



FAMILY LEAVE POLICY & PROCEDURE

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1. Policy Statement and Scope

- 1.1 This policy applies to all school and trust-based staff.
- 1.2 This policy has been developed in recognition of the statutory requirements covering maternity, paternity and adoption provisions, as well as wider issues affecting working families i.e. parental and shared parental leave provisions. It also recognises the importance of supporting employees with family friendly approaches to working, to enable them to achieve a greater work-life balance. Further information regarding family friendly policies can also be found in the trust's Leave of Absence policy & Procedure.
- 1.3 This policy is intended to provide a summary of employees' entitlements to maternity, paternity, adoption and parental leave. It is not a comprehensive summary of employees' legal rights and in any case of dispute on interpretation, the wording used in legislation, conditions of service handbooks and in local agreements will take precedence. If you require further information or have specific queries, please contact the payroll team.
- 1.4 The rights as described in this policy apply to all employees, including those on temporary contracts. They also apply to full-time and part-time employees; irrelevant of the number of hours they work but are subject to length of service.
- 1.5 The following definitions are used in this policy:
 - 'Expected week of childbirth' (EWC) means the week, starting on a Sunday, during which they are expected to give birth.
 - 'Qualifying week' means the 15th week before the expected week of childbirth for the purpose of Statutory Maternity Pay (SMP), and the 11th week before the expected week of childbirth for the purpose of Occupational Maternity Pay (OMP).

2. Legal and Statutory Framework

- 2.1 The policy takes into account the Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024, the Neonatal Care Leave and Miscellaneous Amendments Regulations 2025 and the Statutory Neonatal Care Pay (General) Regulations 2025.
- 2.2 Teachers and support staff may have different contractual entitlements in accordance with (respectively) the Conditions of Service for School Teachers in England and Wales (generally referred to as the Burgundy Book) and the Conditions of Service for Local Government Services (generally referred to as the Green Book). For establishments which adhere to those conditions of service, the differences between these entitlements are outlined, where applicable, under appropriate headings in the sections which follow.

3. Roles and Responsibilities

Family Leave – Scheme of Delegation	
Senior Executive Leadership Team	<ul style="list-style-type: none">To review and approve the Family Leave policy annually.
CEO	<ul style="list-style-type: none">To oversee the Family Leave process, if this relates to an Executive Headteacher.
Executive Leaders	<ul style="list-style-type: none">To oversee the Family Leave process, this relates to a Headteacher.
Headteachers	<ul style="list-style-type: none">The Headteacher will oversee the Family Leave process for all other employees in the school.

4. Guide to Maternity Provisions

4.1 Rights of pregnant employees

Pregnant employees have five principal legal rights:

- paid time off for antenatal care;
- maternity leave;
- maternity pay or maternity allowance;
- redundancy protection which means priority in being offered a suitable alternative vacancy where one exists in a redundancy situation for up to six months after taking twelve months leave. (Redundancy protection is calculated from the first day of the expected week of childbirth (or from the actual date of the birth once we are notified) for a period of eighteen months (in respect of employees who have suffered a miscarriage the protection applies for a period of two weeks after the pregnancy ends) Please note this is effective from 6th April 2024;
- protection against unfair treatment, discrimination or dismissal.

4.2 Right to time off for Ante-Natal Care

Employees are entitled to paid time off for antenatal care appointments. (although an employee is not entitled to take time off for antenatal appointments until they have told the employer about the pregnancy). Antenatal care includes:

- Appointments with the GP or registered midwife;
- Hospital appointments for scans or tests;
- Other appointments made on the recommendation of the GP or registered midwife;
- Relaxation and parent craft classes.

4.3 Employees are asked to inform their line manager as far in advance as possible, of the date and time of any appointment and the best estimate of the length of absence from work including travelling time if significant. It would also be helpful in many cases if they could try to arrange appointments at the beginning

or the end of the day, although the trust recognises this may not always be possible.

- 4.4 Except for the first appointment, if requested by the trust, the employee must be prepared to show a certificate from a registered practitioner, midwife or health visitor confirming that they are pregnant and an appointment card, or some other document, showing that an appointment has been made, prior to the appointment taking place.
- 4.5 The time taken to attend such appointments within an employee's working hours for that day (including reasonable travelling time) will be paid at the usual rate provided the employee has complied with the above requirements.
- 4.6 The biological parent or pregnant employee's partner also has the right to time off work to accompany them in attendance at two antenatal appointments (this is addressed in more detail within the Leave of Absence Policy & Procedure).

4.7 **Time off for IVF appointments**

Employees do not normally have the right to paid time off for medical appointments and should refer to the trust's Leave of Absence Policy & Procedure to request time off. However, when an employee becomes pregnant, they are entitled to the same time off for ante-natal care as outlined above.

- 4.8 It is good practice (though not a legal requirement) for you to treat sympathetically any request for time off for IVF or other fertility treatment. This could include allowing those staff that work all year round to take annual leave, or alternatively, allowing term time only staff to take unpaid leave when receiving treatment.
- 4.9 If the IVF was unsuccessful, employees are still protected by law against pregnancy discrimination for 2 weeks after finding out an embryo transfer was unsuccessful.

5. **Maternity Leave: Eligibility and Entitlement**

- 5.1 The statutory arrangements outline that pregnant employees are entitled to, regardless of length of service, a total of 52 weeks leave. This is made up of 26 weeks Ordinary Maternity Leave (OML) followed by 26 weeks Additional Maternity Leave (AML).
- 5.2 Employees must take at least 2 weeks' maternity leave after the birth.

6. **Maternity Leave: Notification**

- 6.1 Employees are required to provide notification of pregnancy to the employer by the end of the 15th week before their expected week of childbirth (this may also be referred to as expected week of confinement or, as hereafter in this policy, EWC).
- 6.2 Employees must make arrangements to meet with their headteacher to confirm pregnancy and discuss maternity/shared parental leave ideally as soon as is

practical. Please note that, the employee has a duty to notify the employer of the following at least 28 days before their maternity leave absence begins:

- that they are pregnant (in which event employers may wish to consider the advisability of undertaking appropriate risk assessment);
- the expected week of childbirth (EWC);
- the date from which they wish their maternity leave to commence to be notified in writing by completing a form, which is available from your Admin Manager or central HR/Payroll team - this cannot be earlier than the 11th week before the EWC.

6.3 Under the statutory arrangements it will also be possible for an employee to change the date their leave commences provided they give 28 days' notice (unless this is not reasonably practicable).

6.4 The headteacher after meeting with the employee will notify central payroll who must write to the employee within 28 days of the head receiving the completed form from the employee, to acknowledge their request and they must inform the employee of their expected date of return should they take their full entitlement.

6.5 Employers are entitled to request the following:

- written notification of the date an employee wishes to start their maternity leave;
- that an employee produces a MAT B1 certificate from a registered medical practitioner or midwife stating the EWC.

6.6 The assumption will be that maternity leave will last for the maximum period of twelve months unless the employee specifically states otherwise (by intimating that they will return to work at an earlier date or they submit a request for shared parental leave).

6.7 If your baby is born prematurely and you have not yet given notice to Share MAT that you intend to stop work and claim maternity pay, the maternity pay period (39 weeks' paid leave) will commence from the day after the birth takes place.

7. The Expected Week of Childbirth (EWC)

7.1 The employee's midwife will provide a certificate stating the expected week of childbirth (MAT B1). This is normally issued after the 21st week of pregnancy. This certificate is required in order to claim Statutory Maternity Leave and Pay, if eligible.

7.2 As soon as the expected date of birth is confirmed on the MATB1 form, the earliest date for starting the period of maternity leave can be calculated, which is the beginning of the 11th week before the expected week of childbirth (EWC). To calculate this date, employees should count back 11 weeks from the Sunday before the date of expected birth. Employees may commence maternity leave any time between this date and the expected date of birth. However, maternity leave will start automatically if employees are absent from work with a

pregnancy-related illness during the 4 weeks before the baby is due, or if an employee gives birth, their maternity leave will commence the following day.

8. Pension and Annual Leave

8.1 The contract of employment continues during maternity leave. The employee will continue to receive all contractual benefits for the full maternity leave period.

8.2 If you have money voluntarily deducted from your pay on a regular basis these deductions will continue whilst you are on paid maternity leave. If you go on to nil pay your contributions will cease. Examples of these arrangements are: union subscriptions.

8.3 For teachers:

Pension: Any period when receiving pay during maternity leave (SMP or OMP) is regarded as pensionable service. When pay stops, the employee may not pay into the pension scheme. However, teachers may choose to protect their pension by buying additional pension to compensate. Employees should contact Teachers' Pensions for more information. (Please note continuity of service will not be affected). Payment for keeping-in-touch days will also be pensionable.

Annual Leave: Teachers have a statutory right to paid annual leave amounting to 28 days (5.6 weeks). However, in most cases, periods of the trust closure before and after the maternity leave period will more than equal the 28 day annual leave entitlement.

Please note: this is not an additional entitlement to annual leave on top of the current trust closure arrangements.

8.4 For support staff:

Pension: Any period when receiving pay during maternity leave (SMP or OMP) is regarded as pensionable service. Employees can either opt to pay pension contributions for any period of unpaid maternity leave so that it then counts as a period of service or not pay any outstanding contributions and the unpaid period will not count for pension purposes (whichever option is chosen, continuity of service will not be broken). If the employee wishes to pay additional contributions, they should notify payroll within 30 days of the date of return to work, or the date of ceasing employment, whichever is the earliest. Payment for keeping-in-touch days will also be pensionable.

Annual Leave: Support staff who work term time have a statutory right to paid annual leave amounting to 28 days (5.6 weeks). For support staff who work on a term time only basis, in most cases, periods of the trust closure before and after the maternity leave period will more than equal the 28-day annual leave entitlement.

Please note: this is not an additional entitlement to annual leave on top of the current trust closure arrangements.

Support staff who work all year round will continue to accrue their normal annual leave entitlement throughout both ordinary and additional maternity leave. Time off in lieu will accrue in respect of Bank Holidays during the whole of the maternity leave. Any time taken as maternity leave will count towards qualifying service for the purpose of additional annual leave based on length of continuous service. Any leave entitlement so accrued must still be taken in the leave year which it appertains. Common practice is to take any outstanding annual leave at the beginning or the end of the maternity leave period depending on where this falls in relation to the annual leave year. Employees should discuss their annual leave entitlement fully with their Line Manager to ensure that they have the opportunity to take their entitlement either before commencing maternity leave or immediately prior to their return to work. Where an employee is planning not to return to work, they should be encouraged to plan to take any annual leave entitlement that they may be due, before commencing maternity leave. If the employee has taken more paid annual leave than they are entitled to at the date of resignation, then the overpaid portion must be repaid.

8.5 **All staff:**

An employee of the trust resuming work after maternity leave is entitled to benefit from any general improvements to the rate of pay (or other T&Cs) which may have been introduced while they have been away. For teaching staff, the period of absence on maternity leave counts towards the service required to establish a "year of employment" for the purpose of incremental progression on the Main Pay Scale. A teacher who has passed through the threshold will not be disadvantaged in making progress within the Upper Pay Spine (UPS) whilst on maternity leave. Progression on the UPS should be based on guidance as set out in the School Teachers' Pay and Conditions Document. Please consult your HR Team for further guidance.

9. **Maternity Pay**

9.1 **Statutory Maternity Pay (SMP)**

Women are entitled to SMP if they meet the following criteria:

- have been continuously employed by the trust for 26 weeks up to and including the 15th week before the baby is due;
- the employee's average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date are not less than the lower earnings limit in force for national insurance contributions.

If they are not eligible for SMP, they may be eligible to claim Maternity Allowance from Job Centre Plus. The Payroll team will send the employee an SMP1 form, if required.

9.2 Any employee who is entitled to receive Statutory Maternity Pay (SMP), will receive it for a maximum of 39 continuous weeks with the remaining 13 weeks' leave being unpaid.

9.3 SMP is paid whether or not the employee intends to return to work for the trust, providing they are still working for the trust at the 15th week before the EWC.

9.4 SMP cannot start earlier than the start of the maternity leave period (i.e. the 11th week before the EWC, apart from in exceptional circumstances SMP is not paid where the employee does any paid work after the birth in the paid maternity period (excluding 'Keeping In Touch' days) or if they are in legal custody at any time during the maternity pay period.

9.5 **Maternity Allowance**

Women with the correct entitlement for OMP as per below depending table but less than 26 weeks with SHARE Multi Academy Trust by the end of the qualifying week will be entitled to OMP but not SMP. However, dependent on their National Insurance contributions they may be entitled to state Maternity Allowance (MA).

9.6 **Occupational Maternity Pay (OMP)**

The provisions OMP for teaching staff and support staff differ and are paid in accordance with statutory and locally agreed terms and conditions, as outlined in the Burgundy Book (for teaching staff) and Enhanced Green Book (for support staff) and the table below: For specific examples of this please see appendix 1 and 2.

Teachers' Occupational Maternity Pay	
Criteria for Entitlement	Worked in local government continuously for more than one year at the 11 th week before the baby's due date, you are entitled to Occupational Maternity Pay.
Entitlement Due	4 Weeks at Full Pay (this will include SMP).
	2 Weeks at 90% of normal pay (this will include SMP).
	12 Weeks at half pay (providing the employee confirms they will return to work for 13 weeks). SMP of the statutory rate will be paid alongside half pay. However, if this calculation brings your combined pay over the level of your normal full pay an adjustment will be made. You are not entitled to receive more than your normal full pay whilst you are on maternity leave.
	For weeks 19 – 39 of your maternity leave you will receive the standard SMP entitlement.

Support Staff Occupational Maternity Pay	
Criteria for Entitlement	Worked in local government continuously for more than 26 weeks at the 15th week before the baby's due date, entitled to Occupational Maternity Pay.
Entitlement Due	6 Weeks at 90% of normal pay (this will include SMP).
	33 Weeks at Half Pay (providing the employee confirms they will return to work for 33 weeks). SMP of the statutory rate will be paid alongside half pay. However, if this calculation brings your combined pay over the level of your normal full pay an adjustment will be made. You are not entitled to receive more than your normal full pay whilst you are on maternity leave.

For specific examples of how this effects employees please see appendix 1 and 2.

9.7 **For teachers:**

Payment of OMP to the teacher shall be made on the condition that they will return to their job for a period of at least 13 weeks from the date of return (this includes periods of the trust holidays). This period would extend, on a pro rata basis, if the employee was returning to work on fewer hours than they worked prior to maternity leave. Should the teacher not be available for work or decide not to return to their job for the required period, they shall refund the OMP payments made during their maternity other than those made during the first six weeks of leave. Payments made by the way of SMP are not refundable.

9.8 **For support staff:**

Payment of OMP to support staff shall be made on the understanding that they will return to local authority employment for a period of at least 33 weeks, whether this be on a full-time, part-time or job share basis. Should the employee not be available for work or decide not to return to their job or local authority employment, they shall refund the whole amount of half pay. Payments made to the employee by way of SMP are not refundable.

10. Contact During Maternity Leave

10.1 It is good practice for employees and Line Managers to maintain reasonable contact during an employee's absence so that the employee will remain informed of developments and changes within the trust which will support them to return to work. The mechanisms by which they wish to do this, and the extent to which they want to be informed, should be discussed with their Line Manager prior to the commencement of maternity leave. This contact will normally be minimal and should neither be excessive or intrusive. This does not

constitute "work" and would not count towards the KIT 10 day period (see below).

11. Keeping in Touch (KIT) days

- 11.1 Should an employee wish to take KIT days they should make arrangements to meet with the headteacher to discuss and agree to work (or to attend training). Employees are entitled to up to ten KIT days during maternity leave without bringing their period of maternity leave to an end or impacting on their right to claim maternity pay for that week.
- 11.2 Should employees wish to exercise this right, the KIT day application form must be completed prior to the meeting and discussed with the Headteacher for approval (and forward to payroll accordingly). The form is available from your Admin Manager or central HR/Payroll team.
- 11.3 Any work carried out on a day or part of a day shall, for these purposes, constitute a day's work (the latter being defined in accordance with the employee's existing contract of employment).
- 11.4 The employer is under no obligation to offer the employee any work (or training) during the employee's maternity leave and work undertaken is a matter for mutual agreement between the employer and the employee.
- 11.5 An employee taking a KIT day will receive their normal full pay for any day worked. If a KIT day occurs during a week when the employee is receiving maternity pay, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any KIT days worked do not extend the period of maternity leave.

12. Right to Return

- 12.1 The employee is entitled to return to the job in which they were employed under their original contract of employment and on terms and conditions not less favourable than those which would have been applicable to them had they not been absent. "Job" for this purpose, means the nature of the work which they are employed to do, and the capacity and place in which they are so employed. If the employee takes more than 26 weeks' leave (Additional Maternity Leave) they are also entitled to return to the same job on the same terms and conditions unless this is not reasonably practicable and there have been significant changes within trust. Employees can be offered suitable alternative work on terms and conditions no less favourable than the original job.
- 12.2 Where it is not practicable by reason of redundancy for the trust to permit them to return to work in their job, the employee shall be entitled to be offered a suitable alternative vacancy where one exists, provided that the work to be done in that post is suitable and appropriate to the circumstances and that the capacity and place in which they are to be employed and their terms and conditions of employment are not substantially less favourable to them than if they had been able to return to the job in which they were originally employed.

12.3 **Exercise of the Right to Return**

At the end of the Maternity Period employees taking the full year's maternity leave entitlement are not required to give any further notification of returning to work, provided they intend to return on the date notified to the trust.

Before the end of the Maternity Period employees wishing to return before the end of the maternity leave period should notify their line manager in writing, at least 21 days before the day on which they propose to return, if this is before the end of the Additional Maternity Leave period. Where the notice given is less than 21 days, to the line manager trust can delay the return until 21 days' notice has been received, or until the end of the 52 week maternity leave period (as notified) if this is earlier than 21 days.

12.4 **For teachers:**

Where a teacher has not completed one year's continuous service by the beginning of the 11th week before the EWC with one or more local authorities, they must give their line manager at least 8 weeks' notice in writing, of their proposed return date. Where the notice given is less than eight weeks, the trust can delay the return until 8 weeks' notice has been received, or until the end of the 52 week maternity leave period (as notified) if that is earlier than 8 weeks.

12.5 Prevented from returning to work - Where an employee is unable to return on the expected day due to sickness, the absence will be covered by the occupational and statutory sick pay schemes in the normal way.

12.6 For an employee where, because of an interruption of work (whether due to industrial action or some other reason), it is unreasonable to expect them to return on the due date, they may instead return when work resumes, or as soon as reasonably practicable thereafter.

13. **Resignation/Leaving**

13.1 Where an employee, during their period of maternity leave decides not to return to work, contractual notice must be given to the trust. Contractual notice must also be given where an employee wishes to resign before their maternity leave commences, however it may be possible to determine a mutually agreeable termination date.

13.2 **End of Contract during Maternity Leave**

Should an employee's contract expiry date occur during their period of maternity leave, the trust must comply with the normal fixed term contract termination process. The reason for non-renewal must not be maternity related.

14. **Miscarriage**

14.1 Absence due to miscarriage prior to 24 weeks of pregnancy shall be treated as sickness absence provided it is covered by a doctor's certificate.

15. Still Birth

15.1 In the tragic circumstances of a still birth, which is defined as occurring after 24 weeks of pregnancy or of neo natal death, employees will be entitled to the same maternity leave and pay as if the pregnancy had reached full term. The return to work notification remains unchanged i.e. 21 days of proposed return to work.

16. Protection against Unfair Treatment or Dismissal

16.1 Pregnant employees must not be treated any less favourably than any other staff and must not be dismissed from employment or selected for redundancy in preference to other comparable staff, for reasons of pregnancy.

16.2 The redundancy protection period covers pregnant employees and new parents on maternity leave, this protection starts as soon an employee makes their employer aware of their pregnancy this can be orally or in writing. Part of this protection includes; six months protection when an employee has returned from maternity leave or adoption leave.

16.3 Employees are protected from dismissal regardless of hours/service:

- If the principal reason for the dismissal is pregnancy or any reason connected with pregnancy.
- If dismissed during maternity leave and the principal reason is the birth or any reason connected with having given birth.
- If dismissed and the reason is because the employee took maternity leave.
- If principal reason concerns health and safety issues, is pregnancy related, and the employee is unable to do their job.

16.4 It will be automatically unfair to select an employee for redundancy for pregnancy, child-birth or maternity related reasons. Where there is a genuine and necessary reason, the trust will carry out a fair procedure as outlined below and as per the locally agreed Redundancy Policy and Procedure: selection criteria should be objective, non-discriminatory and applied fairly.

16.5 When carrying out consultation, this should include any employee who is on maternity leave. They should be given information about proposed redundancies in the same way and at the same time as other employees where reasonably practicable to do so. Where there are practical difficulties, other arrangements should be made i.e. rearrange meetings or conduct them at the employee's home.

16.6 Reasonable steps must be taken to find alternative employment for employees who may otherwise have been dismissed by reason of redundancy. An employee on maternity leave should be offered a suitable alternative vacancy (where one exists) before another employee. This is applicable to employees during periods of ordinary and additional maternity leave in addition to adoption and additional paternity leave. If a suitable alternative vacancy is offered and the employee unreasonably turns it down, the dismissal will be fair and the employee would lose the right to a statutory redundancy payment.

16.7 Where there is no suitable vacancy, the employee's employment would be terminated by reason of redundancy and will be entitled to a redundancy payment (where qualifying conditions are met), relevant notice period, and written reasons for dismissal.

17. Health And Safety

17.1 The trust has a legal obligation to protect the health and safety at work of all staff and others, including new, breast feeding, and expectant parents.

18. Risk Assessment

18.1 An employee should inform their line manager that they are pregnant. A risk assessment of their working area and practices should then be carried out. Each individual expectant parent will require a specific assessment that may need to be reviewed as the pregnancy progresses.

18.2 Managers are responsible for ensuring that when carrying out risk assessments for workplaces and workstations etc. particular attention is paid to those risks that could affect the health or safety of new, breast feeding or expectant parent or their babies. All reasonably practicable measures should be taken to prevent exposure to risks, through removal of hazards or implementation of controls.

18.3 If a woman believes there is a risk to their health or safety, or to that of their baby, which has not been considered in the risk assessment, they must bring the risk to the attention of their Line Manager.

18.4 Removal of Staff from Risk

If despite taking all reasonably practical measures, there is still a risk that could jeopardise the health or safety of a new, breast feeding or expectant parent or their baby then steps must be taken to remove the individual from that risk. This must be done as soon as the line manager has been informed that an individual is pregnant. The steps to remove an individual from a risk are as follows:-

- To temporarily adjust the individual's working conditions and/or hours of work; or if it is not reasonable to do so, or would not avoid the risk:
- Offer them suitable alternative work if any is available; or if that is not feasible:
- Grant a Medical Leave of Absence from work for as long as necessary to protect their safety or health or that of their child.

19. Offers of Suitable Alternative Work

19.1 Where an employee is offered suitable alternative work, the work must be:

- Both suitable and appropriate for them to do in the circumstances; and
- On terms and conditions no less favourable than their existing contractual entitlements.

20. Entitlements during Medical Leave of Absence

- 20.1 An employee on medical leave of absence is entitled to be paid remuneration at their full normal rate for as long as the suspension continues. The only exception to this is where they unreasonably refuses an offer of suitable (risk assessed) alternative work, in which case no remuneration is payable for the period during which the offer applies. During the period of medical leave of absence, continuity of employment, pension rights and length of service payments are protected.

21. New and Nursing Parents

- 21.1 The trust will make Facilities for breastfeeding and expressing available to workers who are pregnant or breastfeeding. Employees should discuss this with their line manager. The Workplace Regulations (1992) requires employers to provide suitable 'rest' facilities for workers who are pregnant or breastfeeding. Although it is not a legal requirement, the Health and Safety Executive (HSE) encourages employers to provide a healthy and safe environment for nursing parents to express and store milk. This could be provided in the suitable rest facilities.

Paternity

22. Paternity leave (birth and adoption)/Nominated Carers Leave

- 22.1 Paternity leave is a period of either one or two weeks that parents or partners can take off from work to care for their baby or child. These can be taken in separate one week blocks any time within the 52 weeks after the birth or adoption takes place.
- 22.2 Paternity leave is only available to employees who fulfil the criteria listed below:
- have (or expect to have) responsibility for the child's upbringing;
 - is the biological parent of the child or the birthing parents partner (including same sex relationships) or the partner of the primary adopter.
- 22.3 Unpaid parental leave and paternity leave are a day one right for all employees.
- 22.4 In addition to satisfying the requirements specified in the preceding clause, the employee must make arrangements to meet with the Headteacher in order to request and give notice of their intention to take paternity leave.
- 22.5 An application form must be completed prior to the meeting and discussed with the Headteacher for approval (and forward to payroll accordingly). The form is available from your Admin Manager or central HR/Payroll team.
- 22.6 Notice must be given at least 28 days before the week the baby is due (the notice period is different if the employee is adopting) and must specify the baby's due date, the amount of paternity leave to be taken (which must be either one or two weeks), and when they want their leave to commence (this date can be changed later but 28 days' notice is required for any alteration).

- 22.7 An employee can choose for their leave to begin on:
- the day the baby is born;
 - a certain number of days after the baby is born;
 - a specific date which is not earlier than when the baby is due.
- 22.8 Paternity leave cannot start before the baby is born and the baby may not arrive on time: an employer should therefore be prepared (where this is reasonably practical) to be flexible with cover arrangements for employees planning to take paternity leave.
- 22.9 Notwithstanding the above clauses, up to 3 days paid Special Leave (normally around the time of the birth) may be granted by the headteacher at their discretion. In such cases the employer may request appropriate proof of the relationship and the EWC, and a written declaration that the partner is:
- in an enduring relationship with the birthing parent;
 - will be responsible for the upbringing of the child; and
 - will be taking time off to support the birthing parent of the child or care for the child.

22.10 Nominated Carers

Employees who are acting as the “prime or nominated carer” for the birthing parent or child may request nominated carers’ leave. They are subject to the same provisions as applied to employees requesting Paternity Leave.

- 22.11 In order to apply for nominated carers leave they will need to provide a copy of the MAT B1 or birth certificate along with a letter from the birthing parent confirming they are the nominated person.

23. Paternity Pay (Birth and Adoption)

- 23.1 If an employee is entitled to Statutory Paternity Pay and Leave, it will be paid at the weekly rate of Statutory Paternity Pay, or 90% of the employee’s weekly earnings, whichever is the lowest.
- 23.2 There is currently no occupational entitlement to paternity leave, either with or without pay, set out in either the Conditions of Service for Teachers in England and Wales (the Burgundy Book) or (for support staff) the NJC Terms and Conditions of Service (the Green Book). There is no current intention to introduce any new clause into conditions of service for either teachers or support staff, but the minimum statutory provisions apply. However, if employees fulfil the criteria SHARE Multi Academy Trust will pay the leave taken at the full pay. This will be a maximum of two weeks.
- 23.3 Eligibility for paternity pay is dependent upon satisfying the conditions for eligibility for paternity leave (as outlined above) plus the following additional criteria:
- the employee must have average weekly earnings at least equal to the lower earnings limit for National Insurance contributions;

- have been continuously employed by their employer for at least 26 weeks up to the end of any day in the 'qualifying week' (15th week before the baby is due).

Employees who do not qualify for SPP can apply for paternity benefits. Payroll will send the employee an SPP1.

Shared Parental Leave

24. Shared Parental Leave: Eligibility and Entitlement

- 24.1 Please note Shared Parental Leave (legislation active from 2015) should not be confused with parental leave which is dealt with in the Leave of Absence Policy.
- 24.2 Legislation which is of relevance to Shared Parental Leave (SPL) includes the following:
- The Employment Rights Act 1996
 - The Equality Act 2010
 - The Child and Families Act 2014
 - The Shared Parental Leave Regulations 2014
 - The Shared Parental Pay (General) Regulations 2014
 - The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014
 - Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024.
- 24.3 Shared Parental Leave (SPL) enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. There may also be an entitlement to Shared Parental Pay (ShPP).
- 24.4 Eligibility for SLP is as follows:
- SPL can only be used by two people, both of whom must share the main responsibility for the care of the child at the time of birth/adoption – these persons must be the birthing parent or adopter and one of the following:
 - a biological parent of the child (in the case of birth); or
 - the spouse, civil partner or partner of the child's birthing parent or adopter.
- 24.5 Additionally, an employee seeking to take SPL must satisfy each of the following criteria:
- the birthing parent or adopter of the child must be/have been entitled to statutory maternity/adoption leave (or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements);
 - the employee must still be working for the employer at the start of each period of SPL;
 - the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;

- the employee's partner must meet the 'employment and earnings test' requiring them, in the 66 weeks leading up to the child's expected due date/matching date, to have worked for at least 26 weeks and earned (over any 13 of these weeks, which need not be consecutive) a total figure which is no less than the minimum qualifying figure (which may alter on an annual basis) determined by the government; and
- the employee must correctly notify the employer of their entitlement and provide evidence as required.

24.6 Eligible employees are entitled to take up to 50 weeks SPL during the child's first year in their family, based on the birthing parent's or adopter's entitlement to maternity/adoption leave of up to 52 weeks.

24.7 If the birthing parent or adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the maximum entitlement of 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the birthing parent or adopter.

24.8 SPL can commence as follows:

- the birthing parent can take SPL after they have taken the legally required two weeks of maternity leave immediately following the birth of the child;
- the adopter can take SPL after taking at least two weeks of adoption leave;
- the biological/adoptive parent/partner/spouse can take SPL immediately following the birth (or placement) of the child but may first choose to exhaust any paternity leave entitlements (as the biological/adoptive parent/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

24.9 SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see below).

24.10 SPL must end no later than one year after the birth (or placement) of the child. Any SPL not taken by the first birthday (or first anniversary of placement for adoption) is lost.

25. Redundancy Protection

25.1 For employees who have taken six or more consecutive weeks of shared parental leave but who have not taken maternity or adoption leave redundancy protection ends eighteen months after the date of birth of the child or from the date the child was placed for adoption.

25.2 For employees taking less than six consecutive weeks, redundancy protection will apply where the redundancy situation arises during any period the employee is on shared parental leave.

26. Shared Parental Leave: Evidence of Eligibility

- 26.1 An eligible employee who intends taking SPL must give their line manager notification (in writing) of at least eight weeks before they can take any period of SPL. The written notification must include all of the following information:
- their full name;
 - the name of the other parent;
 - the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
 - the date on which the child is expected to be born or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
 - the amount of SPL the employee and their partner each intend to take; and
 - a non-binding indication of when the employee expects to take the leave.
- 26.2 The employee must provide the employer with a signed declaration stating that:
- they confirm (if they are not the birthing parent or adopter) that they are either the biological parent of the child or the spouse, civil partner or partner of the birthing parent or adopter;
 - they meet, or will meet, the eligibility conditions and are entitled to take SPL;
 - the information they have given is accurate; and
 - they will immediately inform the employer should they cease to be eligible.
- 26.3 The employee must provide the employer with a signed declaration from their partner confirming:
- their name, address and national insurance number (or a declaration that they do not have a national insurance number);
 - that they are the birthing parent or adopter of the child or they are the biological parent of the child or are the spouse, civil partner or partner of the birthing parent or adopter;
 - that they satisfy the 'employment and earnings test' (see 'eligibility' above), and had at the date of the child's birth or placement for adoption the main responsibility for the child, along with the employee;
 - that they consent to the amount of SPL that the employee intends to take;
 - that they consent to the employer processing the information contained in the declaration form; and (in the case where the partner is the birthing parent or adopter);
 - that they will immediately inform their partner should they cease to satisfy the eligibility conditions.
- 26.4 Should further evidence of eligibility be required the employer may, within 14 days of the SPL entitlement notification being given, request the following information (which the employee must provide within 14 days):
- the name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead);

- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth); and (in the case of an adopted child);
- documentary evidence of:
 - the name and address of the adoption agency;
 - the date on which they were notified of having been matched with the child; and
 - the date on which the agency expects to place the child for adoption.

26.5 If any of the information provided is found to be fraudulent, the employee will be subject to the trust's disciplinary at work procedures.

26.6 In consideration of good practice, an employee considering taking SPL is encouraged to speak to their line manager/HR Advisor as early as possible to arrange an informal discussion to talk about their plans. Any meeting should be held in private and be confidential. At the meeting the employee may, if they wish, be accompanied by a workplace colleague or trade union representative.

26.7 Where a request for discontinuous leave has been submitted, this discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the employer and what the outcome may be if no agreement is reached.

27. Shared Parental Leave: Notification

27.1 In addition to notifying the employer of entitlement to SPL/ShPP, an employee must make arrangements to meet with the Headteacher to discuss, plan and agree how the shared parental leave will work. (This will include consultation with regard the work to be undertaken so that it is reasonable and meaningful, in the event the employee intends to return to work during a holiday period).

27.2 An application form must be completed prior to the meeting and discussed with the Headteacher for approval (and forward to payroll accordingly). The form is available from your Admin Manager or Central HR/Payroll team.

27.3 The employee has the right to submit up to a maximum of three notifications specifying leave periods they are intending to take. Each notification may contain either:

- a) a single period of continuous leave (measurable in complete weeks); or
- b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

27.4 SPL can only be taken in complete weeks (blocks) but may begin on any day of the week. [Plan your Shared Parental Leave and Pay - GOV.UK.](#)

27.5 An employee has the right to take a continuous block of leave (a given number of weeks taken in a single unbroken period) notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (as specified in the notice of entitlement).

- 27.6 Alternatively, an employee has the right to request two or more periods of discontinuous leave. This means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement whereby an employee will take six weeks of SPL whilst working alternate weeks over a period of three months).
- 27.7 The employer must consider a discontinuous leave notification but has the right to refuse it.
- 27.8 If the requested leave pattern is refused, the employee can either withdraw the request within 15 days of its submission (thus retaining the right to submit a further application without losing one of their (three) notifications) or can take the total amount of leave requested in a single continuous block.

28. Shared Parental Leave: Response to Notification

- 28.1 Once the leave booking notice has been received, it will be dealt with as soon as possible, but a written response should be provided no later than 14 (calendar) days after the leave request was received.
- 28.2 Each request for discontinuous leave will be considered on a case by case basis, taking into full account employee welfare and any potentially adverse impact on the academy or service. Acceptance of any specific request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.
- 28.3 The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than 14 days after the leave notification was made. The request may be granted in full or in part: for example, the employer may propose a modified version of the request.
- 28.4 If the requested discontinuous leave pattern is refused, the employee can either withdraw the request within 15 days of its submission (thus retaining the right to submit a further application) or can take the total amount of leave requested in a single continuous block.
- 28.5 If the employee chooses to take the leave in a single continuous block, the employee must choose, within 19 days of the notification being submitted, the date from which they want the period of leave to commence. The leave cannot start sooner than eight weeks from the date the original notification was submitted. Should the employee fail to specify a start date then the leave will begin on the first leave date requested in the original notification.

29. Shared Parental Leave: Variations to Agreed Arrangement

- 29.1 The employee is permitted to vary or cancel an agreed and booked period of SPL provided they advise the employer in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 29.2 Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing

the employee's right to book/vary leave by one. However, any change to accommodate a child being born early, or in response to the employer requesting it be changed, and the employee being agreeable to this change, will not count as further notification. Any variation will be confirmed in writing by the employer.

30. Shared Parental Leave: Returning to Work

- 30.1 The employee is expected to return on the next working day following the end of their SPL period unless they notify the employer otherwise. If they are unable to attend work due to sickness or injury the employer's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 30.2 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give their employer at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the employer need not accept the notice to return early but may elect to do so if it is considered to be reasonably practicable.
- 30.3 On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less.
- 30.4 If their maternity/paternity/adoption leave and SPL amounts in aggregate to more than 26 weeks, the employee is entitled to return to the same job they held before commencing the last period of leave if this is reasonably practicable. However, if this is not reasonably practical the employee is still entitled to return to another job which is both suitable and appropriate and on terms and conditions which are no less favourable.
- 30.5 If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave as long as the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.
- 30.6 If the employee also takes a period of unpaid parental leave of 5 (or more) weeks, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee is similarly entitled to return to the same job they held before commencing the last period of leave if this is reasonably practicable. However, if this is not reasonably practical the employee is still entitled to return to another job which is both suitable and appropriate and on terms and conditions which are no less favourable.

31. Statutory Shared Parental Pay (ShPP)

- 31.1 Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The number of weeks available will depend on the amount by which the birthing parent (or adopter) reduces their maternity (or adoption) pay period

or maternity allowance period. ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

31.2 In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

- the birthing parent or adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- the employee must intend to care for the child during the week in which ShPP is payable;
- the employee's average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- the employee must remain in continuous employment until the first week of ShPP has begun; and
- the employee must give proper notification in accordance with the rules set out below.

31.3 Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their employer written notice advising of their entitlement to ShPP. To avoid duplication this should, if possible, be included as part of the notice of entitlement to take SPL.

31.4 In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:

- the start and end dates of any maternity/adoption pay or maternity allowance;
- the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP; and
- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the employer should they cease to be eligible.

31.5 It must be accompanied by a signed declaration from the employee's partner confirming:

- their eligibility to partake in ShPP (in terms of an enduring relationship, an ongoing responsibility (this may be shared) for childcare and satisfying the earnings test);
- their agreement to the employee claiming ShPP and for the employer to process any ShPP payments to the employee;
- that they (in the case whether the partner is the birthing parent or adopter) have reduced their maternity/adoption pay or maternity allowance; and
- that they (in the case whether the partner is the birthing parent or adopter) will immediately inform their partner should they cease to satisfy the eligibility conditions.

31.6 Any ShPP due will be paid at a rate set by the government for the relevant tax year.

- 31.7 SPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it does not remain untaken at the end of the employee's holiday year.

32. Shared Parental Leave in Touch (SPLIT) Days

- 32.1 An employee can agree to work for the employer (or to attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.
- 32.2 The employer is under no obligation to offer the employee any work during the employee's SPL and work undertaken is a matter for mutual agreement between the employer and the employee.
- 32.3 An employee taking a SPLIT day will receive their normal pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.
- 32.4 An employee, with the agreement of the employer, may use SPLIT days to work part of a week during SPL. The employer may agree that the employee can use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

Adoption Leave

33. Pre-Adoption Leave

- 33.1 There is no statutory right to paid time off for pre-adoption leave. Employees who are adopters or partners of adopters would, in the first instance, be expected to arrange meetings and interviews outside of the working day or during the trust's closure periods/annual leave. However, it is recognised that this is not always practical and as such, employees will be given reasonable paid time off.
- 33.2 Employees are asked to inform their line manager as far in advance as possible, of the date and time of an appointment/meeting and the best estimate of the length of absence from work, including travelling time if significant. It would also be helpful in many cases if they could try to arrange appointments at the beginning or the end of the day, although the trust recognises this may not always be possible.
- 33.3 Employees must be prepared to show proof of appointment/meeting/interview.

- 33.4 The time taken to attend such appointments within an employee's working hours for that day (including reasonable travelling time) will be paid at the usual rate provided they have complied with the above requirements.
- 33.5 If the employee is adopting a child from overseas, any visits to see the child pre-adoption should be taken during the trust closure periods or by using normal annual leave arrangements. Time off for this reason will not be granted.

34. Adoption Leave

- 34.1 An employee adopting a child is to be allowed comparable leave and pay arrangements as applies to biological parent. Accordingly, an employee who satisfies the full criteria and conditions of the maternity scheme specific to their conditions of service will be entitled to ordinary adoption leave of 26 weeks duration and additional adoption leave 26 weeks'.
- 34.2 Both ordinary and additional adoption leave is to be taken in one block within a twelve-month period from the date of placement unless otherwise agreed with the trust.
- 34.3 Adoption leave will begin on the placement date or up to 14 days before the placement date. Where employees choose to begin leave on the placement date and they are at work on that date, leave begins the following day.
- 34.4 The employee will be required to notify the trust of their intention to take adoption leave. Correspondence must be sent from the adoption agency confirming the adoption/placement and the employee should inform trust no more than 7 days after the date of being told by the adoption agency that they have been matched with a child in writing, or as soon as is reasonably practicable, that they will be absent from work due to adoption and whether they intend to return to work.
- 34.5 There is a requirement for the trust to respond to an employee's notification of their leave plans within 28 days. And will need to write to the employee, setting out the date on which they are expected to return to work if the full entitlement to adoption leave is taken. Adopters who intend to return to work at the end of their full adoption leave will not have to give any further notification to trust and unless otherwise notified, to their line manager should assume that the employee will be taking their full entitlement to adoption leave.
- 34.6 Adoption Support Leave (for Support Staff employed under Green Book Conditions only). Adoption support leave of 5 days with pay shall be granted to the partner or nominated carer of the primary adopter at or around the time of placement. A nominated carer is the person nominated by the primary adopter to assist in the care of the child and to provide support to the primary adopter at or around the time of the placement.

35. Adoption Pay

- 35.1 Payments for employees who have less than one year's continuous service at the beginning of the 11th week before the week of the baby/child's placement shall be the employees' entitlement to Statutory Adoption Pay (SAP).

- 35.2 Statutory Adoption Pay will be paid for 39 weeks, or if earlier, until the date the employee returns to work, or for eight weeks after the end of the week the placement is disrupted, e.g. child stops living with adopter.
- 35.3 The contract of employment continues during Adoption Leave. The employee receives all contractual benefits during the full period of Adoption Leave.
- 35.4 Employees are subject to all other entitlements and conditions of their appropriate Maternity Scheme, including the obligation to return to either their 'job' or local authority employment for a period of at least three months in order to retain the occupational pay element.
- 35.5 An employee shall not be entitled to Statutory Adoption Pay (SAP) in the case of:
- Private adoption (Private adoption refers to any adoption not arranged by an agency or organisation i.e. when the adoptive parents find a birth parent or baby or child privately);
 - The adoption of a step-child by a step-parent;
 - The adoption of a foster child by a foster parent;
 - Those who become parents through arrangements with a surrogate.

35.6 **Adoptive Paternity Leave and Pay**

Statutory Paternity Leave for Adoption is absence from work for the purpose of caring for a newly placed adoptive child or to support the main adopter. The Paternity Leave provisions set out in this policy will apply to employees who:

- Are adoptive parents;
- The spouse or partner of the main adopter;
- Will have responsibility for the child's upbringing;
- Have been continuously employed for at least 26 weeks ending with the week the child's adopter is notified of the match;
- Have given notice and evidence to their line manager.

35.7 **Surrogacy**

In a surrogacy situation, statutory arrangements state that employees may be entitled to adoption pay (if they meet criteria including giving correct notice of the birth and verified proof of adoption / surrogacy).

- 35.8 If employees are not eligible for adoption pay, employees will instead be entitled to unpaid parental leave upon becoming a parent, providing that they intend to apply for a parental order when the child is living with them (where one parent is genetically related) or adopt the child (where there is no genetic relationship).
- 35.9 A biological parent of a child born through surrogacy arrangements (provided they are registered as a biological parent) and fulfils eligibility criteria, will be eligible to take paternity leave.
- 35.10 Employees acting as surrogates are entitled to full maternity leave, pay and provisions as any other pregnant employee.

Unpaid Parental Leave

36. Parental Leave

36.1 The right to parental leave offers qualifying parents the right to take a period of unpaid time off work to look after a child or to make arrangements for the child's welfare. Parents can also use it to spend more time with their children.

36.2 Employees are entitled to a total of 18 weeks' leave for each qualifying child up to the age of 18. Parental leave is for each child therefore if an employee has twins the leave is doubled.

36.3 Employees can take a maximum of 4 weeks per year per child, which can be taken in blocks or multiples of one week (except in the case of parents of children with disabilities who can take leave in blocks or multiples of one day).

36.4 **Qualifying Conditions**

Parents (or adopters) of children up to age 18 may have the right to parental leave. To qualify, employees must:

- Have one year's continuous service; and
- Be named on the child's birth or adoption certificate.

36.5 If employees are separated from the spouse or partner and don't live with their child (or children) they maintain the right to parental leave if they keep formal parental responsibility for the child (or children). Foster parents do not have the right to parental leave but may be able to request a flexible working pattern (see separate guidance).

36.6 Parental Leave is an individual right and cannot be transferred between parents.

36.7 **Requests for Parental Leave**

Employees wishing to request a period of Parental Leave, must give their line manager at least 21 days' notice. This request should be put in writing, stating the dates on which the leave is to begin and end.

36.8 The trust can ask to see evidence to confirm that the employee is the parent or the person legally responsible for the child; evidence might take the form of information contained in the child's birth certificate or adoption papers etc.

36.9 The trust can postpone the leave for up to six months where the trust would be particularly disrupted if the leave was taken at the time requested, but it cannot be postponed so that the leave ends after the child's 18th birthday.

36.10 However, the trust will notify the employee of the decision, including the reason for postponement and alternative dates (up to 6 months ahead) during which the parental leave can be taken within 7 days of the original request.

- 36.11 An employee may elect to take a period of Parental Leave from the date of childbirth or from the date of adoption, in which case the trust cannot delay the date of the leave. The employee must give 21 days' notice before the EWC, or 21 days before the week in which adoption placement is to occur.
- 36.12 If an employee wishes to take a period of Parental Leave immediately following their maternity leave, they should also ensure that they make the request to the trust giving at least 21 days' notice.
- 36.13 **Returning to Work**
- At the end of the Parental Leave period, the employee is entitled to return to the same job as before, if the leave was for a period of 4 weeks or less. The employee is also entitled to benefit from any improvements to the rate of pay (or other employment terms and conditions) which may have been introduced while they have been away.
- 36.14 If the Parental Leave period was more than 4 weeks, the employee is entitled to return to the same job, or if it is not reasonably practicable, a similar job which has the same or better status, terms and conditions as the previous job.

Neo Natal Care

37. Neo Natal Care Leave

- 37.1 The right to neo natal care applies to parents of babies who are admitted into neonatal care up to 28 days old, and who have a continuous stay in hospital of seven full days or longer.
- 37.2 Eligible parents will be able to take up to 12 weeks of leave (and if eligible, pay), in addition to any maternity or paternity leave they are entitled to.
- 37.3 In conjunction with the leave entitlement, statutory neo natal care pay will be available to those who meet continuity of service requirements and a minimum earnings threshold.
- 37.4 Employees are expected to contact the headteacher to advise of the circumstances and to request and agree the leave arrangements. Payroll will be notified accordingly.
- 37.5 Only employees who have legal responsibility for care of the child are entitled to take neo natal care leave. For example, adoptive parents who have not yet got legal responsibility for the child due to premature birth are not entitled to neo natal care leave until legal responsibility has been transferred.
- 37.6 **Tier 1 period leave details**
- This begins when the baby starts receiving neonatal care and up to a week post discharge. This period of leave ends on the seventh day after the day the baby stops receiving neonatal care.
- 37.7 Tier 1 leave can be taken in non-continuous blocks of a minimum of one week at a time and up to 12 weeks.

37.8 Notice period for leave - Notice must be given before an employee is due to start work on the first day of absence or if this is not possible, notice must be given as soon as reasonably practicable.

37.9 Notice period for pay - Notice must be given within 28 days from the first day of leave, in which the period relates to or if this is not possible notice should be given as soon as reasonably practicable.

Note – Tier 1 notice does not need to be in writing.

37.10 **Tier 2 period leave**

This applies to leave taken after the tier 1 period ends and must be taken in one continuous block. The entitlement to this leave ends 68 weeks after the child's birth.

37.11 **Notice period for leave**

For a single week of leave, written notice at least 15 days before the first day of neonatal care leave.

37.12 For a period of two or more weeks of leave, written notice at least 28 days' notice before the first day of leave in which the period it relates to. Employers and the employee can mutually agree to waive any notice requirements, which may be required depending on the circumstances.

37.13 **Pay During Neonatal Leave**

Eligible employees will be entitled to receive Statutory Neonatal Pay (SNP) for the duration of their leave, which is equal to the current statutory maternity pay rate.

37.14 The government eligibility criteria can be found by following this link <https://www.gov.uk/browse/benefits/families>

37.15 In addition, the eligible birth mother may be able to take up to 12 weeks of full pay whilst the baby is in neonatal care if they meet qualifying criteria.

38. Parental Bereavement Leave

38.1 All eligible individuals have the statutory right to parental bereavement leave (and may, dependent on circumstances, additionally have the statutory right to parental bereavement pay) for up to two weeks during the first 56 weeks following either a stillbirth (after 24 weeks of pregnancy) or the death of their child (as long as the latter is under the age of 18).

38.2 In this context, the definition of parent includes, in addition to biological and adoptive, the parent of a child born to a surrogate, and additionally extends to the partner of the child's or baby's parent, as long as the individual had day to day responsibility for the child or baby's care at the relevant time.

- 38.3 An eligible employee or worker can, from the first day of their employment, take leave for either one or two weeks (if two weeks these may be either continuous or separate) for each child who has died or was stillborn. Appropriate notice must be given (see below). This leave can start on or after the date of the death or still birth, and must finish within 56 weeks of that date.
- 38.4 If the employee was on another type of statutory leave (such as maternity leave) when the death or stillbirth happened, parental bereavement leave cannot commence until after that other leave has ended. However, if an employee's parental bereavement leave is interrupted by the start of another type of statutory leave, they can still take their remaining entitlement after that other leave has ended, as long as it is taken within 56 weeks of the date of death or stillbirth.
- 38.5 An employee must give notice for parental bereavement leave. The notice requirement is dependent upon the period in which the leave is taken. In the initial 8 weeks following the death or stillbirth, notice must be given before the time the individual would normally start work on the first day of the period they want to take off work, whereas for the period from 9 to 56 weeks after the death or stillbirth notice must be given at least one week before the commencement of the leave.
- 38.6 An employee giving notice should tell the employer:
- the date of the child's death or stillbirth;
 - when they want their parental bereavement leave to begin;
 - how much leave they are taking (which must be either one or two weeks).
- 38.7 Such notice may be given informally, for example by phone, text message or email. The employer cannot ask for evidence of entitlement for leave, or details about the employee's relationship to the child or baby.
- 38.8 An employee may cancel their parental bereavement leave as long as they give no less than the required notice for taking leave.
- 38.9 Employees and workers are entitled to 2 weeks' statutory parental bereavement pay if:
- they are entitled to parental bereavement leave;
 - they were employed when their child died;
 - they'd worked for their employer for at least 26 weeks, on the Saturday before the child's death;
 - they are paid at the lower earnings limit
- 38.10 If an employee is asking for statutory parental bereavement pay, they must do so in writing (this may be either letter or email) within 28 days, starting with the first day of the week they want to claim pay for, specifying:
- their name and the dates of the period they want to claim statutory parental bereavement pay;
 - the date of the child's death or stillbirth.

38.11 The employee will also need to give the employer a self-declaration to confirm they are eligible because of their relationship to the child or baby – they need only provide this once when they first ask for pay.

38.12 Prospective adoptive parents in the UK are entitled to statutory parental bereavement leave if a child placed with them for adoption dies, even before a formal adoption order is made, provided specific conditions are met.

38.13 **Eligibility Criteria**

Several criteria must be met for prospective adoptive parents to be eligible for parental bereavement leave:

- The child must have been placed with the employee for adoption by an approved agency, and the placement must not have ended at the time of death;
- The individual must be an employee;
- The child must have been under 18 when they died or stillborn after 24 weeks;
- For international adoptions, eligibility may apply if the child lived with the employee in the UK after entering, and the employee had official notification confirming their eligibility to adopt;
- An individual who had daily care for the child and lived with them for at least four weeks before the death may also be eligible if they weren't a paid carer (unless a local authority foster carer) and no one with parental responsibility also lived there;
- The partner of an eligible prospective adoptive parent is also entitled to this leave.

38.14 **Bereaved Partner Parental Leave**

Bereaved parents, including fathers and partners, are entitled to take up to 52 weeks' Bereaved Partners' unpaid paternity leave where the primary carer dies within the child's first year. This is a day-one entitlement, with no minimum length of service required, ensuring immediate and compassionate support for employees at an exceptionally difficult time.

39. **Carers Leave**

39.1 We recognise that employees may have significant responsibilities as unpaid carers for dependents with long-term care needs. We are committed to supporting employees to balance their work and caring responsibilities while maintaining delivery.

39.2 This policy applies to all employees, regardless of length of service, working pattern, or contractual status.

39.3 A dependent is a person who relies on the employee for care. This may include:

- A spouse, civil partner, or partner
- A child
- A parent
- A person living in the same household

- Any individual who reasonably relies on the employee for care and support.

39.4 Employees are entitled to up to one working week of unpaid Carer’s Leave within a 12-month period. Carer’s Leave may be used for:

- Providing ongoing physical or emotional care;
- Attending medical, care, or social appointments with the dependent;
- Arranging long-term care or making care-related decisions;
- Handling changes or emergencies relating to a long-term care need;
- Carer’s Leave is not intended for short-term emergencies or one-off incidents; these may be covered under Emergency Dependent Leave or other leave provisions.

39.5 Employees should submit a Carer’s Leave request to their line manager as early as reasonably practicable. Managers should acknowledge the request promptly and confirm the approved dates in writing. Requests should not be unreasonably refused. Any refusal must be based on legitimate organisational reasons and communicated in writing, with an alternative date offered where appropriate.

40. Equality and Diversity Statement

40.1 We are committed to equality, diversity and inclusion and recognise that families take many forms. Our Family Leave Policy is inclusive and applies fairly to all employees, regardless of personal characteristics or family circumstances. No employee will be treated less favourably for taking or requesting family leave.

41. Linked Policies

Leave of Absence Policy & Procedure
 Attendance Management Policy & Procedure
 Flexible Working Policy & Procedure
 Redundancy and Redeployment Policy & Procedure

42. Schedule of Amendment

Version No	Amendment
1.0	Original version, drawing together separate maternity, paternity and adoption leave policies

APPENDIX 1

TEACHERS - EXAMPLES OF ENTITLEMENTS TO MATERNITY LEAVE AND PAY

SERVICE: If you have less than 26 weeks Share MAT service at the 15th week before the expected week of childbirth, you are entitled to:	
Ordinary Maternity Leave	A total of 26 weeks' absence commencing, at the earliest, 11 weeks before the expected week of childbirth.
Additional Maternity Leave	A maximum of a further 26 weeks' leave
Right to return to work	Yes
Statutory Maternity Pay or Maternity Allowance	39 weeks Maternity Allowance from benefits agency if you are entitled to it
Occupational Maternity Pay	Nil

SERVICE: If you have less than 26 weeks Share MAT service at 15th week before your expected date of childbirth but at least 1 years continuous service at the 11th week before the expected week of childbirth, you are entitled to:	
Ordinary Maternity Leave	A total of 26 weeks' absence commencing, at the earliest, 11 weeks before the expected week of childbirth
Additional Maternity Leave	A maximum of a further 26 weeks leave
Right to return to work	Yes
Statutory Maternity Pay or Maternity Allowance	Nil - 39 weeks Maternity Allowance from benefits agency if you are entitled to it. Any Maternity allowance will be deducted from the first 6 weeks payments of OMP
Occupational Maternity Pay	4 weeks' full pay and 2 weeks at 90% of weekly earnings. If you plan to return to work after maternity leave then you can also claim 12 weeks half pay If you are not sure if you will return to work or not, then you can request the 12 weeks at half pay to be paid in a lump sum when you return to work To keep the 12 weeks half pay you must return to work for at least 13 weeks. If you do not stay for 13 weeks, you may have to refund a proportion of the money you received

SERVICE: If you have more than 26 weeks Share MAT service at the 15th week before the expected week of childbirth but less than 1 year's continuous service at the 11th week before the expected week of childbirth, you are entitled to:

Ordinary Maternity Leave	A total of 26 weeks' absence commencing, at the earliest, 11 weeks before the expected week of childbirth.
Additional Maternity Leave	A maximum of a further 26 weeks' leave
Right to return to work	Yes
Statutory Maternity Pay or Maternity Allowance	6 weeks at 90% of average weekly earnings + 33 weeks SMP (or 39 weeks Maternity Allowance if you do not qualify for SMP for any reason).
Occupational Maternity Pay	Nil

SERVICE: If you have more than 26 weeks Share MAT service at the 15th week and one or more year's continuous service at the 11th week before the expected week of childbirth, you are entitled to:

Ordinary Maternity Leave	A total of 26 weeks' absence commencing, at the earliest, 11 weeks before the expected week of childbirth.
Additional Maternity Leave	A maximum of a further 26 weeks' leave
Right to return to work	Yes
Statutory Maternity Pay and Occupational Maternity Pay	<p>4 weeks' full pay and 2 weeks at 90% of average weekly earnings + 33 weeks SMP</p> <p>If you plan to return to work after maternity leave then you can also claim 12 weeks half pay</p> <p>If you are not sure if you will return to work or not, then you can request the 12 weeks at half pay to be paid in a lump sum when you return to work</p> <p>To keep the 12 weeks half pay you must return to work for at least 13 weeks. If you do not stay for 13 weeks, you may have to refund a proportion of the money you received</p>

APPENDIX 2

SUPPORT - EXAMPLES OF ENTITLEMENTS TO MATERNITY LEAVE AND PAY

SERVICE: If you have less than 26 weeks Local Government service at the 15 th week before the expected week of childbirth, you are entitled to:	
Ordinary Maternity Leave	A total of 26 weeks' absence commencing, at the earliest, 11 weeks before the expected week of childbirth.
Additional Maternity Leave	A maximum of a further 26 weeks' leave
Right to return to work	Yes
Statutory Maternity Pay or Maternity Allowance	39 weeks Maternity Allowance from benefits agency if you are entitled to it
Occupational Maternity Pay	Nil

SERVICE: If you have more than 26 weeks Local Government service at the 15 th week before the expected week of childbirth but less than 26 weeks service with the trust at the 15 th week before the expected week of childbirth, you are entitled to:	
Ordinary Maternity Leave	A total of 26 weeks' absence commencing, at the earliest, 11 weeks before the expected week of childbirth.
Additional Maternity Leave	A maximum of a further 26 weeks' leave
Right to return to work	Yes
Statutory Maternity Pay or Maternity Allowance	39 weeks Maternity Allowance from benefits agency if you are entitled to it
Occupational Maternity Pay	<p>6 weeks at 90% of weekly earnings.</p> <p>If you plan to return to work after maternity leave then you can also claim 33 weeks half pay</p> <p>If you are not sure if you will return to work or not, then you can request the 33 weeks at half pay to be paid in a lump sum when you return to work</p> <p>To keep the 33 weeks half pay you must return to work for at least 33 weeks. If you do not stay for 33 weeks, you may have to refund a proportion of the money you received.</p> <p>However, if this calculation brings your combined pay over the level of your normal full pay an adjustment will be made. You are not entitled to receive more than full pay whilst you are on Maternity leave.</p>

SERVICE: If you have 26 weeks' service with the Academy at the 15th week before the expected week of childbirth you are entitled to:	
Ordinary Maternity Leave	A total of 26 weeks' absence commencing, at the earliest, 11 weeks before the expected week of childbirth.
Additional Maternity Leave	A maximum of a further 26 weeks' leave
Right to return to work	Yes
Statutory Maternity Pay and Occupational Maternity Pay	<p>6 weeks at 90% of average weekly earnings + 33 weeks SMP</p> <p>If you plan to return to work after maternity leave then you can also claim 33 weeks half pay</p> <p>If you are not sure if you will return to work or not, then you can request the 33 weeks at half pay to be paid in a lump sum when you return to work</p> <p>To keep the 33 weeks half pay you must return to work for at least 33 weeks. If you do not stay for 33 weeks, you may have to refund a proportion of the money you received.</p> <p>However, if this calculation brings your combined pay over the level of your normal full pay an adjustment will be made. You are not entitled to receive more than full pay whilst you are on Maternity leave.</p>