

Policy Title:	Parental Leave Policy
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Member of Staff Responsible:	Chief Executive Officer
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Change Record

Version:	Date	Description
1.1	18/03/24	Update for provisions of Protection from Redundancy (Pregnancy & Family Leave) Act 2023, Update on Paternity leave as per Statutory changes Paternity leave Flexibility reform 2024, Updated to reflect new legislation where referenced Flexible working requests are a day one right (Employment Relations (Flexible Working) Act 2023, Points of clarification in Shared Parental leave
1.2	31/03/25	Updated to reflect new legislation with regards to Neonatal Care Leave
1.3	16/03/26	Changes to Paternity Leave and Shared Parental Leave, KIT and SPLIT days, Bereaved Partner's Paternity Leave added
1.4		

“Primitas Learning Partnership promotes the safeguarding and welfare of all children in its care; all policies are developed and formulated with this in mind.”

PARENTAL LEAVE POLICY

This policy incorporates Adoption Leave, Fostering, Maternity Leave, Neonatal Care Leave, Parental Bereavement Leave, Bereaved Partner's Paternity Leave, Paternity Leave, Parental Leave, Shared Paternity Leave and Women Undergoing IVF Treatment for Teachers and Support Staff

Scope of policy

This policy applies to all employees of Primitas Learning Partnership. Any reference to 'the organisation' refers to Primitas Learning Partnership (PLP).

Policy Statement

This policy will at all times be applied fairly and with due regard for any protected characteristics the employee may have.

The employee will not be treated less favourably because they are pregnant, absent on maternity, adoption, paternity, parental leave, who have suffered the loss of a child or children (under the age of 18) on or after 6th April 2020 or for any other reason connected with pregnancy or maternity. This policy also applies to parents who suffer a stillbirth after 24 weeks of pregnancy.

The employee will not be discriminated against on grounds of pregnancy or maternity in the areas of training, selection, promotion, job security or in any other terms and conditions of employment.

In accordance with the Protection from Redundancy (Pregnancy and Family Leave) Act 2023 certain protections apply in redundancy situations for employees who are on maternity, adoption or shared parental leave, who are pregnant and for 6 months following an employee's return to work after maternity, adoption or shared parental leave. They will be given priority over other employees (in a pool for redundancy dismissal) for a suitable alternative vacancy where one is available to start immediately after their existing contract ends.

It is recognised that, from time to time, employees may have questions or concerns relating to their parental rights. It is our policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible.

- The employee will not be discriminated against or victimised should you raise a question, concern or grievance relating to the application of this policy.
- The employee will not be excluded from communication and consultation because of absence due to pregnancy or childbirth.
- The employee will not be dismissed for a reason connected with pregnancy, childbirth or related leave.

These provisions apply equally to all employees including temporary, fixed term, apprentices, full time and part time, regardless of hours worked or length of service.

Guiding Principles

The following guiding principles will apply:

Equitable and Fair – We are committed to equality and diversity and will make reasonable adjustments to the application of this policy and procedure in line with our equal opportunities commitment.

Consistent and Objective – All managers have a duty to ensure that they and all of the colleagues they are responsible for are aware of, and comply with, the organisation's policies and procedures.

Wellbeing – We are committed to ensuring that employees are supported and can access policy provision which provides them with appropriate time away from the workplace when needed.

Data Protection

PLP will comply with the provisions of the Data Protection Act 2018. Employee data will be processed by PLP in accordance with the principles of that legislation, as necessary for the performance of the employee's contract of employment and/or the conduct of PLP's business. PLP will ensure that personal information about an employee, including information in personnel files, is securely retained.

ADOPTION LEAVE

The adoption leave provisions apply to all employees where an approved agency notifies them of a match with a child and provides a basic right to a minimum of 26 weeks Ordinary Adoption Leave irrespective of hours worked or length of service. Additional Adoption Leave (unpaid), amounting to a further 26 weeks is also available. The period of Ordinary Adoption Leave may additionally attract 39 weeks Statutory Adoption Pay for those with at least 26 weeks service at the relevant date. This policy also covers situations where a child is adopted from overseas.

Adoption Leave

Employees can take up to 52 weeks adoption leave made up of 26 weeks' Ordinary Adoption Leave (OAL) and up to 26 weeks' Additional Adoption Leave (AAL).

Adoption leave can start:

- From the date of the child's placement (whether this is earlier or later than expected) or
- From a fixed date which can be up to 14 days before the expected week of placement.

In the case of an overseas adoption the leave can commence from the date the child enters Great Britain or from a date up to 28 days after the child enters Great Britain. If a child is being adopted from overseas the employee must have received a written notification from the overseas Authority confirming that they are eligible to adopt.

Leave can start on any day of the week. Only one period of leave is available irrespective of whether more than one child is placed.

If the child's placement ends during the adoption leave period, the employee will be able to continue the adoption leave for up to 8 weeks after the end of the placement. If a further placement is later arranged the employee will need to apply for another period of adoption leave.

Ordinary Adoption Leave

All employees are entitled to Ordinary Adoption Leave regardless of length of service or hours worked.

Additional Adoption Leave

An employee must have worked continuously for PLP for at least 26 weeks leading into the week in which the employee is told they have been matched with a child for adoption. If the child is being adopted from overseas the employee must have worked for PLP for at least 26 weeks – either the 26 weeks ending with the week in which they receive their official notification (see below) or 26 weeks from the start of their employment. The reason for the slightly different rules for adopting from abroad is that it can take up to 12 months from the date of receiving the official notification to the time that the child enters Great Britain. The 26 week qualifying period can be completed either before an employee receives their official notification or at a later date before the leave and pay is due to begin.

Statutory Adoption Pay

To qualify for statutory adoption pay the employee must have average weekly earnings at or above the Lower Earnings Limit for National Insurance. (There is an amount of weekly pay below which employees do not pay National Insurance contributions – the Lower Earnings Limit. An employee must be earning above this limit to qualify for Statutory Adoption Pay.)

In either case the employee:

Must be newly matched with a child for adoption by a UK* adoption agency. Adoption leave and pay will not apply in situations where the child is not newly matched for adoption (for example – where a stepparent adopts their partners child).

(* If adopting from abroad the employee must have received an official notification from the overseas Authority confirming that the employee has been assessed and approved as being a suitable adoptive parent).

Eligibility

Adoption leave and pay is available to individual employees who adopt a child. This paid leave will only be granted to one member of a couple where both are employed by the organisation (the couple may choose which partner takes adoption leave).

The partner of an individual who adopts may be eligible for paternity leave or shared parental leave.

Notification of Leave

Adoption leave can start from the date the child starts to live with the employee or up to 14 days before the child is expected to start living with the employee.

An employee should inform the Headteacher within seven days of being told they have been matched with a child that they intend to take adoption leave, what date it is to start and provide a copy of the matching certificate.

Disrupted adoption leave

If, after the start of the adoption leave, the expected placement does not proceed or after the child has been placed, it dies or is returned to the adoption agency, the employee's adoption leave will end eight weeks after the week in which of those situations occurs.

Time off for Adoption Appointments

This applies to all individuals seeking to adopt regardless of length of service.

Although a number of days is not stipulated in the legislation, an employee is entitled to a "reasonable" amount of paid time off for this purpose. In terms of this policy it has been agreed that a maximum of 5 days should be sufficient in most cases. This paid leave will only be granted to one member of a couple where both are employed by PLP.

The secondary adopter will be entitled to unpaid time off for up to two appointments.

Special Guardianship

A Special Guardianship Order gives a special guardian, legal parental responsibility for a child normally until they are 18 years old. However, the order does not remove parental responsibility from the child's birth parents. Employees granted this order have no entitlement to Adoption leave. They will be entitled to other benefits that those with parental responsibilities get such as parental leave, right to request flexible working and participation in the childcare voucher scheme.

How to Apply

In order to qualify for Adoption Leave the employee must, within 7 days of being told they have been matched with a child (or as soon as is reasonably practicable), notify their Headteacher that they have been matched with a child for adoption, the date they intend to take adoption leave and the date the child is expected to be placed with them.

In the case of an adoption from overseas, the employee must, within 28 days of having received their official notification, inform their employer of the date on which they received official notification and the date the child is expected to enter Great Britain. In addition, within 28 days of the child entering Great Britain, employees must give further evidence of the date of entry (such as a plane ticket or entry clearance documents). The employee must give 28 days' notice of when they intend to take adoption leave.

The employee can amend the date that they want to start the adoption leave provided they give their employer 28 days' notice (unless this is not reasonably practicable).

The employee should provide a copy of their 'Matching Certificate' or their 'official notification' (in relation to overseas adoptions) to their Headteacher as evidence of their entitlement to statutory adoption pay. The certificate should show the name and address of the adoption agency, the date that a child was matched with the employee for adoption and the date that the adoption is happening.

If a child is being adopted from overseas they must have received a written notification from the overseas Authority confirming that they are eligible to adopt.

Having received notification the Headteacher should notify the HR Adviser to arrange for a letter to be sent to the employee to confirm that the adoption leave will start as agreed and also confirming the date that the adoption leave will end. The HR Adviser will notify payroll.

In order to qualify for Adoption Pay the employee:

- must at least 28 days before the start of their adoption leave notify their employer that they want to receive Statutory Adoption Pay (SAP). If this timescale is not reasonably practicable, notification must be made as soon as possible.
- must have agreed with an agency that a child will be placed with them and the date that the child will be placed. In the case of an adoption from overseas the employee must, within 28 days of having received their official notification, inform their Headteacher of the date on which they received official notification and the date the child is expected to enter Great Britain.

In addition, within 28 days of the child entering Great Britain, employees must give further evidence of the date of entry (such as a plane ticket or entry clearance documents).

Adoption pay will start at the same time as the adoption leave and will be subject to the employee producing the 'Matching Certificate' or official notification as described earlier.

Adoption Pay

Statutory Adoption Pay is payable for 39 weeks from the first day of employment. It is paid at a fixed, flat rate, which is reviewed annually or 90% of average weekly earnings whichever is lesser).

Since the 5th April 2015, the first six weeks of adoption leave are paid at 90% of the employee's normal earnings, as with maternity pay.

Support Staff

Support Staff – less than one year's continuous service

If an employee qualifies for Statutory Adoption Pay but has less than one year's continuous service by the date on which they are notified of being matched with the child they will be entitled to:

- 9/10ths (90%) of a week's pay for the first six weeks absence, plus
- 33 weeks' Statutory Adoption Pay. Statutory Adoption Pay is the same as Statutory Maternity Pay. It is paid at a fixed, flat rate, which is reviewed annually or 90% of average weekly earnings whichever is the lesser).

Once the above payment has been exhausted, any Additional Adoption Leave to which they may be entitled is unpaid.

Support Staff – at least one year's continuous service

If an employee qualifies for Statutory Adoption Pay and has at least one year's continuous service with PLP by the date on which they are notified of being matched with the child they will be entitled to:

- 9/10 of a week's pay for the first six weeks' absence, plus either:
- 12 weeks' half pay plus Statutory Adoption Pay followed by 21 weeks Statutory Adoption Pay or:
- 33 weeks' Statutory Adoption Pay if they do not intend to return to work. Once the above payment has been exhausted any Additional Adoption Leave to which they may be entitled is unpaid.

Teaching Staff

Teaching Staff - less than one year's continuous service

If an employee qualifies for Statutory Adoption Pay but has less than one year's continuous service by the date on which they are notified of being matched with the child they will be entitled to:

- 9/10ths of a week's pay for the first six weeks absence, plus
- 33 weeks' Statutory Adoption Pay. (Statutory Adoption Pay is paid at a fixed, flat rate, which is reviewed annually or 90% of average weekly earnings whichever is the lesser).

Once the above payment has been exhausted any Additional Adoption Leave to which they may be entitled is unpaid. **Teaching Staff** - at least one year's continuous service

If an employee qualifies for Statutory Adoption Pay but has at least one year's continuous service by the date on which they are notified of being matched with the child they will be entitled to:

- Full pay for the first four weeks' absence (this will be offset against any entitlement to Statutory adoption Pay during this period), plus:
- 9/10 of a week's pay for the next two weeks' absence, plus either:
- 12 weeks' half pay plus Statutory Adoption Pay followed by 21 weeks Statutory Adoption Pay. or:
- 33 weeks' Statutory Adoption Pay if they do not intend to return to work. Once the above payment has been exhausted additional Adoption Leave to which they may be entitled is unpaid.

All employees

The 12 weeks' half pay plus Statutory Adoption Pay cannot exceed a normal week's pay, and to be able to keep the 12 week's half pay, the employee must return to work for:

- three months after their adoption leave (for employees other than teachers); or:
- 13 weeks after their Adoption Leave if they do not intend to return to work. This may include periods of school closure.

Any Additional Adoption Leave to which they may be entitled is unpaid.

If the employee are not eligible for Statutory Adoption Pay

If an employee is not eligible for Statutory Adoption Pay but meets the eligibility requirements for Occupational Adoption Pay she will receive the Occupational Adoption Pay as follows:

Support Staff:

- 6 weeks at 9/10ths of full pay
- 12 weeks at half pay

Teachers:

- 4 weeks at full pay
- 2 weeks at 9/10ths of full pay
- 12 weeks at half pay

Childcare Voucher Scheme – All Employees (for any employee entered into the scheme prior to 4 October 2018)

Employees who purchase childcare vouchers are provided as part of a salary sacrifice scheme, where an employee has agreed to reduce their salary entitlement and receive childcare vouchers instead. This will not be classed as wages or salary and should therefore be provided on top of any adoption pay or adoption pay payable.

Neither statutory adoption pay nor occupational pay should be reduced to take account of the fact that childcare vouchers are also being provided. It should be remembered that in the case of salary sacrifice

arrangements the employee's statutory adoption pay will already be based on the reduced pay. Childcare vouchers must continue to be paid in any period during which the employee is in receipt of adoption pay. This cost will be met by the employer.

Pension Scheme during Adoption Leave – All Employees

Employees should seek advice on how the Adoption Leave will affect their pension rights. Advice can be sought from Pensions Services or Teachers Pension.

Holiday Entitlement

Employees are entitled to accrue contractual leave during adoption leave. Depending on the timing in relation to the annual leave year, they may take annual leave before the leave commences or alternatively bring adoption leave forward so that annual leave can fit into the annual leave year. If an employee is unable to take annual leave before the start of their adoption leave due to an earlier date/ birth, or where adoption leave overlaps with annual leave, an exception may be given to carry over the allowance that they would otherwise lose in the next year under the terms of the annual leave policy.

FOSTERING

There is no statutory right to paid time off for employees who foster a child, except in a "foster to adopt" situation.

All employees have the right to request flexible working from the first day of their employment with PLP.

Employees who are foster parents could use this right to request a working pattern that fits with their caring responsibilities. The employer is not obliged to automatically agree to a request for flexible working, but must deal with the request in a reasonable manner and may refuse it only if one of a specified list of business reasons applies to the specific circumstances.

It is at the discretion of the Headteacher as to whether paid/unpaid time off is granted to attend training or meetings or for the purpose of settling the child into their new environment.

MATERNITY LEAVE

Eligibility

All pregnant employees are entitled to take up to 26 weeks Ordinary Maternity Leave and up to 26 weeks Additional Maternity Leave, making a total of 52 weeks continuous leave. This is regardless of the number of hours they work or their length of service.

Employees are entitled to 39 weeks statutory maternity pay (SMP) provided that the employee has at least 26 weeks continuous service at the 15th week before the expected week of Childbirth and are in receipt of average earnings equal to the lower earnings limit for National Insurance. For the purpose of this policy 'Childbirth' means the birth of a living child or a stillborn child after 24 weeks of pregnancy.

Note: Immediately after childbirth there is a minimum period of two weeks compulsory maternity leave that an employee must take and before which she may not return to work.

Ordinary Maternity Leave can start at any time after the beginning of the 11th week before the employee's expected week of childbirth (unless her child is born prematurely before that date in which case it will start earlier). Maternity Leave will start on whichever date is the earlier of:

- the employee's chosen start date;
- the day after the employee gives birth; or
- the day after any day on which the employee is absent for a pregnancy-related reason during the four weeks before the expected week of childbirth.

A woman's Maternity Leave can only be triggered by pregnancy-related sickness from the beginning of the 4th week before the expected week of childbirth. If a woman is off sick with a pregnancy-related illness during this period her maternity leave will start on the day following the first day on which she was absent. Her SMP, if entitled, will also start on this day and run for 39 weeks. Maternity Leave doesn't have to be triggered if the woman is only absent for a short period, is not pregnancy related and wishes to continue working.

Notification of Pregnancy – All employees

To be eligible for maternity leave an employee is legally required to formally notify her employer of certain information. Accordingly, an employee on becoming pregnant should notify their Headteacher in writing by the end of the 15th week before her EWC or as soon as is reasonably practicable of the following:

- (a) That she is pregnant
- (b) Of the expected week of childbirth (EWC)
- (c) Of the date her absence will begin. This cannot be earlier than the beginning of the 11th week before the expected week of childbirth.
- (d) Whether her initial intention is to take 26 weeks or 52 weeks maternity leave. Whilst there is no legal obligation, it is useful that the employee notifies the Headteacher as to whether it is her intention to return to work at the end of her maternity leave.

This is important as there are health and safety considerations.

The Maternity Leave Pro Forma must be sent to the HR Adviser along with the employees MATB1 certificate as soon as provided by their Doctor or Midwife. If the employee qualifies for statutory maternity pay the

MATB1 must be submitted at least 28 days before they wish to start their maternity leave but no earlier than 20 weeks before the baby is due.

The HR Adviser will confirm the receipt of the employees notification within 28 calendar days. This will also detail her entitlements to maternity pay and maternity leave.

Employees Notice Periods for changing original commencement date of maternity leave

It will be possible for an employee to change the date her leave commences provided she gives 21 days' notice. However, the notice required to be given to receive SMP is 28 days and an employee must comply with this to receive state benefit. Notice to change the date her leave commences must be given in writing to the Headteacher and forwarded to the HR Adviser.

Pregnancy related illness

The employee should notify the Headteacher as soon as is practicably possible that she is absent with a pregnancy related illness. If the absence begins within 4 weeks of the expected week of childbirth, maternity pay will automatically commence on the day following the first day of such absence.

Time off for Ante Natal Care

All pregnant employees are entitled to paid time off to keep appointments for antenatal care made on the advice of a registered medical practitioner, registered midwife or registered health visitor. Antenatal care is not restricted to medical examinations, for example it could include relaxation classes and parentcraft classes as long as these are advised by a registered medical practitioner, registered midwife or registered health visitor. Employees must also be prepared to show the Headteacher that an appointment card or document showing appointment has been made. The Headteacher should allow reasonable time off for this.

The employee will be paid at her normal hourly rate of pay during the period of time off. The normal working hours will usually be clear from the agreed terms and conditions of employment or from the employee's written statement of particulars. If the working hours are variable from week to week, then the average over the previous 6 weeks will be taken. If the employee has yet to complete 6 weeks' service, the average will be estimated in the light of what reasonably could be expected and from work patterns of fellow employees in comparable jobs.

Fathers and partners have a right to take paid leave to attend two ante-natal appointments of up to 6.5 hours each. The employer is entitled to ask the father or partner to provide a declaration stating the date and time of the appointment, that the employee qualifies for the paid time off through his or her relationship with the mother or child, and that the time off is for the purpose of attending an antenatal appointment with the expectant mother that has been made on the advice of a registered medical practitioner, nurse or midwife.

Non – pay contractual entitlements during Additional Maternity Leave (AML)

Holiday Entitlement during Maternity Leave – All Employees except Term Time workers

The employee will continue to accrue their usual annual leave entitlement whilst on Ordinary and Additional Maternity Leave, for both annual leave and bank holidays. These will accrue as they fall, with a substitute day's leave being provided, as if the employee was at work. Depending on the timing of maternity in relation to the annual leave year, they may take annual leave before maternity leave commences or alternatively

bring maternity leave forward so that annual leave can fit into the annual leave year. If an employee is unable to take annual leave before the start of their maternity leave due to early birth or pregnancy related sickness absence, they will have the right to carry over the allowance that they would otherwise lose in the next year or at the end of the maternity leave pay period.

Holiday Entitlement during Maternity Leave – Term Time only Employees and Teachers

Please refer to Primitas HR.

Childcare Voucher Scheme – All Employees (for any employee entered into the scheme prior to 4 October 2018)

Employees who purchase childcare vouchers are provided as part of a salary sacrifice scheme, where an employee has agreed to reduce their salary entitlement and receive childcare vouchers instead. This will not be classed as wages or salary and should therefore be provided on top of any SMP (Statutory Maternity Pay) or Occupational Maternity Pay (OMP) payable.

Neither SMP nor OMP should be reduced to take account of the fact that childcare vouchers are also being provided. It should be remembered that in the case of salary sacrifice arrangements the employee's SMP and OMP will already be based on the reduced pay.

Other contractual benefits such as mobile phones and laptops accrue during the whole of the maternity leave period.

Employees Notice Periods for returning to work early after maternity leave

It will be assumed that the employee is returning to work at the end of her Maternity Leave on the date notified and agreed. If the employee wishes to return earlier from Maternity Leave she must give the Headteacher appropriate notice of the date of her return.

Notice Periods for All Employees

21 calendar day's written notice

Employees not wishing to return to work after maternity leave

The employee must notify the Headteacher if she does not intend to return to work at the end of her Maternity Leave in line with her contractual requirements. If an employee does not return to work for Primitas Learning Partnership at the end of their maternity leave, they must repay a proportion of the pay (but not SMP) as determined by the Trust eg at least 13 weeks' pay for Teaching staff and 3 months for Non-teaching staff on the day employment with Primitas Learning Partnership terminates.

Maternity Pay

To be eligible to receive Statutory Maternity Pay during Maternity Leave an employee must:

- be pregnant and have reached, or have given birth before reaching, the start of the 11th week before the expected week of childbirth;
- have been continuously employed for at least 26 weeks by the end of the 15th week before the expected week of childbirth;

- have average weekly earnings, for the 8 week period ending with the qualifying week, of not less than the Lower Earnings Limit;
- have stopped working for the employer to commence maternity leave;
- have supplied her MATB1 before the birth of her child or no more than 3 weeks after;
- have given the Headteacher 28 days' notice of when she wishes her statutory maternity pay to start.

Where the employee does not meet the criteria for SMP they may be entitled to a Maternity Allowance.

Support Staff

Support Staff with less than one year's service

If they have less than one year's continuous service at the 11th week before their expected week of childbirth, they will be entitled to:

- 9/10^{ths} of a week's pay **for the first six weeks absence**,
- 33 weeks' SMP. (SMP is paid at a fixed, flat rate, which is reviewed annually or 90% of average weekly earnings whichever is the lesser). Any Additional Maternity Leave to which they may be entitled is unpaid.

Support Staff with at least one year's service

If they have at least one year's continuous service in Local Government at the 11th week before their expected week of childbirth they will be entitled to:

- 9/10 of a week's pay for the first six weeks' absence
- 12 weeks' half pay plus SMP followed by 21 weeks SMP or:
- 33 weeks' SMP if they do not intend to return to work.

Any Additional Maternity Leave to which they may be entitled is unpaid.

Teaching Staff only

All teachers, irrespective of length of service are entitled to 52 weeks maternity leave.

Teaching Staff with less than one years' service

If they have less than one year's continuous service as a teacher with one or more Local Authorities (LAs) at the 11th week before their expected week of Childbirth they will be entitled to:

- 9/10^{ths} of a week's pay for the first six weeks absence
- 33 weeks' SMP. (SMP is paid at a fixed, flat rate, which is reviewed annually or 90% of average weekly earnings whichever is the lesser).

Any Additional Maternity Leave to which they may be entitled is unpaid.

Teaching Staff with at least one years' service

If they have at least one year's continuous service as a teacher with one or more LAs at the 11th week before their expected week of Childbirth they will be entitled to:

- Full pay for the first four weeks' absence (this will be offset against any entitlement to SMP during this period)
- 9/10 of a week's pay for the next two weeks' absence (this will be offset against any entitlement to SMP during this period)

Plus either:

- 12 weeks' half pay plus SMP followed by 21 weeks SMP.

Or:

- 33 weeks' SMP if they do not intend to return to work.

Additional Maternity Leave to which they may be entitled is unpaid.

All employees

The 12 week's half pay plus SMP cannot exceed a normal week's pay and to be able to keep the Occupational Maternity Pay the employee must return to work for Primitas Learning Partnership for:

- Three months after their maternity leave (for support staff).
- 13 weeks after their maternity leave (for teaching staff). This may include periods of school closure.

If the employee does not return to work for Primitas Learning Partnership, they must repay such proportion of the pay (but not the SMP) as determined by the Trust. i.e. 12 weeks half pay for all employees .

If an employee starts working for another employer during the SMP period after the baby is born, she must inform the Headteacher within 7 days of this and she will lose her entitlement to SMP.

Still Birth

If the pregnancy results in a still birth or termination before 24 weeks of pregnancy, the employee is not entitled to receive SMP, however, she may be entitled to sick pay if she satisfies the qualifying conditions.

If the pregnancy results in a still birth after 24 weeks of pregnancy or the parents are under the age of 18 all employed parents have a statutory right to two weeks' leave.

If the pregnancy results in a still birth or termination after 24 weeks the employee qualifies for full maternity benefits and leave.

In circumstances when a MATB1 is not available, a medical certificate from her GP will be required.

Please see the section on Parental Bereavement Leave.

If the employee is not eligible for Statutory Maternity Pay

If an employee is not eligible for SMP but meet the eligibility requirements for Occupational Maternity Pay i.e. an employee has at least one year's service at the 11th week before their expected week of childbirth, she will receive the occupational maternity pay as follows:

Support Staff:

6 weeks at 9/10ths of full pay

12 weeks at half pay

Teachers:

4 weeks at full pay

2 weeks at 9/10ths of full pay

12 weeks at half pay

If an employee is not eligible for SMP she may be able to claim Maternity Allowance direct from the DWP/Jobcentre Plus. The HR Adviser will provide her with a form SMP1 along with their MATB1. This will be returned to her for this purpose. They should contact these organisations direct.

Should the employee be entitled to Occupational Maternity Pay, any maternity allowance you receive will be offset against the Statutory Maternity Pay rate. If the employee does not qualify for maternity allowance, or it is paid at a lesser rate than the Statutory Maternity Pay, the employee will need to forward a copy of their maternity allowance statement to the Department of Work and Pensions (DWP) or Job Centre Plus.

Returning to Work – All Employees

The employee returning from Maternity Leave is entitled to return to the job in which she was employed, unless that is not practicable, in which case she has the right to return to a job that is both suitable and appropriate. If she no longer wishes to return to work she will be effectively resigning.

Other Considerations – All Employees

Risk Assessments

The Headteacher, in conjunction with the Business/Office Manager should conduct a risk assessment of the employee's workplace and make any necessary adjustments as necessary. Information about risks identified by the assessment should be given to the pregnant employee and a discussion of specific risks attached to her role and what action to take held. All employees should also receive an explanation of what action will be taken to make sure that pregnant employees are not exposed to risks that could cause them harm.

If the risk remains an employer should:

- Temporarily adjust the employee's working conditions and/or hours of work; (without employee suffering financial detriment) or if this is not reasonable to do so, or would not avoid the risk;
- Offer her suitable alternative work if any is available; or if that is not feasible:
 - Suspend her from work on medical grounds for as long is necessary to protect her safety or health or that of her unborn child. An employee on medical suspension is entitled to receive her full pay for as long as the suspension continue unless she has unreasonably refused an offer of suitable alternative work, in which case no remuneration will be paid.

Breast feeding

A pregnant employee may decide during her pregnancy that she will breast-feed her child. She may wish to continue breast-feeding her child once she has returned to work. If this is the case, the employee should notify the Headteacher as soon as is reasonably practicable to ensure the right level of support can be offered to her upon her return to work.

The employer is required to provide somewhere for a breastfeeding mother to rest (including being able to lie down) in order to breastfeed or express milk. The Headteacher should discuss what support can be offered to the employee such as allocated time for breastfeeding or expressing milk, a private room, suitable storage and refrigeration. There is no legal requirement to grant paid breaks from a job in order to breastfeed or express milk, neither is an employer required to provide facilities to breastfeed or express milk e.g. separate refrigeration.

It is good practice to conduct a risk assessment regarding breastfeeding at work.

Keeping in Touch (“KIT”) days

Keeping in touch (KIT) days are intended to facilitate a smooth return to work for women returning from maternity leave. Except for the first two weeks of compulsory maternity leave following childbirth, an employee can agree to work or attend training for up to 10 days during either Ordinary Maternity Leave or Additional Maternity Leave without loss of benefits or bringing her maternity leave to an end.

During the maternity leave period the school has no right to expect the employee to undertake work (without prior mutual agreement), and similarly the employee has no right to demand this. Part of any day worked will count as one KIT day. Employees will be paid their full contractual hourly pay for any KIT day worked and this must not exceed a standard working day. Employees will receive their SMP for the week but any SMP paid will be offset against any payments made for the KIT day. Payments made for KIT days will normally be paid at the end of the maternity leave period, unless an employee requests payment following the month in which the KIT day has been worked. Payment will be paid for actual hours worked. The maternity leave period will not be extended by the number of keeping in touch days worked. After ten KIT days have been worked the current rules will continue and the employee will lose a week’s SMP for any week in which they work.

In addition to the keeping in touch days linked to maternity leave, mothers and partners who are taking shared parental leave, can work for up to 20 days without bringing SPL to an end. These are known as shared parental leave in touch days (SPLIT days).

Keeping in touch days are optional during both maternity and shared parental leave and the employee should agree them with their employer.

Pension Scheme during Maternity Leave – All Employees

Employees should seek advice on how the Maternity Leave will affect their pension rights. Advice can be sought from Pensions Services or Teachers Pension.

Neonatal Care Leave

Neonatal care leave provides parents with an additional statutory entitlement when their baby requires neonatal care. This leave applies to a baby born after the 6th April 2025. Eligible employees can receive up to 12 weeks paid leave if their baby requires at least 7 consecutive days of neonatal care within the first 28 days after birth. This entitlement is in addition to maternity, paternity, adoption and shared parental leave.

Neonatal care leave is available to employees from the first day of employment, regardless of length of service.

Eligibility

To be entitled to take the leave, employees must be taking it to care for the child, give notice and be either the child's biological parents, adoptive parents, intended parent, or the partner of the child's mother at the date of birth.

In cases of adoption they must be the child's adopter, prospective adopter, or the partner of either at the date the child is placed, or in the case of an overseas adoption, the date the child enters Great Britain.

Qualifying Criteria

The baby must require neonatal care within the first 28 days after birth and remain in care for at least seven consecutive days. The neonatal care leave must start before the end of the 28th day after the birth.

This includes palliative or end of life care, or medical care received in a hospital or another place where the child was an inpatient in hospital and the care is received upon leaving hospital, the care is under the direction of a consultant, the care includes ongoing monitoring by, and visits to the child from, healthcare professionals arranged by the hospital.

Employees can take one week of leave for each 'qualifying period' of neonatal care, which is any period of seven days during which the child receives care without interruption. In adoption cases, qualifying periods must be after the date the child is placed.

Duration

Employees can take up to 12 weeks of leave in full week blocks, in addition to their existing statutory leave rights.

Flexibility

The leave can be used alongside or after other types of statutory leave (maternity, paternity or adoption leave) and must be taken within 68 weeks of the child's birth.

Neonatal Care Leave

Neonatal Care Leave is classified into two tiers based on when it is taken:

Tier 1 (During Neonatal Care) - This can be taken in non-continuous blocks of at least one week starting the day after the first qualifying period. A Tier 1 period begins with the day the child starts receiving care, ending with the seventh day after it stops.

Employees must notify their employer as soon as reasonably practicable, either orally or in writing that they intend to take Neonatal Care Leave.

Tier 2 (After Neonatal Care ends) – Any remaining Neonatal Care leave entitlement that is not taken as a Tier 1 leave can be taken as Tier 2 but must be taken in a single continuous block. Employees must provide at least 15 days notice before taking a single week of leave or 28 days notice before taking multiple consecutive weeks. The maximum leave entitlement remains 12 weeks, even in cases of multiple births where more than one child requires neonatal care.

Neonatal Statutory Pay

From 6 April 2025, eligible employees will also be entitled to statutory neonatal care pay to provide financial support during their leave. The Statutory Neonatal Care Pay regulations apply to children born on or after this date.

For employees to qualify for Statutory Neonatal Care Pay they must meet the following criteria:

- Employees must have a parental relationship with the child which mirrors the eligibility criteria above.
- At least 26 weeks of continuous service with the employer by the 15th week before the baby's due date. For birth parents, it is the 14th week before the expected week of childbirth. For adoptive parents, it is the week in which they are matched with the child. For other cases, it is week before the neonatal care commences.
- Earnings at or above the lower earnings limit for National Insurance contributions.

Statutory Neonatal Care Pay is paid at the same rate as statutory paternity pay or statutory shared parental pay. Employees can choose whether to take the Statutory Neonatal Care Pay in single weeks or multi non-consecutive weeks during Tier 1. In Tier 2, Statutory Neonatal Care Pay must be taken in a consecutive block.

Statutory Neonatal Care Pay is not payable if the employee is receiving statutory sick pay, is in legal custody or has died.

Protections

Employees remain entitled to all contractual benefits (apart from pay) during Neonatal Care Leave. The employee is guaranteed to return to their previous role unless they have taken over the 26 weeks of combined statutory leave. If so, they will be offered a suitable alternative role if returning to the original role is not reasonably practicable.

The protections during and after neonatal care leave are the same as for other statutory family related leave types, including protections against redundancy, dismissal, detriment and the right to return to the same or a similar job on no less favourable terms and conditions after the leave.

PARENTAL BEREAVEMENT LEAVE

As an organisation we are committed to supporting employees, particularly during difficult life events, such as the loss of a child or children. Following the introduction of the Parental Bereavement Leave Regulations on 6th April 2020, this policy sets out our commitment to supporting bereaved parents.

This policy applies to employees including temporary, fixed term staff, and apprentices regardless of length of service (unless otherwise specified in the relevant section of the document) who have suffered the loss of a child or children (under the age of 18) on or after 6th April 2020. The policy also applies to parents who suffer a stillbirth after 24 weeks of pregnancy.

This procedure does not form part of the employee's contract of employment and may be varied from time to time.

Responsibilities

The Headteacher is the decision-maker with regards to all parental leave and must be informed at the earliest possible opportunity.

Accountabilities

The Headteacher is accountable for ensuring that managers are trained to implement this policy, understanding the entitlements and have the appropriate skills to manage sensitive conversations during an employee's time of grief.

Link with Other Policies and Procedures

Time off Policy – other time off provision may also be applicable to the employee's circumstances e.g. compassionate leave.

Sickness Absence Policy - Where the employee is absent due to sickness during a time of bereavement, the Sickness Absence procedure will apply as normal. As appropriate we may arrange for the employee to see Occupational Health to assess their fitness for work and understand how best to support the employee on their return to work. We may also discuss access to counselling services if that will help the employee.

The employee can also self-refer to both Occupational Health and ThinkWell.

Eligibility

Regardless of the employee's length of service, you can take parental bereavement leave if at the time of the child's death, the employee is:

- a) the child's parent
- b) adopter of a child providing the placement has not been disrupted
- c) the 'intended parent' having applied, or intended to apply during the period of 6 months beginning with the day of the child's birth for a relevant parental order
- d) 'parent in fact' where for a continuous period of at least four weeks ending with the day the child dies, the employee has been living with the child and had day to day responsibility for the child. The employee is not a 'parent in fact' if:

- The parent of the child or any individual with responsibility for the child lives with the employee; or
 - The employee has been paid to look after the child
- e) partner of the parent, whether of a different sex or the same sex, who lives with the child in an enduring family relationship but the employee is not a relative. A relative (full blood or half blood) is defined as parent, grandparent, sister, brother, aunt or uncle.

Amount of Parental Bereavement Leave

The minimum amount of parental bereavement leave that may be taken is one week; leave cannot be taken as individual days. The maximum amount of parental bereavement leave is two weeks. The employee may take either one or two week's leave at any time within the period of 56 weeks beginning on the date of the child's death. This entitlement applies to each child that dies.

If the employee take two weeks' leave, the weeks do not have to be consecutive.

Taking Parental Bereavement Leave

The employee must provide notice to take parental bereavement leave which includes the following information:

- Date of child's death;
- Date on which the employee intends parental bereavement leave to commence; and
- Whether the employee is taking one or two weeks.

If the employee begins parental bereavement leave within 56 days beginning with the date of the child's death, notice must be provided:

- Before commencing work on the first day of absence for parental bereavement leave in that week; or
- As soon as is reasonably practicable

Notice can be in the form of a phone call or email to the Headteacher.

If the employee begins parental bereavement leave after 56 days of the child's death (but within 56 weeks), you must give at least one week's notice of the employee's intention to take parental bereavement leave.

Cancelling Parental Bereavement Leave

If the employee has asked to begin parental bereavement leave within the first 56 days of the date of the child's death, the employee can cancel the leave, as long as they inform the Headteacher before the commencement of the parental bereavement leave.

If the employee has asked to begin parental bereavement leave more than 56 days after the child's death, the employee can cancel the leave by giving the Headteacher at least one week's notice.

The employee cannot cancel parental bereavement leave that has already commenced.

Commencement of Other Statutory Leave

If the employee has commenced a period of parental bereavement leave and before it is due to end, the employee begins another period of statutory leave e.g. maternity or paternity leave, the parental bereavement leave ends immediately before the start of the other period of statutory leave. Any remaining entitlement to parental bereavement leave may be taken:

- After the end of the other statutory period of leave (but within the permitted period for bereavement leave); and
- Must be taken in a single consecutive period.

The employee should inform the Headteacher when they intend to take the remaining period of parental bereavement leave giving notice as set out in paragraph 9. Where any remaining entitlement to bereavement leave includes part of a week as a result of another period of statutory leave commencing, it will be deemed to be a week for the purpose of notice requirements.

Parental Bereavement Leave Pay

Recognising the need to provide bereaved parents with support, we will continue to pay normal pay during parental bereavement leave.

Rights during parental bereavement leave

During parental bereavement leave, all terms and conditions of the employees' employment will continue.

Returning to work following parental bereavement leave

The employee has the right to resume working in the same job when returning to work from parental bereavement leave if the period of leave, when added to any other period of statutory leave (e.g. maternity leave, paternity leave, adoption leave, or shared parental leave) in relation to the same child, is 26 weeks or less.

The employee is entitled to return to another job that is suitable and appropriate for the employee, rather than the same job, if:

- the period of leave taken is more than 26 weeks, when added to most other periods of statutory leave taken in relation to the same child; and
- it is not reasonably practicable for the employee to return to the same job.

Bereaved Partner's Paternity Leave

As an organisation we are committed to supporting employees, particularly during difficult life events. Following the introduction of the Paternity Leave (Bereavement) Act 2024, this policy sets out our commitment to supporting bereaved fathers or partners.

This policy applies to employees including temporary, fixed term staff, and apprentices regardless of length of service (unless otherwise specified in the relevant section of the document) who have suffered the loss of the child's mother.

This procedure does not form part of the employee's contract of employment and may be varied from time to time.

With effect from 6th April 2026, if your partner or the mother of your child dies within the first year of your child's life or adoption, you have the right to take Bereaved Partner's Paternity Leave which is unpaid. The leave is taken in a single block.

Those eligible for Bereaved Partner's Paternity Leave are:

- Fathers
- Partners (of any gender) of the mother or primary adopter
- Anyone with the main responsibility for the child.

Duration of leave

- Where the child's mother dies before the child's first birthday, the bereaved partner will be entitled to take up to 52 weeks' paternity leave (provided they have the main responsibility for the upbringing of the child) and depending on when the bereavement occurs.
- Where the child's primary adopter dies before the first anniversary of the child's placement for adoption, the bereaved partner will be entitled to take up to 52 weeks' paternity leave (provided they have the main responsibility for the upbringing of the child) and depending when the bereavement occurs.
- Where the child also dies, the bereaved partner will be entitled to remain on paternity leave for up to eight weeks after the child's death.

Similar rights are provided for parents in surrogacy cases.

Eligibility for Bereaved Partner's Paternity Leave ends on the child's first birthday/the first anniversary of the child's placement for adoption. Therefore, the amount of leave the bereaved partner will be entitled to will be limited by reference to that date. eg, if the child's mother dies two weeks after the child's birth, the bereaved partner would be able to take up to 50 weeks' Bereaved Partner's Paternity Leave before the child's first birthday. If the child's mother/primary adopter dies less than two weeks before the child's first birthday/anniversary of placement, then entitlement to Bereaved Partner's Paternity Leave will end 14 days after the bereavement date.

The notice required to take Bereaved Partner's Paternity Leave will depend on when the employee wishes the leave to start:

- If the employee wishes the leave to start within eight weeks of the bereavement, they must give notice oral or written notice before the first day of leave.
- If the employee wishes the leave to start more than eight weeks after the bereavement, they must give at least one week's notice in writing.

All notices must confirm:

- the employee's relationship to the child;
- that the leave is being taken to care for the child;
- the intended return date.

An employee on Bereaved Partner's Paternity Leave will be entitled to take up to ten KIT days without bringing their leave to an end if agreed by the employer and employee.

On return from a period of Bereaved Partner's Paternity Leave, an employee has the right to return to the previous job, or if that is not reasonably practicable, a suitable alternative role. Employees returning from bereaved partner's paternity leave will also benefit from extended enhanced redundancy protection.

It will be automatically unfair to dismiss an employee or select them for redundancy, and it will be unlawful to subject them to a detriment, because they took or sought to take Bereaved Partner's Paternity Leave.

PATERNITY LEAVE

Paternity leave is available to employees on the birth of their child but is also available for adopters where a child has been placed for adoption after that date.

Maternity support leave will be granted to an employee who is the child's father, or partner/nominated carer of an expectant mother at or around the time of the birth. A nominated carer is the person nominated by the mother to assist in the care of the child and to provide support to the mother.

Eligibility (All employees)

To be eligible for paternity leave the employee must:

- have or expect to have responsibility for the child's upbringing
- be the biological father of the child or the mother's husband/partner or civil/same sex partner or in the case of adoption, the adopter's spouse/partner or civil partner
- prior to the 1st April 2026, have worked continuously for 26 weeks ending with the 15th week before the baby is due or in the case of adoption, for 26 weeks ending with the week in which the employee has been notified that the employee has been matched with a child.

From the 1st April 2026, there will be no minimum service requirements to access paternity leave.

Eligible employees will be entitled to take up to two weeks paternity leave, in either one block of two consecutive weeks or split and taken in week long blocks. Paternity leave cannot be taken as odd days.

The employee can choose to start their leave:

- In the case of birth of a child - from the date of the child's birth (whether this is earlier or later than expected), or from another date as long as it is after the birth.
- In the case of adoption of a child, from the date the child is placed with the employee or from another date as long as it is after the child has been placed with the employee.

The employee's leave can start on any day of the week on or following the child's birth or being placed with them for adoption but must:

- be completed within 52 weeks of the actual birth of the child; or
- if the child is born early, within the period from the actual birth up to 52 weeks after the expected week of childbirth.

This entitlement applies irrespective of whether more than one child is born.

An employee can take ordinary paternity leave and shared parental leave, but the period of ordinary paternity leave must come first. If an employee takes a period of shared parental leave first, a period of paternity leave cannot be taken in relation to the same child.

Paid Paternity Leave (all employees)

To qualify for **paid** paternity leave the employee must be able to declare that:

- The employee is the baby's biological/adoptive father, or

- Married to or in a civil partnership with the mother, or child's primary adopter in the case of adoption, or Living with the mother in an enduring family relationship, but are not an immediate relative, and
- The employee will be responsible for the child's upbringing, and
- The employee will take time off work to support the mother/child's primary adopter or care for the child.

The employee must also

Prior to the 6th April 2026, have worked continuously for the Trust for at least 26 weeks leading into the 15th week before the baby is due or in the case of adoption at least 26 weeks by the week in which the adopter is notified that the child has been placed for adoption,

From the 6th April 2026, there will be no minimum service requirements to access paternity leave.

And

Earn at least the lower earnings limit (LEL) for National Insurance Contributions for the 8 week period ending with the qualifying week

The employee will be asked to confirm in writing that they meet these conditions.

If the employee does not qualify or are not eligible for Statutory Paternity Pay (SPP), the employee may be able to receive an income support allowance direct from the Department of Working Pensions (DWP) or Jobcentre Plus. The HR Adviser will provide the employee with an SPP1 form which they will need to complete and send directly to these organisations.

Amount of Paternity Pay Due - (different conditions apply)

Subject to meeting the eligibility requirements as above, the employees' payment is based on their terms and conditions of employment:

For Employees on NJC (Green book) terms and conditions

- During **week 1** the employee will be entitled to full pay (offset against any entitlement to SPP during this period).
- During **week 2** the employee will be entitled to statutory paternity pay paid at a fixed flat rate (or 90% of their average weekly earnings whichever is the lesser).

For Teachers only

The employee will be entitled to statutory paternity pay paid at a fixed flat rate per week (or 90% of their average weekly earnings whichever is the lesser) for one or two weeks.

Notice of the employee's Intention to take Paternity Leave (all employees)

The employee must inform the Headteacher that they intend to take paternity leave 28 days before the first day of the expected week of child birth or in the case of adoption within 7 days of being notified that a child has been matched, unless this is not reasonably practicable. The employee needs to inform the Headteacher in writing of the following:

- the week the baby is due/or in the case of adoption the week the child is expected to be placed for adoption and the date when the employee was notified that they were matched with a child for adoption;
- whether the employee wishes to take one or two weeks leave; and

- when the employee wants the leave to start.

The employee will also need to produce a copy of the mother's MATB1 (Maternity certificate).

The employee can change their mind about the start date of leave provided you give your Headteacher at least 28 days' notice, unless this is not reasonably practicable.

Note: Similar provisions apply in the case of adoption – simply substitute 'placed' for 'childbirth'.

To qualify the employee must confirm in writing that:

- (a) the purpose of the leave is to care for the child or to support the child's adopter;
- (b) that the employee is married to the adopter or the partner of the child's adopter; and;
- (c) that the employee is expected to have responsibility for the upbringing of the child.

Stillbirth

If the pregnancy results in a still birth after 24 weeks the employee will qualify for full paternity benefits and leave.

If the baby is born alive at any point in the pregnancy but later dies, the employee will qualify for full paternity benefits and leave.

PARENTAL LEAVE

Employees can take up to 18 weeks of unpaid leave for each child and adopted child (in the case of multiple births, the entitlement is 13 weeks per child) and 18 weeks for parents of disabled children.

If the employee's working week varies, the time off is based on an average working week. The employee must take the time in blocks of one week or more up to the maximum of 18 weeks if eligible.

The employee can choose to take parental leave any time up until the child's 18th birthday.

The employee cannot normally take more than 4 weeks in any year for each child. An exception to this can apply however if added to maternity leave or with the special approval of their Headteacher.

The purpose of the leave must be to look after their child's welfare eg spend more time with your child, look at new schools, settle their child into a new childcare arrangement, spend more time with family such as visiting grandparents.

Parental leave must be taken as whole weeks, rather than individual days. A week is the amount of time that the employee would normally work in a week (so a week is 2 days if the employee normally works Mondays and Tuesdays only)

Eligibility

Both mothers and fathers can take parental leave. The employee does not have to be living with the child to qualify for parental leave.

To qualify for parental leave, an employee must:

- prior to the 6th April 2026, have completed one year's continuous service. If an employee leaves, the balance of their parental leave does not transfer to the new employer and they cannot take further leave until they have one years' continuous service.
- From the 6th April 2026, there will be no minimum service requirements to access parental leave.
- Be named on the child's birth or adoption certificate or the employee has or is expected to have parental responsibility.
- Be a foster parent.

Requesting parental leave

Parental leave may be taken in blocks or multiples of one week, subject to a maximum of four weeks in any one year. If the child is awarded disability living allowance, then leave may be taken in single days in addition to blocks or multiple days.

An employee must give at least 21 days' notice of the date on which they intend to take a period of parental leave and advise of the duration of the period of leave.

Requests for parental leave will be granted subject to the following circumstances:

- The employee's leave will not unduly disrupt the business of their section/unit and in all cases where the Headteacher believes there is a problem in granting the request, no decision will be taken until the circumstances have been discussed with the employee in a meeting, privately, in advance. Where a

request for parental leave is not granted, you may be able to raise this as an issue through the grievance procedure.

- The employee's Headteacher can, after consultation with the departmental personnel unit, postpone their leave entitlement for a period no longer than 6 months after the beginning of the period that you originally wanted to start their parental leave. They will discuss the issue with the employee and will ensure they receive confirmation of the postponement arrangements in writing no later than 7 days after their notice to take leave, stating the reason for the postponement and giving them new dates of parental leave. The length of leave will be equivalent to their original request.
- Work is at a seasonal peak and their absence would have an unfair impact on employees' workloads.
- A significant number of staff from the department are absent from work already.
- The employee's absence would unduly harm the business of the school.

Except that parental leave will not be postponed where the employee wishes to take this immediately on the birth of their child or their child being placed with them for adoption.

Postponing a period of parental leave

A period of parental leave can be postponed to a period beginning up to six months later if the employee's absence from work during that period would unduly disrupt the operation of business. However, there is no right to postpone a period of parental leave that is intended to begin on the day on which the employee's child is born or placed for adoption.

We will **not** ask staff to postpone leave if:

- It is being taken by the father or partner immediately after the birth or adoption of a child
- It means a staff member would no longer qualify for parental leave, e.g. postponing it until after the child's 18th birthday

If the school or Trust postpones the leave, we will:

- Within 7 days of the original request, write to the staff member explaining why their leave has been postponed
- Suggest a new start date within 6 months of the requested start date
- Not change the amount of leave being requested

Employees are encouraged to seek advice on how Parental leave is likely to affect their pension rights in the long term or how to buy back service.

How to Apply

Application for Parental leave must be made to their Headteacher. The following minimum notice should be given:

1 or 2 days leave: 1 week's notice

2 days plus leave: 3 weeks' notice

Longer periods: no less than the period of parental leave requested

Notice can be waived with the agreement of their Headteacher.

Records of all parental leave granted will be maintained throughout your employment with the Trust. You can request details of your parental leave records at any time from your Headteacher or the HR Lead.

MATERNITY SUPPORT LEAVE

Eligibility

This scheme is applicable to the employee (regardless of hours of work and length of service) if they fall within the scope of the NJC 'Green Book' Terms and Conditions of Service only. Maternity Support leave **does NOT apply to staff on teaching terms and conditions.**

Please note that the employee cannot take Maternity Support leave in addition to Paternity Leave.

The purpose of granting Maternity Support Leave (MSL) is to meet the employee's needs of addressing commitments outside work. In most cases such care and support would be provided by the father, partner, civil partner/same sex partner; however, the role may otherwise be fulfilled by a relative or someone who has a caring relationship with the mother and/or child.

To qualify for Maternity Support Leave the employee must be the baby's biological/adoptive father, married to the mother, living with the mother in an enduring family relationship but not an immediate relative, or nominated carer (who is the person nominated by the expectant mother to assist in the care of the child and to provide support to the mother at or around the time of the birth).

If a number of relatives connected to the birth work within the organisation, maternity support leave will only be granted once.

Those meeting the eligibility criteria will have an entitlement of up to 5 days paid leave, specifically to help the employee to meet the problems and commitments which will arise from their responsibilities in this area.

Maternity Support Pay

The employee will be paid full pay up to the maximum of 5 days.

Applying for Maternity Support Leave

The employee will need to produce a copy of the mother's MATB1 (Maternity certificate) when applying for this form of leave. Requests to take Maternity Support Leave will not be granted until the end of the 15th week before the expected week of childbirth. All requests should be made to their Headteacher.

Entitlement to Maternity Support Leave will be granted on most occasions when unexpected or unforeseen circumstances occur. Clearly, the employee must tell their Headteacher as soon as practicable what reasons they have for being absent from work and how long they expect to be away.

If their application is refused, and they do not consider that their request has been dealt with fairly, they may choose to raise this as a grievance under the terms of the Grievance Policy.

SHARED PARENTAL LEAVE

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year after birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave, (SPL). There may also be an entitlement to some Shared Parental Pay (ShPP).

Mothers and partners remain entitled to maternity, paternity and adoption leave but the mother may choose to return to work after 2 weeks and the remaining 50 weeks leave can be taken by them or their partner as Shared Parental Leave (SPL). Once shared parental leave or shared parental pay has commenced the employee is unable to switch back to the original type of leave or pay they were taking e.g. they are unable to switch back to maternity, paternity or adoption leave or pay.

Shared parental leave must be taken in the first year after the baby is born or the child placed via adoption.

Leave can be taken all in one go, or it can be booked in up to 3 separate blocks of leave.

Shared Parental leave allows parents can choose to be off work together, they can stagger leave and pay.

Eligibility – Shared Parental Leave

Up to the 6th April 2026 eligibility for SPL is the same as for maternity leave; 26 weeks continuous service at the 15th week before the expected week of childbirth (EWC) and the mother and/or partner must remain employed when the leave is taken.

From the 6th April 2026, there will be no minimum service requirements to access parental leave.

If the mother and her partner are opting into SPL, the partner must also be eligible to take SPL and meet the earnings criteria.

The 50 week period when Shared Parental Leave can be taken starts from the date of the birth of the child and not when the mother starts maternity leave.

Shared parental leave can only be used by two people:

The mother/adopter and

- One of the following
- the father of the child (in the case of birth) or
 - the spouse, civil partner or partner of the child's mother/adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Additionally, the mother and her partner need to meet the eligibility criteria set out on the government website – the criteria are different for [birth parents](#), [adoptive parents](#) and [parents using a surrogate](#). Eligibility is usually given by completion of appropriate forms which are available from the HR adviser and must be completed in full.

Shared Parental Leave entitlement and notifying the organisation

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. The mother/adopter must take 2 weeks compulsory leave upon the birth / placement of the child and then they may choose to curtail their maternity/adoption leave. If they curtail their maternity/adoption leave entitlement, then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

A mother/adopter may also curtail their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

SPL can commence as follows:

- The mother can take SPL after she has 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 father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or Shared Parental Pay - ShPP).

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement at a specified future date, then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice. If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period.

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

An employee is legally required to give the Headteacher at least 8 weeks' notice of her intention to end maternity leave and pay and start shared parental leave and claim shared parental pay. The notification is usually given by the completion of appropriate forms which are available from the HR adviser and must be completed in full and provide the following information:

- names of the mother and partner
- confirmation that they are both eligible for SPL
- the start and end dates of the mother's maternity leave
- details of how much SPL is available to the mother and partner
- the amount of SPL the mother and partner intends to take
- an indication of when SPL is to be taken
- the date on which the child is expected to be born and the actual date of birth 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;
- a non-binding indication of when the employee expects to take the leave.

The employee must provide the organisation with a signed declaration stating:

- that they meet, or will meet, the eligibility conditions and are entitled to take SPL;
- that the information they have given is accurate;
- if they are not the mother/adopter they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
- that should they cease to be eligible they will immediately inform the organisation

The notice must also include a declaration signed by the partner confirming the following information:

- name, address and national insurance number
- that the information they have given is accurate;
- that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
- that they satisfy the 'employment and earnings test' see as set out on the government website 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 organisation processing the information contained in the declaration form; and
- (in the case whether the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Requesting further evidence of eligibility

The organisation may, within 14 days of the SPL entitlement notification being given, request:

- 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).
- 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

In order to be entitled to SPL, the employee must produce this information within 14 days of the employer's request.

Discussions regarding Shared Parental Leave

An employee considering/taking SPL is encouraged to contact their Headteacher to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the organisation to support the individual.

The Headteacher may arrange an informal meeting with the employee to talk about their intentions and how they plan to use their SPL entitlement.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the organisation, and what the outcome may be if no agreement is reached.

In addition, the Headteacher will ensure that the impact of taking shared parental leave on maternity, paternity and adoption leave and pay is discussed, specifically:

- The Headteacher must ensure that where an employee is entitled to Occupational Maternity/Adoption pay, the employee understands that this entitlement ceases if they opt to take SPL.
- The Headteacher will confirm that Shared Parental Pay will be paid at a rate set by the Government for the relevant tax year.

Shared Parental Leave – Period of leave notice

The mother and partner must give written notice of the SPL they wish to take at least 8 weeks before the SPL is due to start. The employee can submit a total of three periods of leave notices. If the employee varies or cancels a requested period of SPL before it is taken, this counts towards the three notices. The employee must complete the Primitas Shared Parental Leave forms.

Continuous period of SPL

A leave notice can be made to request one continuous period of SPL and the mother or partner are entitled to have that request granted.

Discontinuous period of SPL

Periods of leave can be requested by the mother or partner with breaks in between where the employee returns to work. For example, the mother and partner may alternate childcare for a number of weeks at a time.

A discontinuous period of SPL can:

- Be granted as requested
- Be refused but an alternative pattern of leave proposed
- Be refused

A request for discontinuous leave must be considered in the two weeks from the date the period of leave notice was given. If agreement can be reached with the Headteacher, the leave can be taken on the dates in the notice.

If agreement cannot be reached, the employee is entitled to take the leave as one continuous period of leave. The leave must start at least 8 weeks from the date on which the period of leave notice was originally given.

If the leave has been refused, the employee may withdraw the period of leave notice. If a notice for discontinuous leave is withdrawn before it is agreed, it is not count towards the three notices.

Responding to a Shared Parental Leave notification

Once the Headteacher receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th calendar day after the leave request was made and will be confirmed in writing.

All requests for discontinuous leave will be carefully considered on a case-by-case basis and will take into account the potential benefits to the employee. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL. Equally the principles of acting in a fair, consistent and non-discriminatory way in responding to requests will be applied.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the organisation may propose a modified version of the request.

If a discontinuous leave pattern is refused the employee may withdraw the request, without detriment, on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date, then the leave will begin on the first leave date requested in the original notification.

Variations to arranged Shared Parental Leave

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the organisation 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.

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, a change as a result of a child being born early, or as a result of the organisation requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the organisation.

Statutory Shared Parental Pay (ShPP)

To start shared parental pay: the person taking maternity or adoption leave must give their employer 'binding notice' of the date when they plan to end 'curtail' their maternity or adoption pay. Shared parental pay can be started while your partner is still on maternity pay, adoption pay or maternity allowance, as long as they have given binding notice to end it.

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 mother/adoption reduces their maternity/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.

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/adoption must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have curtailed 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 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;
- the employee must give proper notification as per the policy.

Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their Headteacher 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 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;
- 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 organisation to process any ShPP payments to the employee;
- (in the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (in the case whether the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

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

Shared Parental Leave "in Touch" days

An employee can agree to work for the organisation (or 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. These are known as "Shared Parental Leave In Touch" or "SPLIT" days.

Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The organisation has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the organisation and the employee. Payments made for SPLIT days will normally be paid at the end of the Shared Parental Leave period, unless an employee requests payment following the month in which the SPLIT day has been worked. Payment will be paid for actual hours worked. An employee taking a SPLIT day will receive full 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 does not extend the period of SPL.

An employee, with the agreement of the organisation, may use SPLIT days to work part of a week during SPL. The organisation and the employee may use SPLIT days to support 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.

Pension Scheme during Shared Parental Leave – All Employees

Employees should seek advice on how the Shared Parental Leave will affect their pension rights. Advice can be sought from Pensions Services or Teachers Pension.

If a parent dies

If a parent is eligible for shared parental leave and the other parent dies they can:

- Still take shared parental leave as planned
- Transfer and use any share parental leave due to be taken by the parent who died

If they want to book another block of shared parental leave or to change dates of blocked leave, they do not need to give 8 weeks notice but should tell the Headteacher as soon as they can.

Even if they've already made 3 notices to book or change shared parental leave they can make one more.

Holiday Entitlement

Employees are entitled to accrue contractual leave during maternity SPL leave. Depending on the timing in relation to the annual leave year, they may take annual leave before the leave commences or alternatively bring SPL leave forward so that annual leave can fit into the annual leave year. If an employee is unable to take annual leave before the start of their SPL leave due to an earlier date/birth, or where maternity/adoption leave overlaps with annual leave, an exception may be given to carry over the allowance that they would otherwise lose in the next year under the terms of the annual leave policy.

Childcare Voucher Scheme – All Employees (for any employee entered into the scheme prior to 4 October 2018)

Employees who purchase childcare vouchers are provided as part of a salary sacrifice scheme, where an employee has agreed to reduce their salary entitlement and receive childcare vouchers instead. This will not be classed as wages or salary and should therefore be provided on top of any Shared Parental leave pay.

Neither shared parental leave nor occupational pay should be reduced to take account of the fact that childcare vouchers are also being provided. It should be remembered that in the case of salary sacrifice arrangements the employee's shared parental leave will already be based on the reduced pay.

WOMEN UNDERGOING IVF TREATMENT

Time off work whilst having IVF Treatment

During IVF the treatment takes place in stages and ranges from daily injections, monitoring through scans and blood tests and surgical procedures. Sometimes women will not be able to attend work because of the treatment they are having. This will vary depending upon the stage of the IVF they are at.

Authorised absence for women who need to take time off

There is no legal right to **paid** time off to undergo IVF, but neither should it be considered as sickness absence. Employees will be allowed reasonable **unpaid** time off to undergo IVF treatment as authorised unpaid absence. Where appropriate, the employee may use their annual leave and flexitime to have the treatment.

Although an employee does not have to inform the Headteacher that they are undergoing IVF treatment, it is always advisable that they do as the time off may be regular and at specific times. By notifying the Headteacher, this will allow us to plan and have less disruption to the work environment. The Headteacher reserves the right to ask a woman to try and plan her time off outside of work hours where possible. When they are confirmed as pregnant then they are obliged to inform the Headteacher because of Health and Safety reasons.

The duration of the absence will depend on what stage of the treatment the employee is at. Some treatment may demand an hour or two during the working day and other treatment may take two or three days to go through.

When a woman becomes pregnant

When the eggs have been implanted a woman is considered to be pregnant and is protected by maternity legislation. For the purposes of sickness absence, absences related to IVF at this stage would be discounted as it would be pregnancy related.

Sickness as a result of IVF

Sickness as a result of IVF treatment will be treated as any other sickness absence. This is different to the time off from work the employee may need to have the treatment. The Trust recognises that undergoing IVF treatment is physically and emotionally demanding.

Where there is short term absence after treatment the Headteacher will manage this under the Sickness Absence Policy. Where the sickness absence trigger points result in consideration of the formal process, then the Headteacher will decide if it is appropriate to continue to the formal process, but this should be unlikely. Part of the early RTW discussions should acknowledge the stage of the treatment the woman is at, what the consequences of future treatment may be and how the Headteacher and employee can work together in planning for this.

Where there is long term absence then this will be managed under the normal long term absence process. The Headteacher will consider medical evidence about the employee's condition and prognosis, consulting with the woman the likelihood of them returning to work and considering reasonable adjustments to help the employee return to work, especially where there are DDA requirements.

Time off for men

There is no right to **paid** time off to undergo IVF, but neither should it be considered as sickness absence. Employees will be allowed reasonable **unpaid** time off to undergo IVF treatment as authorised unpaid absence.

Further Advice and Information

This policy document is for general guidance only. If the employee needs any further advice on how to apply this policy please contact the Director of Finance. Employees are expected to engage appropriately with this policy insofar as they are affected by it. Abuse or misuse of this policy is unacceptable and may give rise to action under the disciplinary policy.

Further background information on this topic is available on:

www.acas.org.uk

<http://www.direct.gov.uk/Employment/Employees/fs/en>

NJC for Local Government Services (Green Book)

School Teachers' Pay and Conditions of Service

Conditions of Service for School Teachers in England and Wales (Burgundy Book)

Parent Line Tel: 0808 800 2222

Parents at Work 1-3 Berry Street London EC1V 0AA Tel: 0207 253 7243 Fax: 0207 253 6253

www.parentsatwork.org.uk

The Maternity Alliance 45 Beech Street London EC2P 2LX Tel: 0207 588 8583 Fax: 0207 588 8584 Advice Line: 0207588 8582 www.maternityalliance.org.uk

The National Childbirth Trust Alexandra House Oldham Terrace London W3 6NH NCT Helpline: 0870 444 8707 Breastfeeding Line: 0870 444 8708 www.nctpregnancyandbabycare.com www.nctms.co.uk

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