the purposes of that hearing.
- Minutes will be kept of all interviews and meetings. Records of all materials relating to the disciplinary process will be kept securely, only for as long as necessary and in line with data protection law and privacy notices.
- If disciplinary action is taken, a record of this will be added to the employee's personnel file.

Capability / Disciplinary Appeal Procedure

1. You have the right to lodge an appeal in respect of any capability / disciplinary action taken against you.
2. If you wish to exercise this right, you should apply either verbally or in writing to the School Operations Manager or the Headteacher.
3. It may be necessary, because of the size of our organisation for the appeal to be heard by the person who took the original action and it is therefore important that your appeal gives details of why the penalty imposed is either too severe, inappropriate or unfair in the circumstances.
4. If you are appealing on the grounds that you have not committed the offence, it may be necessary for the person conducting the appeal to have a complete re-hearing so that there can be a reappraisal of all matters before a decision is made to grant or refuse the appeal.

5. You may be accompanied at the appeal hearing by a fellow employee of your choice and the result of the appeal will be made known to you in writing, normally within five working days after the hearing. This is the final stage of the appeal process.
6. We reserve the right to allow third parties to chair any formal hearing. You agree to permit us to share any relevant sensitive data where it is necessary for the purposes of that hearing.

Grievance Procedure

1. It is important that if you feel dissatisfied with any matter relating to your employment you should have an effective means by which such a grievance can be aired and, where appropriate, resolved.
2. Nothing in this procedure is intended to prevent you from informally raising any matter you may wish to mention. Informal discussion can frequently solve problems without the need for a written record. However, if you wish to raise a formal grievance you should normally do so in writing from the outset.
3. You have the right to be accompanied at any stage of the procedure by a fellow employee who may act as a witness or speak on your behalf to explain the situation more clearly.
4. If you feel aggrieved at any matter relating to your work (except personal harassment, for which there is a separate procedure following this section), you should first raise the matter with the School Operations Manager, explaining fully the nature and extent of your grievance. You will then be invited to a meeting at a reasonable time and location at which your grievance will be investigated fully. You must take all reasonable steps to attend this meeting. You will be notified of the decision, in writing, normally within ten working days of the meeting, including your right of appeal.
5. If you wish to appeal, you must inform the School Operations Manager or Headteacher within five working days. You will then be invited to a further meeting, which you must take all reasonable steps to attend. As far as reasonably practicable, the Company will be represented by a more Senior Manager than attended the first meeting (unless the most Senior Manager attended that meeting).
6. Following the appeal meeting you will be informed of the final decision, normally within ten working days, which will be confirmed in writing.
7. We reserve the right to allow third parties to chair any formal hearing. You agree to permit us to share any relevant sensitive data where it is necessary for the purposes of that hearing.

Staff Training and Continuing Professional Development

Performance Management

Performance Management is a cornerstone of effective staff development with specific targets which benefit the school and the individual.

Training and Support

- Needs will generally be identified via Continuing Professional Development Meetings and Reviews.
- Efforts will be made to support teachers involved with development targets in order that knowledge and skills acquired are put into immediate use in the school's interests
- The types of training and support offered will vary greatly including:
- External courses/conferences
- Subject area meetings/support groups
- Whole school training on INSET days
- Provision of time for groups of staff to work together
- Where needs are identified for the development of the skills associated with management roles then opportunities will be made available where possible to obtain such experience.

Feedback/Dissemination

The benefit to the school of the training that is provided will be maximised by the provision, where appropriate, of opportunities for the dissemination to other staff of the skills and knowledge learned in training.

The Aims and Purposes of Professional Development

- All staff working in the school are entitled to development opportunities and in-service training including teaching and support staff.
- To enable all staff in the school to expand and grow according to their various professional tasks and roles and according to their professional potential.
- To address specific training needs as identified in CPD meetings
- To ensure that all staff are aware of important local and national educational developments and issues.
- To encourage individual staff to plan their careers and to identify career opportunities.
- To enable staff, where necessary or possible, to gain additional qualifications which will improve standards and the quality of teaching and learning in the classroom.
- To support staff in a supportive and caring atmosphere and to facilitate generation of this ethos throughout the school.

Responsibilities of Headteacher / Managers

- To provide forums where staff can communicate their needs.
- To provide relevant school-based training opportunities that are responsive to national local & school needs.
- To encourage staff to participate in courses and similar opportunities to meet both departmental and school targets.
- To listen to staff concerns and to offer support in a variety of ways. Managers can make suggestions about visits, enable classroom observation, or put people in touch with each other to share good practice.
- To ensure that annual professional development reviews are carried out for all staff.

- To monitor and evaluate how the development of staff contributes to goals and targets.

Responsibilities of Staff

- To be prepared to undertake professional development.
- To seek opportunities for self-development and to take full responsibility for meeting job related development needs.
- To be aware of courses and training opportunities and their relevance to the school's priorities.
- To communicate developmental needs within the consultation process in the school.
- To disseminate the outcomes of the course/development opportunity to the relevant people in order to maximise the benefits to the school.

Organisation

The Headteacher will:

- Oversee the entire cycle of staff development and keep it on course.
- Communicate information to staff.
- Liaise with relevant outside bodies and maintain an awareness of opportunities that exist for staff development.
- Design, implement and monitor a programme for the effective use of INSET days.
- Manage the budget allocation for staff development, prioritising needs and keeping appropriate records.
- Oversee the process of dissemination of information and skills.
- Design and implement the evaluation of staff development.

Restructure and Redundancy

Cherry Tree values its members of staff and is committed to the provision of job security and continuity of employment. However, as a result of changes in external funding, technological development, changes in organisational requirements, reduced pupil demand, or other reasons, it is recognised that a restructure and or redundancy situation may arise as staffing requirements change. If such a situation arises, Cherry Tree will follow the correct legal advice and endeavour to manage these challenges fairly, equitably and in the best interests of Cherry Tree in the effective operation of its services.

Maternity, Paternity and Adoption

Maternity

Cherry Tree is committed to providing equality of opportunity in employment to all persons, including those of our employees and job applicants who are expectant or new mothers.

This Maternity Policy is a source of information about the statutory and contractual employment rights that we owe to our job applicants and employees who are expectant and new mothers.

Accordingly, we are committed to:

- promoting equality of opportunity for those of our employees and job applicants who are expectant or new mothers
- preventing unlawful discrimination or harassment against such persons
- treat any act of discrimination or harassment against such persons as cases of misconduct and to follow with appropriate disciplinary procedures
- promoting a good and harmonious working environment for such persons
- fulfilling our legal obligations under the employment rights and antidiscrimination laws
- review our other employment policies to ensure that they are consistent with the aims of this policy

Notification of pregnancy

Ideally, an employee should inform Cherry Tree as soon as possible that she is pregnant. This is in her best interests as it will enable us to deal quickly with the health and safety issues that may arise, such as carrying-out a health and safety risk assessment as soon as possible.

If an employee delays telling us that she is pregnant, it is nevertheless very important that she tells us the news by no later than the end of the 15th week before her expected week of childbirth, or as soon as reasonably practicable afterwards. This is necessary to ensure that she will qualify for some important statutory rights, such as the right to take statutory maternity leave, which depend on such notice being given. The notification must be made in writing. The written notice must include the following information:

- a statement that the employee is pregnant
- the expected week of childbirth
- the date on which she intends to start her maternity leave

It is the employee's right to choose when she wishes her maternity leave to start, although she may only choose a date that falls after the beginning of the 11th week before the expected week of childbirth. An employee must also provide us with a maternity certificate from a registered doctor or midwife.

After submitting her notice, an employee may later change the date on which she intends to start her maternity leave, so long as she gives the Headteacher notice of 28 days in advance of the new start date.

Health and Safety

If an employee is pregnant, has returned to work within 6 months of giving birth and/or are breastfeeding after their return to work and has any concerns about her health and safety relating to her condition, she should immediately contact the Headteacher to discuss this. In addition, Cherry Tree affirms that it will comply with its duties under the Management of Health and Safety at Work Regulations (NI) 2000. In particular:

- we will carry out general health and safety risk assessments as required and when doing so we will take special account of the risks that may affect the health and safety of employees who are expectant or new mothers
- after an employee has informed us that she is pregnant, that she is within 6 months of the birth, or that she is breastfeeding, we will immediately carry out a specific health

and safety risk assessment to identify any particular risks in her work that may affect her or her baby

- provide her with information as to any relevant risks that were identified in that risk assessment
- attempt to avoid or remove those risks or, if that cannot be done, temporarily alter her working conditions or hours of work
- provide suitable rest facilities for employees who are pregnant or who are breastfeeding

If we cannot avoid or remove the risks in any of these ways, we may have to suspend the employee from work on maternity grounds until such time as the risk is avoided or removed. She will be entitled to receive her normal statutory and contractual terms and conditions of employment, including her salary or wages, during the period of suspension, unless she has unreasonably refused an offer of suitable alternative employment.

Time-off during pregnancy for ante-natal care

After an employee has informed Cherry Tree that she is pregnant, she will be entitled to take time-off during her normal working hours to receive ante-natal care. Ante-natal care includes regular medical appointments and parentcraft classes. In all cases, however, the care must be something that the employee has been advised to receive by a registered doctor, registered midwife or registered health visitor. We would ask employees to try, so far as is possible, to arrange for their antenatal care appointments to be held as close to the start or end of the working day. We would also ask employees to provide the School Operations Manager with plenty of advance notice of their appointments. In the case of their first ante-natal care appointment, employees should also provide evidence of their appointments. Acceptable evidence will be a medical certificate or an appointment card or letter. Employees will continue to receive their normal pay during any periods of authorised time-off that they take to attend for ante-natal care.

Sickness/Absences during pregnancy

We will record pregnancy-related sickness and absences separately from non-pregnancy-related sickness and absences and they will not be counted as part of an employee's normal sickness absence record. Also, no disciplinary or dismissal proceedings will be taken against employees on the basis of such absences. Nor will employees suffer any penalty or detriment as a result of such absences in relation to any other aspect of their employment; for example, they will not be penalised for such absences in the event that we ever have to apply length-of-continuous-service or attendance record criteria in a redundancy selection exercise.

Discussion meeting before maternity leave starts

The School Operations Manager will meet with the employee prior to the start of her maternity leave to:

- provide her with information about her entitlements under this policy
- discuss the ways, means and circumstances in which we may keep in contact with her to share information during the maternity leave period

- discuss the employee's plans for after her return to work (for example, whether she might wish to work part-time or under some other flexible working pattern)
- discuss any other concerns the employee may have

Maternity Leave

All pregnant employees are entitled to take up to 52 weeks statutory maternity leave, or as much of that period as they wish to take (subject to a short period of compulsory maternity leave). Employees are entitled to take the full 52 weeks period of statutory maternity leave regardless of their length-of-service or their hours of work.

The 52 weeks entitlement to statutory maternity leave are made up of 26 weeks of Ordinary Maternity Leave immediately followed, without a break, by up to 26 weeks of Additional Maternity Leave. There is a length of Compulsory Maternity Leave, which forms part of the Ordinary Maternity Leave, in which employees must take at least 2 weeks maternity leave immediately following the births of their babies. It is the employee's right to choose when she wishes her maternity leave to start, although she may only choose a date that falls after the beginning of the 11th week before the expected week of childbirth.

After receiving an employee's "notification of pregnancy", we will calculate when her 52 weeks maternity leave period is due to end and we will send her written notice of the date. We will do this within 28 days of receiving the "notification of pregnancy". If an employee does not start her maternity leave prior to the birth of her child, for example where the child is born prematurely, then the Compulsory Maternity Leave period will start automatically on the day after the birth of the child.

Contact during maternity leave & KIT Days

We reserve the right to keep a reasonable level of contact with employees during their maternity leave periods in order to share information. For example, we may need to contact employees to discuss their plans for after their return to work in order to put in place any special arrangements that may need to be made.

Furthermore, we will keep employees informed about any organisational developments or career development opportunities that may arise within Cherry Tree during their maternity leave periods.

We affirm that we will not contact employees during the statutory maternity leave period in order to apply pressure on them to return to work before they are ready to do so. In addition to the circumstances described above in respect of keeping in contact to share information, employees may also, with our agreement, make use of up to 10 special "Keeping-in-Touch Days" (or, "KIT Days").

KIT Days could be used to enable an employee to attend staff meetings, training courses, conferences, or any other work activity. Also, when using a KIT Day, it will not be necessary for an employee to attend for an entire work shift. A "day" for this purpose has a no fixed meaning and it could mean anything from a short meeting to an entire work shift of normal duration. It is ultimately a matter for the employee to agree with us how the "days" may be used and how long they will last.

An employee's statutory maternity leave period does not end if she attends work on any of the 10 KIT Days. Nor does the use of KIT Days affect her entitlement to Statutory Maternity Pay.

We affirm that we will not force any employee to use any KIT Days. An employee may freely and without penalty turn down any request we may make for her to attend the workplace for a KIT Day. Similarly, we may also freely reject any request that an employee makes to use a KIT Day.

Maternity Pay

During the statutory maternity leave period employees will not be entitled to receive their normal salaries or wages. Employees who satisfy certain eligibility criteria will be entitled to receive up to 39 weeks Statutory Maternity Pay (“SMP”) during their maternity leave. SMP is subject to deductions for tax and National Insurance contributions. The SMP rates are as follows:

- the first 6 weeks: at 90% of the employee’s average weekly earnings
- the remaining 33 weeks: at the lesser of (a) the Government’s set SMP rate for the relevant year, or (b) 90% of the employee’s average weekly earnings

We affirm that we will review employees’ SMP entitlements to take account of any retrospective pay rises that may affect the calculations. As part of this procedure, employees are required to tell us the date on which they wish to start receiving their SMP. Employees may only choose a date that falls after the beginning of the 11th week before the expected week of childbirth (i.e. not before week 29 of an expected 40-week pregnancy).

After receiving an employee’s “notification of pregnancy”, we will calculate the rates of SMP that she will be entitled to receive, and we will send her written notice of these. In addition to the notice requirements described above, an employee is only eligible to receive SMP if:

- she has worked for us for a continuous period of at least 26 weeks before the end of the 15th week before the expected week of childbirth
- her average earnings in the relevant calculation period are not less than the Lower Earnings Limit for National Insurance contributions

Employees who are not eligible to receive SMP may alternatively be entitled to receive Maternity Allowance. This is a benefit paid by the Social Security Agency (“SSA”). Employees should contact the SSA for further information on how to claim the benefit.

Continuation of service and of contractual terms and conditions during the statutory maternity leave period

The employee’s contract of employment, its terms and its conditions will continue throughout any periods spent on statutory maternity leave (i.e. during Compulsory, Ordinary and Additional Maternity Leave) except for terms relating to her salary and wages. Furthermore, for the purpose of calculating her continuous length-of-service for any purpose for which this is necessary (e.g. benefits related to seniority, job selection criteria, redundancy selection criteria, pension rights), all of her periods of absence for pregnancy-related reasons and maternity leave will count towards the sum.

Procedure for returning to work after maternity leave

Employees are entitled to take up to 52 weeks statutory maternity leave. After receiving an employee's "notification of pregnancy", we will calculate when her 52 weeks maternity leave period is due to end and we will send her written notice of the date.

We will normally expect employees to return to work on the date calculated by the 52-week maternity leave period notification. We would ask employees to give us advance notice of whether they intend to return on those dates or not. Employees may, if they wish, return to work before the end of the normal 52 weeks statutory maternity leave period. If employees wish to return early, they should give us 8 weeks advance notice of the return date. If we do not receive the appropriate notice, we may postpone an employee's return until the full 8 weeks' notice period has passed. Employees may sometimes return to work after the normal 52-week statutory maternity leave period expires. This may occur where the employee is sick or injured, in which case our normal sickness absence policy and procedures will apply.

Rights on returning to work after maternity leave

As noted above, the 52 weeks entitlement to statutory maternity leave are made up of 26 weeks of Ordinary Maternity Leave ("OML") immediately followed by up to 26 weeks of Additional Maternity Leave ("AML").

An employee's right to go back to her old job on her return from maternity leave may vary depending on whether she returns to work following OML or AML. If an employee returns to work before or immediately at the end of the OML period, she is entitled to return to the same job that she held prior to her maternity leave and on the same terms and conditions of employment that she had as before. An exception to this rule may apply where the employee's job no longer exists due to redundancy.

If an employee returns to work before or after the end of the AML period, she is entitled to return to the same job that she held prior to her maternity leave and on the same terms and conditions of employment that she had as before, unless there is a reason why it is not reasonably practicable for her to return to it. If it is not reasonably practicable for her to return to her old job, she will instead be offered a similar job on terms and conditions that are no less favourable to those which she had in her old job. An exception to this rule may apply where the employee's job no longer exists due to redundancy.

Redundancy situations during maternity leave

If during her maternity leave the employee's job has become redundant then it will not be practicable for her to return to the same job as before. If this occurs, then the employee will instead be offered a suitable alternative vacancy, if one is available.

A suitable alternative job may not necessarily be on the same terms and conditions as those previously enjoyed by the employee, but it will not be on terms and conditions that are substantially less favourable. Employees who are offered alternative employment may have a four-week trial period in which to assess whether it is suitable.

If we cannot offer an employee suitable alternative employment, we may then have to terminate her employment on the grounds of redundancy. In such a situation our normal redundancy procedure will apply.

If an employee unreasonably refuses to accept an offer of suitable alternative employee, either before, during or after a trial period, we may then have to terminate her employment, and she may forfeit her right to receive a redundancy payment.

Sickness absence after the maternity leave period expires

If an employee is not able to return to work after the end of her maternity leave due to sickness or injury, whether pregnancy-related or not, our normal sickness absence policy and procedures will apply.

Working arrangements

On their return from maternity leave, employees will normally be entitled to return to the same working arrangements (i.e. working hours and times and place of work) that they had before they went off on maternity leave. Thus, an employee who worked full-time will be entitled to return to full-time employment, and an employee who worked part-time will be entitled to return to the same arrangements of her part-time employment.

Paternity Policy

Cherry Tree are committed to providing equality of opportunity in employment to all persons, including those of our employees and job applicants who are partners of expectant or new mothers.

This Paternity Policy is a source of information about the statutory and contractual employment rights that we owe to our job applicants and employees who are partners of expectant and new mothers.

Accordingly, we are committed to:

- promoting equality of opportunity for those of our employees and job applicants who are partners of expectant or new mothers
- preventing unlawful discrimination or harassment against such persons
- treat any act of discrimination or harassment against such persons as cases of misconduct and to follow with appropriate disciplinary procedures
- promoting a good and harmonious working environment for such persons
- fulfilling our legal obligations under the employment rights and antidiscrimination laws
- review our other employment policies to ensure that they are consistent with the aims of this policy

Notification of pregnancy of a partner

Ideally, an employee should inform Cherry Tree as soon as possible that their partner is pregnant.

If an employee delays telling us that their partner is pregnant, it is nevertheless very important that they tell us the news by no later than the end of the 15th week before their expected week of childbirth, or as soon as reasonably practicable afterwards. This is necessary to ensure that they will qualify for some important statutory rights, such as the right to take statutory paternity leave, which depend on such notice being given. The notification must be made in writing. The written notice must include the following information:

- a statement that the partner of the employee is pregnant
- the expected week of childbirth
- the date on which they intend to start their paternity leave

There are some legal restrictions on the specific period that you can take your paternity leave. It cannot start before the birth and it must end within 56 days of the birth. You must give Cherry Tree 28 days' notice if you want to change your start date. You do not have to give a precise date when you want to take leave and instead can give a general time, such as the day of the birth or 1 week after the birth.

You are only eligible for paternity leave if you are:

- the baby's father
- the expectant mother's spouse or civil partner
- in a long-term relationship with the expectant mother
- the intended parent (if you're having a baby through a surrogacy arrangement)
- have been continuously employed by your employer for at least 26 weeks

Time-off during the pregnancy of a partner to offer support for ante-natal care

If you are eligible for paternity leave, then you can take unpaid leave to accompany a pregnant woman to 2 antenatal appointments if you are:

You can take up to 6 and a half hours per appointment. Cherry Tree can choose to give you longer if we decide it is appropriate. You can apply for paternity leave and support for ante-natal care immediately if you are a permanent employee.

Discussion meeting before paternity leave starts

The School Operations Manager will meet with the employee prior to the start of their paternity leave to:

- provide them with information about their entitlements under this policy
- discuss the ways, means and circumstances in which we may keep in contact with them to share information during the paternity leave period
- discuss the employee's plans for after their return to work
- discuss any other concerns the employee may have

Paternity Leave

All partners of expected or new mothers can choose to take either 1 or 2 weeks of statutory paternity leave. Employees are entitled to take the 2-week period of statutory paternity regardless of their length-of-service or their hours of work. You get the same amount of leave if your partner has a multiple birth (such as twins) and you must take your leave in one go instead of dividing it into smaller periods. A week is the same amount of days that you normally work in a week - for example, a week is 2 days if you only work on Mondays and Tuesdays.

Contact during paternity leave

We reserve the right to keep a reasonable level of contact with employees during their paternity leave periods in order to share information. Furthermore, we will keep employees

informed about any organisational developments or career development opportunities that may arise within Cherry Tree during their paternity leave periods.

Paternity Pay

During the statutory paternity leave period, employees will not be entitled to receive their normal salaries or wages. Employees who satisfy certain eligibility criteria will be entitled to receive up to 2 weeks Statutory Paternity Pay (“SPP”) during their paternity leave. SPP is subject to deductions for tax and National Insurance contributions. The SPP rates are as follows:

- at the lesser of (a) the Government’s set SPP rate for the relevant year, or (b) 90% of the employee’s average weekly earnings

We affirm that we will review employees’ SPP entitlements to take account of any retrospective pay rises that may affect the calculations. As part of this procedure, employees are required to tell us the date on which they wish to start receiving their SPP.

An employee is only eligible to receive SPP if:

- be employed by your employer up to the date of birth
- earn at least £120 a week (before tax)
- give the correct notice
- have been continuously employed by your employer for at least 26 weeks

Continuation of service and of contractual terms and conditions during the statutory paternity leave period

The employee’s contract of employment, its terms and its conditions will continue throughout any periods spent on statutory maternity leave except for terms relating to their salary and wages. Furthermore, for the purpose of calculating their continuous length-of-service for any purpose for which this is necessary (e.g. benefits related to seniority, job selection criteria, redundancy selection criteria, pension rights), all of their periods of paternity leave will count towards the sum.

Adoption and Surrogacy Policy

Cherry Tree are committed to providing equality of opportunity in employment to all persons, including those of our employees and job applicants who are adopting a child or having a child through a surrogacy arrangement

This Maternity Policy is a source of information about the statutory and contractual employment rights that we owe to our job applicants and employees who are adopting a child or having a child through a surrogacy arrangement.

Accordingly, we are committed to:

- promoting equality of opportunity for those of our employees and job applicants who are adopting a child or having a child through a surrogacy arrangement
- preventing unlawful discrimination or harassment against such persons
- treat any act of discrimination or harassment against such persons as cases of misconduct and to follow with appropriate disciplinary procedures
- promoting a good and harmonious working environment for such persons

- fulfilling our legal obligations under the employment rights and antidiscrimination laws

Notification of adoption

Within 7 days of being matched with a child through the adoption process, you must tell us how much leave you want, your leave start date and the 'date of placement' (the date the child is placed with you). You must give us at least 28 days' notice and we can ask for written proof of the adoption. We shall confirm the adoption leave start and end dates within 28 days.

Adoption leave can start:

- up to 14 days before the date the child starts living with you (UK adoptions)
- when the child arrives in the UK or within 28 days of this date (overseas adoptions)
- the day the child's born or the day after (if you have used a surrogate to have a child)

After submitting their notice, an employee must inform Cherry Tree within 28 days if the day of placement changes. You must give your employer at least 8 weeks' notice if you want to change your return to work date.

If you use a surrogate to have a baby, inform us of the due date and when you want to start your leave at least 15 weeks before the expected week of birth. We may ask for this in writing.

We may also ask for a written statement ('statutory declaration') to confirm you've applied or will 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.

Time-off during adoption process for adoption appointments

If you get adoption leave, you can also get paid time off work to attend 5 adoption appointments after you have been matched with a child.

Discussion meeting before adoption leave starts

The Operations Manager of Cherry Tree will meet with the employee prior to the start of their adoption leave to:

- provide them with information about their entitlements under this policy
- discuss the ways, means and circumstances in which we may keep in contact with them to share information during the maternity leave period
- discuss the employee's plans for after their return to work
- discuss any other concerns the employee may have

Adoption Leave

All employees who are adopting a child are entitled to take up to 52 weeks statutory adoption leave which consists of 26 weeks of Ordinary Adoption Leave and 26 weeks of Additional Adoption Leave. Employees are entitled to take the full 52 weeks period of statutory adoption leave regardless of their length-of-service or their hours of work. Only 1 person in a couple can take adoption leave. The other partner could get paternity leave instead. As an employee, to get Statutory Adoption Leave you must give the correct notice and give proof of the adoption or surrogacy, if your employer asks you for it.

After receiving an employee's date of placement, we will calculate when their 52 weeks adoption leave period is due to end and we will send them written notice of the date.

You do not qualify for Statutory Adoption Leave or Pay if you:

- arrange a private adoption
- become a special guardian or kinship carer
- adopt a stepchild
- adopt a family member

Contact during adoption leave & KIT Days

We reserve the right to keep a reasonable level of contact with employees during their adoption leave periods in order to share information. For example, we may need to contact employees to discuss their plans for after their return to work in order to put in place any special arrangements that may need to be made.

Furthermore, we will keep employees informed about any organisational developments or career development opportunities that may arise within Cherry Tree during their adoption leave periods.

We affirm that we will not contact employees during the statutory adoption leave period in order to apply pressure on them to return to work before they are ready to do so. In addition to the circumstances described above in respect of keeping in contact to share information, employees may also, with our agreement, make use of up to 10 special "Keeping-in-Touch Days" (or, "KIT Days").

KIT Days could be used to enable an employee to attend staff meetings, training courses, conferences or any other work activity. Also, when using a KIT Day, it will not be necessary for an employee to attend for an entire work shift. A "day" for this purpose has a no fixed meaning and it could mean anything from a short meeting to an entire work shift of normal duration. It is ultimately a matter for the employee to agree with us how the "days" may be used and how long they will last.

An employee's statutory adoption leave period does not end if they attend work on any of the 10 KIT Days. Nor does the use of KIT Days affect their entitlement to Statutory Adoption Pay.

We affirm that we will not force any employee to use any KIT Days. An employee may freely and without penalty turn down any request we may make for her to attend the workplace for a KIT Day. Similarly, we may also freely reject any request that an employee makes to use a KIT Day.

Adoption Pay

During the statutory adoption leave period employees will not be entitled to receive their normal salaries or wages. Employees who satisfy certain eligibility criteria will be entitled to receive up to 39 weeks Statutory Adoption Pay ("SAP") during their leave. SAP is subject to deductions for tax and National Insurance contributions. The SAP rates are as follows:

- the first 6 weeks: at 90% of the employee's average weekly earnings
- the remaining 33 weeks: at the lesser of (a) the Government's set SMP rate for the relevant year, or (b) 90% of the employee's average weekly earnings

We affirm that we will review employees' SAP entitlements to take account of any retrospective pay rises that may affect the calculations. However, in certain exceptional circumstances employees may be entitled to receive all or part of any bonuses that we might pay to staff during or in respect of the maternity leave period. Entitlement to a bonus payment will depend on various factors such as the type of bonus and on the purpose and terms of the bonus payment.

After receiving an employee's date of placement, we will calculate the rates of SAP that they will be entitled to receive. and we will send them written notice of these. In addition to the notice requirements described above, an employee is only eligible to receive SAP if they:

- have been continuously employed by your employer for at least 26 weeks by the week you were matched with a child
- earn on average at least £120 a week (before tax)
- give the correct notice
- give proof of the adoption or surrogacy

The requirements are the same if you are in a surrogacy arrangement, except you must have been continuously employed by your employer for at least 26 weeks by the 15th week before the baby's due and you must also:

- intend to apply for a parental order
- expect the order to be granted (for example because you do not have any convictions involving children, and the birth mother or father agree to the arrangement)

If you are genetically related to the child (the egg or sperm donor), you can choose to get paternity leave and pay instead. You cannot get both.

Employees who are not eligible to receive SAP are advised to speak to their local council in regard to financial support.

Proof of Adoption for Statutory Adoption Pay

You must give us proof of adoption to qualify for Statutory Adoption Pay. Proof is not needed for Statutory Adoption Leave unless we request it. The proof must show:

- your name and address and that of the agency
- the match date - for example the matching certificate
- the date of placement - for example a letter from the agency
- the relevant UK authority's 'official notification' confirming you are allowed to adopt (overseas adoptions only)
- the date the child arrived in the UK - for example a plane ticket (overseas adoptions only)

Redundancy situations during adoption leave

If during their adoption leave the employee's job has become redundant then it will not be practicable for them to return to the same job as before. If this occurs, then the employee will instead be offered a suitable alternative vacancy, if one is available.

A suitable alternative job may not necessarily be on the same terms and conditions as those previously enjoyed by the employee, but it will not be on terms and conditions that are substantially less favourable. Employees who are offered alternative employment may have a four-week trial period in which to assess whether it is suitable.

If we cannot offer an employee suitable alternative employment, we may then have to terminate her employment on the grounds of redundancy. In such a situation our normal redundancy procedure will apply.

If an employee unreasonably refuses to accept an offer of suitable alternative employee, either before, during or after a trial period, we may then have to terminate her employment, and they may forfeit her right to receive a redundancy payment.

Working arrangements

On their return from adoption leave, employees will normally be entitled to return to the same working arrangements (i.e. working hours and times and place of work) that they had before they went off on maternity leave. Thus, an employee who worked full-time will be entitled to return to full-time employment, and an employee who worked part-time will be entitled to return to the same arrangements of her part-time employment.

**This policy will be reviewed annually by the Headteacher
and or the Management Committee**