



# Family and Parental Leave Policy

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### 1. Aims

This policy aims to:

- Set out our school’s approach to maternity, paternity, adoption and shared parental leave, and other family-related leave
  - Make sure our school is a family-friendly place to work by supporting staff members who need to take time off work for family-related reasons
  - Support all parties in managing family-related leave effectively and consistently, to ensure a fair and transparent approach across the school that complies with our duties under the Equality Act 2010 and Employment Rights Act 1996
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## 2. Legislation and guidance

This policy meets the requirements of:

- › [Data Protection Act 2018](#)
- › [Employee rights when on leave – GOV.UK](#)
- › [Employment Rights Act 1996](#)
- › [Employment: Statutory Code of Practice – the Equality and Human Rights Commission](#)
- › [Equality Act 2010](#)
- › [Induction for Early Career Teachers \(England\) – GOV.UK](#)
- › [Protecting pregnant workers and new mothers – the Health and Safety Executive](#)
- › [The Maternity Leave, Adoption Leave and Shared Parental Leave \(Amendment\) Regulations 2024](#)
- › [The Neonatal Care \(Leave and Pay\) Act 2023](#)
- › [The Paternity Leave \(Amendment\) Regulations 2024](#)

It also reflects best practice guidance set out in:

- › [The Advice, Conciliation and Arbitration Service \(Acas\)'s guidance on accommodating breastfeeding employees in the workplace](#)
- › [The Advice, Conciliation and Arbitration Service \(Acas\)'s guidance on holiday, sickness and leave](#)

Some of our staff have a contract that specifically incorporates conditions from:

- › [School Teachers' Pay and Conditions Document \(STPCD\)](#)
- › [Conditions of Service for School Teachers in England and Wales](#) (the Burgundy Book)
- › [The National Agreement on Pay and Conditions for Support Staff](#) (the Green Book)

These will continue to apply due to the [Transfer of Undertakings \(Protection of Employment\) \(TUPE\) Regulations 2006](#), which protect employees' terms and conditions when a maintained school becomes an academy.

As such, this policy complies with the STPCD, the Burgundy Book and the Green Book.

As an academy, we are free to determine our own conditions for teachers and support staff.

This policy complies with our funding agreement and articles of association.

## 3. Scope

### 3.1 Eligibility

This policy applies to all full-time and part-time staff who are employed directly by the school.

Self-employed workers, volunteers and agency workers are not covered by this policy.

## 4. Data protection

All discussions and sensitive medical and personal information about staff members will be treated confidentially by all parties concerned. This data will be collected, used and stored in line with the Data Protection Act 2018.

## 5. Roles and responsibilities

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## 5.1 Headteacher

The headteacher is responsible for making sure that:

- This family and parental leave policy is applied consistently across our school and that it is in line with equality legislation
- Line managers and other staff are aware of this policy and their responsibilities
- Considering all valid requests for time off equally and fairly
- Giving due regard to equality legislation and taking any protected characteristics into consideration

## 5.2 Line managers

Line managers have day-to-day responsibility for this policy. If staff have questions about this policy, they should refer to their line manager in the first instance.

Line managers are responsible for:

- Supporting staff to understand this policy
- Supporting staff and managing family-related leave and matters confidentially and sensitively, and in line with the Data Protection Act 2018
- Taking family-related leave and responsibilities into account when monitoring staff's workload, and promoting positive working arrangements
- Maintaining effective communication with staff, including while staff are on leave
- Liaising with payroll promptly if a staff member's pay needs to be adjusted as a result of them taking maternity, paternity, adoption, shared parental, or other types of family-related leave

## 5.3 Board of trustees

The board of trustees will approve this policy and hold the headteacher to account for its implementation.

## 5.4 Other staff

Staff are expected to:

- Take the time to understand the sections of the policy that apply to them, and seek further detail and/or clarification from the school business manager if necessary
- Follow the procedures set out in this policy
- Adhere to the stated timescales

## 6. Maternity leave (including for surrogates)

Any pregnant staff member employed by our school is entitled to 52 weeks of maternity leave, on the assumption that they follow the process below (see section 6.1) in terms of notifying us. This is made up of:

- 26 weeks of ordinary maternity leave first, immediately followed by
- 26 weeks of additional maternity leave

You do not have to take a full 52 weeks, but you must take:

- A minimum of 2 weeks' leave following the birth of your baby
- All of your maternity leave in one go

### 6.1 Notification of maternity leave

If you are pregnant, we would prefer that you inform the school as early as you are comfortable with, and at least 15 weeks before your due date. This is so we can take into account any necessary health and safety considerations.

Once you have notified us of your pregnancy, we will carry out a risk assessment to identify and avoid any risks to your health and safety as a new or expectant mother, and/or to your baby. If any risks are identified, we will inform you of this and discuss with you. In order to remove or prevent your exposure to any risks, we may take steps such as:

- Temporarily changing your working conditions or hours of work
- Offering you suitable alternative work, on terms and conditions that are either the same or not substantially worse than previous terms and conditions
- Suspending you from duties, which will be on full pay unless you have unreasonably refused suitable alternative work

You must provide a certificate from a doctor or midwife – usually a maternity certificate (MAT B1 form) – confirming your expected week of childbirth.

## 6.2 Starting maternity leave

You can start your maternity leave from up to 11 weeks before the week your baby is due, unless your child is born prematurely before that date, in which case your maternity leave will start on the day after you give birth.

Maternity leave will start on whichever of the following is earliest:

- The date on which you would like to start your maternity leave
- The day after you give birth if the baby is early (read more about premature birth in section [6.4] below)

Maternity leave will start automatically if you are off work for a pregnancy-related illness in the 4 weeks before the week (Sunday to Saturday) that your baby is due.

- If this happens, you must let us know as soon as possible in writing. Maternity leave will be triggered at this point unless we agree to delay it

## 6.3 Claiming maternity leave

You must notify the school in writing before the end of the 15<sup>th</sup> week (14<sup>th</sup> week if you are employed under the Burgundy Book, unless there is good cause to be later) before the week your baby is due:

- That you are pregnant
- The week your baby is due
- When you want to start your maternity leave

If you want to change the day you want to start your maternity leave, you must notify the school of the new day:

- 28 days before your maternity leave was originally due to start (or if that is not possible, as soon as reasonably practicable); or
- 28 days before the new date you want to start your leave if you want to bring it forward (whichever of the 2 dates is earlier), or if that's not possible, as soon as reasonably practicable

We will write to you within 28 days of your notice confirming your maternity leave start and end dates (for more information on notice periods for returning to work, see section [17.2] below).

## 6.4 Premature birth

If your baby is born prematurely\*, the school will consider extending your maternity pay period. We will determine the extension and its length on a case-by-case basis, depending on your individual circumstances.

\*A premature (also known as preterm) birth is when a baby is born before 37 weeks of pregnancy.

## 6.5 Stillbirth and neonatal loss

We are committed to supporting all staff who suffer the loss of a pregnancy. This policy does not assume how you might feel during or after pregnancy loss, and instead aims to detail the support that is available, should you need it. We appreciate that this will look different for everyone, and we aim to be flexible according to the situation.

Provided you have followed the requirements set out in this policy regarding who you need to notify about your pregnancy and when, you are entitled to maternity leave:

- If your child is stillborn after 24 weeks of pregnancy
- If your child is born alive at any stage of pregnancy but doesn't survive (known as neonatal loss)

If your stillbirth starts while at work, we encourage you to:

- Let your line manager know that you need to leave school to seek urgent medical attention. If you feel comfortable doing so, tell them what's happening
- Come and wait while we notify your preferred contact and arrange for any medical care and/or for you to leave the premises. We will find a suitable and comfortable location for this, that can be made temporarily private, with access to a toilet.

Your maternity leave will start the day after you give birth. If this happens before your maternity leave was originally due to start, please let us know the date of birth in writing as soon as possible so we can arrange this for you.

We understand that, due to the distressing nature of a neonatal loss or stillbirth, it may not be possible for you to notify us immediately afterwards. We will work with you to take care of the administrative side of things so you can focus on processing and recovering from the loss of your pregnancy.

## 7. Maternity pay (including for surrogates)

You may be eligible for occupational maternity pay or statutory maternity pay, depending on how long you have worked at our school.

### 7.1 Occupational maternity pay

#### 7.1.2 Teachers

Teachers are eligible for occupational maternity pay if they have worked continuously for at least 1 year with our school by the 11<sup>th</sup> week before the week that their baby is due.

If you are not eligible for occupational maternity pay, you may still be eligible for statutory maternity pay or maternity allowance. Read more about these in section [7.2] below.

Teachers eligible for occupational maternity pay can be paid for up to 39 weeks as follows:

- At 100% of their salary for the first 4 weeks
- At 90% of their salary for weeks 5 and 6
- At 50% of their salary for weeks 7 to 18, plus the weekly rate of statutory maternity pay, unless this figure exceeds full pay in which case deductions will be made (see the government's latest weekly statutory maternity pay figure at <https://www.gov.uk/maternity-pay-leave/pay>)
- At the weekly rate of statutory maternity pay for the remaining 21 weeks (see the link above to find out how much this is)

#### Conditions for occupational maternity pay

The trust expects teachers to return to work in their school for at least 13 weeks as a qualifying condition for receiving occupational maternity pay. If a teacher does not do this, the trust may require them to refund some or all of the occupational maternity pay that they have received after the 6<sup>th</sup> week of maternity leave. They will not be required to refund any statutory maternity pay that forms part of their occupational maternity pay.

The 13-week period starts:

- From the date the teacher returns to work, or
- The date after maternity leave ends. This includes both term time and school holidays

Teachers who do not intend to return to work after maternity leave will not be entitled to occupational maternity pay. They may still be entitled to statutory maternity pay or maternity allowance if they meet the criteria (see section 7.2 below).

#### **Returning to work part time:**

- Teachers who were full time and choose to return to work on a part-time basis must return for a period that equates to 13 weeks of full-time service
- Teachers working part time may return to work on a different part-time basis, but must return for a period that equates to 13 weeks of part-time service, relating to their previous contract

If a teacher is unable to return to work at the end of their maternity leave due to sickness, our trust's sick pay scheme will apply.

For more information on returning to work after maternity leave, including notice periods, see section 17.2 below.

### **7.1.3. Support staff**

Support staff are eligible for occupational maternity pay if they have worked continuously for at least 1 year with our trust by the 11<sup>th</sup> week before the week that the baby is due.

If you are not eligible for occupational maternity pay, you may still be eligible for statutory maternity pay or maternity allowance. Read more about these in section 7.2 below.

Support staff eligible for occupational maternity pay can be paid for up to 39 weeks, as follows:

- At 90% of their salary for the first 6 weeks
- At 50% of their salary for weeks 7 to 18, plus the weekly rate of statutory maternity pay, unless this figure exceeds full pay in which case deductions will be made (see the government's latest weekly statutory maternity pay figure at <https://www.gov.uk/maternity-pay-leave/pay>)
- At the weekly rate of statutory maternity pay for the remaining 21 weeks (see the link above to find out the exact figure)

**Note:** staff must inform the trust in writing that they intend to return to work after their maternity leave in order to claim occupational maternity pay for weeks 7 to 18.

#### **Conditions for occupational maternity pay**

- The trust expects support staff to return to work in their school for at least 3 months as a qualifying condition for occupational maternity pay. If a staff member does not do this, the trust may require the staff member to refund some or all of the occupational maternity pay that they have received. They will not be required to refund any statutory maternity pay that forms part of their occupational maternity pay

For staff not intending to return to work, payments during their maternity leave period following the first 6 weeks will be their entitlement to statutory maternity pay (currently 39 weeks in total), where eligible.

Where a staff member requests flexible working arrangements on their return to work, the trust will consider these on a case-by-case basis. The return-to-work period must equate to at least 3 months of full-time work.

If a staff member is unable to return to work at the end of their maternity leave due to sickness, the trust's sick pay scheme will apply.

For more information on returning to work after maternity leave, including notice periods, see section 17.2 below.

## **7.2 Statutory maternity pay and maternity allowance (all staff)**

You are eligible for statutory maternity pay if you:

- Have been on our trust's payroll continuously for at least 26 weeks continuing into the 15<sup>th</sup> week before the week that your baby is due

- Earn more than the minimum threshold set out on the government's website – see the latest figure at <https://www.gov.uk/maternity-pay-leave/eligibility>
- Notify the trust at least 28 days before the date you want your maternity pay to start
- Give proof of your pregnancy within 21 days before you intend to start your maternity pay. Please submit your doctor's letter or a maternity certificate (MATB1 form) to the School Business Manager.

Statutory maternity pay is paid for up to 39 weeks. The weekly amounts are:

- 90% of your average weekly earnings for the first 6 weeks
- At a weekly rate of statutory maternity pay for the next 33 weeks (see the latest weekly figure at <https://www.gov.uk/maternity-pay-leave/pay>)

If you are not eligible for statutory maternity pay, you may still be eligible for maternity allowance – read more about the allowance, including eligibility criteria and how much you can get, at <https://www.gov.uk/maternity-allowance>.

### 7.3 Pregnancy-related sickness absence and pay

Pregnancy-related sickness absence shall be paid in accordance with our sickness absence policy.

Periods of pregnancy-related sickness from the start of pregnancy until the end of maternity leave will be recorded separately from other sickness records and will be disregarded in future employment-related decisions.

## 8. Paternity leave and pay

### 8.1 Statutory paternity leave (including for intended fathers following surrogacy)

You are entitled to take 1 week or 2 weeks\* of statutory paternity leave if you have worked for the school for at least 26 weeks up to any day in the 15<sup>th</sup> week before the baby is due. These may be either:

- A single consecutive period of leave of either 1 week or 2 weeks, or
- 2 non-consecutive periods of 1 week of leave

You receive the same amount of leave even if you have more than 1 child, e.g. twins.

\*A week is the amount of time that you normally work in a week (so a week is 2 days if you normally work on Mondays and Tuesdays only).

You may take the leave at any time:

- In the first 52 weeks after the birth of your child or adoption placement
- Within 52 weeks of the first day of the week your baby was due, if it was born early

To be eligible, you must expect to have some responsibility for the child's upbringing and be the:

- Child's biological father
- Partner of the person having a baby (including same-sex partner)
- Child's adopter, or the partner of the child's adopter
- Intended parent (if you are having a baby through surrogacy)
- Person who a child is placed with under a fostering for adoption arrangement by the local authority or the partner of the person who a child is placed with

Paternity leave:

- Cannot start before the baby is born

You can get time off to accompany your partner (or the surrogate mother) to 2 antenatal appointments.

Paternity leave is different if you are adopting or fostering for adoption – see section 8.4 below for more information on paternity leave for adoption or fostering for adoption.

## 8.2 Statutory paternity pay (including for intended parents following surrogacy)

You can find the latest statutory weekly rate of paternity pay on the government's website – <https://www.gov.uk/paternity-pay-leave/pay>.

To be eligible for statutory paternity pay, you must:

- Have been continuously employed by the trust for at least 26 weeks up to any day in the 15<sup>th</sup> week before the week the baby is due
- Be employed by the trust up until the date the baby is born
- Earn more than the minimum threshold set out on the government's website (see the latest figure at <https://www.gov.uk/paternity-pay-leave/eligibility>)

Staff will usually be paid their statutory paternity pay during the week/s they are taking paternity leave.

## 8.3 How to claim statutory paternity leave and pay

You must notify the trust in writing at least 15 weeks before the week the baby is due:

- That you are having a baby, and are:
  - The child's father and/or
  - Married to, the civil partner of, or partner of the mother or birth parent
- The week the baby is due
- That you plan to take paternity leave

You must tell the trust at least 28 days before each period of leave:

- When you want your leave to start (for example, the day of the birth or the week after the birth)
- Whether you want to take 1 or 2 weeks' leave

If you want to change your period and/or dates of leave, you must give us 28 days' notice where reasonably practicable. In doing so, you must confirm that the purpose of the new period of leave is to care for the child or support your partner.

## 8.4 Paternity leave and pay for adoption

To be eligible for paternity leave when adopting, you must:

- Have worked for the school for at least 26 weeks by:
  - The end of the week you have been matched with a child for adoption in the UK, or
  - The date the child enters the UK for overseas adoption
  - The week you want your leave to start
- Be the adopter, or partner of the adopter (this includes same-sex partners)
- Not also be taking adoption leave and pay (see section 9 below)

You:

- Cannot start your leave before the child is born
- Must end your leave within 52 weeks of the child's placement for adoption, or the child's arrival in the UK (for overseas adoptions)

You are also entitled to paid time off to attend 2 adoption appointments after you have been matched with your child.

To claim paternity leave for adoption, you must tell the school that you have been matched with a child within 7 days of this happening. You should also tell us:

- The date you were matched with your child
- The placement start date
- Whether you want to take 1 or 2 weeks' leave
- When you want the leave to start (if you want to change your start date, you must give us 28 days' notice)

To claim paternity pay for adoption, you need to tell us 28 days before you want the pay to start.

## 9. Adoption leave and pay (including for intended parents following surrogacy)

### 9.1 Eligibility

All staff employed by our school are entitled to 52 weeks of statutory adoption leave, provided they are:

- Adopting a child through a UK adoption agency, or
- A local authority (LA) foster parent who has been approved as a prospective adopter (subject to the adoption agency or LA providing you with written notice that it:
  - Has matched you with a child for adoption, or
  - Will be placing a child with you under a fostering for adoption arrangement

This notice must also confirm the date it expects to place the child in your care and that you have agreed to the child being placed with you on that date.

In **surrogacy** cases, you are entitled to adoption leave if:

- A surrogate mother gives birth to a child who is biologically your child, the child of your spouse or partner, or both, and
- You expect to be given parental responsibility for the child under a parental order from the court. The child must live with you and you must apply for the parental order within 6 months of the child's birth

Adoption leave is made up of a maximum of 52 weeks of:

- 26 weeks of ordinary adoption leave, followed by
- 26 weeks of additional adoption leave

You will also get paid time off to attend 5 adoption appointments after you have been matched with a child.

Only 1 parent can take adoption leave – the other partner could get paternity leave instead (read more in section 8.4 above).

### 9.2 Exceptions

You do not qualify for statutory adoption leave or pay if you:

- Arrange a private adoption
- Become a special guardian or kinship carer
- Adopt a stepchild or a family member

### 9.3 Starting leave

You can start ordinary adoption leave:

- Up to 14 days before the date the child is placed with you, or is expected to be placed with you (UK adoptions)

- When the child arrives in the UK or within 28 days of this date (overseas adoptions)
- The day the child is born or the day after (if you have used a surrogate to have a child)
  - In cases of surrogacy, ordinary adoption leave will start on the day the child is born, unless you are at work, in which case it will start the following date. This date cannot be changed

## 9.4 Notice periods for leave

Within 7 days of the agency or LA notifying you in writing of being matched with a child (or as soon as reasonably practicable), you must tell the school:

- How much leave you want to take
- When you want to start leave
- The date the child is expected to be placed with you

Once you have received the matching certificate issued by the adoption agency or LA, you must provide us with a copy.

If you'd like to change your intended start date, please tell us in writing. You should give as much notice as you can. Where possible, you must tell us **at least 28 days** before the original intended start date (or the new intended start date, if you are bringing the date forward).

The school will confirm your leave start and end dates within 28 days of receiving your notice.

## 9.5 Adoption pay

You can receive statutory adoption pay for up to 39 weeks. The weekly amounts are:

- 90% of your average weekly earnings for the first 6 weeks
- At a weekly rate of statutory adoption pay for the next 33 weeks (see the latest weekly figure at <https://www.gov.uk/adoption-pay-leave/pay>)

You are eligible for statutory adoption pay if you:

- Have been on the school's payroll continuously for at least 26 weeks by the week you are matched with the child. For overseas adoptions it is 26 weeks by the time you start receiving adoption pay
  - For **surrogacy**, it is the 15<sup>th</sup> week before the week the baby is due
- Earn more than the minimum threshold set out on the government's website – see the latest figure at <https://www.gov.uk/adoption-pay-leave/eligibility>
- Have complied with the notification requirements set out in this policy
- Submit proof of the adoption to the School Business Manager (read about the proof you need at <https://www.gov.uk/adoption-pay-leave/how-to-claim>)

## 9.6 Notice periods for pay

You must give the school 28 days' notice:

- That you want to stop work and adopt a child
- When you want your statutory adoption pay to start

The school will confirm within 28 days of this notice how much statutory adoption pay you will receive and when it will start and stop.

**Overseas adoptions:** you must tell us the date of your 'official notification' and when you expect the child to arrive in the UK within 28 days of getting the notification.

## 10. Shared parental leave and pay

Shared parental leave can be complex, so please speak to the School Business Manager if you are thinking about taking shared parental leave and have any questions.

### 10.1 How it works

Eligible staff members and their partners can share up to 50 weeks of leave and up to 37 weeks of pay between them. (Note that the first 2 weeks of leave and pay, starting from the day the baby is born, must be reserved for the person taking maternity or adoption leave). You need to share the pay and leave in the first year after your child is born or placed with your family.

You or your partner (whichever of you is taking maternity or adoption leave) needs to take less than:

- 52 weeks of maternity or adoption leave and use the rest as shared parental leave
- 39 weeks of maternity or adoption pay (or maternity allowance) and take the rest as statutory shared parental pay

To take shared parental leave and pay, you and your partner:

- Must share the leave and pay in the first year after your child is born or placed with your family
- Can take the leave all in one go, or book up to 3 separate blocks of leave
- Can choose to be off work together, or stagger your leave and pay

Note that once you or your partner start shared parental leave or pay, you cannot switch back to the original type of leave or pay (e.g. maternity or paternity leave or pay) you were taking.

See the government's [shared parental leave and pay planning tool](#) to check when you and your partner can take your leave.

### 10.2 Amount of pay

Any shared parental pay due during shared parental leave will be paid at a rate set by the government for the relevant tax year, or at 90% of the staff's average weekly earnings, if this figure is lower than the government's weekly rate. See the latest amount on <https://www.gov.uk/shared-parental-leave-and-pay/what-youll-get>.

### 10.3 Eligibility

You and your 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](#).

### 10.4 Applying for leave and pay

**To start shared parental leave (birth parents):**

- Both you and your partner must, with at least 8 weeks' notice before the date you wish to start your shared parental leave, give written opt-in notice, including:
  - The name of both parents
  - If you are the child's **mother**: the start and end dates of your maternity leave
  - If you are the child's **father or mother's partner**: the start and end dates of the mother's maternity leave, or start and end dates of any statutory maternity pay or maternity allowance period
  - The total shared parental leave available, which is 52 weeks minus the number of weeks' maternity leave, statutory maternity pay or maternity allowance period taken or to be taken
  - How many weeks of the available shared parental leave will be allocated to you, and how many to the other parent

- **If you are claiming statutory shared parental pay:** the total available, which is 39 weeks minus the number of weeks of the statutory maternity pay or maternity allowance
- The start and end dates of each period of shared parental leave that you are requesting. You can change your mind later about how much shared parental leave or pay you plan to take and when you want to take it, as long as you give at least 8 weeks' notice before the date you intend to start your shared parental leave
- Declarations by you and the other parent that you both meet the statutory conditions to enable you to take shared parental leave and statutory shared parental pay

**To start shared parental leave (adoption and parents using a surrogate):**

➤ Both you and your partner must, with at least 8 weeks' notice before the date you wish to start your shared parental leave, give written opt-in notice, including:

- Your name
- Your partner's name
- In a **UK adoption case:** the date the adoption agency notified you of a match, the expected date of a placement and the actual date of placement. If the child has not yet been placed with you, give the actual date of placement as soon as you can, before you take shared parental leave
- In an **overseas adoption case:** the date you received official notification and the date the child entered Great Britain for adoption purposes. If the child has not yet entered Great Britain, give the actual date of entry as soon as you can, before you take shared parental leave
- If you **are taking adoption leave:** your adoption leave start and end dates
- If you **are not taking adoption leave:** your partner's adoption leave start and end dates
- If your **partner is not entitled to adoption leave:** the start and end dates of their statutory adoption pay
- The total shared parental leave available, which is 52 weeks minus the number of weeks' adoption leave or statutory adoption pay taken or to be taken by you or your partner
- How many weeks of the available shared parental leave will be allocated to you, and how many to your partner (you can change the allocation by giving us a further written notice, and you don't have to use your full allocation)
- If you are claiming statutory shared parental pay: the total statutory shared parental pay available, which is 39 weeks minus the number of weeks of statutory adoption pay taken or to be taken
- How many weeks of the available statutory shared parental pay will be allocated to you and how many to your partner (you can change the allocation by giving us a further written notice, and you don't have to use your full allocation)
- An indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but please give as much information as you can about your future intentions
- Declarations by you and your partner that you both meet the statutory conditions to enable you to take shared parental leave and statutory shared parental pay

**For birth parents, adoptive parents and parents using a surrogate**

➤ The person taking maternity or adoption leave must give their employer 'binding notice' of the date when they plan to end their maternity or adoption leave (unless they have already returned to work). They must give this notice at least 8 weeks before their planned return to work

You may also look at the [templates provided by Acas](#).

They can only withdraw the binding notice if the planned end date has not passed and they have not already returned to work, **and**:

- They discover that they and their partner are **not** entitled to shared parental leave or statutory shared parental pay, and they withdraw the notice within 8 weeks of giving the notice, or
- They gave the notice before the birth or placement of the child and withdraw it within 6 weeks of the child's birth or placement, or
- Their partner has died

**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 their maternity or adoption pay. You can start shared parental pay while your partner is still on maternity pay, adoption pay or maternity allowance, as long as they have given binding notice to end it.

## 11. Neonatal care leave and pay

You may be eligible for statutory neonatal care leave and pay if you or your partner have a baby that needs neonatal medical care.

The baby must have been born on or after 6 April 2025, and must:

- Receive neonatal care for a minimum of 7 uninterrupted days, **and**
- Enter neonatal care within 28 days of being born

Neonatal care covers:

- Hospital treatment, including any treatment in a special care baby unit (SCBU), local neonatal unit (LNU) or neonatal intensive care unit (NICU)
- Treatment in a maternity home, clinic or hospital outpatient department
- Ongoing monitoring and home visits from healthcare professionals, directed by a consultant and arranged by the hospital where the child was an inpatient
- End-of-life (palliative) care

### 11.1 Eligibility for leave

You're eligible for neonatal care leave if you're taking leave to care for a child and you are:

- The child's parent
- The child's intended parent
- The partner of the child's mother
- The child's adopter or prospective adopter (or partner of the same) including where the child is adopted from overseas

You must also have or expect to have responsibility for the child's upbringing – or in the case of partners, the main responsibility apart from the child's mother or adopter.

You are eligible for neonatal care leave from the first day of employment at our school.

### 11.2 When leave can start

You can start neonatal care leave after the baby has received 7 uninterrupted days of neonatal care, not counting the day on which the neonatal care started.

The first week of neonatal care before you can start neonatal care leave is called the "waiting period".

You can take neonatal care leave at any time after the waiting period, but you must take all leave within 68 weeks of the baby's date of birth.

During the waiting period you will most likely already be on maternity, paternity, adoption, or shared parental leave. However, if this is not the case and you need to take time off, please speak to your line manager. We

will do our best to accommodate your needs, and you'll likely be able to take paid annual leave or unpaid time off for dependants.

### 11.3 How much leave you can take

The minimum period of neonatal care leave you can take is 1 week, and the maximum is 12 weeks.

Each uninterrupted week of neonatal care is called a "qualifying week". Part weeks are not included.

**If you're adopting:** a qualifying week only includes the time that the child spends in neonatal care after the date the child was placed with you or, for adoption from overseas, after the date the child entered Great Britain.

### 11.4 How it works

You must take any period of neonatal care leave in full weeks (meaning 7 consecutive days).

There are 2 tiers of leave:

**Tier-1 leave** starts after the waiting period and lasts until 7 days after the baby has left neonatal care.

You can either:

- Take tier-1 leave in 1 continuous period, **or**
- Split the leave into multiple periods of 1 or more whole weeks

If the child is discharged from neonatal care, but neonatal care starts again within the first 28 days after birth for a further qualifying week or more, the tier-1 period will resume until 7 days after neonatal care ends.

**Tier-2 leave:**

- Applies to any leave you take after the tier-1 period ends
- Can be taken up to 68 weeks after the child's birth
- Must be taken in 1 continuous block, in whole weeks

### 11.5 Giving notice to leave

We understand that it may be distressing to have a baby in neonatal care, and that it may be difficult for you to give us the necessary notice for neonatal care leave. If this is the case, please speak to your manager as soon as possible, and the school will work with you to come up with an arrangement that works for you – this may, in certain circumstances, include an agreement to waive the requirement to give notice for leave.

**Tier-1 leave (from when the baby has been in neonatal care for 7 consecutive days, until 7 days after they've left neonatal care)**

- You must give us notice of neonatal care leave before you are due to start work. If you've already started work, the neonatal care leave will start on the following day
- If you need leave to continue, you must give us notice again by the end of the previous week
- You should tell us when the baby leaves neonatal care as soon as possible
- The notice does not need to be in writing

**Tier-2 leave (when the baby left neonatal care more than 1 week ago)**

- If you wish to take 1 week of leave, you must give us at least 15 days' notice before the first day of leave
- If you wish to take 2 or more weeks of leave, you must give us at least 28 days' notice before the first day of leave
- You should give us notice for leave in writing

### 11.6 Neonatal care pay

#### 11.6.1 Eligibility

Staff eligible for neonatal care leave may also qualify for statutory neonatal care pay if they have:

- Been continuously employed by the school for at least 26 weeks by the end of the “relevant week”, which is the 15<sup>th</sup> week before the:
  - Expected week of childbirth, or
  - Week in which the adoption agency or local authority notified them of a match, or
  - Week before neonatal care starts (in any other cases)
- Received normal weekly earnings of not less than the government’s “lower earnings limit”, over an 8-week period ending with the “relevant week” (see above). See the government’s website for the latest “lower earnings limit”: <https://www.gov.uk/employers-neonatal-care-pay-leave/eligibility>

### 11.6.2 How much pay you can get

You can find the latest statutory weekly rate of neonatal care pay on the government’s website – <https://www.gov.uk/employers-neonatal-care-pay-leave>.

Staff can only be paid statutory neonatal care pay for the whole weeks of neonatal care leave that they take.

### 11.6.3 Giving notice for neonatal care pay

Tier-1 period (from when the baby has been in neonatal care for 7 consecutive days, until 7 days after they’ve left neonatal care): you must give notice for pay within 28 days after the start of your neonatal care leave.

Tier-2 period (when the baby left neonatal care more than 1 week ago): if you want to take:

- 1 week of pay, you must give us at least 15 days’ notice before the first day of your tier-2 neonatal care leave
- If you wish to take 2 or more weeks of leave, you must give us at least 28 days’ notice before the first day of leave

## 11.7 Details you should provide when giving notice of neonatal care leave and pay

You should provide the following details to us, in writing, within 28 days after the start of your neonatal care leave:

- Your name
- The child’s date of birth
- The start and end dates of any period of neonatal care (if known)
- The date the period of neonatal care leave started or will start
- The number of weeks you have taken, or intend to take, neonatal care leave
- **UK adoption cases:** date of the placement
- **Overseas adoption cases:** the date the child entered Great Britain

You must also provide:

- A declaration that the purpose of your leave is to care for the child
- A declaration that you have parental responsibility for the child, if this is the first time you’re giving notice for neonatal care pay and leave

## 11.8 Cancelling neonatal care leave

You can:

- Cancel any future planned weeks of neonatal care leave that are due to start in tier 2. You should give written notice of at least 15 days for 1 week of leave, and at least 28 days for 2 or more weeks of leave

- Return early from tier 2 neonatal care leave by telling the school at least 1 week in advance. However, you cannot return part-way through a week of neonatal care leave, as it must be taken in whole weeks

You **cannot** cancel notice for leave if the baby is in neonatal care or in the first week after (tier 1).

## 11.9 Taking neonatal care leave with other types of family leave

Taking neonatal care leave does not affect your entitlement to other types of family leave and pay, including:

- Maternity leave and pay
- Adoption leave and pay
- Paternity leave and pay
- Shared parental leave and pay
- Unpaid parental leave

If you are taking any of these types of family leave at the time the child starts neonatal care, you can take neonatal care leave after the other type of family leave ends. You should give the relevant period of notice (see section 11.5) and written information (see section 11.7) set out above.

If your neonatal care leave is interrupted by the start of another pre-booked period of statutory family leave (such as paternity leave, unpaid parental leave or shared parental leave):

- During a tier-1 period (where the baby is in neonatal care or it ended within the last week), you can resume the interrupted neonatal care leave period straight away after the other leave ends
- During a tier-2 period (where the neonatal care ended more than a week ago), you must add the remainder of the interrupted neonatal care leave onto any further period of neonatal care leave that you are intending to take

You must make sure that any neonatal care leave you're taking later than a week after the baby leaves neonatal care is not interrupted by the start of another period of family leave that you've booked. This is because you can only take tier-2 leave in a single block.

## 11.10 Additional support

Our school acknowledges that each staff member's circumstances may differ. If you need additional support, please discuss this with our School Business Manager and we will do our best to help you.

## 12. Antenatal care

All pregnant staff are entitled to take reasonable time off work, with full pay, to attend antenatal appointments.

To be entitled to this, the school will ask you to produce a certificate from your doctor, nurse or midwife that states that you are pregnant. Except for the first appointment, you should advise of any such appointments in advance by producing evidence of the appointment, such as an appointment card.

### 12.1 Partners of pregnant staff and intended parents (in a surrogacy or adoption arrangement)

You are entitled to paid time off to accompany the pregnant person to 2 antenatal appointments. You can take up to 6 and a half hours per appointment. This does **not** apply to partners of pregnant staff who are surrogates.

The school will request to see evidence of these appointments.

## 12.2 Antenatal care when having a child through IVF

You will be allowed time off for antenatal care only after the fertilised embryo has been implanted. For information on time off for fertility treatment and IVF.

There is no statutory right to time off to undertake fertility investigations or treatment e.g. in-vitro fertilisation (IVF). This should be requested through the normal processes detailed in the school's Leave of Absence policy for medical appointments.

When embryo transfer occurs it is advisable that the teacher notify the school that she has had an embryo transfer and may become pregnant. Once an embryo attaches itself inside an employee's body she is legally regarded as pregnant and the provisions of this policy will apply. In these circumstances the employee must inform the school in writing of confirmation of her pregnancy as detailed in this policy.

## 13. Health and safety risk assessments during and after pregnancy

After a staff member has notified their line manager that they are pregnant, the school will review its workplace risk assessment in line with the staff member's role to make necessary adjustments. We will then conduct a risk assessment at least every 3 months until the employee begins maternity leave. We will carry this out more frequently for employees who are struggling in their role, or receive updated medical advice.

When a staff member returns to work from maternity leave, the school will conduct an individual risk assessment that covers the staff member's specific needs if the staff member is:

- Returning to work fewer than 6 months after giving birth
- Breastfeeding (read more about support for staff who are breastfeeding in section 18 below)

## 14. Loss of a pregnancy

The loss of a pregnancy can be extremely painful, both physically and mentally. Our school is committed to supporting all staff members who suffer the loss of a pregnancy, whatever the nature of their loss or their length of employment.

### 14.1 Miscarriage

This is where a loss of pregnancy happens before the 24<sup>th</sup> week.

Staff who have had a miscarriage are entitled to a 2-week period of paid leave, which may be extended depending on individual circumstances. We encourage you to speak to your line manager to enable us to support you as best as we can through this difficult time.

The school will consider staff absence due to miscarriage as pregnancy-related illness. We will not count this absence when reviewing staff's attendance records.

For partners, adoptive parents and intended parents (if using a surrogate) after a miscarriage, you will be entitled to use your dependency leave, more information can be found in our Leave of Absence Policy.

### 14.2 Still birth

This is where a baby is stillborn or dies after the 24<sup>th</sup> week of pregnancy.

Staff who have had a still birth are entitled to up to 52 weeks of leave, in line with statutory maternity leave and pay (see sections 6 and 7 for more information).

Staff whose partners have had a still birth, or whose babies are born alive at any point during the pregnancy are entitled to 1 or 2 weeks of leave and pay (see section 8 for more information).

In addition, the birth parents, adoptive parents or parents of a child born to a surrogate are entitled to 2 weeks of statutory parental bereavement leave after finishing their maternity or paternity leave.

You may also be eligible for statutory parental bereavement pay – read the government's [guidance on statutory parental bereavement and pay](#) to find out more.

## 15. Keeping in touch during leave

Staff and their line manager will discuss how often they will communicate while the staff member is on leave, and what form the communication will take. If you have any questions or concerns, or to discuss any leave extensions, please speak to the School Business Manager.

### 15.1. Keeping in touch (KIT) days during maternity or adoption leave

Staff can work up to 10 days during their maternity or adoption leave. Note that these days must not be within the first 2 weeks after the child is born.

These working days are known as KIT days and are:

- Paid – KIT days will be paid for the hours worked as the normal hourly rate in that month's payroll. Working a part KIT day will count as working 1 full day
- Entirely voluntary – you need to agree to them with your line manager

### 15.2. Shared parental leave in touch (SPLIT) days

Staff can work up to 20 days during shared parental leave. This is in addition to the 10 KIT days staff can take while on maternity or adoption leave (see above). As with KIT days, SPLIT days are paid and entirely voluntary.

Working a part SPLIT day will count as 1 full day.

## 16. Employment terms and conditions while on leave

You will retain all your employment terms and conditions while on leave, except for pay, which is replaced by maternity/adoption, paternity, shared parental or neonatal pay depending on what you are eligible for (read more about these types of pay in the sections above). You are entitled to any improvements in employment terms and conditions during leave, including pay rises.

Maternity, paternity, adoption, shared parental and neonatal care leave are regarded as continuous employment for the purpose of calculating entitlement to statutory employment rights (such as redundancy, unfair dismissal rights and notice requirements).

### 16.1 Redundancy – for maternity leave only

If your role is affected by a redundancy situation occurring during your leave, we shall write to you to inform you of any proposals and shall invite you to a meeting before any final decision is reached.

You will be given first refusal on any suitable alternative vacancies that are appropriate to your skills, provided that you:

- Have notified us of your pregnancy, or
- Are on maternity leave, or have returned from maternity leave and are within an additional protected period of 18 months from either:
  - The first day of the expected week your baby was born
  - When your baby was born if the 2 dates are different (where notified to us)

For those on maternity leave, the period protected from redundancy includes the entire pregnancy, as well as 18 months from the first day of the estimated week of childbirth.

Adoptive parents will be protected from redundancy from 18 months from placement for adoption.

For shared parental leave, the protected period will be 18 months from birth, provided the parent has taken at least 6 consecutive weeks of shared parental leave.

## 16.2 Pensions

You will continue to be entitled to pension contributions during periods of leave that are paid. Pension contributions will stop during any unpaid periods of leave. Please check your employment contract for more details.

## 16.3 Annual leave entitlements

Your annual leave entitlement will continue to accrue during periods of leave. You can take any holiday that you have accrued before or after your maternity, paternity, adoption or shared parental leave.

## 17. Returning to work after maternity, paternity, adoption, shared parental, or neonatal care leave

### 17.1 Your right to your job (all staff)

**17.1.1** You are normally entitled to return to the same job in which you were employed under your original contract, and on terms and conditions that are at least as favourable, if you take:

- Maternity or adoption leave of **no more** than 26 weeks
- Shared parental leave of **no more** than 26 weeks between both partners
- Paternity leave, **unless** you take it consecutively with:
  - A period of unpaid parental leave (see section 19 below) of more than 4 weeks, or
  - Other statutory family leave where the total amount of leave is more than 26 weeks
- Neonatal care leave, **unless** you take it consecutively with:
  - A period of unpaid parental leave of more than 4 weeks, or
  - Other statutory family leave where the total amount of leave is more than 26 weeks
- Unpaid parental leave of **no more** than 4 weeks

**17.1.2** Where you have taken more leave than stipulated in section 17.1.1 above:

- You are normally entitled to return to the same job in which you were employed under your original contract, unless the school has a good reason to offer you another job
- If your job no longer exists or there have been changes to the organisation, the school will offer you a suitable alternative job that has the same or better terms or conditions

### 17.2 Returning to work earlier or later than agreed (maternity leave only/maternity, adoption or shared parental leave only)

If staff wish to change the date that they return to work from maternity leave, they should discuss this with the headteacher as soon as possible. The staff member must notify the school in writing at least:

- 21 days before the day on which they propose to return, if this is earlier than the original date or if this is before the end of the 52 weeks' maternity leave. Where they give less than 21 days' notice, we may postpone their return, but not beyond the end of the original maternity leave period
- If a staff member is unable to return to work due to sickness at the end of their leave period, our staff absence management policy will apply.

- Staff may be able to take unpaid parental leave immediately following the end of their leave period. If you wish to do this, discuss it with the headteacher as soon as possible. Read more about unpaid parental leave in section 19 below)

## 18. Breastfeeding

If you intend to continue breastfeeding after returning to work from maternity leave, please speak to the headteacher as soon as possible so that we can support you the best we can.

The school will provide a suitable area where staff who are breastfeeding can rest which will be discreetly screened, include somewhere to lie down, be hygienic, safe, secure and private, so staff can express milk if they choose to – toilets are not a suitable place for this and include somewhere to store their milk.

Staff who are breastfeeding are entitled to more frequent breaks. We encourage you to talk to your line manager so you can agree the timing and frequency of breaks.

## 19. Unpaid parental leave

**Note:** this section refers to the rights that staff have to unpaid parental leave **after** they have finished maternity, paternity or shared parental leave; it should not be confused with maternity, paternity or shared parental leave itself.

### 19.1 What staff are entitled to

Staff can take up to 18 weeks of unpaid leave for each child and adopted child up to their 18<sup>th</sup> birthday.

The limit on how much parental leave each parent can take in a year is a maximum of 4 weeks for each child.

The purpose of the leave must be to look after your child's welfare, for example to

- Spend more time with your child
- Look at new schools
- Settle your child into new childcare arrangements
- Spend more time with family, such as visiting grandparents

You must take parental leave as whole weeks, rather than individual days. Note: a week is the amount of time that you normally work in a week (so a week is 2 days if you normally work on Mondays and Tuesdays only).

In an emergency or unexpected event, you may be required to take time off for dependants (as outlined in section 19) as opposed to unpaid parental leave or time off work.

You may be allocated more leave if your child is disabled, or for situations otherwise agreed.

### 19.2 Eligibility

You are eligible for unpaid parental leave if the child is under 18 and you:

- Have been working at the school continuously for 1 year or more
- Are named on the child's birth or adoption certificate, or you have or are expected to have parental responsibility by way of parental order or legal guardianship
- Are not a foster parent (unless you have secured parental responsibility through the courts)

### 19.3 Giving notice

You must give the school at least 21 days' notice before the day you intend to start your leave, in writing.

You must confirm the start and end dates in your notice.

## 19.4 Taking unpaid parental leave immediately after maternity, paternity, adoption, shared parental or neonatal care leave

Speak with your line manager if you wish to take unpaid parental leave immediately following:

- Maternity leave. You will not be required to refund occupational maternity pay (as explained in sections 7.1.2 and 7.1.3 above) unless you do not return to work in your school for at least 13 weeks/3 months after you finish your unpaid parental leave
- Adoption leave. You will not be required to refund occupational adoption pay unless you do not return to work in your school for at least 13 weeks/3 months after you finish your unpaid parental leave
- Paternity leave
- Shared parental leave
- Neonatal care leave

## 19.5 Postponing leave

The school will grant staff's requests for unpaid parental leave whenever possible, and will ask staff to postpone their requested leave only for significant reasons (e.g. if it would cause serious disruption to the running of the school]). 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 18<sup>th</sup> 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

## 19.6 Staff rights during leave

Your employment rights, such as the right to pay and annual holiday, are protected during unpaid parental leave.

Where you are on unpaid parental leave for:

- **4 weeks or less:** you are guaranteed the same job in which you were employed under your original contract, and on terms and conditions that are at least as favourable
- **More than 4 weeks:** you are guaranteed the same job in which you were employed under your original contract, unless the school has a good reason to offer another job. If the job no longer exists or there have been changes to the organisation, the school may offer you a suitable alternative job that has the same or better terms or conditions, if available

## 20. Time off for dependants

Staff have the right to take a reasonable amount of unpaid time off to help a dependant in an unexpected event or emergency.

If you need time off, notify your line manager as soon as possible so that the best next steps can be arranged.

A dependant may include your:

- Spouse, partner or civil partner
- Child
- Parent

A dependant may also be someone who:

- Lives in your household (excluding tenants or lodgers)
- Would rely on you for help in the event of an accident, illness or injury, such as an elderly neighbour
- Relies on you to make care arrangements

An unexpected event may include:

- Where a dependant falls ill, is injured or assaulted (this could be as a result of a deterioration of an existing condition) or has to go to hospital because they go into labour unexpectedly
- Dealing with an unexpected disruption or breakdown of care arrangements for a dependant – e.g. if a childminder or nurse fails to turn up as arranged, or the nursery or nursing home has to close unexpectedly
- Dealing with an unexpected incident involving your child during school hours
- Dealing with the death of a dependant. You may also be able to receive statutory parental bereavement and pay

The school will also consider giving time off for events that may be foreseen, but which are of a serious nature that make your presence necessary. This may include time off to settle an elderly relative into a care home or to attend a hospital appointment or planned operation with your child or partner.

## **21. Early career teachers (ECTs): extending the induction period to reflect leave periods**

Early career teachers (ECTs) who are serving their induction period or an extension to their induction period can decide to extend this period to reflect the number of days they have been absent due to:

- Maternity leave
- Paternity leave
- Adoption leave
- Shared parental leave
- Parental bereavement leave

The ECT should seek advice before deciding

The school will not make any outstanding assessments until the ECT returns to work and has had the opportunity to decide whether to extend (or further extend) their induction period. The school will grant such a request.

If the ECT chooses not to extend (or further extend) the induction period, the school will assess their performance against the Teachers' Standards.

## **22. Flexible working**

All staff can request flexible working, not just parents and carers. However, becoming a parent or carer and looking after children might make you think again about your flexible working options.

To find out about schools flexible working arrangements, see our policy.

## **23. Monitoring arrangements**

This policy will be reviewed annually by the School Business Manager.

At every review, this policy will be approved by the Trust Board.

## 24. Links to other policies

This policy links to the following policies:

- Bereavement policy
- Data protection policy
- Flexible working policy
- Health and safety policy
- Staff code of conduct
- Staff sickness and absence policy
- Staff wellbeing policy