



# **Maternity, Paternity, Adoption, Shared Parental Leave and Neonatal Care & Leave Policy**

<b>Policy Code:</b>	HR26
<b>Policy Start Date:</b>	December 2025
<b>Policy Review Date:</b>	December 2027

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## **Statement of Intent**

CIT recognises its responsibilities to ensure support is available to employees as they combine career and family responsibilities.

This policy has been developed in recognition of the statutory requirements covering maternity, paternity and adoption provisions, as well as wider issues affecting working families, e.g. parental leave provisions.

No-one will be discriminated against, be subject to detriment or lose career development opportunities by taking leave under this policy.

The rights described in this policy apply to all employees, including those on temporary contracts. They apply to full-time and part-time employees, irrelevant of the number of hours they work, but are subject to length of service.

## **1. Legal Framework**

1.1. This policy has due regard to all relevant legislation and statutory guidance, including, but not limited to, the following:

- Equality Act 2010
- Employment Rights Act 1996
- Maternity and Parental Leave etc. Regulations 1999
- The Paternity Leave (Amendment) Regulations 2024
- The Statutory Parental Bereavement Leave (General) Regulations 2020 (Jack's Law)
- The Employment Rights (Employment Particulars and Paid Annual Leave) (Amendment) Regulations 2018
- DfE 'School Teachers' pay and conditions document and guidance on School Teachers' Pay and Conditions (STPCD)
- Neonatal Care (Leave & Pay) Act 2023

1.2. This policy operates in conjunction with the following school policies:

- Flexible Working Policy
- Equality Objectives Policy
- Staff Well-being Policy
- Health and Safety Handbook and Policy
- Annual Leave & Leave of Absence Policy

## **2. Roles and Responsibilities**

2.1. The Director of HR is responsible for:

- Reviewing this policy and ensuring it meets all statutory requirements and is adhered to across the Trust.
- Ensuring this policy is implemented fairly, consistently and in line with the Trust Board's equality duties.
- Having an in-depth knowledge of the statutory requirements for maternity, paternity, parental, adoption and bereavement leave.
- Signing off any leave requested by the CEO.

2.2. Headteachers and ELT are responsible for:

- Implementing this policy across their school or department in line with their statutory duties.
- Approving leave for staff members.
- Discussing staff members' concerns with regard to work and their pregnancy, adoption and/or parenting.
- Ensuring risk assessments are conducted to ensure the safety of pregnant staff members.
- Checking in with staff members following parental bereavement.

2.3. Staff members' line managers are responsible for:

- Arranging Keeping in Touch (KIT) days for staff members on leave.
- Conducting risk assessments with staff.

2.4. Staff members entitled to leave are responsible for:

- Requesting leave in line with the processes and timescales laid out within this policy.
- Adhering to statutory timescales with regard to notifying the school of pregnancy, adoption, death and intention to take parental leave.

### 3. Definitions

3.1. **'Mother'** means the mother or expectant mother of the child who is entitled to the statutory provisions.

3.2. **'Adopter'** means an individual (either male or female) who has had or will have a child placed with them for adoption by an adoption agency as the "primary" adopter and who is eligible for statutory provisions.

3.3. **'Partner'** means someone of the same or opposite sex who will share responsibility for bringing up the child with the mother/adopter. They may be the biological father of the child, or the mother/adopter's spouse, civil partner or a partner who is living with the mother/adopter in an enduring family relationship, but who is not the mother/adopter's sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

3.4. **'Expected Week of Childbirth (EWC)'** will be used to refer to the week, beginning at midnight between Saturday and Sunday, in which it is expected the child will be born.

3.5. **'Qualifying Week'** means the week, starting on a Sunday, which is the 15th week before the expected week of childbirth, or the week in which you are notified in writing by an adoption agency of having been matched with a child.

3.6. **'Expected Placement Date'** means the date on which an adoption agency expects it will place a child into your care with a view to adoption.

- 3.7. **'Placement Date'** means the date on which the child is placed for adoption.
- 3.8. **'Adoption from overseas'** means the adoption of a child who enters Great Britain from outside the UK in connection with or for the purposes of adoption that does not involve the placement of the child for adoption under the law of any part of the UK.
- 3.9. **'Surrogacy'** is when another woman carries and gives birth to a baby for the intended parents. The woman who gives birth to the child is treated as the mother; however, parental responsibility can be transferred by either an adoption or parental order, to become the legal parents. To apply for a parental order, at least one parent must be genetically related to the child.

## **Section A: Maternity Leave and Pay**

This section sets out the statutory rights and responsibilities of pregnant employees and gives details of the arrangements for maternity leave and pay, and in ensuring the transition back to work is managed effectively.

### **1. Eligibility**

- 1.1. These arrangements apply to all permanent, fixed term and temporary contract employees.
- 1.2. All pregnant employees, regardless of length of service have the right to Statutory Maternity Leave (SML) and to resume work afterwards.
- 1.3. Statutory Maternity Leave is a minimum level of entitlement for up to 52 weeks leave and is broken into:
  - Ordinary Maternity Leave (OML): The first 26-week period of maternity leave entitlement;
  - Additional Maternity Leave (AML): The remaining 26-week period of maternity leave entitlement.

### **2. Notification**

- 2.1. In order to exercise their right to maternity leave, the employee should inform their Headteacher or ELT line manager in writing, by completing the Maternity Leave Application Form, no later than the end of the 15th week before the expected week of childbirth (EWC), or as soon as reasonably practicable of:
  - the pregnancy
  - the expected week of childbirth
  - the date they intend to start maternity leave
- 2.2. Employees must also provide a certificate from a doctor or midwife (usually on a MAT B1 form) confirming the Expected Week of Childbirth (this is not available before the 20th week of pregnancy and is usually provided around the 26th week of pregnancy).
- 2.3. Employees can start maternity leave at any time from the 11th week before the EWC (unless your child is born prematurely before that date). Maternity leave can commence on any day of the week. Employees are able to change their mind about when they want to start the maternity leave, providing they give at least 28 days in advance, unless this is not reasonably practicable.
- 2.4. Unless notified otherwise, the Trust will assume the member of staff will be taking their full entitlement to maternity leave. Employees will be written to within 28 days of receipt of the Maternity Leave Application form to inform them of the date they will be expected to return to work.

### **3. Maternity Leave Commencement**

- 3.1. Maternity leave will either start:

- on the date notified the employee wishes the leave to start; or
- if the employee is absent from work due to pregnancy related illness any time after the beginning of the 4th week before their EWC, their maternity leave may be triggered automatically by the Trust on the second day of this absence; or
- if the employee gives birth to their baby before maternity leave has started, on the day after the date of the birth. In this case you must notify the Trust of the date of birth as soon as possible.

3.2. It is a statutory requirement a minimum of 2 weeks' leave must be taken following childbirth.

## **4. Maternity Pay Entitlement**

### **4.1. Statutory Maternity Pay (SMP)**

4.1.1. SMP is a standard rate determined by the Government on an annual basis, payable over 39 weeks. SMP will stop being payable if you return to work (except where you are simply keeping in touch in accordance with section 15).

4.1.2. To qualify for Statutory Maternity Pay (SMP), employees must:

- have been employed by the Trust for a continuous period of 26 weeks by the end of the 15th week before the Expected Week of Childbirth (EWC) and are still employed by the Trust during that week;
- have average weekly earnings in the 8 weeks prior to and including the 15th week before the EWC, of over the lower earnings limit set by the Government;
- have provided a doctor's or midwife's certificate (MAT B1 form) stating the Expected Week of Childbirth;
- have provided at least 28 days' notice (or, if that is not possible, as much notice as possible) of their intention to take maternity leave;
- still be pregnant 11 weeks before the start of the Expected Week of Childbirth or have already given birth.

4.1.3. For the first 6 weeks, SMP is paid at the higher rate, which is equivalent to 90% of the employee's average weekly earnings calculated over a specified period (average over an 8-week period). This is called the Earnings-Related Rate.

4.1.4. For the remaining 33 weeks (or less if the employee returns to work sooner) SMP will be paid at the standard rate. This is set by the Government for the relevant tax year, or 90% of the employee's average weekly earnings if this is lower than the Government's set weekly rate.

4.1.5. SMP accrues from the day on which OML commences and thereafter at the end of each complete week of absence. SMP payments shall be



made on the next normal payroll date and income tax, National Insurance and pension contributions shall be deducted as appropriate.

- 4.1.6. Employees will still be eligible for SMP if they leave employment for any reason after the start of the Qualifying Week (for example, if they resign or are made redundant). In such cases, if the maternity leave has not already begun, SMP shall start to accrue in whichever is the later of:

- the week following the week in which employment ends; or
- the eleventh week before the Expected Week of Childbirth.

- 4.1.7. Employees who are not entitled to SMP may be entitled to receive Maternity Allowance, payable by the Government.

#### **4.2. Maternity Allowance (MA)**

- 4.2.1. An employee who does not qualify for SMP may be entitled to Maternity Allowance (MA). They must have been employed in at least 26 weeks in the 66-week period before their baby is due and be earning a gross weekly pay set by the Government, over a 13-week period, further details of which can be found at <https://www.gov.uk/maternity-allowance>.
- 4.2.2. MA is an allowance paid for up to 39 weeks and claimed from the Jobcentre Plus office on form SMP1 which will be sent to the employee by Payroll on behalf of the Trust following receipt of the relevant Maternity Leave Application Form. Employees should contact their local Jobcentre Plus office for further details.
- 4.2.3. The earliest MA can be paid is the start of the 11th week before the expected date of birth and will commence at the start of maternity leave.

#### **4.3. Occupational Maternity Pay (OMP)**

- 4.3.1. Occupational Maternity Pay is an additional payment, over and above SMP, paid by the Trust to an employee who satisfies the following criteria:
- to have one year's continuous service, recognised by the Trust, by the end of the 11th week before the Expected Week of Childbirth (EWC);
  - comply with the notification requirements as set out above.

**4.4. OMP Payments****4.4.1. Teachers**

- If entitled to OMP, teachers will receive:

<b>Weeks</b>	<b>Weekly Pay Entitlement</b>
1 – 4	100% (offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP)
5 – 6	90% (offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP)
7 – 18	50% plus SMP*
19 – 39	SMP

\*unless this exceeds the equivalent weekly full pay amount.

**4.4.2. Support Staff**

- If entitled to OMP, support staff will receive:

<b>Weeks</b>	<b>Weekly Pay Entitlement</b>
1 – 6	90% (offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP)
7 – 18	50% plus SMP*
19 – 39	SMP

\*unless this exceeds the equivalent weekly full pay amount.

- 4.4.3. Both SMP and OMP are subject to normal deductions, i.e. tax, National Insurance and pension.
- 4.4.4. Employees have a choice with regard to payment arrangements for OMP, for example, payments may be made during maternity leave or in a lump sum when they return to work. Employees should inform the Trust via completion of the Maternity Leave Application Form, before they start maternity leave, about their intentions in order that suitable payment arrangements for OMP can be made.
- 4.4.5. Teaching and support staff are required to return to work in order to retain their entitlement to OMP. If employees do not return to work for the stated period, they will be required to refund such sum of OMP as the Executive Leadership of the Trust may decide. They will, however, retain the first 6 weeks of OMP.
- 4.4.6. Teachers are required to return to work for a minimum period which equates to 13 weeks' service, under the contract they were on prior to maternity leave. This means if their contract was full time prior to leave and they return on a part time basis, they will be required to return for a

period which equates to 13 weeks of full-time service. This requirement may be reduced at the discretion of the ELT. This period includes both term time and school holidays.

- 4.4.7. Support staff are required to return for a period of at least 3 months, under the contract they were on prior to maternity leave. This means if their contract was full time prior to leave and they return on a part time basis, they will be required to return for a period which equates to 3 months of full-time service. This requirement may be reduced at the discretion of the ELT. This period includes both term time and school holidays.

## **5. Time off for Antenatal Care**

- 5.1. Employees are entitled to reasonable time off for antenatal care, irrespective of length of service or hours worked. An employee's Headteacher or ELT line manager must be informed in advance of all appointments and are permitted to ask to see appointment cards (with the exception of the first appointment).
- 5.2. An expectant mother is entitled to necessary time off with full pay for other hospital and clinic appointments resulting from their pregnancy. This includes relaxation, exercise and parent-craft classes where the appointment has been made on the advice of a registered GP, midwife or health visitor.

## **6. Returning to Work**

- 6.1. Employees will have been advised in writing of the date on which they are expected to return to work. The employee is expected to return on this date unless they notify their Headteacher or ELT line manager otherwise. If an employee, for any reason connected with their health, is not fit to return to work at the end of the maternity leave period (or at an earlier notified date), they will then be deemed as having returned to work and the usual sickness reporting procedures and policies will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 6.2. Employees who intend to return to work at the end of the full maternity leave entitlement are not required to give any further notification. However, it assists the Trust if the employee confirms as soon as is convenient during the maternity leave, that they will be returning to work as expected.
- 6.3. Employees may delay their return to work by taking annual leave immediately after their period of maternity leave. This should always be in agreement with their Headteacher or ELT line manager.
- 6.4. If an employee wishes to delay their return without using annual leave, they may request unpaid parental leave in accordance with section E, 'Ordinary Parental Leave', giving the Trust as much notice as possible but not less than 21 days.
- 6.5. If an employee wishes to return to work early, they are required to provide 8 weeks' notice of their intended return to work date.

## **7. Deciding not to Return**

- 7.1. If an employee does not intend to return to work, or is unsure, it is helpful if they discuss this with their Headteacher or ELT line manager as early as possible. If an employee decides not to return, they should give notice of resignation in accordance with their contract. The amount of maternity leave left to run when notice is given must be at least equal to the employee's contractual notice period; otherwise, the Trust may require the employee to return to work for the remainder of the notice period.
- 7.2. Once an employee has given they will not be returning to work, they cannot change their mind without the Trust's agreement.
- 7.3. This does not affect an employee's right to receive SMP.

## **8. Rights on and after Return to Work**

- 8.1. Employees are essentially entitled to return to the same job/or a role with equivalent pay and terms and conditions, following maternity leave as if they had not been absent. An employee who worked full-time prior to maternity leave has no automatic right to work on a part-time basis or to make other changes to their working pattern. However, all requests for part-time work or other flexible working arrangements will be considered in line with the Flexible Working Policy.
- 8.2. If an individual is at risk of redundancy whilst on maternity leave, they are entitled to be offered a suitable alternative vacancy where one exists. There is no requirement for an individual to compete for a role, although an exploratory meeting can be undertaken if they agree to it.
- 8.3. This right is subject to the employee complying with the appropriate provisions on notifying their Headteacher or ELT line manager of their intention to return.
- 8.4. However, if an employee has taken any period of AML or more than 4 weeks' parental leave, and it is not reasonably practicable for the Trust to allow them to return into the same position; they may be given another suitable and appropriate job on terms and conditions no less favourable.

## **9. Premature Births**

- 9.1. If the baby is born prematurely before the start of the maternity pay period, employees must inform their Headteacher or ELT line manager as soon as reasonably practicable of the actual date of the birth. This is so the maternity pay can be correctly calculated and paid. Where the birth is before or during the qualifying week, "average earnings" for SMP purposes will be calculated on the 8 weeks immediately before the week during which the birth occurred. The start of the maternity leave and maternity pay period will be calculated following the birth.

## **10. Stillbirths or Miscarriage**

- 10.1. If a child dies prior to birth after 24 weeks of pregnancy, this is a stillbirth and the employee will be entitled to the same rights to maternity leave and pay. In addition, employees will be entitled to parental bereavement leave, as detailed in the Annual Leave and Leave of Absence Policy.
- 10.2. If the death of an unborn child occurs before reaching the 24th week of pregnancy, this is a miscarriage and the employee is not eligible for maternity entitlements. However, they may be eligible for sick pay in these circumstances, and a period of compassionate leave.
- 10.3. The same criteria and rights apply to entitlements to statutory paternity pay and leave if their partner/mother of their child suffers a miscarriage or stillbirth.
- 10.4. Employees should approach their Headteacher or ELT line manager to discuss their individual needs together with advice from their doctor. The manager may discuss with the employee a referral to Occupational Health, who can discuss counselling and provide advice with regards workplace adjustments and/or return to work arrangements.

## **11. Health and Safety**

- 11.1. The Trust has a duty to provide a healthy working environment for all of their employees and provides support to employees that are pregnant, recently returned from maternity, and to those breast-feeding. More information and guidance can be found in the Health and Safety Handbook and Policy.
- 11.2. The Trust is required to carry out a risk assessment to identify and assess the workplace risks to women who are pregnant (once they have notified us of their pregnancy), have given birth within the last 6 months or are still breastfeeding.
- 11.3. The Trust will provide employees with information as to any risks identified in the risk assessment, and any preventive and protective measures that have been or will be taken. If we consider, as a new or expectant mother, an employee would be exposed to health hazards in carrying out their normal duties we will take the necessary reasonable steps (for as long as necessary) to avoid those risks which could affect the health and safety of the employee or their baby. This may involve:
  - changes to working conditions or hours of work;
  - offering suitable alternative work on terms and conditions that are the same or not substantially less favourable; or
  - suspending an employee from duties, which will be on full pay unless they have unreasonably refused suitable alternative work.
- 11.4. Line managers will normally carry out these risk assessments, to ensure appropriate support and adjustments are made where necessary. Updates to these will be carried out through the pregnancy and employees are encouraged to notify their line manager of any additional support or adjustments required. A template risk assessment can be found in Appendix A.

## **12. Sickness**

- 12.1. Periods of pregnancy-related sickness absence shall be paid in accordance with an employee's contract of employment in the same manner as any other sickness absence.
- 12.2. Periods of pregnancy-related sickness absence from the start of pregnancy until the end of maternity leave will be recorded separately from other sickness records and will be disregarded in any future employment-related decisions.
- 12.3. If an employee is absent due to sickness for a pregnancy-related reason during the 4 weeks before the Expected Week of Childbirth, maternity leave will start automatically.

## **13. Annual Leave**

- 13.1. During the period of OML and AML, all staff will continue to accrue service. Non-teaching staff will continue to accrue annual leave, including bank holidays and closure days, in the normal way.
- 13.2. Staff members may take their annual leave at the beginning and/or end of their maternity leave. Annual leave accrued prior to the start of the maternity leave period must be taken within the current leave year.
- 13.3. Annual leave accrued during the maternity leave period should be taken during the current leave year wherever possible.
- 13.4. Staff members will normally only be allowed to carry over any accrued annual leave into the next leave year if it has not been possible to take it.

## **14. Contact during Maternity Leave**

- 14.1. Shortly before an employee's maternity leave starts, the Headteacher or ELT line manager will discuss and agree the arrangements for them to keep in touch during this period.
- 14.2. Whilst contact should be minimal and respect privacy during adoption or maternity leave, it can also be helpful to maintain contact with the employee from time to time, so they continue to feel part of the team. This may be to discuss changes within the organisation, such as a restructure, the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work, or simply to update them on developments at work during their absence.

## **15. Keeping in Touch Days (KIT)**

- 15.1. Keeping in Touch days are optional and a matter for agreement between the employee and their Headteacher or ELT line manager, and these do not extend the period of maternity or adoption leave. Where KIT days are worked, the school will ensure completion of the necessary notification to Payroll to ensure payment is made.

- 15.2. Keeping in Touch days enable employees to agree with the Headteacher or ELT line manager to undertake work for up to 10 days during their statutory maternity or adoption leave period without:
- 15.2.1. bringing the period of maternity leave to an end; and
  - 15.2.2. without the loss of a week's statutory maternity pay as a result of carrying out that work.
- 15.3. Once an employee has used up their 10 KIT days, if they do any further work, they will lose a week's SMP for the week in which they have done that work.
- 15.4. An individual may choose to work only a few hours on each occasion, however, the hours worked will count as 'days' under the scheme. The timing, type of work to be undertaken in addition to the amount of working time will be mutually agreed by the employee and Headteacher or ELT line manager.
- 15.5. Employees will be paid their normal standard rate of pay for the actual hours they work on a KIT day and when combined with entitlement to maternity pay, if this exceeds the standard daily rate of pay this will be offset against the pay the employee would otherwise be entitled to.
- 15.6. For these purposes, 'work' may include training or any other agreed activity undertaken to support the employee's return to work. This could include attending conferences, appraisals or team meetings.
- 15.7. The opportunity to work KIT days will apply to the entire period of ordinary and additional maternity or adoption leave, except during the initial 2 weeks after childbirth which is a period of compulsory maternity leave during which employees are prohibited from working.
- 15.8. The employee will be responsible for any childcare costs arising from working on KIT days.

## **16. Pension**

- 16.1. During OML and any further period of paid maternity leave the Trust shall continue to make the relevant employer pension contributions. Employee contributions are usually made based on the pay an employee receives whilst absent. If an employee wishes to increase their contributions to make up any shortfall from those based on their normal salary, they should contact the Pensions Administrator directly. This will be either the Teachers' Pensions or Local Government Pension Scheme.
- 16.2. During any period of unpaid maternity leave, the Trust shall not make any employer pension contributions and the period shall not count as pensionable service. Members of support staff, may, if they wish, make up any contributions for the unpaid period. If they choose not to, they will not build up any membership for this period, and this will affect their pension benefits. Members of teaching staff do not have the option of paying contributions during any period of unpaid maternity leave but can purchase additional pension on top of their normal contributions in multiples of £250 up to a maximum set by Teachers' Pensions.



## **17. Childcare Voucher Scheme**

- 17.1. Employees who were members of the Trust's Childcare Voucher scheme provided by Sodexo prior to 5th October 2018 may remain in the scheme or re-join the scheme as long as there has not been a break in service of more than 12 months.
- 17.2. Otherwise, employees may choose to join the Government's Tax-Free Childcare Scheme.

## **18. Breast Feeding**

- 18.1. The Trust is committed to protecting the health and safety of all its employees. In particular, employees who are pregnant or breastfeeding or who have recently given birth, have the right to be supported and protected against any risks to their health or safety.
- 18.2. The Trust is dedicated to providing all possible support and facilities to employees who are pregnant or breastfeeding or who have returned to work after a period of maternity leave, to assist their transition back to work. As part of their return-to-work process employees should discuss their needs with their ELT line manager or Headteacher to ensure suitable arrangements, adjustments and support can be put in place.
- 18.3. The Trust will ensure (while also taking the needs of the Trust into account) pregnant employees and new mothers are allowed reasonable flexibility in their working hours and rest breaks to allow them to make use of the Trust facilities. An employee who wishes to request flexibility to, for example, go home to feed their baby (if they live close to their place of work), should speak to their Headteacher or ELT line manager. Whilst the Trust cannot guarantee it will be able to agree to every request for flexibility, it will give favourable consideration to requests and endeavour, within reason, to accommodate employees' wishes.
- 18.4. The Trust is committed to providing all reasonable support to employees who are pregnant or new mothers. Colleagues should be sensitive to this issue and should also adopt a supportive attitude towards such employees. Every employee has the right to be treated with dignity at work and this requirement is particularly relevant and important to employees who are pregnant or who have recently given birth. It is a requirement of this policy that all employees of the Trust respect this principle.

## **19. Shared Parental Leave**

- 19.1. In some cases, an employee and their spouse or partner may be eligible to opt into the SPL scheme which gives more flexibility to share the leave and pay available in the first year after birth. An employee's partner should check with their employer if they are eligible.
- 19.2. At least 8 weeks' written notice is required to end maternity leave and opt into SPL. This notice can be given before or after the birth, but the employee must remain on maternity leave until at least 2 weeks after birth. The employee would



then be able to share any remaining leave with their partner. For further information about how SPL works, see section D.

## **Section B: Adoption, including Surrogacy, Fostering and Fostering to Adopt**

This section sets out the statutory rights and responsibilities of employees who are planning to adopt a child and gives details of the arrangements for adoption leave and pay. Throughout this section, there are timescales for which employees must notify the Trust of their plans. In exceptional circumstances, if the timescales are not possible to adhere to, employees must notify the Trust as soon as they can.

Adoption leave and pay is available, subject to eligibility criteria, to employees who have a child through a surrogacy arrangement and are eligible for a Parental Order or who foster a child through the “foster to adopt” programme in accordance with section 22C of the Children Act 1989.

### **1. Eligibility**

- 1.1. All employees, regardless of hours worked or length of service, are entitled to up to 52 weeks’ adoption leave which is divided into:
  - 1.1.1. Ordinary adoption leave of 26 weeks (OAL)
  - 1.1.2. Additional adoption leave of a further 26 weeks immediately following OAL (AAL)
- 1.2. Adoption leave is only available to employees who are a local authority foster parent and have been approved as a prospective adopter or are adopting through a UK or overseas adoption agency (for overseas adoptions see paragraph 3). It is not available if there is no agency involved, for example, if an employee is formally adopting a stepchild or other relative.
- 1.3. Employees are entitled to adoption leave if they meet all the following conditions:
  - 1.3.1. An adoption agency or a local authority has given written notice it has matched the employee with a child for adoption, or it will be placing a child with an employee under a fostering for adoption arrangement and tells the employee the Expected Placement Date.
  - 1.3.2. The employee has notified the agency they agree to the child being placed with them on the Expected Placement Date.
  - 1.3.3. An employee’s spouse or partner will not be taking adoption leave with their employer (although they may be entitled to take paternity leave and/or shared parental leave).
- 1.4. There is no right to statutory adoption leave or pay for private adoptions or for stepparents adopting their stepchildren.
- 1.5. In relation to surrogacy, employees are entitled to adoption leave if all of the following conditions are met:

- 1.5.1. A surrogate mother gives birth to a child who is biologically the employee's child, the child of an employee's spouse or partner, or the child of both.
  - 1.5.2. The employee expects to be given parental responsibility for the child under a parental order from the court. The child must live with the employee, and they must apply for the parental order within 6 months of the child's birth.
- 1.6. There is no right to statutory leave or pay for parents who have a child with the help of a surrogate but who are not eligible for a parental order (for example where neither of them has supplied the genetic material for the child).

## **2. Notification**

- 2.1. Employees must provide notice in writing of:
  - 2.1.1. the Expected Placement Date; and
  - 2.1.2. the intended start date for adoption leave.
- 2.2. This notice should be given not more than 7 days after the agency or local authority notified the employee in writing they have been matched with a child.
- 2.3. At least 28 days' before the Intended Start Date (or, if this is not possible, as soon as they possibly can), employees must also provide:
  - 2.3.1. A Matching Certificate from the adoption agency confirming:
    - the agency's name and address;
    - the date they were notified of the match;
    - the Expected Placement Date; and
    - written confirmation they intend to take statutory adoption leave and not statutory paternity leave.
- 2.4. In relation to surrogacy, employees must inform the Trust in writing of their intention to take adoption leave and give the expected week of childbirth (EWC). This information must be given by the end of the 15<sup>th</sup> week before the EWC, or if that is not reasonably practicable, as soon as is reasonably practicable. The Trust will write to employees within 28 days of receiving the notification, to confirm the Expected Return Date assuming the full entitlement to adoption leave will be taken. The employee must inform the Trust of the date of birth when the child is born.

## **3. Adoption from Overseas**

- 3.1. The following will apply for employees adopting a child from overseas:
  - 3.1.1. The employee must have received notification the adoption has been approved by the relevant UK authority (Official Notification).

- 3.2. Employees must provide notice in writing of:
- Their intention to take adoption leave;
  - The date they received Official Notification; and
  - The date the child is expected to arrive in Great Britain.
- 3.3. This notice should be given as early as possible but in any case within 28 days of receiving Official Notification (or, if the employee has less than 26 weeks' employment with the Trust at the date of Official Notification, within 30 weeks of starting employment).
- 3.4. Employees must also give the Trust at least 28 days' notice in writing of their Intended Start Date. This can be the date the child arrives in Great Britain or a predetermined date no more than 28 days after the child's arrival in Great Britain.
- 3.5. Employees must also notify the Trust of the date the child arrives in Great Britain within 28 days of that date.
- 3.6. Employees may also be asked to provide a copy of the Official Notification and evidence of the date the child arrived in Great Britain.

#### **4. Adoption Leave Commencement**

- 4.1. Employees can choose to start their leave from:
- 4.1.1. the date of the child's placement (whether this is earlier or later than expected); or
  - 4.1.2. from a fixed date which can be up to 14 days before the expected date of placement;
  - 4.1.3. In the case of surrogacy, adoption leave can start the day of the birth or the day after.
- 4.2. Should employees change their mind about the date on which they intend to start their adoption leave, they must advise their Headteacher or ELT line manager of the revised start date at least 28 days in advance, unless it is not reasonably practical to do so.
- 4.3. The Trust will formally respond in writing to the employee's notification of their leave plans within 28 days, confirming the date on which they are expected to return to work.
- 4.4. If the date of the adoption placement (or, in the case of surrogacy, the expected week of childbirth) changes, the employee must discuss the situation with Trust and give appropriate notice for the change in date.
- 4.5. If an employee plans to start adoption leave at any time before the actual date of placement, they must be sure the placement will be going ahead on the date agreed before they start their leave. If the placement is delayed for whatever reason and adoption leave has already commenced, they cannot stop and start it again at a later date.

## **5. Adoption Pay Entitlement**

### **5.1. Statutory Adoption Pay (SAP)**

5.1.1. Statutory Adoption Pay (SAP) is payable for up to 39 weeks during adoption leave. An employee is entitled to SAP if they:

- have been continuously employed by the Trust for at least 26 weeks at the end of the week in which they are notified of having been matched with a child or, in the case of surrogacy, the end of the week in which they are notified of the pregnancy;
- have national weekly earnings of over the lower limit of National Insurance contributions;
- have been matched with a child to be placed with them by a UK adoption agency;
- have notified the agency they agree the child should be placed with them and the date of the placement;
- notify their Headteacher or ELT line manager within 7 days of the date in which they were matched with the child;
- provide a matching certificate completed by the adoption agency; (or, in the case of surrogacy, a copy of the 'Parental Order' as soon as possible after the baby's birth and no later than 6 months after the commencement of adoption leave).

5.1.2. SAP is payable for a maximum period of 39 weeks. This period is called the 'adoption pay period' and can begin from 14 days before the child is placed with the adoptive parent but no earlier. SAP is an amount set by the Government each year.

5.1.3. For the first 6 weeks, SAP is paid at the higher rate, which is equivalent to 90% of the employee's average weekly earnings calculated over a specified period. For the purpose of calculating average weekly earnings, shift allowances and overtime payments, are all included.

5.1.4. The standard rate of SAP is paid for the remaining 33 weeks (or less if the employee returns to work sooner). This is paid at the rate set by the Government for the relevant tax year, or 90% of the employee's average weekly earnings if this is lower than the Government's set weekly rate.

5.1.5. Statutory adoption pay is treated as earnings and is, therefore, subject to PAYE, National Insurance and pension deductions. Employees who are not entitled to SAP may be entitled to receive an allowance, payable by the Government.

5.1.6. Employees who leave employment for any reason (for example, resignation or redundancy) shall still be eligible for SAP if they have already been notified by an agency they have been matched with a child. In such cases, SAP shall start:

- 14 days before the Expected Placement Date; or
- the day after employment ends; whichever is the later.

## 5.2. Occupational Adoption Pay (OAP)

5.2.1. Occupational Adoption Pay (OAP) is an optional payment the Trust can make and is more generous than SAP. An employee is entitled to OAP if:

- They have been employed by the Trust for a continuous period of one year by the end of the week in which they are notified by the adoption agency they have been matched with a child;
- they give proper notification of the adoption in accordance with the rules set out above;
- provide a Matching Certificate from the adoption agency (or, in the case of surrogacy, a Parental Order);
- give at least 8 weeks' written notice if they wish to change their agreed return date.

### 5.2.2. OAP – Teachers

- If entitled to OAP, teachers will receive:

Week number	Weekly Pay Entitlement
1 – 4	100%
5 – 6	90%
7 – 18	50% plus SMP*
19 – 39	SMP

\*unless this exceeds the equivalent weekly full pay amount.

### 5.2.3. OAP – Support Staff

- If entitled to OAP, support staff will receive:

Weeks	Weekly Pay Entitlement
1 – 6	90%
7 – 18	50% plus SMP*
19 – 39	SMP

\*unless this exceeds the equivalent weekly full pay amount.

5.2.4. Both SAP and OAP are subject to normal deductions of PAYE tax, National Insurance and pension.

5.2.5. Employees have a choice with regard to payment arrangements. Payment may be made during this period or in a lump sum when they return to work. No further pay is due until the employee resumes work. Employees will be asked to inform the Trust before they start their

Adoption Leave about their intentions, in order suitable payment arrangements can be made.

- 5.2.6. Teaching and support staff are required to return to work in order to retain their entitlement to OAP. If employees do not return to work for the stated period, they will be required to refund such sum of OAP as the Executive Leadership Team may decide. They will, however, retain the first 6 weeks of OAP.
- 5.2.7. Teachers are required to return to work for a minimum period which equates to 13 weeks service, under the contract they were on prior to adoption leave. This means if their contract was full time prior to leave and they return on a part time basis, they will be required to return for a period which equates to 13 weeks of full-time service. This requirement may be reduced at the discretion of the ELT. This period includes both term time and school holidays.
- 5.2.8. Support staff are required to return for a period of at least 3 months or for a period of time that equates to 3 months for part time employees. This requirement may be reduced at the discretion of the ELT.

## **6. Disrupted Adoption**

- 6.1. In an adoption or fostering for adoption case, adoption leave is disrupted if it has started but:
  - 6.1.1. the employee is notified the placement will not take place; or
  - 6.1.2. the child is returned to the adoption agency after placement; or
  - 6.1.3. the child dies after placement.
- 6.2. In a surrogacy case, adoption leave is disrupted where the employee does not apply for a parental order within the relevant time, or the court does not grant a parental order and the time limit for appeal or further application has expired, or where the child dies.
- 6.3. In the event of disruption, the entitlement to adoption leave and pay (if applicable) will continue for a further 8 weeks from the end of the week in which disruption occurred unless the entitlement to leave and/or pay would have ended earlier in the normal course of events.

## **7. Time off for Adoption Appointments**

- 7.1. Employees who are adopting a child are legally entitled to take paid time off to attend up to 5 adoption appointments after being matched with a child. Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off for up to 5 appointments as the main adopter.
- 7.2. The appointments should not last more than 6 and a half hours (including travel and waiting times) each.
- 7.3. Employees will be entitled to unpaid time off to attend up to 2 appointments, lasting no more than 6 and a half hours each during working hours if they are

adopting a child as part of a couple and have not been elected as the main adopter.

- 7.4. The time off must be taken before the date of the child's placement for adoption with the employee.
- 7.5. Agency workers who have completed their 12-week qualifying period in the same role, with no breaks during or between assignments have the same right to attend.
- 7.6. The Trust will ask the individual for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).
- 7.7. Employees who intend to apply for a parental order as part of a surrogacy arrangement, are entitled to take unpaid time off to accompany the surrogate mother to 2 antenatal appointments.
- 7.8. Employees should try to provide as much notice as possible of the appointment, and wherever possible, try to arrange them as near to the start or end of the working day.

## **8. Returning to Work**

- 8.1. The employee will have been formally advised in writing of the date on which they are expected to return to work. The employee is expected to return on this date unless they notify their Headteacher or ELT line manager otherwise. If they are unable to attend work at the end of their adoption leave due to sickness or injury, the Trust's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 8.2. While the employee is under no obligation to do so, it would be most helpful if they confirmed as soon as convenient during adoption leave that they will be returning to work as expected.
- 8.3. If the employee wishes to return to work earlier than the expected return date, they must give their Headteacher or ELT line manager at least 8 weeks' notice of their date of early return. If they fail to do so their Headteacher or ELT line manager may postpone their return to such a date as will give 8 weeks' notice, provided this is not later than the expected return date.
- 8.4. Alternatively, if employees wish to return to work later, for example by taking annual leave immediately after the notified end of the adoption leave period, they must give their Headteacher or ELT line manager at least 8 weeks' notice prior to their original agreed return date. The notice requirement applies during both ordinary and additional adoption leave. The adoption leave period cannot be extended beyond the maximum 52 weeks' entitlement.



## **9. Deciding not to Return**

- 9.1. If an employee does not intend to return to work, or is unsure, it is helpful if they discuss this with their Headteacher or ELT line manager as early as possible. If an employee decides not to return, they should give notice of resignation in accordance with their contract. The amount of adoption leave left to run when notice is given must be at least equal to the employees contractual notice period; otherwise, the Trust may require the employee to return to work for the remainder of the notice period.
- 9.2. Once an employee has given notice they will not be returning to work, they cannot change their mind without the Trust's agreement.

## **10. Rights on and after Return to Work**

- 10.1. Employees are essentially entitled to return to the same job/or a role with equivalent pay and terms and conditions, following adoption leave as if they had not been absent. An employee who worked full-time prior to adoption leave has no automatic right to work on a part-time basis or to make other changes to their working pattern. However, all requests for part-time work or other flexible working arrangements will be considered in line with the Flexible Working Policy.
- 10.2. If an individual is at risk of redundancy whilst on adoption leave, they are entitled to be offered a suitable alternative vacancy where one exists. There is no requirement for an individual to compete for a role, although an exploratory meeting can be undertaken if they agree to it.
- 10.3. This right is subject to the employee complying with the appropriate provisions on notifying their Headteacher or ELT line manager of their intention to return.
- 10.4. However, if an employee has taken any period of AAL or more than 4 weeks' parental leave, and it is not reasonably practicable for the Trust to allow them to return into the same position; they may be given another suitable and appropriate job on terms and conditions no less favourable.

## **11. Annual Leave**

- 11.1. During the period of OAL and AAL, all staff will continue to accrue service. Non-teaching staff will continue to accrue annual leave, including bank holidays and closure days, in the normal way.
- 11.2. Staff members may take their annual leave at the beginning and/or end of their adoption leave. Annual leave accrued prior to the start of the adoption leave period must be taken within the current leave year.
- 11.3. Annual leave accrued during the adoption leave period should be taken during the current leave year wherever possible.
- 11.4. Staff members will normally only be allowed to carry over any accrued annual leave into the next leave year if it has not been possible to take it.

## **12. Contact during Adoption Leave**

- 12.1. Shortly before an employee's adoption leave starts, the Headteacher or ELT line manager will discuss and agree the arrangements for them to keep in touch during this period.
- 12.2. Whilst contact should be minimal and respect privacy during adoption leave, it can also be helpful to maintain contact with the employee from time to time, so they continue to feel part of the team. This may be to discuss changes within the organisation, such as a restructure, the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease their return to work, or simply to update them on developments at work during their absence.

## **13. Keeping in Touch Days (KIT)**

- 13.1. Keeping in Touch days are optional and a matter for agreement between the employee and their Headteacher or ELT line manager, and these do not extend the period of adoption leave. Where KIT days are worked, the school will ensure completion of the necessary notification to Payroll to ensure payment is made.
- 13.2. Keeping in Touch days enable employees to agree with their Headteacher or ELT line manager to undertake work for up to 10 days during their statutory adoption leave period without:
  - bringing the period of adoption leave to an end; and
  - without the loss of a week's statutory adoption pay as a result of carrying out that work.
- 13.3. Once an employee has used up their KIT days, if they do any further work, they will lose a week's SAP for the week in which they have done that work.
- 13.4. An individual may choose to work only a few hours on each occasion, however the hours worked will count as 'days' under the scheme. The timing, type of work to be undertaken in addition to the amount of working time will be mutually agreed by the employee and Headteacher or ELT line manager.
- 13.5. Employees will be paid their normal standard rate of pay for the actual hours they work on a KIT day and when combined with entitlement to adoption pay, if this exceeds the standard daily rate of pay this will be offset against the pay the employee would otherwise be entitled to.
- 13.6. For these purposes, 'work' may include training or any other agreed activity undertaken to support the employee's return to work. This could include attending conferences, appraisals or team meetings.
- 13.7. The opportunity to work KIT days will apply to the entire period of ordinary and additional adoption leave.
- 13.8. The employee will be responsible for any childcare costs arising from working on KIT days.

## **14. Pension**

- 14.1. During OAL and any further period of paid maternity leave the Trust shall continue to make the relevant employer pension contributions. Employee contributions are usually made based on the pay an employee receives whilst absent. If an employee wishes to increase their contributions to make up any shortfall from those based on their normal salary, they should contact the Pensions Administrator directly. This will be either the Teachers' Pensions or Local Government Pension Scheme.
- 14.2. During any period of unpaid adoption leave, the Trust shall not make any employer pension contributions and the period shall not count as pensionable service. Members of support staff, may, if they wish, make up any contributions for the unpaid period. If they choose not to, they will not build up any membership for this period, and this will affect their pension benefits. Members of teaching staff do not have the option of paying contributions during any period of unpaid adoption leave but can purchase additional pension on top of their normal contributions in multiples of £250 up to a maximum set by Teachers' Pensions.

## **15. Childcare Voucher Scheme**

- 15.1. Employees who were members of the Trust's Childcare Voucher scheme provided by Sodexo prior to 5th October 2018 may remain in the scheme or re-join the scheme as long as there has not been a break of more than 12 months.
- 15.2. Otherwise, employees may choose to join the Government's Tax-Free Childcare Scheme.

## **16. Shared Parental Leave**

- 16.1. In some cases, an employee and their spouse or partner may be eligible to opt into the SPL scheme which gives more flexibility to share the leave and pay available in the first year after birth. An employee's partner should check with their employer if they are eligible.
- 16.2. At least 8 weeks' written notice is required to end adoption leave and opt into SPL. This notice can be given before or after the child is placed, but the employee must take at least 2 weeks adoption leave. The employee would then be able to share any remaining leave with their partner. For further information about how SPL works, see section D.

## **Section C: Paternity Leave and Maternity/Adoption Support Leave**

This section sets out employees' entitlement to accompany a pregnant woman to appointments to receive ante-natal care, paternity leave and pay. This section can apply to eligible employees of either gender for the purpose of caring for a child or supporting the child's other parent subject to the qualifying conditions as set out below.

### **1. Eligibility**

- 1.1. The entitlement is an allowance of up to two weeks' absence, subject to eligibility as outlined below. Employees can take either 1 or 2 weeks' leave. If the employee is taking 2 weeks they can either be taken consecutively or separately. The staff member will notify the school in advance how they intend to take their leave.
- 1.2. The leave allowance is the same even if requested for the birth of more than one child, e.g. twins.
- 1.3. A 'week' of leave is equivalent to the number of days the staff member works in one week, e.g. if the staff member works three days a week, a 'week' of leave will be three days.
- 1.4. Leave cannot start before the birth. The start date must be one of the following:
  - 1.4.1. the actual date of birth
  - 1.4.2. a specified number of days after the birth
  - 1.4.3. a set date which is after the date of birth.
- 1.5. Leave must end within 52 weeks of the birth (or due date if the baby is early).
- 1.6. An employee taking paternity leave because they're adopting can start their leave:
  - 1.6.1. on the date of placement
  - 1.6.2. an agreed number of days after the date of placement
  - 1.6.3. on the date the child arrives in England, Scotland or Wales or an agreed number of days after this (overseas adoptions)
- 1.7. Leave must be taken within 52 weeks of the date of:
  - 1.7.1. the child's placement
  - 1.7.2. the child's arrival in England, Scotland or Wales (for overseas adoptions)
- 1.8. You are entitled to paternity leave if you meet all the following conditions:
  - 1.8.1. You have been continuously employed by us for at least 26 weeks ending with:
    - a) In birth cases, the 15th week before the Expected Week of Childbirth.
    - b) In adoption cases, the week in which you or your partner are notified by an adoption agency you/they have been matched with a child.

1.8.2. You:

- a) are the biological father of the child; or
- b) have been matched with a child by an adoption agency; or
- c) have had a child placed with you by a local authority under a fostering for adoption arrangement; or
- d) are the spouse, civil partner or partner of the child's mother; or
- e) are the spouse, civil partner or partner of someone who has been matched with a child by an adoption agency; or
- f) Your spouse, civil partner or partner is one of the child's biological parents, and you expect to obtain a parental order giving you or your partner responsibility for the child; or
- g) are the spouse, civil partner or partner of a child placed with you by a local authority under a fostering for adoption arrangement.

1.8.3. You:

- a) expect to have main responsibility (with the child's mother, or your partner) for the child's upbringing; or
- b) are the child's biological father and you expecting to have some responsibility for the child's upbringing.
- c) are taking leave for the purpose of caring for the child, or supporting the child's mother, or your partner in caring for the child.

## **2. Notification Requirements**

- 2.1. Eligible employees who wish to take paternity leave in relation to a child's birth or the adoption of a child must give us notice in writing of their intention to do so by the end of the Qualifying Week, or no more than 7 days after they and/or their partner were notified of having been matched with the child, or if this is not possible as soon as they can.
- 2.2. Employees must also provide at least 28 days' notice before the birth of the date(s) or week(s) they intend to take the leave.
- 2.3. Employees must confirm:
  - 2.3.1. The Expected Week of Childbirth, or the date on which they and their partner were notified of having been matched with the child, together with the Expected Placement Date;
  - 2.3.2. How they intend to take their leave;
  - 2.3.3. When they would like to start their leave. Employees can state their leave will start on:
    - a) The day of the child's birth or the day on which the child is placed with them or their adopter.
    - b) A day which is a specified number of days after the child's birth or placement; or
    - c) A specific date later than the first date of the Expected Week of Childbirth or the Expected Placement Date.

- 2.4. The Trust may require employees to provide a signed declaration they are taking paternity leave to care for the child or to support the child's other parent in caring for the child.

### **3. Changing the Dates of Paternity Leave**

- 3.1. Where employees have arranged to take paternity leave in respect of a child's birth or adoption, they can provide written notice to vary the start date of their leave from that which was originally specified in the notice given under paragraph 2. This notice should be given:
  - 3.1.1. Where employees wish to vary their leave to start on the day of the child's birth/placement, at least 28 days before the first day of the Expected Week of Childbirth/Expected Placement Date.
  - 3.1.2. Where employees wish to vary their leave to start a specified number of days after the child's birth/placement, at least 28 days (minus the specified number of days) before the first day of the Expected Week of Childbirth/Expected Placement Date.
  - 3.1.3. Where employees wish to vary their leave to start on a specific date (or a different date from that they originally specified), at least 28 days before that date.
- 3.2. If employees are unable to give 28 days' written notice of their wish to vary the start of their leave as set out above, they should give written notice of the change as soon as they can.

### **4. Pay Entitlement**

#### **4.1. Statutory Paternity Pay (SPP)**

- 4.1.1. Statutory Paternity Pay will be at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.
- 4.1.2. An employee may be entitled to receive Statutory Paternity Pay (SPP).
- 4.1.3. An employee will be eligible if:
  - They have been continuously employed by the Trust for at least 26 weeks by the end of the 15th week before the baby is due (or in the case of adoption, for at least 26 weeks by the 'relevant/matching' week)
  - They have average weekly earnings of over the lower limit for National Insurance contributions
  - Are still employed at the time of taking paternity leave
- 4.1.4. SPP is treated as earnings and is, therefore, subject to PAYE and National Insurance deductions.

- 4.1.5. SPP can start from any day of the week in accordance with the date the employee starts their paternity leave.

#### **4.2. CIT Enhanced Paternity Pay**

- 4.2.1. All employees who are entitled to receive Statutory Paternity Pay will automatically be entitled to Enhanced Paternity Pay.
- 4.2.2. Both weeks of Paternity Leave will be paid at the equivalent of one week's full pay.

#### **4.3. Maternity/Adoption Support Leave**

- 4.3.1. Under NJC conditions that apply to support staff, Maternity Support Leave/Adoption Support Leave of 5 days with pay shall be granted to the partner or nominated carer of the primary adopter/mother at or around the time of placement/birth.
- 4.3.2. A nominated carer is the person nominated by the primary adopter/mother to assist in the care of the child and to provide support to the primary adopter/mother at or around the time of the placement/birth. This provision does not apply to Teaching staff.
- 4.3.3. The entitlement to Maternity/Adoption Support Leave is for a period of 5 days/1 week in any 12-month period. All arrangements for Maternity/Adoption Support Leave will need to be agreed between the employee and their Headteacher or ELT line manager, via completion of the Maternity/Adoption Support Leave Application Form. The form will need to be countersigned by the mother/adoptive parent nominating the employee requesting leave as the prime provider of care.
- 4.3.4. Managers may request evidence of the birth or adoption, for example, a copy of the MATB1 (Maternity Certificate) be provided.
- 4.3.5. Employees taking Maternity/Adoption Support Leave who also qualify for Paternity Leave will be entitled to:
- one week's Maternity/Adoption Support Leave at full pay; and
  - one week's Ordinary Paternity Leave at SPP rates.
- 4.3.6. Maternity/Adoption Support Leave and Paternity Leave must be taken in consecutive weeks.
- 4.3.7. Maternity/Adoption Support leave is separate from parental leave; and is pro rata for part timers.

#### **5. Time off for Antenatal Appointments**

- 5.1. Employees are entitled to take unpaid time off during their working hours to accompany a pregnant woman to up to 2 appointments to receive antenatal care, lasting no more than 6 and a half hours each (including travel and waiting time), if:

- they are the biological father of the child; or
  - they are the spouse or civil partner of the pregnant employee; or
  - they live with the pregnant employee in an enduring family relationship and are not a relative; or
  - the pregnant employee has undergone assisted conception and at that time they were her wife or civil partner or gave the required legal notices to be treated in law as the second female parent; or
  - they are one of the intended parents in a surrogacy arrangement and expect to obtain a parental order in respect of the child.
- 5.2. Agency workers who have completed their 12-week qualifying period in the same role, with no breaks during or between assignments and who meet the criteria at 5.1 have the same right to accompany.
- 5.3. Eligible employees who wish to take time off for this purpose must provide us with a signed “employee declaration” confirming:
- they have a qualifying relationship (see paragraph 5.1 above) with a pregnant woman or her expected child; and
  - they wish to take time off to accompany the pregnant woman to an appointment to receive antenatal care which has been made on the advice of their doctor, midwife or health visitor; and
  - the date and time of the appointment.
- 5.4. Employees should try to give us as much notice as possible of the appointment and wherever possible, try to arrange them as near to the start or end of the working day.



## **Section D: Shared Parental Leave**

### **1. Introduction**

- 1.1. This section outlines the arrangements for shared parental leave and pay in relation to the birth or adoption of a child.
- 1.2. This section applies to employees. It does not apply to agency workers or self-employed contractors.

### **2. What is Shared Parental Leave?**

- 2.1. Shared parental leave (SPL) is a form of leave available to working parents following the birth or adoption of a child.
- 2.2. SPL allows parents, and partners in certain circumstances (see 3.1 below), to take up to 52 weeks leave in total on the birth or adoption of a child. Parents and partners may be able to take this leave at the same time or at different times. Up to 50 weeks of this leave may be designated as SPL. Assuming both parents are eligible, they can choose how to split leave between them. They may be able to take this leave at the same time or at different times. They may also be able to take it in more than one block.
- 2.3. SPL must be taken in the first 52 weeks of the child's birth or adoption.
- 2.4. If SPL is taken then any period of maternity or adoption leave being taken in respect of the child will end.

### **3. Entitlement to SPL when a Child is Born**

- 3.1. Employees are entitled to SPL in relation to the birth of a child if:
  - 3.1.1. they are the child's mother, and share the main responsibility for the care of the child with the child's father (or their partner, if the father is not their partner);
  - 3.1.2. they are the child's father and share the main responsibility for the care of the child with the child's mother; or
  - 3.1.3. they are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).
- 3.2. The following conditions must also be fulfilled:
  - 3.2.1. they must have at least 26 weeks continuous employment with the Trust by the end of the Qualifying Week, and still be employed in the week before the leave is to be taken;
  - 3.2.2. the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings of at least £30 during 13 of those weeks; and
  - 3.2.3. they and their partner must give the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.

- 3.3. The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave).
- 3.4. The mother cannot start SPL until after the compulsory maternity leave period, which lasts until 2 weeks after birth.
- 3.5. The child's father or the mother's partner should consider using their entitlement to 2 weeks' paternity leave before taking SPL (see section C Paternity Leave and Pay). Once SPL commences any untaken paternity leave entitlement will be lost. SPL entitlement is additional to paternity leave entitlement.

#### **4. Entitlement to SPL when a Child is Adopted**

- 4.1. Employees may be entitled to SPL if an adoption agency has placed a child with them and/or their partner for adoption, or where a child is placed with them and/or their partner as foster parents with a view to possible adoption. To be eligible employees must intend to share the main responsibility for the care of the child with their partner.
- 4.2. The following conditions must be fulfilled:
  - 4.2.1. they must have at least 26 weeks continuous employment with the Trust by the end of the Qualifying Week, and still be employed in the week before the leave is to be taken;
  - 4.2.2. their partner must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the Qualifying Week and had average weekly earnings of at least £30 during 13 of those weeks; and
  - 4.2.3. they and their partner must give the necessary statutory notices and declarations as summarised below, including notice to end adoption leave or statutory adoption pay (SAP).
- 4.3. Either the employee or their partner must qualify for statutory adoption leave and/or SAP and must take at least 2 weeks of adoption leave and/or pay.
- 4.4. If the employee's partner is taking adoption leave and/or claiming SAP, they may be entitled to 2 weeks' paternity leave and pay (see section C Paternity Leave and Pay). They should consider using this before taking SPL. Paternity leave is additional to any SPL entitlement, but any untaken paternity leave entitlement will be lost once a period of SPL is started.
- 4.5. The total amount of SPL available is 52 weeks, less the weeks of adoption leave taken by either the employee or their partner (or the weeks in which an employee's partner has been in receipt of SAP if they were not entitled to adoption leave).

## **5. Opting into Shared Parental Leave and Pay**

5.1. Not less than eight weeks before the date SPL is intended to start, employees must provide a written opt-in notice giving the information in 5.2 or 5.3 as appropriate.

5.2. When a child is born:

- 5.2.1. their and their partner's name;
- 5.2.2. if they are the child's mother, the start and end dates of their maternity leave;
- 5.2.3. if they are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period;
- 5.2.4. the total SPL available, which is 52 weeks minus the number of weeks maternity leave, SMP or MA period taken or to be taken;
- 5.2.5. how much of the available SPL will be allocated to them and how much to the other parent. (Employees can change the allocation by giving us a further written notice, and the full allocation does not have to be used);
- 5.2.6. if statutory shared parental pay (ShPP) is being claimed, the total ShPP available, which is 39 weeks minus the number of weeks of the SMP or MA period taken or to be taken;
- 5.2.7. how much of that will be allocated to the employee and how much to the other parent. (Employees can change the allocation by giving us a further written notice, and the full allocation does not have to be used);
- 5.2.8. an indication of the pattern of leave being considered, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but as much information about future intentions should be provided; and
- 5.2.9. declarations by them and the other parent they meet the statutory conditions for entitlement to SPL and ShPP.

5.3. When a child is adopted:

- 5.3.1. their and their partner's name;
- 5.3.2. if they are taking adoption leave, the adoption leave start and end dates;
- 5.3.3. if they are not taking adoption leave, their partner's adoption leave start and end dates, or if their partner is not entitled to adoption leave, the start and end dates of their SAP;
- 5.3.4. the total SPL available, which is 52 weeks minus the number of weeks adoption leave or SAP taken or to be taken by them or their partner;
- 5.3.5. how many weeks of the available SPL will be allocated to them and how many to their partner. (Employees can change the allocation by giving us a further written notice, and the full allocation does not have to be used);
- 5.3.6. if statutory shared parental pay (ShPP) is being claimed, the total ShPP available, which is 39 weeks minus the number of weeks of SAP taken or to be taken);
- 5.3.7. how many weeks of the available ShPP will be allocated to them and how many to their partner. (Employees can change the allocation by giving us a further written notice, and the full allocation does not have to be used);

- 5.3.8. an indication of the pattern of leave being considered, including suggested start and end dates for each period of leave. This indication will not be binding at this stage, but as much information about future intentions should be provided; and
- 5.3.9. declarations by them and their partner they both meet the statutory conditions to enable SPL and ShPP to be taken.

## **6. Ending your Maternity or Adoption Leave**

- 6.1. If SPL is taken, the maternity or adoption leave the employee, their partner or the other parent is taking will come to an end. This is called curtailment.
- 6.2. Employees who are still on maternity or adoption leave must give at least 8 weeks' written notice to end their maternity or adoption leave (a curtailment notice) before SPL can be taken. The notice must state the date the maternity or adoption leave will end. Notice can be given before or after the child is born or is placed, but maternity or adoption leave cannot be ended until at least 2 weeks after the birth or placement.
- 6.3. A notice to opt into the SPL scheme (see clause 5 above) should be provided at the same time as the curtailment notice. If the child's other parent or the employee's partner has provided an opt in notice to their employer this should be confirmed by the employee in a written declaration. They should also confirm they have provided the necessary declaration in the notice.
- 6.4. The curtailment notice is usually binding and cannot be revoked. It can only be revoked if the maternity or adoption leave has not yet ended and one of the following applies:
  - 6.4.1. The employee realises neither they nor the other parent are in fact eligible for SPL or ShPP. The curtailment notice can be revoked in writing up to eight weeks after it was given;
  - 6.4.2. (Birth only) the curtailment notice was given before giving birth, it can be revoked in writing up to eight weeks after it was given, or up to 6 weeks after birth, whichever is later; or
  - 6.4.3. If the employee's partner has died.
- 6.5. Once a curtailment notice has been revoked a second curtailment notice cannot be submitted unless the revocation was given in the circumstances in paragraph 6.4.2.

## **7. Ending the Mother's Maternity or Partner's Adoption Leave**

- 7.1. When a child is born, if the employee is not the mother, but the mother is still on maternity leave or claiming SMP or MA, the employee will only be able to take SPL once the mother has either:
  - 7.1.1. returned to work;
  - 7.1.2. given her employer a curtailment notice to end her maternity leave;
  - 7.1.3. given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or

- 7.1.4. given a curtailment notice to the benefits office to end her MA (if she is not entitled to maternity leave or SMP).
- 7.2. When a child is adopted if the employees partner is taking adoption leave or claiming SAP from their employer, the employee will only be able to take SPL once their partner has either:
  - 7.2.1. returned to work;
  - 7.2.2. given their employer a curtailment notice to end adoption leave; or
  - 7.2.3. given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).

## **8. Evidence of Entitlement**

- 8.1. Employees must also provide on request:
  - 8.1.1. A copy of the birth certificate (or if a birth certificate has not yet been obtained, a signed declaration of the child's date and place of birth); OR
  - 8.1.2. One or more documents from the adoption agency showing the agency's name and address and the expected placement date; AND
  - 8.1.3. The name and address of the other parent's employer (or a declaration they have no employer).

## **9. Notifying the Trust of SPL Dates**

- 9.1. Having opted into the SPL system an employee will need to give a period of leave notice telling the Trust the start and end dates of their leave. This can be given at the same time as the opt-in notice, or it can be given later, as long as it is given at least 8 weeks before the start of the leave. If the child has not been born or placed yet, it can state the number of days after birth or placement the leave will start and end. This may be particularly useful if the employee intends to take paternity leave starting on the date of birth or date of placement and wishes to take SPL straight afterwards. The period of leave notice must also state the dates on which shared parental pay will be claimed, if applicable.
- 9.2. Leave must be taken in blocks of at least one week.
- 9.3. If the period of leave notice gives dates for a single continuous block of SPL the employee will be entitled to take the leave set out in the notice.
- 9.4. If the period of leave notice requests split periods of SPL, with periods of work in between, this will be considered by the Trust as set out in paragraph 10, below.
- 9.5. Up to 3 period of leave notices can be given. This may enable employees to take up to 3 separate blocks of shared parental leave. [In exceptional circumstances the Trust may agree to accept more than 3 period of leave notices but there is no obligation for us to do so.

## **10. Procedure for Requesting Discontinuous (Split) Periods of SPL**

- 10.1. In general, a period of leave notice should set out a single continuous block of leave. In some cases, the Trust may be willing to consider a period of leave notice

where the SPL is split into shorter periods (of at least a week) with periods of work in between. Employees should discuss this with their Headteacher or ELT line manager before submitting any formal period of leave notices. This will allow more for the request to be considered and hopefully an agreement can be reached regarding the pattern of leave.

10.2. Period of leave notices setting out the requested pattern of leave must be submitted at least 8 weeks before the requested start date. If it is not possible to approve the request straight away, there will be a 2-week discussion period. At the end of that period, the agreed arrangements will be confirmed in writing. If an agreement has not been reached the employee will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in the notice (for example, if 3 separate periods of 4 weeks each were requested, the employee would be entitled to one 12-week period of leave). Alternatively, employees may:

- 10.2.1. within 5 days of the end of the 2-week discussion period choose a new start date (which must be at least 8 weeks after the original period of leave notice was given); or
- 10.2.2. withdraw the period of leave notice within 2 days of the end of the 2-week discussion period (in which case it will not be counted and a new request may be submitted).

## **11. Changing the Dates or Cancelling SPL**

- 11.1. A period of leave can be cancelled by providing notice in writing at least 8 weeks before the start date in the period of leave notice.
- 11.2. The dates for a period of leave can be changed by providing at least 8 weeks' notice before the original start date or the new start date, whichever is earlier.
- 11.3. The end date for a period of leave can be amended by providing notice in writing at least 8 weeks before the original end date or the new end date, whichever is earlier.
- 11.4. Split periods of leave can be changed into a single continuous period of leave by providing notice in writing at least 8 weeks before the start date.
- 11.5. Employees can request for a continuous period of leave be split into 2 or more discontinuous periods with periods of work in between. Since this will involve a change to the start date or end date, see paragraph 11.2 and paragraph 11.3 above which set out how much notice is required for the request. Requests will be considered as set out in paragraph 10.
- 11.6. Eight weeks' notice to change the dates of SPL is not required if it is due to the child being born earlier than the EWC and the employee wanted to start their SPL a certain length of time (but not more than 8 weeks) after birth. In such cases, notification must be provided as soon as possible in writing.
- 11.7. A notice to cancel or change a period of leave will count as one of the 3 period of leave notices, unless:

- 11.7.1. the variation is a result of the child being born or placed earlier or later than the EWC or expected placement date;
- 11.7.2. a request for discontinuous leave is being cancelled within 2 days of the end of the 2-week discussion period under paragraph 10.2.
- 11.7.3. the variation is at the Trusts request; or
- 11.7.4. the Trust agrees otherwise.

## **12. Shared Parental Pay [ShPP]**

- 12.1. ShPP of up to 39 weeks (less any weeks of SMP or SAP claimed by the employee or the other parent/eligible partner) may be available provided they have at least 26 weeks' continuous employment with the Trust at the end of the Qualifying Week and their average earnings are not less than the lower earnings limit set by the Government each tax year. ShPP is paid at a rate set by the Government each year.

## **13. Other Terms during Shared Parental Leave**

- 13.1. All the terms and conditions of employment remain in force, except for the terms relating to pay during SPL. In particular:
  - 13.1.1. Benefits in kind such as life insurance and health insurance shall continue;
  - 13.1.2. Contractual annual leave entitlement shall continue to accrue where applicable; and
  - 13.1.3. Pension benefits shall continue.

## **14. Pensions**

- 14.1. During any period of paid SPL, the Trust shall continue to make the relevant employer pension contributions. Employee contributions are usually made based on the pay an employee receives whilst absent. If an employee wishes to increase their contributions to make up any shortfall from those based on their normal salary, then should contact the Payroll & Pensions Officer directly. This will be either the Teachers' Pension or Local Government Pension Scheme.
- 14.2. During any period of unpaid SPL, the Trust shall not make any employer pension contributions and the period shall not count as pensionable service. Members of support staff, may, if they wish, make up any contributions for the unpaid period. If they choose not to, they will not build up any membership for this period, and this will affect their pension benefits. Members of teaching staff do not have the option of paying contributions during any period of unpaid paternity leave, but they can purchase additional pension on top of your normal contributions in multiples of £250 up to a maximum set by Teachers' Pensions.

## **15. Annual Leave**

- 15.1. During the period of SPL, all staff will continue to accrue service. Non-teaching staff will continue to accrue annual leave, including bank holidays and closure days, in the normal way.



15.2. Staff members may take their annual leave at the beginning and/or end of their SPL. Annual leave accrued prior to the start of the SPL period must be taken within the current leave year.

15.3. Annual leave accrued during the SPL period should be taken during the current leave year wherever possible.

15.4. Staff members will normally only be allowed to carry over any accrued annual leave into the next leave year if it has not been possible to take it.

## **16. Keeping in Touch**

16.1. The Trust may make reasonable contact employees from time to time during SPL although this will be kept to a minimum. This may include making contact to discuss arrangements for an employee's return to work.

16.2. Employees can ask, or may be asked, to attend work (including attending training) on up to 20 "Keeping In Touch" days (KIT days) during periods of SPL. This is in addition to any KIT days that may have already been taken during maternity leave. The arrangements, including pay, would be set by agreement with Headteachers or ELT line managers.

16.3. KIT days are not compulsory and must be discussed and agreed with Headteachers or ELT line managers.

## **17. Returning to Work**

17.1. Eight weeks' prior notice of the return date must be provided by the employee if they wish to end their period of SPL early. This notice should be provided in writing. If 3 period of leave notices have already been provided it will not be possible to end a period of SPL early without the Trust's agreement.

17.2. If an employee has unused SPL entitlement remaining and wishes to extend their period of SPL, they must submit a new period of leave notice at least 8 weeks before the date they were due to return to work. If 3 period of leave notices have already been provided it will not be possible to extend the period of SPL without the Trust's agreement. Employees who are unable to request more SPL may be able to request annual leave or ordinary parental leave (see section E), which will be subject to business need.

17.3. Employees will normally be entitled to return to work in the position they held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for the Trust to allow an employee to return into the same position, another suitable and appropriate job on terms and conditions no less favourable may be given, but only in the following circumstances:

17.3.1. the SPL and any maternity, adoption or paternity leave taken adds up to more than 26 weeks in total (whether or not taken consecutively); or

17.3.2. SPL was taken consecutively with more than 4 weeks of parental leave.



- 17.4. Employees who wish to change their hours or other working arrangements on return from SPL should make a request under the Flexible Working Policy. It is helpful if such requests are made as early as possible.
- 17.5. If an employee decides they do not want to return to work, they should give notice of resignation in accordance with their contract.

## **Section E: Ordinary Parental Leave**

### **1. Introduction**

- 1.1. The law recognises and the Trust respects there will be occasions when working parents wish to take time off work to care for or spend time with their child or children.
- 1.2. This section of the policy reflects the statutory right of employees with at least one year's continuous service with the Trust to take up to 18 weeks' unpaid parental leave in respect of each child.

### **2. Entitlement to Parental Leave**

- 2.1. Employees who fulfil the criteria set out in paragraph 2.3 (below) are entitled to take up to 18 weeks' parental leave in relation to each child for whom they are responsible. The rules on how and when parental leave can be taken are set out in paragraph 3 to paragraph 6.
- 2.2. Any parental leave employees take in relation to a child while working for another employer counts towards their 18-week entitlement. If parental leave has been taken in relation to a child during previous or concurrent employment, employees should provide details to their ELT line manager or Headteacher.
- 2.3. To take a period of parental leave in relation to a child an employee must:
  - 2.3.1. Have at least one year's continuous employment with the Trust;
  - 2.3.2. Have or expect to have responsibility for the child; and
  - 2.3.3. Be taking the leave to spend time with or otherwise care for the child.
- 2.4. An employee has responsibility for a child if they:
  - 2.4.1. Are the child's biological mother or father (whether or not they are living with the child);
  - 2.4.2. Are the child's adoptive parent; or
  - 2.4.3. Otherwise have legal parental responsibility for the child. For example, if they are the child's guardian or a stepparent who has a parental responsibility agreement or parental responsibility order.

### **3. Timing of Parental Leave**

- 3.1. Parental Leave can be taken for each child and adopted child up to their 18th birthday.
- 3.2. No more than 4 weeks' parental leave can be taken in a year in relation to each child. A year for this purpose begins on the date the employee became entitled to take parental leave in relation to the child in question.
- 3.3. Parental leave can only be taken in blocks of a week's leave or a multiple of a week's leave unless the leave is to be taken in respect of a disabled child.

- 3.4. For the purposes of this policy, a disabled child means a child who is entitled to a disability living allowance, armed forces independence allowance or personal independence payment.

#### **4. Notification Requirements**

- 4.1. Employees must give their ELT line manager or Headteacher notice of their intention to take parental leave. Where possible this notice should be provided in writing. The notice requirements are as follows:
- 4.1.1. For parental leave commencing immediately on the birth of a child, notice of this intention must be given at least 21 days before the start of the expected week of childbirth (EWC). The notice must specify the EWC and the duration of the period of leave required.
  - 4.1.2. For parental leave commencing immediately on the adoption of a child, notice of this intention must be given at least 21 days before the start of the expected week of placement (EWP). If this is not possible, as much notice as possible must be provided. The notice must specify the EWP and the duration of the period of leave required.
  - 4.1.3. In all other circumstances notice of the intention to take parental leave must be provided at least 21 days before the leave is intended to start. The notice must specify the dates on which the period of leave is to begin and end.
  - 4.1.4. For periods of parental leave being taken immediately after a period of paternity leave, should aim to provide their ELT line manager or Headteacher with notice of that intention at least 21 days before the start of the EWC (or EWP, if applicable). If this is not possible, as much notice as possible should be given. If notice is not given at least 7 days before the period of paternity leave starts, the period of parental leave requested may not be approved. However, we shall consider each case on its merits.

#### **5. Evidential Requirements**

- 5.1. Before a period of parental leave commences under this policy, the Trust must be provided with evidence of the following:
- 5.1.1. The employee's responsibility or expected responsibility for the child, such as a birth certificate, adoption or matching certificate, parental responsibility agreement or court order; and
  - 5.1.2. The child's date of birth or date of adoption placement.
- 5.2. If an employee has difficulty obtaining the required evidence or is unsure what evidence, they need to provide they should contact their ELT line manager or Headteacher in the first instance.

## **6. The Trust's Right to Postpone Parental Leave**

- 6.1. Where notice is given in accordance with paragraph 4 of an employee's intention to take parental leave on the birth or adoption of a child, the Trust shall not postpone that leave.
- 6.2. Parental leave will not be postponed by the Trust if the postponement would result in the leave being taken after the child's 18th birthday.
- 6.3. The Trust might postpone a proposed period of parental leave for up to 6 months where the leave as planned would unduly disrupt our business. We might do so, for example, where:
  - 6.3.1. Parental leave is intended to be taken during a peak period;
  - 6.3.2. A number of employees wish to take parental leave at the same time;
  - 6.3.3. An employee's work is of importance to a time-critical project; or
  - 6.3.4. Cover cannot be found before the date on which the parental leave is due to start.
- 6.4. If parental leave is postponed, the Trust will:
  - 6.4.1. Consult the employee about the date to which the leave might be postponed; and
  - 6.4.2. No more than 7 days after notice was given of the intention to take the leave, give a written notice stating the reason for the postponement and the new beginning and end dates of the leave.

## **7. Terms and Conditions during Parental Leave**

- 7.1. Parental leave under this policy is unpaid. Contractual provisions relating to pay and benefits are suspended during parental leave.
- 7.2. However, during parental leave employees are entitled to benefit from any contractual terms they have in relation to being given notice, redundancy compensation and disciplinary and grievance procedures.
- 7.3. During parental leave employees will remain bound by their obligation of good faith towards the Trust, as well as any contractual terms relating to the giving of notice, the disclosure of confidential information, the acceptance of gifts and benefits, and their freedom to participate in another business (for example, by working for a third party).

## **8. Pensions – Teaching Staff**

- 8.1. During any period of unpaid parental leave, the Trust will not make any employer pension contributions and the period shall not count as pensionable service. Employers in this pension scheme do not have the option of paying contributions

during any period of unpaid parental leave but can purchase additional pension on top of their normal contributions in multiples of £250 up to a maximum set by Teachers' Pensions.

## **9. Pensions – Support Staff**

- 9.1. LGPS membership continues to build up during the first 30 days of any period of unpaid leave, including parental leave, as long as the employee continues to make the pension contributions that would have paid had they been at work. After the first 30 days, the period will not count as pensionable service. Employees in this pension scheme may if they wish, elect to pay contributions for the period of their absence. If an employee chooses not to, membership will not be built up for this period, and this will affect their pension benefits.

## **10. Returning to Work**

- 10.1. Employees are normally entitled to return to work following parental leave to the same position they held before commencing leave. The terms of employment will be the same as they would have been the employee not been absent.
- 10.2. However, it might not be possible for an employee to return to the same job where the period of parental leave has been longer than 4 weeks or has been combined with a period of additional maternity, paternity or adoption leave. In such circumstances, a suitable and appropriate alternative position will be offered on no less favourable terms.
- 10.3. Any requests by employees to change their working patterns (such as working part-time) after parental leave will be dealt with on a case-by-case basis, in accordance with our Flexible Working Policy.

## **11. Abuse of this Policy**

- 11.1. Where an employee takes a period of parental leave under this policy for purposes other than spending time with or otherwise caring for their child, this will be dealt with as a disciplinary issue under our Disciplinary Procedure.

**Section E: Neonatal Care (Leave & Pay)****1. Introduction**

1.1. Neonatal care leave is intended to support new parents of infants who require neonatal medical attention, which starts within the first 28 days of birth. Neonatal care encompasses:

- 1.1.1. Medical Care provided to your child in a hospital setting
- 1.1.2. Medical Care provided to your child in any other location including:
  - 1.1.2.1. Continued medical care post hospital discharge.
  - 1.1.2.2. Care provided under a consultant's direction; and
  - 1.1.2.3. Care which involves ongoing monitoring from healthcare professionals under the direction of the hospital in which your child was an inpatient.
  - 1.1.2.4. End of life or palliative care.

**2. How Neonatal Care Leave can be taken**

2.1. There is the option to take neonatal care leave in two different tiers. Employees do not need to have taken leave under Tier 1 to be eligible for Tier 2.

<b>Tier 1 Period</b>	Commences when your child begins receiving neonatal care and ends on the seventh day following your child's discharge. If your neonatal care leave is taken during the tier 1 period, it can be taken in one continuous block or in a number of blocks with durations of no less than 1 week at a time.
<b>Tier 2 Period</b>	Is any remaining time during the 68-week period following your child's birth which does not fall into the tier 1 period. Any neonatal care leave taken in the tier 2 period must be taken in one continuous block.

**3. Notification**

3.1. The Trust recognises that this will be a difficult time, however we do ask that effort be made to follow these timelines in terms of notification where possible, but we do understand that it may not always be reasonably practicable to do so.

<b>Tier 1 Period</b>	<p>Tier 1 leave- notice is not required to be in writing.</p> <p>For each week of leave that you wish to take in tier 1, please notify your line manager, preferably in advance of the week you intend to take the leave.</p> <p>Employees are also required to complete the Notice of Entitlement and Intention to Take Neonatal Care Leave Form. The Trust can arrange for the form to be sent to employees by post or email.</p> <p>There is no expectation to provide this form in order to receive neonatal care leave, but we do request that it is sent to us within 28 days of the first day of your neonatal care leave or as soon as reasonably practicable.</p>
<b>Tier 2 Period</b>	Employees who are planning, or are required to take neonatal care leave during the tier 2 period, will need to give notice of their intention by completing the Notice of Entitlement and Intention to take Neonatal Care Leave Form. The Trust can send this form via email or post if required.

	<p>For a single week of neonatal care leave, where possible the form should be submitted at least 15 days before the first date you have chosen for your leave to start.</p> <p>If you are taking two or more weeks, your form should be submitted at least 28 days before the first date that you have chosen for your leave to start.</p>
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#### **4. Eligibility for neonatal care leave**

- 4.1. Regardless of length of service, employees may be eligible for neonatal care leave if:
  - 4.1.1. You are the parent of, and have or expect to have responsibility for the upbringing of, the child; or
  - 4.1.2. You are the intended parent under a surrogacy arrangement and have or expect to have responsibility for the upbringing of, the child.
  - 4.1.3. You are the child's adopter or prospective adopter via a UK adoption agency or an adoption from overseas.
  - 4.1.4. You are the partner of any of the above at the date of birth or placement and will share primary responsibility for the upbringing of the child.
- 4.2. Under this policy, partner is defined as a person of any sex who lives with the mother or prospective adopter in an enduring family relation but is not their full or half-blood relative.
- 4.3. Additionally, employees must also meet the following conditions in order to be eligible:
  - 4.3.1. The child was born on or after the 6 April 2025 and received neonatal care within 28 days of birth; and
  - 4.3.2. Neonatal care lasted at least seven continuous days (counted from the first full day after the neonatal care started); and
  - 4.3.3. You are taking leave to care for the child; and
  - 4.3.4. Compliance with the notice and declaration requirements outlined in this policy

#### **5. Entitlement to neonatal care leave**

- 5.1. Eligible employees may take one week of neonatal care leave for each full, uninterrupted week that the child is in neonatal care, up to a maximum of 12 weeks. Neonatal care leave is available once a child has received neonatal care for an uninterrupted period of seven days, not counting the day on which the neonatal care starts.
- 5.2. Leave must be taken in minimum blocks of one week. The maximum number of weeks remains the same, even if multiple children from the same pregnancy require neonatal care (e.g. twins).
- 5.3. In adoption cases, neonatal care leave will only be available for each uninterrupted week 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 the UK.
- 5.4. Neonatal care leave must be taken within 68 weeks of the child's birth.

- 5.5. The right to neonatal care leave is in addition to any other statutory leave that you may be entitled to, including maternity, adoption, paternity, ordinary parental, parental bereavement, or share parental leave.

## **6. Starting your leave**

- 6.1. Your leave will commence on the date that you have specified in your notice, provided it complies with the notice requirements.
- 6.2. If you are in work on the same day that you give your notice, your notice will start on the following day.
- 6.3. If notice requirements were not able to be met your neonatal care leave will begin on a mutually agreed day.

## **7. Pay during neonatal care leave**

### **7.1. Statutory neonatal care pay**

- 7.1.1. Eligible employees may receive statutory neonatal care pay (SNCP) at the lower of the rate currently set by the Government for the relevant tax year or 90% of your average weekly earnings (whichever is lower), subject to meeting the following specific conditions:

## **8. Entitlement to take neonatal care leave**

- 8.1.1. 26 weeks' of continuous employment at the end of the relevant week of pregnancy or the week in which are notified in writing by an adoption agency or having been matched with a child;
- 8.1.2. Remaining in continuous employment from the end of the relevant week (or from the child's birth if they were born before the relevant week);
- 8.1.3. Your average weekly earnings exceed the lower earnings limit for national insurance contributions; and
- 8.1.4. You have completed the required form to provide notice of an entitlement regarding neonatal care leave.
- 8.2. Neonatal care pay is treated as earning and therefore is subject to PAYE and national insurance deductions.

## **9. Changing your leave plans**

- 9.1. If your intentions change and you need to cancel or amend a period of neonatal care which you have already notified the Trust about, you must inform your Line Manager in writing.

## **10. Requesting Support**

- 10.1. Employees struggling due to their child's neonatal care are encouraged to discuss their situation with their line manager.
- 10.2. We appreciate that these discussions will be difficult, but we encourage openness to ensure that the necessary support can be offered. Discussions will be handled with sensitivity and confidentiality.



## **11. Other statutory leave**

- 11.1. The entitlement to neonatal care leave is in addition to any other statutory leave that you may be entitled to, including maternity, adoption, paternity, ordinary parental, parental bereavement, and shared parental leave.
- 11.2. If you have already commenced a period of statutory leave and then subsequently become eligible for neonatal care leave, or if you become eligible on the day another period of statutory leave starts, you can take your neonatal care leave following the completion of your other period of statutory leave, provided that the neonatal care leave in one of two ways:
  - 11.2.1. If you are still within the tier 1 period, it will resume immediately following the end of the other statutory leave period: or
  - 11.2.2. If you have transitioned in to the tier 2 period, the remaining balance will be added to the end of the tier 2 period.
- 11.3. Tier 2 leave cannot overlap with any other type of statutory leave if you are aware of this overlap at the time of giving notice.

## **12. Changes and bereavement**

- 12.1. Employees must inform the Trust of any changes in their child's care status. This includes the date the neonatal care ends. If, after informing the Trust about the end of the care period, care resumes, you must keep your line manager informed of the new start and end dates.
- 12.2. Bereaved employees may still take accrued neonatal care leave and may be eligible for parental bereavement leave outlined in our Annual Leave and Leave of Absence Policy. If you have suffered a bereavement, please contact your line manager or our HR department so we can discuss other support that we may be able to offer you.

## **13. Employee rights and keeping in touch during leave**

- 13.1. During neonatal care leave, your terms and conditions of your contract with the exception of normal pay, will continue. Your pay will be replaced with neonatal care pay depending on eligibility. You will continue to accrue holiday entitlement where applicable and receive pension contributions based on their normal pay if receiving paid leave. Employee pension contributions will be based on actual pay that you receive during your period of neonatal care leave.
- 13.2. The Trust may make reasonable contact with you to discuss leave arrangements and updates on developments at work.

## **14. Returning to work**

- 14.1. Employees are entitled to return to the same job on the same terms and conditions after isolated neonatal care leave. If you return to work after any consecutive periods of statutory leave which exceeds 26 weeks in total, or if you took Neonatal Care Leave following a period of ordinary parental leave of at least 4 weeks, a suitable alternative position on no less favourable terms may be offered if returning to the same job is not feasible.

# Maternity

## Expectant/New Mother Personal Risk Assessment



The Management of Health and Safety at Work Regulations 1999 requires the employer to carry out a risk assessment of new and expectant mothers, to assess your work and working environment so you and your unborn baby/newly born baby are not placed at risk.

Your co-operation in completing this form will be appreciated. The form is for health and safety reasons only. The information will be treated as confidential and used to ensure any potential hazards to you and/or your baby are evaluated and managed.

Employee's Name:		Workplace:		Job Title:	
I am pregnant and expecting a baby on (approximately):	<input type="checkbox"/>	Date:			
I am a new mother, having given birth on: <i>(this applies to new employees who have given birth within the last 6 months)</i>	<input type="checkbox"/>	Date:			
I am a new mother and am breast-feeding my baby.	<input type="checkbox"/>				

Hazards	Control Measures to be put in Place <i>[Tick where applicable]</i>	N/A	Additional Actions Required	Risk Rating Following Actions [L/M/H]
Manual handling	<input type="checkbox"/> Use a trolley for moving heavy loads.	<input type="checkbox"/>		
	<input type="checkbox"/> Any manual handling to be reduced to as low as reasonably practicable.	<input type="checkbox"/>		
	<input type="checkbox"/> Seek assistance from a colleague if required to lift an uncomfortable load.	<input type="checkbox"/>		
	<input type="checkbox"/> Divide load into smaller units.	<input type="checkbox"/>		
Potential risk of slips, trips or falls	<input type="checkbox"/> Maintain good housekeeping standards.	<input type="checkbox"/>		
	<input type="checkbox"/> Clean up and dry spillages immediately.	<input type="checkbox"/>		
	<input type="checkbox"/> Close cabinet drawers and doors when not in use.	<input type="checkbox"/>		
	<input type="checkbox"/> Promote a clear desk policy.	<input type="checkbox"/>		
	<input type="checkbox"/> Safely store and tuck away cables.	<input type="checkbox"/>		
	<input type="checkbox"/> Ensure all areas are well lit.	<input type="checkbox"/>		

	<input type="checkbox"/> Offices are cleaned on a regular basis. <input type="checkbox"/> <input type="checkbox"/> Employee strongly advised not to work at height, especially in the later stages of pregnancy. <input type="checkbox"/> <input type="checkbox"/> Minimise the need to use stairs in the later stages of pregnancy. <input type="checkbox"/>		
Working at height	<input type="checkbox"/> Modify task to avoid aspects of working at Height. <input type="checkbox"/>		
Long working hours or shift work patterns	<input type="checkbox"/> Allowance made for tiredness and nausea at early stages of pregnancy. <input type="checkbox"/> <input type="checkbox"/> Consult with occupational health and individual on modification to working hours. <input type="checkbox"/> <input type="checkbox"/> Avoidance of night working. <input type="checkbox"/>		
Standing or sitting for long periods of time	<input type="checkbox"/> Adequate seating and rest breaks are made available. <input type="checkbox"/> <input type="checkbox"/> Avoid excessive hours and workloads. <input type="checkbox"/> <input type="checkbox"/> Employee to speak to line manager re. any excessive workloads being experienced. <input type="checkbox"/> <input type="checkbox"/> Employee to vary workload to allow for natural muscle movement and allow for regular breaks away from the desk or rest breaks from standing work. <input type="checkbox"/>		
Work-related stress	<input type="checkbox"/> If unable to carry out normal duties (role and workload) then the employee is offered suitable alternative work – consult with HR MAT Team. <input type="checkbox"/> <input type="checkbox"/> Employee Assistance Programme in place. <input type="checkbox"/> <input type="checkbox"/> 1:1 coaching will be offered (refer to intranet for more details). <input type="checkbox"/> <input type="checkbox"/> Employee to raise any concerns/issues directly to their line manager. <input type="checkbox"/>		
Display Screen Equipment work, including homeworkers	<input type="checkbox"/> Undertake a DSE assessment. <input type="checkbox"/> <input type="checkbox"/> Workstation provides adequate adjustment to allow for increase in abdominal size. <input type="checkbox"/> <input type="checkbox"/> Advice on posture to prevent musculoskeletal problems. <input type="checkbox"/> <input type="checkbox"/> Adjust working practices to avoid continuous sitting at workstation. <input type="checkbox"/>		
Driving & Shocks/ Vibrations	<input type="checkbox"/> Avoid long journeys (especially off-road). If the journey needs to be made then plan for sufficient regular breaks. <input type="checkbox"/> <input type="checkbox"/> Employee to avoid any work visit which may include shocks or jolts. <input type="checkbox"/>		

Extremes of heat or cold	<input type="checkbox"/> Open windows for fresh air. <input type="checkbox"/>		
	<input type="checkbox"/> Plan ahead to ensure suitable clothing for the weather/general office temperature. <input type="checkbox"/>		
	<input type="checkbox"/> Unrestricted drinking water available. <input type="checkbox"/>		
Exposure to passive smoking	<input type="checkbox"/> Smoking is not permitted anywhere in the building. <input type="checkbox"/>		
Noise	<input type="checkbox"/> Working environment and noise level is suitable. <input type="checkbox"/>		
	<input type="checkbox"/> Where practicable, avoid visiting locations/events with high noise levels, if visit needs to be made appropriate PPE must be used, after determining the level of noise. <input type="checkbox"/>		
Exposure to physical or verbal abuse	<input type="checkbox"/> Avoid working situations/events where there are likely to be heated campaigns/hostile behaviour. <input type="checkbox"/>		
	<input type="checkbox"/> If you have reason to believe there is a risk to your safety/security then liaise with your line manager asap. <input type="checkbox"/>		
	<input type="checkbox"/> Review current risk assessment and ensure employee is aware of protocols in place. <input type="checkbox"/>		
Exposure to chemical agents	<input type="checkbox"/> Where applicable refer to COSHH/material safety data sheet for the product; always follow the guidelines given for storage, use and disposal. <input type="checkbox"/>		
	<input type="checkbox"/> If your job involves working with chemical hazards a specific assessment should be carried out. <input type="checkbox"/>		
Fire or another emergency	<input type="checkbox"/> Ensure there is a fire procedure in place. <input type="checkbox"/>		
	<input type="checkbox"/> Ensure there are qualified first aiders/competent person available. <input type="checkbox"/>		
	<input type="checkbox"/> Carry out regular fire checks to ensure escape routes are clear from obstructions. <input type="checkbox"/>		
	<input type="checkbox"/> Ensure good housekeeping. <input type="checkbox"/>		
	<input type="checkbox"/> Liaise with the responsible fire warden/responsible person regarding a personal emergency evacuation plan. <input type="checkbox"/>		
Lone working	<input type="checkbox"/> Avoid lone working where practicable. <input type="checkbox"/>		
	<input type="checkbox"/> Create a system so somebody is made aware of employee whereabouts when out of the office or working in isolation. <input type="checkbox"/>		

Signed (employee): \_\_\_\_\_

Date: \_\_\_\_\_

Print Name:

Signed (manager):

Print Name:

Date:

Updates

Date	Details	Signed
		Employee:
		Manager:
		Employee:
		Manager:
		Employee:
		Manager:

# Neonatal Care Leave



## Notice of entitlement and intention to take neonatal care leave form

Please complete this form to notify the Trust that you would like to take a period of neonatal care leave and to confirm your eligibility for the leave and pay, where applicable. Please refer to the Neonatal Care Leave and Pay section of this policy for more information.

This form should be returned to your Line Manager preferably via email in line with the policy guidelines depending on whether your request is for Tier 1 or Tier 2 leave, or as soon as reasonable practicable.

Name	
Job Title	

I hereby give notice of my intention and entitlement to take neonatal care leave as per the guidance outlines in this policy, as well as the required declarations.

### Information to be provided by employee:

	Child's date of birth	
	For adoption cases only: date of child's placement or date of arrival in Great Britain if adopting from overseas:	
	My child started receiving neonatal care on:	
	My child's neonatal care has continued without interruption Y/N:  If no, please include dates of discharge and dates of any subsequent period(s) of neonatal care.	
	My child's neonatal care ended on (if applicable):	
	Total complete weeks of neonatal care (if known):	

  

Please complete to confirm dates of leave and pay (where applicable)	Please indicate if taking Tier 1 or Tier 2:	
	I choose to start and end my neonatal care leave on the following dates (leave in tier 1 may be taken in a number of continuous blocks of a	

	minimum of one week at a time and leave in tier 2 must be taken in one continuous block) please see guidance below:	
	Number of weeks' leave to be taken:	

**Declaration to be completed by employee:**

I declare that I satisfy or will satisfy the following eligibility requirements to take neonatal care leave:		
Please tick as appropriate:	I am the child's parent and have or expect to have responsibility for the child's upbringing OR	
	I am the child's intended parent under a surrogacy arrangement and have or expect to have responsibility for the child's upbringing OR	
	I am the child's adopter or prospective adopter via a UK adoption agency or an adoption from overseas OR	
	I am the partner of one of the above, living at the same address, and will share primary responsibility for the upbringing of the child with the above.	
	AND	
	I [am taking/have taken] the leave to care for the child	

**I declare that I satisfy or will satisfy the following eligibility requirements for neonatal care pay (if applicable) (please tick as appropriate):**

I am entitled to take neonatal care leave	
I have 26 weeks' of continuous employment at the end of the relevant week of pregnancy or the week in which I was notified in writing by an adoption agency of having been matched with a child	
I remained in continuous employment from the end of the relevant week (or from the child's birth if they were born before the relevant week);	
My average weekly earnings exceed the lower earnings limit for national insurance contributions	



The information that I have provided is accurate	
I will immediately inform my Line Manager of any changes affecting my entitlement to neonatal care leave and pay.	

Signed	
Date	

