



Family Friendly Policy

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Together, pursuing life in all its fullness

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1. Introduction

Policy Statement

In order to support staff to flourish, this document sets out the Trust's policy and procedures for leave and pay in respect of maternity, adoption, paternity/nominated carer's leave, parental leave, shared parental leave, parental bereavement, fertility leave, dependants' leave.

The procedure will be monitored to ensure consistency of application and adherence to the promotion of equality for those with protected characteristics as set out in the Equality Act 2010 and the Public Sector Equality Duty.

Principles

The Trust will not discriminate against those with protected characteristics. As well as meeting statutory obligations, family friendly policies will be applied in an inclusive and equitable way which incorporates and is sensitive to diverse employee circumstances.

Scope

These policies apply to all employees of the Trust.

Definitions

There are many terms and abbreviations used in relation to family leave and pay. To assist with this, the following table summarises the definitions in the context of this policy.

AML/AAL	Additional maternity/adoption leave. The last 26 weeks of a maximum of 52 weeks' maternity/adoption leave
AWE	Average Weekly Earnings are an average of the total earnings paid during a reference period e.g. of 8 weeks
EWC	Expected week of childbirth is the week in which the doctor or midwife expects your child to be born. It begins on the Sunday before your due date and ends on the Saturday after your due date.
KIT days	Keeping in Touch days. Up to 10 worked and paid days during maternity leave when an employee, if they choose and their headteacher/central team manager agrees to it, may work without ending maternity leave. Paid at full pay.
LEL	Lower Earnings Limit. The minimum amount of gross salary an employee must receive to be entitled to statutory payments such as SMP, SAP etc.
MATB1	A form given to a woman by their doctor or midwife after the 20th week of pregnancy which shows evidence of pregnancy and expected date of childbirth.
MA	Maternity Allowance is an allowance usually paid to mothers who don't qualify for the Statutory entitlements to SMP
OML/OAL	Ordinary maternity leave/ordinary adoption leave - the first 26 weeks of a maximum of 52 weeks leave.
OMP/OAP – enhanced employer payments paid	Occupational Maternity Pay/Occupational Adoption Pay. Employer payments which are greater than statutory entitlements paid during maternity or adoption leave to eligible employees.
Partner	A person who shares responsibility for the child at birth or as part of a legal adoption including birth via surrogate. This may be a spouse, civil partner or person with responsibility for a child.
Primary Adopter	A couple adopting must decide which of them will be the primary adopter. Only this person will be entitled to adoption leave and pay.

Qualifying week	The 15th week before the expected week of childbirth.
SMP/SAP Statutory Maternity/Adoption Pay	The statutory payment made to eligible employees who meet the government requirements for this payment to be made. The payment lasts for up to 39 weeks leave.
ShPL	Shared Parental Leave. Up to 50 weeks of time in which a parent may take leave, in up to 3 blocks of time, should the mother/primary adopter give up a portion of their maternity/adoption leave to enable this.
ShPP	Shared Parental Pay is payable for up to 37 weeks for eligible employees who meet the minimum earnings threshold
SPLIT days	Shared parental leave keeping in touch days. Up to 20 worked and paid days during shared parental leave when an employee, if they choose and their headteacher/central team manager agrees to it, may work without ending shared parental leave. Paid at full pay. These are in addition to 10 KIT days available to those on maternity/adoption leave.
Statutory Parental Bereavement Leave and Pay	Either one or two weeks leave on full pay (including statutory parental bereavement pay) should a child under the age of 18 die, including stillborn babies.
Statutory Parental Bereavement Pay	The statutory payment made to eligible employees where they are the child or baby's parent - either biological, adoptive or parent of a child born to a surrogate or the partner of the child or baby's parent.

2. Maternity / Adoption

Notifying of Pregnancy or Adoption

We have a legal responsibility to look after your health and safety and therefore it is advisable to tell your Line Manager you are pregnant as soon as possible. However, there is no obligation to do so until the 15th week before the expected week of childbirth (EWC) unless this is not reasonably practical. Your Line Manager will then need to carry out a risk assessment with you to see if there is any part of your job that you can no longer do or that needs to be changed during your pregnancy or on return to work after your baby is born. The assessment should be reviewed regularly because as your pregnancy progresses, things may change for you. You must tell your manager in writing:

- that you are pregnant
- the date the baby is due
- the date you want to start your maternity leave (this cannot be earlier than the beginning of the 11 weeks before your EWC)

If you want to change the date your maternity leave starts, you should give as much notice as possible and as a minimum 28 calendar days' notice. This is not always possible, for instance if the baby is born early. In this case, your maternity leave will automatically be triggered by the birth of your child. If this happens you should let your Line Manager know as soon as you can. In these circumstances, your maternity leave will start the day after the birth of your child.

Provided that you are well and able to carry out your normal duties safely, you can choose to stay at work up to the date of childbirth. However, any absence after the beginning of the fourth week before the EWC which is wholly or partly because of pregnancy or childbirth will automatically trigger the start of your maternity leave period. You must inform your line manager in these circumstances.

If you are intending to adopt and you are taking either Adoption Leave or Paternity Leave (Adoption) you will need to let your Line Manager know in writing:

- the date the child will be placed with you for adoption
- the date you intend your leave to start

You have to give this information within 7 days of being told that you have been matched with a child or, if this is not possible, as soon as you can. In any case, you need to give at least 28 days' notice of the date you want your leave to start.

Evidence

In respect of maternity leave, you must provide your Line Manager with a copy of the MATB1 form or a doctor's letter, which you can get from a registered doctor or midwife. The MATB1 is issued by your doctor or midwife no more than 20 weeks before the due date. You may provide a scanned version of the original MATB1 form.

For UK adoptions, you will need to supply a copy of the 'matching certificate' which should be given to you by the adoption agency. This should include the name and address of the agency, the date when you were notified you were matched with the child and the date the placement is expected to start on. We will also require written confirmation as to whether you will be the primary or secondary adopter (where two people are adopting).

For overseas adoptions, you will need to supply a written notification. This official notification is issued by or on behalf of the relevant domestic authority (usually the Department of Health) that it is prepared to issue a certificate to the overseas authority concerned with the adoption of the child, or a certificate issued and sent to that authority confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent.

On production of evidence, within 28 days you will get confirmation from the Trust of the date you are expected to return from maternity or adoption leave. This will be 52 weeks from the start of your leave.

Entitlement to Leave

Provided that you comply with the notification procedures, you are entitled to 52 weeks maternity or adoption leave regardless of service. Leave can start on any day of the week. Working part time or term time only does not impact your entitlement to leave.

There are two types of leave:

- Ordinary Maternity Leave (OML) or Ordinary Adoption Leave (OAL) is the initial 26 weeks of leave
- Additional Maternity Leave (AML) or Additional Adoption Leave (AAL) is the following 26 weeks of leave

Adoption Leave provides a similar entitlement to Maternity Leave and is available to the adopter of a child under the age of 18. Adoption Leave is only where a child is newly matched for adoption by an approved adoption agency. It would not, therefore, cover the adoption of a stepchild. Where a couple jointly adopts a child, they will need to decide which of them will take up to the total of 52 weeks Adoption Leave. This person is the primary adopter. The other partner may be entitled to Paternity Leave (Adoption) which mirrors the entitlement to Paternity Leave.

If you adopt a child from overseas who is already a relative, you may qualify for adoption leave if you have been assessed and approved as being a suitable adoptive parent.

Starting and Ending Leave

The minimum amount of maternity leave/adoption leave that can be taken is the two week period immediately after the baby's birth or the two week period immediately following placement of a child for adoption. For adoption leave, leave may start on a date which is up to 14 days before the date of placement. Ordinary Maternity Leave (OML) or Ordinary Adoption Leave (OAL) will usually start on the day on which you have given written notification of your intention for it to start. It will begin earlier if you give birth before that date or if you are absent for any reason wholly or partly related to your pregnancy after the beginning of the fourth week before the EWC. If you decide to remain on leave, AML/AAL will follow on directly after your OML has finished.

For overseas adoptions, adoption leave cannot begin before the child enters the country. The latest adoption leave can begin is 28 days after the date of entry to the UK. The time spent travelling overseas to arrange adoption or visit the child will not be treated as adoption leave.

If your baby is born prematurely and you are still at work, leave and pay will commence the day after the birth. Entitlements to pay and leave are unaffected by premature birth. If a baby is stillborn or dies after the 25th week of pregnancy, your entitlements to leave and pay are also unaffected.

In respect of adoption leave, if the child ceases to live with you during the adoption leave period, you can continue adoption leave for up to 8 weeks after this point.

Entitlement to pay

Some employees will only be entitled to statutory pay and others will be eligible for enhanced occupational (contractual) pay during maternity or adoption leave. SMP/SAP are paid to you by the Trust as your employer but this is partly refundable from the State.

Do I qualify for statutory maternity/adoption pay?

To qualify for SMP/SAP you must:

- be on your payroll in the 'qualifying week' – the 15th week before the expected week of childbirth
- give the correct notice e.g. MATB1 form, matching form
- provide proof that you're pregnant/matched for adoption
- have been continuously employed by us for at least 26 weeks up to any day in the qualifying week/ up to any day in the week you are matched with a child for adoption
- be on our payroll and meet the minimum earnings level for National Insurance in an 8-week reference period
- employees adopting from overseas must have been continuously employed by us for at least 26 weeks at the start of the week when the pay will begin. If adopting with a partner, you must also sign a form to confirm you are not taking paternity leave or pay
- employees in surrogacy arrangements must have been continuously employed by us for at least 26 weeks up to any day in the 15th week before the baby is due.

Your right to entitlement however can be lost if you do not provide your Line Manager with sufficient notice of your intention to start your leave or if you do not provide medical evidence of your pregnancy or legal evidence of adoption.

How much is SMP/SAP?

If you are eligible for SMP/SAP, you will receive a total of 39 weeks SMP/SAP made up as follows:

- Six weeks at 90% of your average salary
- Followed by 33 weeks at either SMP rate or 90% of average salary, whichever is lower

The SMP/SAP rate alters every April. This rate is published by the government.

What happens if I do not qualify for statutory maternity pay?

If you have less than 26 weeks' continuous service at the 15th week before the EWC then you will not be entitled to SMP but if you earn over the NI Lower Earnings Limit you may be entitled to Maternity Allowance. The NI Lower Earnings Limit changes annually. The current rates are available from the Department for Work and Pensions. If you are not entitled to SMP, the Trust will issue an SMP1 form within 7 days of the decision confirming the refusal to pay SMP.

Maternity Allowance

If you are not entitled to statutory maternity pay you may be entitled to claim Maternity Allowance. In order to claim this, you will need to complete a Maternity Allowance form, which is available from the Department for Work and Pensions either online or by requesting a paper form. Alternative formats are available by calling DWP on 0800 1690283 or using textphone 0800 1690286.

Maternity allowance is paid for a maximum of 39 weeks. It cannot be paid earlier than the 11th week before the EWC and cannot be paid if you are working. There are no deductions for tax or NI and the allowance is normally paid every two or four weeks into a bank account.

What happens if I do not qualify for statutory adoption pay?

If you do not meet the criteria for SAP, the Trust will issue you with a SAP1 form within 7 days of the decision confirming why you are not entitled to SAP. You may be able to get support from your local Council.

Occupational Maternity Pay/Occupational Adoption Pay (also referred to as contractual maternity or adoption pay)

In addition to being eligible for statutory payments, subject to your length of service and your intention to return to work after your leave, you may be entitled to Occupational Maternity/Adoption Pay (OMP/OAP).

How much Occupational Maternity/Adoption Pay (OMP/OAP) will I get?

If you have more than one year's local government continuous service at the 11th week before the EWC or the date on which you are matched with a child for adoption and you intend to return to work at the end of your maternity leave/adoption leave, you will be entitled to OMP/OAP.

Support Staff

- Six weeks at 90% of your normal weekly salary (to include any SMP/SAP payable)
- Followed by 12 weeks at half pay plus SMP/SAP (except where the combined salary exceeds normal pay, when pay will be capped at your normal pay maximum)
- Followed by 21 weeks at SMP/SAP only
- The remaining 13 weeks are unpaid

Occupational maternity/adoption pay is paid as above provided you return to employment for at least 3 months.

Teachers

For the person on maternity leave/primary adopter:

- Full pay for the first four weeks of maternity or adoption leave (to include any SMP/SAP payable)
- Followed by two weeks at 90% of your salary (to include any SMP/SAP payable)
- Followed by 12 weeks at half pay plus SMP/SAP (except where the combined salary exceeds normal pay, when pay will be capped at your normal pay maximum)
- Followed by 21 weeks at SMP/SAP only
- The remaining 13 weeks of leave are unpaid

Occupational maternity/adoption pay is paid as above provided you return to employment for at least 13 weeks.

Please refer to <https://www.gov.uk/adoption-pay-leave/pay> and [Maternity pay and leave: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/maternity-pay-and-leave/overview) for the current rates of statutory entitlement.

What happens if the baby is premature?

Maternity entitlement would remain the same. Your maternity leave and associated maternity pay will commence automatically on the day after childbirth if your baby is born so early that you have not yet ceased work.

What happens if the baby is stillborn or dies?

Your maternity entitlement would remain the same if the still-birth or death occurs from the 25th week of pregnancy.

What happens if I have a miscarriage?

Where a miscarriage occurs before the 25th week of pregnancy, you will be entitled to sick leave and pay in the normal way, provided that the absence is covered by a doctor's statement. In exceptional circumstances, where sick leave is not appropriate, special leave may be considered, depending on the individual circumstances.

What happens if I have twins (or more)?

You will be entitled to the same benefits regardless of how many babies are born or adopted.

All Staff

If you qualify for occupational maternity/adoption leave and you do not know whether you will return to work, a sum equivalent to 12 weeks at half pay may be paid as a lump sum upon return to work. In this case, during the maternity leave/adoption leave period you will receive only SMP/SAP during the period that would otherwise have been paid at half pay plus SMP/SAP. However, to qualify for this lump sum, you must return to work for at least three months after your maternity leave or adoption leave has ended.

What happens if I decide not to return to work but have been paid half pay plus SMP/SAP for 12 weeks?

You will be asked to pay back the half pay you have received on top of your SMP/SAP, but not the SMP/SAP itself.

Time-off for ante-natal care and classes

You have the right to paid time off to keep appointments made on the advice of a doctor, midwife or health visitor. You should give your manager reasonable notice and provide evidence such as an appointment card, letter or email. When possible, you should try to make appointments outside your work hours.

If you are the expectant father or partner (including same sex) of the pregnant woman, you are entitled to unpaid time off to attend two antenatal appointments. Please see the section on Paternity/Nominated Carer leave.

Adoption

An employee who is eligible for adoption leave and who is the primary adopter has the right to be paid while attending 5 adoption appointments after being matched with a child. This right is only for appointments the adoption agency has arranged or asked for. The secondary adopter (the partner not taking adoption leave) has the right to attend 2 antenatal appointments on an unpaid basis. Please see Paternity Leave (Adoption) for further details of entitlement.

Risk of rubella or other infectious diseases at the academy for class-based employees

If, during the early months of pregnancy, you are advised by your doctor to be absent from the Academy because of the risk of rubella or other infectious diseases, you will be granted leave with full pay, provided that you do not unreasonably refuse to work in another Academy within the Trust where there is no such undue risk.

Contact during maternity or adoption leave

It is expected that there will be reasonable contact between yourself and your Line Manager whilst you are on maternity/adoption leave. Ideally, this will be agreed between you prior to maternity/adoption leave starting. Contact during maternity/adoption leave may include asking you of proposed return dates or whether you are intending to request an alteration in your hours.

Your conditions of service allow for you to be kept informed of vacancies, training opportunities and any major workforce developments within the Academy as they occur. This is also a requirement of the Trust as your employer.

Keeping in Touch (KIT) days

Whilst you are on maternity or adoption leave you may, by agreement with your Line Manager, carry out up to 10 days work without bringing your maternity/adoption leave to an end. Keeping in touch days are different to the reasonable contact described above, as you will actually work for the Academy and be paid accordingly.

The type of work you undertake on these days is a matter for agreement between you and your Line Manager but could include training days, team away days, meetings or any other event that would be useful for you to attend. The days may, or may not, be taken as a block. They must be work related and arranged in advance with your Line Manager.

There is no requirement whatsoever for you to do the KIT days if you do not want to, nor do you have the right to insist that the work is provided. The days you do work are to be agreed with your line manager and you do not have to work 10 days if you would prefer to do less.

Working for part of a day will count as one of your 10 days and you will receive your normal contractual rate of pay for the hours worked. However, where you have already received any pay related to your maternity/adoption entitlement for a keeping in touch day, the difference will be paid to a maximum of your normal contractual rate of pay.

Your Line Manager will need to notify the Academy Business Partner (for staff in academies) or People Team (for central team staff) of the dates of any keeping in touch days to ensure that the payment you receive is correct. You will not lose any SMP/SAP.

If you do undertake keeping in touch days, this does not mean that your maternity/adoption leave is extended, it remains 52 weeks.

Can I apply for other jobs while I am on maternity or adoption leave?

There is nothing to stop you applying for other full or part-time jobs whilst you are on maternity leave or adoption leave. If you wish to resign from your post, you should give the correct amount of notice to your Line Manager. However, please note you will have to return to your post that you

left for maternity/adoption leave for at least three months (support staff) and 13 weeks (teachers) to keep your full occupational maternity/adoption pay.

Does my maternity leave/adoption leave count as continuous service?

Yes, both the ordinary maternity leave/ordinary adoption leave and additional maternity/adoption leave periods count as continuous service for the accrual of statutory rights e.g., for calculating continuous service for unfair dismissal purposes, contractual annual leave and sickness entitlements. During maternity leave and adoption leave, you are entitled to the benefit of the terms and conditions of employment which would have applied if you had not been absent, apart from terms and conditions relating to pay.

Annual leave entitlement during maternity/adoption leave

Support staff

Term time and all year round support staff will continue to accrue statutory annual leave during maternity/adoption leave, but absence on maternity leave/adoption leave is not a reason for justifying carry forward of annual leave to the next year. If you decide not to return to work, your annual leave entitlement will accrue only up to and including your date of resignation. In these circumstances, you may be required to reimburse the Trust for leave taken beyond your entitlement.

Teachers

Teachers have an entitlement to accrue statutory annual leave during their maternity leave/adoption leave, which can be taken following the period of maternity leave/adoption leave. However, for the majority of teachers returning from maternity leave/adoption leave, this will have no practical effect for the reasons set out below.

The annual leave year in the Trust usually runs from 1 September to 31 August. The statutory minimum legal entitlement to annual leave is 5.6 weeks (28 days) for a full-time teacher or the pro-rata equivalent for a part-time teacher.

Statutory annual leave entitlement can be offset by any period of Academy closure (including public and bank holidays) that takes place in the leave year in question, either before or after the maternity leave /adoption leave period. For most teachers this will usually mean that periods of Academy closure either side of their maternity leave/adoption leave will add up to at least the 28 days' statutory minimum legal entitlement.

Where the return from maternity leave/adoption leave is so close to the end of the leave year that there is not enough time for a teacher to take all of their annual leave entitlement, they must be allowed to carry over any balance of their leave to the following leave year. However, the employer can require a teacher to take the 'carried over' leave during the remaining periods of Academy closure, after the 28 days' leave due in the new leave year has been accommodated.

If a teacher resigns from their post and does not, therefore, return to work at the end of their maternity leave/adoption leave period, they may be entitled to a payment in lieu of accrued statutory annual leave. However, it is likely that any additional payment would be used to offset any OMP/OAP that may need to be re-paid, following a failure to return to work for the required 13 weeks.

Am I entitled to an increment or pay rise when receiving maternity/adoption pay?

Any pay (other than flat rate SMP/SAP) to which you are entitled during maternity leave or adoption leave will take into account increments or pay awards which you would have received had you not been away from work due to maternity/adoption leave.

Other pay deductions during maternity or adoption leave

Income tax and NI contributions are deducted. Other deductions, e.g. trade union subscriptions, private medical insurance, will only continue as long as you are 'in pay'. When in 'no pay' deductions such as trade union subscriptions will cease unless a refund of tax is large enough to cover the deductions. The onus is on you to be aware when you should arrange for your subscriptions to be paid direct.

Return to work: ending maternity or adoption leave

Unless you advise otherwise, it is assumed that you will return to work at the end of the full 52 week period of maternity leave or adoption leave. If you wish to return earlier than this, you must give a minimum of 21 days' notice. This is in line with Green Book conditions of service (Academy support staff) and Burgundy Book conditions of service (teachers).

Do I have the right to return to my old job?

At the end of your Ordinary Maternity Leave (OML) or Ordinary Adoption Leave (OAL) you have the right to go back to the same job on conditions no less favourable than would have applied if you had not been absent. At the end of Additional Maternity Leave (AML) or Additional Adoption Leave (AAL) you will normally return to the same job, but we are entitled, if that is not practical, to offer you an alternative job that is suitable and appropriate, i.e. on terms and conditions not less favourable to those you previously enjoyed.

Can the Trust delay my return to work?

No. However, if you wish to return early and fail to give the required notice, your Line Manager can delay your return until the end of the notice period.

What should I do if I don't know whether I want to come back to work or not?

If you are not sure you may decide to keep your options open and maintain your right to return. If you qualify for 12 weeks' half pay you can ask to have it suspended and then paid as a lump sum when you return to work.

What should I do if I want to return to work part –time or on different hours?

Wherever possible, the Trust will support any request for a change to working pattern.

If you return to work on less hours than you worked previously, the three months you are required to work in order to keep the half pay element of your maternity pay/adoption pay will be increased on a pro rata basis. For instance, if you return on half the hours you originally worked, the three months will increase by 0.5, which means that you will need to work 6 months in order to keep your half pay.

All staff have a statutory right to request to work flexibly. You should put your considered request in writing to your Line Manager, who will then arrange to meet with you to explore how best your

request might be accommodated. The Line Manager will then write to either agree to a new work pattern or to provide clear business reasons why your application cannot be granted. Please refer to the Flexible Working Policy and Guidance for more information.

What happens if I am sick and cannot come back at the end of my maternity/adoption leave?

If you are unwell when your maternity/adoption leave is due to end then you will need to get a fit note from the doctor stating that you are not able to return to work. You will need to contact your line manager making them aware of the situation and giving them a copy of the doctor's note. You will then be on sick leave and the sickness scheme will apply in the normal way.

Can I be dismissed for reasons relating to pregnancy, childbirth, taking maternity or adoption leave?

No. Any dismissal for reasons relating to a woman's pregnancy is automatically unfair, regardless of hours worked or length of service. The right not to suffer unfair treatment at work for reasons relating to pregnancy, childbirth or taking maternity/adoption leave applies to all employees, regardless of their length of service. There are protections in place for those returning from family leave e.g. maternity/adoption leave which extends to 6 months after the return to work in respect of redundancy.

What is the position if I am employed on a fixed-term contract (FTC) and take maternity or adoption leave?

The non-renewal of a fixed-term contract for reasons relating to pregnancy, childbirth or exercising your right to take maternity or adoption leave will automatically be unfair. If the fixed-term contract under which you are employed is to be renewed but you become pregnant and take maternity leave or are matched for adoption and placed with a child before the renewal date you have a right to return to the renewed FTC at the end of your maternity/adoption leave. Should your fixed term contract end as scheduled during a period of maternity leave/adoption leave, your maternity leave/adoption leave will also end on the same date as your employment contract. You will still be entitled to receive all of your statutory maternity/adoption pay.

What happens if I am on a secondment?

If the secondment is due to end whilst you are on maternity/adoption leave, then at that point your pay will reflect any changes in salary which happen as a result and you will return from maternity/adoption leave to your original post. If, however, the secondment is due to be renewed you will have the right to return to it.

What will happen if I become pregnant again whilst on maternity leave or matched again for adoption during adoption leave?

If you become pregnant again whilst on maternity leave, or are matched for adoption again while on adoption leave, then you will again become entitled to OML/OAL and AML/AAL as appropriate, even if there is no interval between one period of maternity/adoption leave and the next.

However, at the end of a second period of OML/OAL, which followed on immediately from AML/AAL, your right to return is only to the same job or an alternative that is suitable and appropriate.

Pension scheme membership and child-related leave

Support staff

For Local Government Pension Scheme (support staff) purposes, if an employee who is a member of the pension scheme is absent under the following child-related leave, pension continues to build up as if you were working and receiving normal pay. You will pay contributions on actual pay (if any) received.

- ordinary maternity or adoption leave – normally the first 26 weeks
- paid additional maternity or adoption leave – normally week 27 to week 39
- paid shared parental leave
- paternity leave, and
- paid parental bereavement leave

Periods of unpaid leave will not count for LGPS pension purposes unless you pay extra pension contributions to buy the pension you have lost. If you want to do this, you must do so within 30 days of returning to work. In these circumstances, the cost of buying the additional pension contributions (APC) will be split between you and the Trust as your employer.

LGPS members in the 50/50 section of the scheme who go on to no pay during ordinary maternity leave, ordinary adoption leave or paternity leave will automatically be moved to the main section of the Scheme from the beginning of the next pay period. You would start to build up full pension benefits in the LGPS even though you are not paying pension contributions.

Teachers

For members of the Teachers Pensions Scheme (TPS), periods of leave where you receive either occupational full or half pay or statutory pay e.g. OMP, OAP, SMP, SAP, SHPP will be classed as pensionable. Periods of unpaid leave are not treated as pensionable and there is no provision in TPS to make up any shortfall in the scheme through periods of no pay.

3. Breastfeeding or Expressing Milk

The Trust has specific obligations to employees who are breastfeeding or expressing milk in order to protect their health, safety and welfare at work and takes these obligations seriously and as a priority.

Risk assessments will always be carried out in respect of employees who have returned from maternity leave and who are breastfeeding/expressing milk. Risk assessment will focus on all relevant areas including physical, biological and chemical agents and any operational methods adopted by the Trust. Any risks identified must be addressed. The Trust will seek ways to eliminate the risk fully or alternatively seek a reduction in the risk where this is acceptable.

Adjustments will be made to the employee's role in order to eliminate or reduce the risk for the period that the employee continues to breastfeed/express milk. If no adjustments can be made which have the desired effect, the Trust will seek suitable alternative work to be offered to the employee on a temporary basis until the risks are removed or breastfeeding/expressing milk ends. Maternity suspension on full pay will be the last resort should no alternative work be available.

Maternity suspension is not in any way a disciplinary action but is a protective measure for both the employee and the employer. Employees will remain on full pay for the suspension period. All of the employee's normal terms and conditions will continue to apply for the duration of the suspension.

Employees who are breastfeeding/expressing milk at work should, wherever possible, do this during their contractual rest breaks (e.g. lunchtime). If this is not possible a time should be agreed between the employee and the line manager. Private facilities with a lockable door for breastfeeding/expressing milk will be provided. The use of toilets for this purpose is unacceptable. If milk is to be kept in a communal fridge, it must have a clearly visible label.

4. Fertility Treatment Leave

There is no statutory right for employees to take time off for fertility treatment. However, the Trust will offer support and paid leave to employees undergoing fertility treatment. Employees will be entitled to up to 5 days' paid leave in respect of up to three treatment episodes. A treatment episode may be considered to be the period immediately following harvesting. This entitlement does not apply to staff whose partners are undergoing IVF treatment.

When considering requests for time off for fertility treatment, the Trust will take into consideration both legal entitlements and the effect the absence will have on its operational needs. We will require production of evidence from the employee to support the use of this leave e.g. provision of an appointment letter or email.

If you make a request for time off for IVF treatment you should ensure that you adhere to the procedures set out in this policy. All leave must be authorised in advance by the Trust. In order to obtain that authorisation, you should inform your Line Manager of your requirements to take leave as soon as possible. You may also wish to seek guidance from the People Team.

Any request for further leave will be fully considered and granted at management discretion.

You should speak with your Line Manager about gaining authorisation for time off. Upon receiving a request, your Line Manager will meet you to discuss your request and what amount of time off you expect to need. Your line manager will discuss with you the impact your absence will have on the business operation and you are encouraged to put forward any ideas you have that will help to minimise possible disruption your absence could cause. Your line manager will consider if you have made any previous requests for time off for IVF treatment. You will receive the Line Manager's decision in writing without unreasonable delay. You should contact your Line Manager immediately if you expect you will need further time off than originally agreed. Any extra time off may be unpaid.

5. Neonatal Care Leave and Pay

This is a period of time available to parents of babies born prematurely or in need of specialist care who require a period of time in a hospital or similar setting following birth. The Neonatal Care and Leave Bill, once this becomes law, will make provisions in addition to existing maternity and paternity leave for parents to spend time with their baby during a period of time which can be very stressful. This is anticipated to become law in April 2025 and the Trust will provide benefits of leave and pay in line with this legislation once it becomes law.

Entitlements to leave

Neonatal care leave will be available to employees from their first day of employment and will apply to parents of babies who are admitted into hospital up to the age of 28 days, and who have a continuous stay in hospital of 7 full days or more. The entitlement to leave will be up to 12 weeks and is dependent on the length of time the baby spends in hospital.

Pay

Parents will be entitled to statutory pay of up to 12 weeks provided they have 26 weeks' service and meet the minimum earnings threshold. In the case of employees taking maternity leave, this period would be added to the end of the maternity period since maternity leave must start once a baby is born. Neonatal care leave and pay will sit alongside shared parental leave.

6. Paternity Leave/Paternity Leave (Adoption)/Nominated Carer Leave

Paternity leave is available to employees to assist in the care of a child and to provide support to the mother/primary adopter at or around the time of birth or adoption of a child. There is a statutory entitlement to paternity leave for employees who meet the eligibility criteria. The Trust extends this provision of leave to also include nominated carers. Only one person will be eligible for this leave e.g. the partner of the mother/primary adopter **or** a relative/friend acting as the main provider of support at or around the time of the birth/placement nominated carer but not both. In the case of sole adopters, this will be the person they nominate to provide their support.

The qualification is that you have or expect to have responsibility for the upbringing of the child, and you are the partner (including husband, same sex or civil partner) of the mother, the primary adopter or the intended parent if you're having a baby through a surrogacy arrangement.

Notification

You need to let us know whether you intend to take paternity/ nominated carer leave by the 15th week before the baby is due to be born. In the case of adoption whether in the UK or overseas, you need to tell us in writing by the 15th week before:

- The week the baby is due
- If you intend to take one or two weeks leave
- The date you want your leave to start e.g. immediately following the birth/placement or one week afterwards

You can change the dates of your leave but you should give 28 days' notice, unless it is not reasonably practical to do so e.g. if the baby arrives prematurely or is kept in hospital.

Evidence

If you are seeking to take paternity leave you will be asked to complete a form which can be downloaded to complete electronically or printed and handwritten from HMRC and sent to your Academy Business Partner (for staff within academies) or the People Team (for central team staff). This form gives information about the terms and conditions that apply to Statutory Paternity Pay and includes a declaration which must be signed to confirm the entitlement to paternity leave and pay. The form to request paternity leave can be found within the Trust's Infohub.

In the case of Paternity Leave (Adoption) you will be asked to sign to confirm your entitlement as secondary adopter. For overseas adoptions, you will be asked to confirm your entitlement and sign a declaration to this effect.

For those seeking to take paternity leave in connection with a surrogacy arrangement the employee should provide a signed declaration that they have or will have applied for a parental order in the 6 months after the baby's birth.

If you are seeking to take nominated carer leave you will be asked to produce evidence that the mother/primary adopter nominates you as their primary provider of support by signing a declaration to this effect.

Entitlement to Paternity Leave/Paternity Leave (Adoption)/Nominated Carer Leave

The Trust's eligibility criteria are more generous than the statutory minimum. All employees are entitled to one week's leave regardless of service length. Employees with 26 weeks' service at

the qualifying point may take either one or two weeks leave. Qualifying employees must have 26 weeks service at the 15th week before:

- the date the baby is expected to be born
- the week you/your co-adopter or partner are matched with a child for adoption
- the week the child enters the UK (for overseas adoptions)

Starting and ending leave

Time off may be taken in a one week block or, for those eligible, either a one or two week block of time which can be taken consecutively or separately. You may not take odd days.

You will need to notify us of the due date of the baby/date of placement at least 15 weeks before the baby is expected. To notify that you wish to take leave and associated pay you need to notify at least 28 days before you intend the leave and pay to start and how long you wish to take. Paternity Leave and Paternity Leave (Adoption) may only be taken after the birth or placement of a child.

For babies due after 6th April 2024, including under surrogacy arrangements, you must take your leave within 52 weeks of the date the baby is born (or the due date if the baby is born early). Paternity leave (adoption) must be taken within 52 weeks of the placement or arrival date with you for adoption.

Entitlement to pay

Statutory Paternity Pay/Statutory Paternity (Adoption) Pay (SPP)

If you qualify for SPP and have chosen to take two weeks paternity leave, for the second week of leave you will be paid either Statutory Paternity Pay or 90% of your average weekly pay, whichever is the lower. The first week of paternity pay is at full pay.

Occupational Paternity Pay/Occupational Paternity (Adoption) Pay (OPP)

All staff are entitled to one week's paternity pay regardless of service length. OPP will be paid at full salary for the first week of leave, including any SPP to which you are entitled. If you are also entitled to SPP and choose to take 2 weeks leave, the second week will be paid at either Statutory Paternity Pay or 90% of your average weekly pay, whichever is the lower.

Attending antenatal appointments

You are entitled to unpaid time off to attend up to two antenatal appointments to accompany the expectant mother 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 they're having a baby through a surrogacy arrangement)

It is expected that no more than half a day will be needed for an antenatal appointment and the maximum time under this entitlement is 6 hours and 30 minutes per appointment.

As an alternative to taking them unpaid, these and additional appointments can be attended or treated as time off in lieu subject to the demands of running the Academy, and providing that

such lost time is made up. You will need to give your Manager plenty of notice and bring in evidence of the appointment.

Attending matching appointments (adoption)

You are entitled to unpaid time off to attend up to two matching appointments to accompany the primary adopter if you are adopting as a couple and you have determined that you are the secondary adopter.

Will any other contractual benefits be affected if I take paternity leave?

These will be unaffected, and you will be entitled to return to your same job following paternity leave.

What happens if the baby is stillborn or dies following birth?

Paternity leave is still available if the baby is stillborn after 24 weeks of pregnancy or if the baby is born alive at any point during the pregnancy. You may still take any leave booked before losing the baby. If there is still leave to be taken, you can still do this but must take the leave within 8 weeks of the baby's death. Line managers should be supportive of the significant distress this is likely to cause and signpost the employee to sources of further support, including the Employee Assistance Programme. Please see further detail in the Parental Bereavement section.

What happens if an adoption is disrupted?

If an adoption does not take place e.g. where the child has had to return to foster care, return to the adoption agency or the child has died, statutory leave and pay will still apply. Line managers should be supportive of the significant distress this is likely to cause and signpost the employee to sources of further support, including the Employee Assistance Programme.

What happens if twins (or more) are born?

You will get the same entitlement regardless of the number of babies born.

What if complications occur for either mother, primary adopter or child immediately following the birth?

Line Managers may use their discretion to grant compassionate leave.

7. Shared Parental Leave

Shared parental leave (SPL) enables eligible working parents to choose how to share the care of their child during the first year after birth or following adoption.

SPL allows parents to take up to 52 weeks leave in total (includes statutory 2 weeks maternity/adoption leave) following the birth (or placement) of a child. They may be able to take this leave at the same time or at different times during the 12 months following the birth/placement of the child.

The total amount of shared parental leave which may be taken by two people is 50 weeks and the total amount of pay which may be shared is 37 weeks. The first two weeks following birth or placement for adoption must be used by the birth mother or primary adopter immediately following birth or placement for adoption and cannot be shared with a partner

Criteria for birth parents

For birth parents, those eligible to take shared parental leave must:

- share responsibility for the child at birth
- meet work and pay criteria - these are different depending on which parent wants to use the shared parental leave and pay

Both parents must also meet the work and earnings criteria. The criteria are different depending on which one of you wants to use the shared parental leave and pay.

if both parents want to share the SPL and ShPP

Both parents must meet the same eligibility criteria to get Shared Parental Leave and Shared Parental Pay. You must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date
- stay with the same employer until you start your SPL

To be eligible for SPL, you must be employees, not workers. You can check this status online at Employment status: Worker - GOV.UK (www.gov.uk). To be eligible for ShPP, you must each meet the minimum average earnings per week. This minimum average rate changes each April.

Birth parents: if the mother's partner wants to take the SPL and ShPP

For the mother's partner to take SPL and ShPP, both the mother and the mother's partner must meet some eligibility requirements.

The mother must:

- have been working for at least 26 weeks out of the 66 weeks before the week the baby's due (the 26 weeks do not need to be in a row)
- have met the minimum earnings level in total across any 13 of the 66 weeks (add up the highest paying weeks – they do not need to be in a row)

The mother's partner must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date
- stay with the same employer until they start their SPL

To be eligible for SPL, the partner must be an 'employee' (not a 'worker') – check their [employment status](#) and minimum earnings level. If the partner is a 'worker', they might be able to get ShPP but not SPL. To be eligible for ShPP, the partner must meet the minimum average earnings level.

Birth parents: if the mother wants to take the SPL and ShPP

For the mother to take SPL and ShPP, both the mother's partner and the mother must meet some eligibility criteria.

The mother's partner must:

- have been working for at least 26 weeks out of the 66 weeks before the week the baby's due (the 26 weeks do not need to be in a row)
- have met the minimum earnings level in total across any 13 of the 66 weeks (add up the highest paying weeks - they do not need to be in a row)

The mother must:

- have been employed continuously by the same employer for at least 26 weeks by the end of the 15th week before the due date
- stay with the same employer until they start their SPL

To be eligible for SPL, the mother must be an 'employee' (not a 'worker') - check their [employment status](#). If the mother is a 'worker', they might be able to get ShPP but not SPL.

To be eligible for ShPP, the mother must meet the minimum average earnings level.

Eligibility: adopters or parents using a surrogate

To be eligible for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP), both adoptive parents or both parents using a surrogate must share responsibility for the child from:

- the child's due date or birth date if you're using a surrogate
- the date the child is placed with you, if you're adopting or fostering to adopt

Both parents must also meet the work and earnings criteria. The criteria are different depending on which one of you wants to use the shared parental leave and pay.

If both parents want to share the SPL and ShPP

Both parents must meet the same eligibility criteria. To be eligible for SPL and ShPP, you must stay with the same employer until you start your SPL. You must be employed continuously by them for at least 26 weeks, by either:

- the end of the week you or your partner are matched with a child if you're adopting
- the end of the 15th week before the due date if you're using a surrogate

To be eligible for SPL, you must be 'employees' (not 'workers').

To be eligible for ShPP, you must meet the minimum average weekly earnings.

If only one of the parents wants to take the SPL and ShPP

Both parents must meet some eligibility criteria.

Criteria for the parent taking SPL and ShPP

The parent who wants to take the leave and pay must stay with the same employer until they start their SPL.

They must also have been employed continuously by the same employer for at least 26 weeks, by either:

- the end of the week you or your partner are matched with a child if you're adopting
- the end of the 15th week before the due date if you're using a surrogate

To be eligible for SPL, they must be an 'employee' not a 'worker'.

To be eligible for ShPP, they must meet the minimum average weekly earnings.

Criteria for the other parent

The other parent must:

- have been working for at least 26 weeks out of the 66 weeks before the week the child was placed with you (the 26 weeks do not need to be in a row)
- have met the minimum earnings level in total across any 13 of the 66 weeks (add up the highest paying weeks - they do not need to be in a row)

Notifying the organisation of an entitlement to SPL

An employee who is eligible to take SPL must provide their Line Manager with their intention to take SPL at least 8 weeks before they can begin this period of leave.

You and the other parent must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, Statutory Maternity Pay (SMP) or maternity allowance (MA) periods:

- Curtailment notice - if you are the child's mother and are still on maternity leave, you must give the Trust at least 8 weeks' written notice to end your maternity leave before you can take SPL
- If you are the child's father or the mother's partner, you must provide 8 weeks' notice before you intend the SPL to start
- The curtailment notice must state the date your maternity leave will end. You can give the notice before or after you give birth, but you cannot end your maternity until at least 2 weeks after the birth of your child.
- If the other parent is eligible to take SPL from their employer, they may be able to take this before your maternity leave ends, provided you have submitted the curtailment notice.

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

- You realise that neither you, nor the other parent are in fact eligible for SPL or ShPP. In this situation you can revoke the curtailment notice in writing up to 8 weeks after it was submitted.
- If you submitted the curtailment notice before giving birth, you can revoke it in writing up to 8 weeks after it was given, or up to 6 weeks after birth, whichever is later.
- If the other parent has died.

If you are the child's father or the mother's partner, you will only be able to take SPL once the mother has:

- Returned to work
- If the mother has given her employer a curtailment notice to end her maternity leave
- If the mother has given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
- Given a curtailment notice to the benefits office to end her MA (if she is not entitled to maternity leave or SMP).

Evidence

The Trust may request the following evidence:

- A copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth)
- Or in the case of Adoption a 'matching certificate'
- The name and address of the other parent's employer (or a declaration that they have no employer)

Continuous Leave and Discontinuous Leave

The minimum period of leave that can be taken for SPL is 1 week. A period of SPL will be taken as one continuous period of leave or in separate blocks of leave (up to a maximum of 3 separate blocks). If you request SPL in one continuous block of leave, you are entitled to take this leave as set out in the notice and this will be confirmed by your Headteacher/Line Manager in writing.

It may be possible, in some cases to allow a period of SPL where the leave is split into shorter periods (of at least a week) with periods of work in between. This is dependent on service need and whether the Trust are able to accommodate such a request. For discontinuous leave, you may be able to take up to 3 separate blocks of SPL, returning to work between the periods of leave.

You need to inform your Line Manager as soon as possible of your intentions to take SPL, the start and end dates of this leave and the pattern of leave that you would like to take.

You must submit a period of leave notice, setting out the requested period of leave and pattern of leave at least 8 weeks before the requested start date. If it is not possible to agree to your request straight away, there will be a 2 week discussion period. At the end of that period, your Line Manager will confirm any agreed arrangements to you in writing. If an agreement is not reached, you will be entitled to take the full amount of requested SPL as one continuous block, starting at the start date that you have provided by you. For example, if you have requested 3 separate periods of 4 weeks each, you will be entitled to take one 12 week period of leave.

Alternatively, you may wish to choose a new start date (this must be at least 8 weeks after your original period of leave notice was given, and tell your Line Manager within 5 days of the end of the 2 week discussion period or, withdraw your period of leave notice within 2 days of the end of the 2 week discussion period (in which case it will not be counted and you may submit a new one if you choose).

The Line Manager should discuss any requests with the HR Department to ensure that they are working within the legislation and are aware of their responsibilities.

If you change your mind about taking SPL, you are able to cancel your period of leave by notifying your Headteacher/Line Manager in writing at least 8 weeks before the start date of the period of SPL.

You can also change the dates of your period of SPL by informing your Line Manager at least 8 weeks before the start date of your original leave and the intended start date of your amended period of leave. You do not need to give notice if the date of your SPL changes due to your child being born earlier than the EWC, where you wanted to start your SPL a certain length of time (but not more than 8 weeks after birth).

Payment

Eligible employees may be entitled to up to 37 weeks Shared Parental Pay (ShPP) while taking SPL. The number of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some of all of SPL, depending on the length and timing of the leave. In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

- The mother/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 must have an average weekly earnings for the period of 8 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;

- The employee must give proper notification in accordance with the rules set out below.

Where an employee is entitled to receive ShPP they must, at least 8 weeks before receiving any ShPP, give their Line Manager written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

In addition to what needs to be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for SPP 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;
- 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 organisation should they cease to be eligible.

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

- Their agreement to the employee claiming ShPP and for the Trust to process any ShPP payments to the employee;
- (in the case where the partner is the mother/adoption) that they have reduced their maternity/adoption pay or maternity allowance
- (in the case where the partner is the mother/adoption) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

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

Terms and Conditions

During the period of SPL, the employee's contract of employment will continue, and they are entitled to receive all of their contractual benefits, except for salary. Contractual annual leave will continue to be accrued throughout the period of SPL and employees are reminded that annual leave 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 is not untaken at the end of the employee's leave year.

Keeping in Touch Days

Line Managers may make reasonable contact with employee from time to time during SPL. This may include contact to discuss arrangements for employees' return to work.

Each parent may ask or be asked to work (including attending training) on up to 20 Shared Parental Leave In Touch Days (SPLIT days) during SPL. SPLIT days are not compulsory and must be discussed and agreed by both the employee and Line Manager. This is in

addition to any "Keeping-In-Touch" days (KIT days) that may have been taken during maternity leave.

Employees will be paid at the normal basic rate of pay for time spent working on a SPLIT day and this will be inclusive of any shared parental pay entitlement. Alternatively, the employee may agree with the Line Manager to receive the equivalent paid time off in lieu.

When can I return to work after SPL?

If an employee wants to end a period of SPL early, they must give eight weeks' prior notice of the return date. It is helpful if this notice is given in writing.

If an employee wants to extend SPL, they must submit a new period of leave notice at least eight weeks before the date they were due to return to work, assuming they still have SPL entitlement remaining and have not already submitted three period of leave notices. If an employee is unable to request more SPL, they may be able to request annual leave or ordinary parental leave, which will be subject to business need.

An employee is normally entitled to return to work in the position they held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for us to allow employee to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- if SPL and any maternity or paternity leave taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
- if SPL was taken consecutively with more than four weeks of statutory parental leave (under Parental Leave).
- If an employee wishes to change their hours or other working arrangements on return from SPL, they should make a request under our Flexible Working Policy. It is helpful if such requests are made as early as possible.
- If an employee decides not to return to work, they should give notice of resignation in accordance with their contract.

8. Statutory Parental Leave (unpaid)

What is Parental Leave and can I use it?

Parental Leave is a statutory entitlement to unpaid leave and is available to employees who are parents.

A child's parents have the right to take up to 18 weeks' Parental Leave until their child is 18. The same entitlement is available if the child is disabled.

Parental Leave enables either parent to take time off to care for or spend more time with their child. However, if you need a short time off work to attend to an emergency or crisis you should use Dependants Leave, or the Trust's arrangements for special or compassionate leave, whichever is more appropriate, (details are given in the section on Dependants Leave).

Am I eligible to take Parental Leave?

To qualify for Parental Leave in all cases you must have completed at least one year's continuous service with your employer, at either:

- The date of birth of your baby
- The date you receive your child from an Adoption Agency/date of adoption

Both parents either birth parents, adoptive, or the person with legal responsibility for the child are entitled to take Parental leave.

If you are a new employee you must declare any previous Parental Leave taken with another employer.

Leave

How much notice do I need to give?

You will need to give your line manager 21 days' notice in writing of your intention to take Parental Leave.

How much leave am I entitled to?

You will be entitled to 18 weeks Parental leave for each child, so for example if you have twins you would be entitled to 18 weeks for each one.

You must take your leave in weekly blocks, unless your child is disabled in which case you will be able to take leave in days as well as weeks.

However, you are only able to take a **maximum of 4 weeks Parental Leave in one year for each child.**

A week is your normal working week so if you work Monday to Friday this would be 5 days, however if you are part time and work for example Tuesday and Wednesday a week's leave would be equal to 2 days.

Pay

Will I be paid when I take time off for Parental Leave?

You will not be paid whilst you are on Parental Leave although you may be able to get help with benefits. You would need to check this with Jobcentre plus.

Frequently Asked Questions

Does the Trust keep a record of the time I have taken off?

The Trust will keep a note of how much time off you have taken and you must inform them of any previous Parental Leave you have taken.

Can my application to take time off be turned down?

The Trust can postpone your leave for up to 6 months if it would be particularly disruptive to the service for you to take time off when you have requested.

Leave cannot be postponed if a father or partner wants to take it directly after the birth of the child or an adopter immediately following the placement of a child.

Can my leave be transferred to my partner?

No, Parental Leave is not transferable.

Can Parental Leave be taken directly after maternity leave?

You can ask to take it as soon as your maternity leave (either OML or AML) finishes but you will need to make sure you that you give the correct period of notice.

Will taking Parental Leave affect my entitlements?

You will still accrue annual leave whilst you are on Parental Leave. It will also count as continuous employment for redundancy purposes.

For Local Government Pension Scheme members, any period of unpaid parental leave will not count for pension purposes unless you opt to pay Additional Pension Contributions to buy back the lost period. You must do this within 30 days of returning to work from unpaid leave. If you do so, the cost is split between employee and employer.

You have a right to return to the same job if you have taken 4 weeks or less Parental Leave.

What happens if I decide I don't want to come back when my Parental Leave finishes?

You would need to hand in your notice in the usual way.

9. Dependants Leave

What is Dependants leave?

Dependants Leave is designed to help you cope with unplanned or unexpected emergencies. It allows you reasonable time off to deal with the immediate situation and to make longer term arrangements if necessary.

A good example would be if your child is unwell, a childminder or carer does not turn up to look after a dependant or a nursing home or nursery closes unexpectedly. Dependants Leave could be used to take a child to the doctor and sort out the longer term care arrangements. It would not however enable you take the time off to care for your child or dependant until they are better.

Who is a dependant?

A dependant is a spouse, partner, child, parent, grandchild or a person who depends upon you for their care. It can also be someone who is living in the same house, such as an elderly relative who you look after, but not a tenant, lodger or employee e.g., nanny.

Dependants leave can also be used if you are the primary carer for someone or the only person who could help out in an emergency situation e.g. helping an elderly neighbour in an emergency.

When should I use Dependants leave?

You should use it to sort out an emergency situation, such as:

- Illness of a dependant
- If a dependant is injured or assaulted
- To arrange for longer term care
- To sort out problems when there is a disruption to or breakdown of care arrangements
- To deal with an unexpected incident with a child whilst they are at work. In cases of domestic violence to ensure your child's safety

It does not cover other domestic problems such as burst water pipes or car breakdowns.

Am I entitled to take Dependants leave?

There are no qualifying service requirements for Dependants leave, therefore you will be able to take Dependants' leave from the day you start working for the Trust.

Leave

How long do I get off?

There is no specified time limit set out, but you should take what is considered a reasonable time in the circumstances, probably no more than one or two days.

When should I let my manager know I need the time off?

Although you cannot plan to take Dependants leave you will need to contact your manager as soon as you can to let them know there is an emergency.

Pay

Will I get paid?

Generally, not, as the statutory provision does not include the right to paid time-off. However, discretion may be exercised to allow paid time-off or to allow the time lost to be made up at a later date without loss of pay. Consideration may also be given as to whether compassionate or special leave could reasonably be granted under the circumstances in line with the Trust's leave of absence policy.

Frequently asked questions

Can both my partner and I take time off together?

This is not usually necessary but in extreme circumstances it is possible.

10. Carer's Leave

Carer's leave is an entitlement which is available to employees to give care or arrange care for a dependant who has a physical or mental illness or injury that means they are likely to need care for 3 months or more. Alternatively, the dependant may have a disability or may need care due to old age. The dependant could be a relative or anyone else who depends on the employee for their care. For those parents who wish to take carer's leave, this entitlement can be taken in addition to parental leave.

How do I notify that I want to take carer's leave?

The minimum amount of notice you need to give will depend on the length of time you wish to take off as carer's leave.

Half a day to 1 day	3 days' notice
1.5 to 2 days	4 days' notice
2.5 to 3 days	6 days' notice
3.5 to 4 days	8 days' notice
4.5 to 5 days	10 days' notice
6 days (if an employee works 6 days a week)	12 days' notice

Wherever possible, a request to take carer's leave should be submitted in writing. The request to take carer's leave cannot be refused but it may be necessary, on rare occasions where the timing of the absence would cause serious disruption, to ask for the leave to be delayed to another date. If leave does need to be delayed, another date within one month of the requested date will be agreed. The reason for the delay will be given and the new agreed date will be confirmed in writing to the employee within seven days of the request.

Evidence

There is no requirement to submit evidence of the care needs of the dependant.

Entitlements to take leave

Employees can take up to one week of leave every 12 months. A week means the length of time they usually work over 7 days. For example, if someone usually works 3 days a week, they can take 3 days of carer's leave.

They can either take a whole week off or take individual days or half days throughout the year. If an employee needs to care for more than one person, they cannot take a week of carer's leave for each dependant. They can only take one week every 12 months. They can use the week of leave on more than one dependant.

If there is an emergency related to a dependant, this leave can be requested as time off for dependants and the above notice period does not apply. Please see the Leave of Absence Policy for further details.

Pay

The Line Manager may approve up to five days' paid leave per leave year (pro rata for part timers) for carers' leave where this relates to a close relative (defined as a husband, wife, partner, son, daughter, father, mother, brother or sister, grandparent, parent-in-law or next of kin). Consideration will be given to situations on a case-by case basis. For those who do not meet this definition, carers' leave will usually be on an unpaid basis, in line with statutory provisions.

11. Fostering Leave

The Trust recognises the important role played by those who foster children. Wherever the Trust can accommodate such requests, time off to attend appointments, planning meetings, reviews and training and development events related to an employee undertaking fostering will be granted on an unpaid basis.

Employees will be asked to provide confirmation of the dates of appointments, planning meetings and training and/or proof of foster caring responsibility.

12. Parental Bereavement Leave

Parental bereavement leave is time off to deal with the death of a child, if they die under the age of 18 or are stillborn.

Eligible parents have a right to 2 weeks':

- Statutory Parental Bereavement Leave
- Statutory Parental Bereavement Pay

This right will apply to the:

- biological parent
- adoptive parent, if the child was living with them
- person who lived with the child and had responsibility for them, for at least 4 weeks before they died
- 'intended parent' – due to become the legal parent through surrogacy
- partner of the child's parent, if they live with the child and the child's parent in an enduring family relationship

Parents have a right to take Statutory Parental Bereavement Leave if:

- their child dies under the age of 18 or is stillborn after 24 weeks' pregnancy.

There is no qualifying service required to take parental bereavement leave.

Statutory Parental Bereavement Leave can be taken in the 56 weeks following their child's death.

If more than 1 child dies, the employee is entitled to 2 weeks' Statutory Parental Bereavement Leave for each child.

Parental bereavement pay

How much will I be paid?

You will be paid your full salary for the two-week period.

Taking Statutory Parental Bereavement Leave

You can choose to take either 1 or 2 weeks' leave.

If you take 2 weeks, this can be taken in one go, or as 2 separate weeks. For example, you could take 1 week immediately after the death, and take the other week later on.

The leave must end within 56 weeks of the child's death. The date of the child's death is the first day of the 56 weeks.

Giving notice to take leave

You must advise the Trust (give 'notice') to use Statutory Parental Bereavement Leave.

To give notice, you must tell the Trust:

- when you want the leave to start
- whether you want to take 1 or 2 weeks leave
- the date your child died

This notice does not have to be in writing.

The rules for giving notice depend on how long it's been since their child died.

Taking leave in the first 8 weeks

If it's within 8 weeks (56 days) of their child dying, an employee can start their leave as soon as they give notice.

You must advise the Trust before you start your leave.

You can also cancel the leave, as long as you tell the trust before your leave starts. Any cancelled leave can be taken later by giving notice again.

Taking leave after the first 8 weeks

If leave will be taken more than 8 weeks (56 days) since their child died, then you must give the trust 1 week's notice:

- to take the leave
- if you want to cancel the leave

Any cancelled leave can be taken later by giving notice again.

For further guidance, refer to the Bereavement Policy.

13. Flexible Working

For more information, please refer to the separate Flexible Working for All Staff Policy.

14. Review and Monitoring

The Trust will review the outcome of requests made under this Family Friendly Policy to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.

Records will be treated as confidential. The procedure will be monitored to ensure consistency of application and adherence to equalities legislation, to ensure that the policy operates in accordance with the duties to promote equality, to eliminate discrimination and to promote good relations between staff with protected characteristics as required under the Equality Act 2010.

When carrying out any reviews or monitoring, the organisation will ensure that individuals' personal data is handled in accordance with the Data Protection Act and UK GDPR.

This policy will be reviewed every three years in consultation with recognised Trade Unions.

15. Useful Contacts and further sources of information and support

In the event of any general queries, you should contact your Headteacher in the first instance or the People Team via hr@covmat.org

Government/statutory guidance - [Childcare and parenting - GOV.UK \(www.gov.uk\)](http://www.gov.uk) for advice on benefits available and also forms, guidance and levels of statutory pay entitlements for all types of family related leave, child benefits etc.

Pensions - Teachers' Pensions: <https://www.teacherspensions.co.uk/members/faqs/working-life/maternity-paternity-and-family-leave.aspx>

Local Government Pension Schemes (Warwickshire and West Midlands Pension Fund) - [Child-related leave :: LGPS \(lgpsmember.org\)](http://lgpsmember.org)

Maternity Alliance - Promotes wellbeing of pregnant women, new parents and families, also information on parental benefits, Tel: 020 7253 2288, www.maternityalliance.org.uk

National Council for One Parent Families - Information for lone parents, Tel 0807 428 5400, <https://www.gingerbread.org.uk/>

The Miscarriage Association - Information and support on miscarriage and ectopic pregnancy Tel 01924 200799, www.miscarriageassociation.org.uk

Adoption UK - advice to adopters – <https://www.adoptionuk.org>

Tommy's - Information aimed at understanding and preventing premature birth, miscarriage and stillbirth, Tel 0800 0147 800, www.tommys.org

Working Families - Charity offering advice and support to working families and carers <https://www.workingfamilies.org.uk>

SANDS UK - charity providing support for bereaved parents and their families. <https://www.sands.org.uk/>

Age Concern - The largest charitable movement in the UK concerned with the needs of older people <https://www.ageuk.org.uk>

NCT – Charity giving advice on pregnancy, childbirth and early parenthood <https://www.nct.org.uk>

Fertility Network - free and impartial support, advice, information and understanding for anyone affected by fertility issues. <https://fertilitynetworkuk.org>