Family Leave Policy including maternity arrangements & Maternity, Paternity, Parental & Adoption Leave Schemes

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VERSION CONTROL			
Version	**Date**	**Author/Reviewer**	**Substantive changes since the previous version**
DRAFT V0.1	2024 - March 25	DD/JC	Updated policy for ONE Academy Trust. Merges the previous ONE & Believe policies for maternity and family leave. Incorporates changes in legislation (April 2024)
DRAFT v0.2	April 25	DD/JC	ACAS forms adapted for ONE Academy Trust use. Headteacher's consulted – no feedback
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V1	July 25		Published

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Appendices

Key abbreviations used in these forms:	
SPL	Shared Parental Leave
ShPP	Statutory Shared Parental Pay
SAP	Statutory Adoption Pay
POP	Parental Order Parent

- Appendix 1 - Guidance on the submission of forms for Shared Parental Leave

Associated documents:

Risk Assessment

- FORM 12-01 – Maternity & Postnatal Risk Assessment

Maternity, Paternity & Adoption Leave

- FORM ONE12-02 - Employee's Maternity Leave Plan
- FORM ONE12-03 - Paternity Leave Application - Paternity Leave Application government online form available at https://www.tax.service.gov.uk/fill-online/apply-for-statutory-paternity-pay
- FORM ONE12-04 – Employee's Adoption Leave Plan

Shared Parental Leave forms (Maternity)

- FORM ONE12-05 - Curtailment of Maternity Leave and Pay
- FORM ONE12-06 - Notice of Entitlement confirming mother or birth parent is intending to take SPL (for employer) (includes Booking Notice)
- FORM ONE12-07 - Notice of Entitlement confirming that partner is taking SPL but mother or birth parent is not (for mother or birth parent's employer) (includes Booking Notice)
- FORM ONE12-08 – Notice of Entitlement confirming partner is intending to take SPL (for partner's employer) (includes Booking Notice)

Shared Parental Leave forms (Adoption)

- FORM ONE12-09 - Curtailment of Adoption Leave and Pay (for primary adopter's employer)
- FORM ONE12-10 - Notification that primary adopter is intending to take SPL (for their employer) (includes Booking Notice)
- FORM ONE12-11 - Notice confirming partner is taking SPL but primary adopter is not (for primary adopter's employer) (includes Booking Notice)
- FORM ONE12-12 - Notification that partner is intending to take SPL (for partner's employer) (includes Booking Notice)

Shared Parental Leave forms (for parental order parents entitled to adoption leave and/or pay)

- FORM ONE12-13 - Curtailment of Adoption Leave and Pay (for parental order parent's employer)
- FORM ONE12-14 – Notice confirming parental order parent is intending to take SPL (for parental order parent's employer) (includes Booking Notice)
- FORM ONE12-15 - Notice confirming that partner is taking SPL but the parental order parent is not (for parental order parent's employer) (includes Booking Notice)
- FORM ONE12-16 – Notice confirming partner is intending to take SPL (for partner's employer) (includes Booking Notice)

Notices to change SPL

- FORM ONE12-17 - Notice to vary SPL
- FORM ONE12-18 - Notice to cancel SPL

ONE Academy Trust Model Letters

- FORM ONE12-19 - Model Letter - Confirmation of Shared Parental Leave Eligibility and Booking
- FORM ONE12-20 - Model Letter - SPL: Refusal of a Discontinuous Leave Booking

1. Introduction

1.1 ONE Academy Trust is committed to supporting best practice in relation to maternity provision and parental rights. It is committed to ensuring the health, safety and welfare of all employees, including pregnant and breastfeeding employees.

1.2 This policy outlines our trust's approach to maternity, paternity, adoption and shared parental leave and other family-related leave.

1.3 This policy aims to:

- Make sure our trust is a family-friendly place to work by supporting staff members who need to take time off work for family-related reasons
- Support all parties in managing family-related leave effectively and consistently, to ensure a fair and transparent approach across the school/trust that complies with our duties under the Equality Act 2010 and Employment Rights Act 1996

1.4 We have consulted on the content of this policy with the main trade unions representing our staff.

1.5 This policy does not form part of any contract of employment or other contract to provide services, and we may amend it at any time.

1.6 This policy meets the requirements of:

- Conditions of Service for School Teachers in England and Wales (the Burgundy Book)
- Data Protection Act 2018
- Employee rights when on leave – GOV.UK
- Employment Rights Act 1996
- Employment: Statutory Code of Practice – the Equality and Human Rights Commission
- Equality Act 2010
- Induction for Early Career Teachers (England) – GOV.UK
- Protecting pregnant workers and new mothers – the Health and Safety Executive
- School Teachers' Pay and Conditions Document (STPCD)
- The National Agreement on Pay and Conditions for Support Staff (the Green Book)
- The Maternity Leave, Adoption Leave and Shared Parental Leave (Amendment) Regulations 2024
- The Paternity Leave (Amendment) Regulations 2024
- Protection from Redundancy (Pregnancy & Family Leave) Act 2023
- The Neonatal Care (Leave and Pay) Act 2023

1.7 It also reflects best practice guidance set out in:

- The Advice, Conciliation and Arbitration Service (Acas) guidance on accommodating breastfeeding employees in the workplace
- The Advice, Conciliation and Arbitration Service (Acas) guidance on holiday, sickness and leave

1.8 Notice periods throughout this policy reflect the School Teachers' Pay and Conditions Document (STPCD) and The National Agreement on Pay and Conditions for Support Staff (the Green Book) where these are preferential for staff compared to government legislative requirements.

1.9 Where an employee has transferred into the trust and has enhanced terms that are subject to TUPE Transfer of Undertakings (Protection of Employment) (TUPE) Regulations 2006 then the enhanced terms will continue to apply in accordance with TUPE regulations.

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

1.11 This policy should be read in conjunction with other relevant documents and policies such as:

- ONE Academy Trust Sickness Absence Policy
- ONE Academy Trust Special Leave Policy
- ONE Academy Trust Flexible Working Policy
- ONE Academy Trust Bereavement Policy
- ONE Academy Trust Restructuring Policy
- ONE Academy Trust Health & Safety Policy and Workplace Risk Assessments

1.12 This policy reflects legislation at the time when it was last reviewed. Any changes in legislation will take precedence over anything printed in the policy.

Equality and Diversity

1.13 The trust is committed to developing, maintaining and supporting a culture of equality and diversity in employment. The impact of the procedure will be monitored in accordance with the Equality Act 2010. See our Equality Objectives, associated Action Plan and our Equality Duty Report. If employees need assistance or adjustments to understand and comply with this procedure and/or attend meetings, they should contact their line manager.

1.15 An Equality Impact Assessment has been conducted on the impact of this policy to:

- Assess whether the policy has a differential impact on individuals or groups with protected characteristics.
- Ensure the policy promotes equality of opportunity and eliminates discrimination.
- Identify any potential barriers or adverse impacts and propose mitigating actions.

Definitions

1.16 Unless indicated otherwise, in this policy the term 'teacher' refers to classroom teachers, middle and senior leaders, and the headteacher and any staff covered by the STCPD and Burgundy Book.

1.17 The term 'support staff' relates to all staff covered by the Green Book.

1.18 Throughout this policy, reference to working days refers to school days (Monday to Friday during school term time and excluding bank holidays).

2. Purpose and Scope

2.1 This policy applies to all full and part-time staff who are employed directly by ONE Academy Trust (and the schools within the trust).

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

2.3 For the purposes of this policy, the employer is represented by the headteacher of the relevant school or the line manager for the trust's executive team staff.

3. Non-standard terms and conditions

3.1 Staff transferring into the trust under The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) arrangements, have the right to retain their existing terms and conditions. After one year, an employer can renegotiate terms and conditions in collective agreements if overall it does not make employees' terms and conditions less favourable, and in consultation with the recognised trade unions.

4. Data Protection

4.1 All discussions and sensitive medical and personal information about staff members will be treated confidentially by all parties concerned. This data will be collected, used and stored in line with the Data Protection Act 2018. Please refer to our privacy notice for staff members for more information on how data will be processed.

5. Health and safety risk assessments during and after pregnancy

5.1 The Management of Health and Safety at Work Regulations 1999 requires risk assessments to be undertaken for all pregnant employees, those who have given birth in the last 6 months and those who are breastfeeding to identify if any hazards exist within the workplace that could affect them or their baby.

5.2 Employees are requested to inform the headteacher/their line manager as soon as they become

aware that they are pregnant so that a risk assessment can be carried out for them. Any concerns regarding their work and/or work environment should be discussed immediately with their headteacher/line manager.

5.3 After a staff member has notified their headteacher/line manager that they are pregnant, the school/trust will carry out an individual workplace risk assessment in order to identify and make necessary adjustments (see template risk assessment). HR advice may be sought. The headteacher/line manager may also request support from Occupational Health

5.4 Where a potential risk is identified, reasonable temporary adjustments to the work/working conditions and/or working hours may be considered appropriate.

5.5 Where unacceptable hazards are found, corrective action will be taken wherever possible to protect the employee. If this is not possible, further or other measures may be required. These may include changing your working conditions or hours of work; offering you suitable alternative work on terms and conditions that are the same or not substantially less favourable or suspending you from your duties (medical suspension) on full pay unless you have unreasonably refused suitable alternative work. In this situation, your maternity leave may be required to commence 4 weeks before the expected week of childbirth.

5.6 All pregnant employees should receive a copy of the Risk Assessment form within 14 days of notification to the headteacher/line manager of the impending birth.

5.7 The risk assessment will be reviewed regularly throughout the pregnancy months until the employee begins maternity leave and for six months after the birth. We will carry this out more frequently for employees who are struggling in their role, or receive updated medical advice. particularly if there is a significant change in the health and condition of the pregnant worker or their unborn child.

5.8 The headteacher/line manager should follow any advice given to the pregnant employee by their GP, midwife or any other appropriate medical adviser. Provision should be made to allow the pregnant employee to take rest periods when possible.

5.9 The pregnant employee should keep the headteacher/line manager informed of any changes to their condition or that of their unborn child and raise any concerns relating to their own health & safety with the headteacher/line manager as soon as possible.

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

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

6. Maternity leave (including for surrogates)

6.1 All employees, regardless of hours of work or length of service are entitled to 52 weeks statutory maternity leave on the assumption that they follow the required process in terms of notifying us. This is made up of:

- 26 weeks ordinary maternity leave (OML) first, followed by,
- 26 weeks additional maternity leave (AML).

6.2 Please see section 9 onwards for information on Shared Parental Leave.

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

- 2 weeks of compulsory maternity leave (CML) leave following the birth of your baby

- All of your maternity leave in one go

Starting maternity leave

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

6.5 The earliest date is 11 weeks (at 29 weeks pregnant) prior to the expected week of childbirth (EWC). This is the week in which the baby is due and is the week that contains the date the doctor has said that the baby will be born.

6.6 Maternity leave will also start:

- The day after the birth, if the baby is born earlier than expected.
- If the employee is sick and absent from work with a pregnancy-related illness within 4 weeks before the week (Sunday to Saturday) that their baby is due, maternity leave will usually commence on the day after the first day of absence. If the employee is on pregnancy-related sick leave at the commencement of the four-week period, maternity leave will usually commence at the start of the four-week period.
- The employee is entitled to the full provisions of the maternity leave scheme, in the event of a stillbirth which has occurred after 24 weeks of pregnancy or the child is born alive at any stage of the pregnancy but does not survive (neo-natal loss). If earlier, see below (miscarriage)

6.7 An employee's maternity leave may be triggered if she is absent because of her pregnancy e.g. due to a pregnancy-related illness from the beginning of the fourth week before the Expected Week of Childbirth (EWC). However, managers do not have to trigger the leave and may decide to ignore small amounts of absence (i.e. the odd day) and treat this as sick leave and allow the employee to return to work if she wishes.

Claiming maternity leave

6.8 You must notify the headteacher/your line manager in writing at least 15 weeks (14 weeks if you are employed under the Burgundy Book, unless there is good cause to be later) before the beginning of the week that your baby is due:

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

6.9 Once you receive a certificate from a doctor or midwife confirming your Expected Week of Childbirth (MATB1), you must provide us with a copy.

6.10 If you want to change the day you want to start your maternity leave, you must notify the headteacher/your line manager of the new date:

- 21 days (teachers under the Burgundy Book conditions) or 28 days (all other staff) before your maternity leave was originally due to start; or
- 21 days (teachers under the Burgundy Book conditions) or 28 days (all other staff) before the new date you want to start your leave (whichever of the two dates is earlier)

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

Premature birth

6.12 If your baby is born prematurely*, the school/trust will consider extending your maternity leave period. We will determine the extension and its length on a case-by-case basis.

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

Stillbirth and neonatal loss

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

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

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

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

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

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

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

Sickness

6.18 Any period of Maternity Leave is not sick leave and will not be taken into account when calculating sick leave triggers as set out in the trust's Staff Absence Policy.

6.19 If an employee is absent due to sickness, other than pregnancy-related, the normal sickness provisions will apply. Providing the employee complies with the normal sickness scheme provisions which apply to their post, the employee's absence will then be treated like that of any other employee who is unable to attend work due to sickness.

6.20 If you are absent for a pregnancy-related reason during the four weeks before your Expected Week of Childbirth, your maternity leave will usually start automatically (see 6.7 above).

Annual leave and bank holidays – support staff

6.21 Employees who work on an all-year-round contract accrue bank holidays and annual leave during maternity leave and can either carry it forward or use it for a paid period of deferral to return to work. Employees should discuss and seek approval from their line manager how and when they will take their annual leave entitlement.

6.22 Public Holidays that fall during both the ordinary maternity/adoption leave period and the additional maternity/adoption leave period will be accrued and added to the holiday entitlement when the employee returns to work.

6.23 Staff who are employed **term-time only** are paid the proportional amount of annual leave and

bank holidays with their salary each month and this forms part of their maternity pay calculation. There is therefore no accrual of annual leave during their period of maternity leave.

Annual leave and bank holidays - teachers

6.24 Teachers do not have a 'contractual' entitlement to annual leave; they do however have a 'statutory' right under the Working Time Regulations to minimum leave entitlements. The leave year for teachers would be from 1 September until 31 August. This entitlement is 28 days (5.6 weeks and is inclusive of Bank Holidays).

6.25 This is not an entitlement to annual leave on top of the current ONE Academy Trust closure arrangements.

- A teacher who takes maternity leave must be able to take the 28 days statutory annual leave **outside of their maternity leave.**
- This annual leave **can be offset** by any period of academy/school closure during the leave year in question i.e. both before and after the maternity leave period.
- Teachers are advised prior to commencing maternity leave of the entitlement to 28 days' annual leave to be taken either before or after the maternity leave, during school closure periods. As the leave year for teachers runs from 1 September to 31 August a teacher returning from leave prior to the end of the leave year will be able to take their leave during the summer closure. In view of this, it is not anticipated any teacher will take leave during term time.
- Where return from maternity leave is so close to the end of the leave year that there is not enough time to take all their annual leave, it can be carried forward to the following leave year and be taken during the remaining periods of school holiday after the 28 days' annual leave for that year has been accommodated.
- Pay in lieu of annual leave not taken can only be made where employment terminates i.e. usually only if a teacher does not return to their job following maternity leave (pay in lieu would be based on Annual Leave Entitlement for the proportion of the year worked minus the 'annual leave' – school closure periods - taken that year prior to the termination date)

Time Off for Antenatal Care

6.26 All pregnant employees are entitled to paid time off for antenatal care, including relaxation, antenatal classes and medical examinations.

6.27 An employee can be requested to show a certificate from a registered medical practitioner or midwife confirming the pregnancy and proof of appointment.

6.28 The employee should try to give the headteacher/line manager as much notice as possible of antenatal appointments and wherever possible arrange these outside of school hours or at the start/end of the working day.

7. Maternity Pay (including for surrogates)

7.1 You will be eligible for occupational maternity pay (OMP) or statutory maternity pay (SMP), depending on how long you have worked either in local government service (a local authority), and/or at our trust/schools in the trust (including length of service at a school that has joined from a local authority or another academy trust).

Occupational maternity pay (teachers)

7.2 Teachers are eligible for OMP if they have worked continuously for at least 1 year (without a break in service) including for a local authority, our trust/schools in the trust (including length of service at a school that has joined from a local authority or another academy trust) by the 11th

week before the week that their baby is due. If you are not eligible for occupational maternity pay, you may still be eligible for statutory maternity pay or maternity allowance. These rates are determined by the government and subject to an annual increase in April each year.

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

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

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

Conditions for occupational maternity pay (teachers)

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

7.6 The 13-week period starts:

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

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

7.8 Returning to work part-time:

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

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

7.10 If you are unsure whether you intend to return to work you can opt to have the half pay frozen and paid at a later date.

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

Occupational maternity pay (support staff)

7.12 Support staff are eligible for occupational maternity pay if they have worked continuously for at least 1 year either in local government service (a local authority), and/or our trust/schools in the trust (including length of service at a school that has joined from a local authority or another

academy trust) by the 11th week before the week that the baby is due.

7.13 If you are not eligible for occupational maternity pay, you may still be eligible for statutory maternity pay or maternity allowance.

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

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

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

Conditions for occupational maternity pay (support staff)

7.16 The trust requires support staff to return to work in the trust/school for at least 3 months (Green Book) including periods of school closure as a qualifying condition for **occupational** maternity pay. If a staff member does not do this, the trust will require the staff member to refund some or all of the occupational maternity pay that they have received after the 6th week of maternity leave. They will not be required to refund any statutory maternity pay.

7.17 Where a staff member requests flexible working arrangements on their return to work, the school/trust will consider these on a case-by-case basis.

7.18 Returning to work part-time:

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

7.19 If you are unsure whether you intend to return to work you can opt to have the half pay frozen and paid at a later date.

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

7.21 For more information on returning to work after maternity leave, including notice periods, see section 14 below.

Statutory maternity pay and maternity allowance (all staff)

7.22 There are two levels of SMP. There is a standard rate and a lower rate. If the standard rate is more than 90% of your weekly salary, your SMP will be the lower rate of 90% of your weekly pay and not the standard rate.

7.23 You are eligible for **statutory maternity pay** if you:

- Have been employed by the trust or schools in the trust (including length of service at a school that has joined ONE Academy Trust under TUPE regulations) continuously for at least 26 weeks continuing into the 15th week before the week that your baby is due
- Earn more than the minimum threshold set out on the government's website – see the latest figure at https://www.gov.uk/maternity-pay-leave/eligibility

- Notify your line manager at least 21 days (teaching staff) or 28 days (support staff) before the date you want your maternity pay to start
- Give proof of your pregnancy within 21 days before you intend to start your maternity pay. Please submit your doctor's letter or a maternity certificate (known as a MATB1 form) to your line manager /the school office.

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

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

7.25 If you are not eligible for statutory maternity pay, you may still be eligible for maternity allowance – read more about the allowance, including eligibility criteria and how much you can get, at https://www.gov.uk/maternity-allowance. The employer will provide a form, SMP1, to submit to Job Centre Plus, confirming the reason why SMP is not payable.

Sickness and Statutory Maternity Pay (SMP)

7.26 If the employee gives notice to return to work before the end of her Ordinary Maternity Leave (OML), but then is unable to physically return due to sickness, she will continue to be paid SMP during her sickness absence. She will then receive sick pay if the absence continues beyond the 39 weeks' maternity pay period.

7.27 If the employee gives notice to return earlier than the end of her Additional Maternity Leave (AML), and is unable to physically return due to illness, she will be entitled to sick pay provided that the illness did not commence before or during the 39-week maternity pay period.

7.28 An employee is only entitled to Occupational Sick Pay if she had given her notice to return to work but was unable to do so due to illness. This would bring her maternity leave to an end and she would be regarded as having returned to work from the date she gave for her return in her notice. Sick pay would be due from this date.

Additional notes on Maternity Pay

7.29 Occupational payments are recalculated to reflect pay awards where necessary.

7.30 Employees on a low income may also qualify for a Sure Start Maternity grant. For more information on entitlement and how to apply see: https://www.gov.uk/sure-start-maternity-grant

7.31 Where an employee has more than one contract with ONE Academy Trust, Occupational Maternity Pay will be paid on the aggregated earnings of the contracts. In the case of Statutory Maternity Pay (SMP), this will be aggregated if pay is aggregated on the contracts. If pay is made separately on each contract, then entitlement to SMP will be determined on each contract.

Pensions

7.32 The employer will pay pension contributions throughout paid maternity leave based on Assumed Pensionable Pay (APP).

7.33 An employee will pay contributions based on their actual pay.

7.34 This period of service counts as reckonable for pension purposes. If the employee has any unpaid Additional Maternity Leave, it will not be reckonable for pension purposes. Employees can opt to pay arrears of contributions in order for this period of unpaid leave to count but they would need to arrange this with their pension provider within 30 days of their return to work.

7.35 If employees wish to make contributions during the unpaid period of maternity/adoption leave these will be paid at the same rate as during the maternity/adoption pay period. Employees should contact the relevant pension teams to discuss options for payment.

8. Paternity leave and pay

Statutory paternity leave (including following surrogacy)

8.1 Employees are entitled to take 1 week or 2 weeks of statutory paternity leave if they have been employed by the trust or schools in the trust (including length of service at a school that has joined ONE Academy Trust under TUPE regulations) continuously for at least 26 weeks continuing into the 15th week before the week that your baby is due

8.2 Eligibility is different if you are adopting or fostering for adoption – see below for more information on paternity leave for adoption/fostering for adoption.

8.3 An employee can choose to take either 1 or 2 weeks of statutory paternity leave. They can take the leave as either:

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

8.4 A 'week' is defined as the same number of days that an employee normally works in a week *(so a week is 2 days if you normally work on Mondays and Tuesdays only)*.

8.5 Paternity leave is granted in addition to an employee's annual holiday entitlement.

8.6 Paternity leave must be taken:

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

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

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

8.8 Paternity leave cannot start before the baby is born

8.9 The partner of the intended parent can get unpaid time off to accompany their partner (the intended parent) and/or to accompany the birth parent (the surrogate parent), to 2 antenatal appointments up to a maximum of 6.5 hours for each appointment. This does **not** apply to the partner of the surrogate (birth parent) (see paragraph 12 below).

8.10 Paternity leave is also available to adoptive parents when a child is matched or newly placed with them for adoption. Either parent may take paternity leave where the other adoptive parent has elected to take adoption leave. In respect of an adoptive child, the employee taking paternity leave must have 26 weeks of continuous service by the week in which the child's adopter is notified of having been matched with the child for adoption.

8.11 You cannot get Paternity Pay and Leave if you've taken **paid** time off to attend adoption appointments (in accordance with the Government's guidance https://www.gov.uk/paternity-pay-leave/eligibility. You are entitled to unpaid time off (see paragraph 9.10 below) without this affecting your entitlement to paternity pay and leave.

8.12 The employee has the right to return to their existing post

Rights on and after return to work

8.13 On resuming work after paternity leave the employee is entitled to return to the same job as they occupied before commencing paternity leave on the same terms and conditions of employment as if they had not been absent.

Statutory Paternity Pay (including for intended parents following surrogacy)

8.14 To be eligible for statutory paternity pay, you must:

- Have been continuously employed by the trust or schools in the trust (including length of service at a school that has joined ONE Academy Trust under TUPE regulations) continuously for at least 26 weeks continuing into the 15th week before the week that your baby is due
- Be employed by the trust or schools in the trust up until the date the baby is born
- Earn more than the minimum threshold set out on the government's website (see the latest figure at https://www.gov.uk/paternity-pay-leave/eligibility)

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

8.16 Employees will be paid their normal weekly pay for the duration of their paternity leave (maximum 2 weeks). This is an **enhanced** rate of paternity pay which is inclusive of statutory paternity pay. Employees **must** meet the criteria for statutory paternity pay in order to be paid at the enhanced rate.

8.17 Paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.

8.18 Paternity pay can start from any day of the week in accordance with the date the employee starts their paternity leave.

How to claim paternity leave and pay

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

- That you are having a baby, and are:
  - The child's father and/or
  - Married to, the civil partner of, or partner of the mother or birth parent
- The week the baby is due
- That you plan to take paternity leave
- For surrogacy you must confirm that you intend to apply for adoption or a parental order in the 6 months after the child's birth and you expect the court to give you that order/approve the adoption.

8.20 You must tell the headteacher/line manager at least 28 days before each period of leave:

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

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

8.22 The employee should complete the Paternity Leave Application government online form available at https://www.tax.service.gov.uk/fill-online/apply-for-statutory-paternity-pay and submit to the

employer within the timescales set out above.

8.23 The employee should provide a copy of the MAT B1 form or, in the case of adoptive parents, a copy of the matching certificate and give this to the headteacher/line manager.

Paternity leave and pay for adoption

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

- Have worked for the trust or schools in the trust (including length of service at a school that has joined ONE Academy Trust under TUPE regulations) continuously for at least 26 weeks up to the end of any day in the qualifying week which is:
  - The end of the week you have been matched with a child for adoption in the UK; or
  - The week the child enters the UK for overseas adoption
  - The week you want your pay or leave to start
- Be the adopter, or partner of the adopter (this includes same-sex partners)
- Not also be taking adoption leave and pay (see below)

8.25 You:

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

8.26 You are also entitled to time off to attend adoption appointments after you have been matched with your child (see Special Leave Policy).

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

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

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

8.29 The employee should complete the Paternity Leave Application form at Appendix 2 or the equivalent government online form available at https://www.tax.service.gov.uk/fill-online/apply-for-statutory-paternity-pay

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

9.1 If you are taking time off work to have a child through surrogacy you may be eligible for:

- Adoption leave
- Adoption Pay

9.2 Please consult with the trust's HR manager to discuss your eligibility and entitlements.

Eligibility

9.3 All staff employed by ONE Academy Trust are entitled to 52 weeks of statutory adoption leave, provided they are:

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

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

9.4 Employees must provide documentary evidence that the adoption placement has taken place once available. The documentary evidence required is set out on the government website https://www.gov.uk/adoption-pay-leave/how-to-claim

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

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

9.6 The adoption leave provisions will be granted to **one** employee (adoptive parent), the lead adopter, in respect of an adoption, they will **not** be granted to **two** employees in respect of the **same adoption**. The other employee (adoptive parent) could be entitled to the provisions for **paternity leave and pay** relating to adoption.

9.7 In respect of a single adoption, one employee (adoptive parent) is entitled to 52 weeks of statutory adoption leave, made up of:

- 26 weeks of ordinary adoption leave (OAL), followed by
- 26 weeks of additional adoption leave (AAL)

9.8 Employees who have been notified by an adoption agency that a child is to be placed for adoption with them are entitled to take time off during working hours to attend appointments, such as having contact with the child or meeting the child's social worker.

9.9 **Paid time off** for the lead adopter is limited to a maximum of six and a half hours (including travel) on up to five occasions, irrespective of the number of children being adopted. This right is only for appointments the adoption agency has arranged or asked for.

9.10 **Unpaid time off** to attend appointments (for employees who are not the lead adopter) is limited to 2 occasions of up to six and half hours each (including travel).

9.11 Employees will need to show their headteacher/line manager an appointment card or other proof of appointment.

9.12 Employees will be required to attend an adoption hearing at court following the adoption placement. The date of the hearing may be up to one to two years after the placement. Time off to attend the hearing will be considered in line with Special Leave provisions. Employees will be required to provide a letter from court confirming the date(s) of the adoption hearing.

Exceptions

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

- Arrange a private adoption (i.e. no adoption agency is involved)
- Become a special guardian or kinship carer
- Adopt a stepchild or a family member

Starting leave

9.14 You can start adoption leave:

- Up to 14 days before the date the child is placed with you or is expected to be placed with you (UK adoptions)
- When the child arrives in the UK or within 28 days of this date (overseas adoptions)
- The day the child is born or the day after (if you have used a surrogate to have a child)

9.15 In cases of surrogacy, ordinary adoption leave will start on the day the child is born, unless you are at work, in which case it will start the following day. This date cannot be changed

Notice periods for adoption leave

9.16 Within **7** days of the agency or Local Authority notifying you in writing of being matched with a child (or as soon as reasonably practicable), you must tell the school/trust

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

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

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

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

9.20 Where little notice is given for the placement of an adopted child, employees are asked to give as much notice as practicable and managers are expected to be as flexible as possible.

Adoption Pay

9.21 <u>One</u> of the adopting parents (the lead adopter) will be entitled to statutory and occupational adoption pay in accordance with the terms set out in this policy for adoption pay. Occupational adoption pay includes statutory adoption pay where eligible.

9.22 The lead adopter will be eligible for occupational and/or statutory adoption pay depending on how long you have worked either in local government service (a local authority), and/or at our trust/schools in the trust (including length of service at a school that has joined from a local authority or another academy trust).

9.23 There is no statutory equivalent to the maternity allowance for adoptive parent(s).

Adoption pay (teachers) – Lead adopter

9.24 Teachers are eligible for **occupational adoption pay** (OAP) if they are the lead adopter and have worked continuously for at least 1 year (without a break in service) including for a local authority, our trust/schools in the trust (including length of service at a school that has joined from

a local authority or another academy trust) by the 11th week before the week that their baby is due. If you are not eligible for occupational adoption pay, you may still be eligible for statutory adoption pay.

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

9.26 Teachers who do not intend to return to work after adoption leave will not be entitled to occupational adoption pay. They may still be entitled to statutory adoption pay if they meet the criteria.

9.27 The 13-week period starts:

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

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

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

9.29 There are two levels of **Statutory Adoption Pay**. There is a standard rate and a lower rate. If the standard rate is more than 90% of your weekly salary, your SAP will be the lower rate of 90% of your weekly pay and not the standard rate.

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

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

9.31 You are eligible for **statutory adoption pay** if you:

- Have been employed by the trust or schools in the trust (including length of service at a school that has joined from a local authority or another academy trust) continuously for at least 26 weeks by the week you are matched with the child. For overseas adoptions, it is 26 weeks by the time you start receiving adoption pay. For **surrogacy**, it is the 15th week before the week the baby is due
- Earn more than the minimum threshold set out on the government's website – see the latest figure at https://www.gov.uk/adoption-pay-leave/eligibility
- Notify us at least **28** days before the date you want your adoption pay to start (teachers)
- **Overseas adoptions**: you must tell us the date of your 'official notification' and when you expect the child to arrive in the UK within 28 days of getting the notification.
- Submit proof of the adoption to your line manager/school office (read about the proof you need at https://www.gov.uk/adoption-pay-leave/how-to-claim)

9.32 ONE Academy Trust will confirm within 28 days of this notice how much statutory adoption pay you will receive and when it will start and stop.

9.33 Employees with less than 26 weeks' service can apply for unpaid leave up to a maximum of 52 weeks.

Adoption pay (support staff) – Lead adopter

9.34 Support staff are eligible for **occupational adoption pay** (OAP) if they are the lead adopter and have worked continuously for at least 1 year either in local government service (a local authority), and/or our trust/schools in the trust (including length of service at a school that has joined from a local authority or another academy trust) by the 11th week before the week that the baby is due.

9.35 The trust requires support staff to return to work in the trust/school for at least 13 weeks including periods of school closure as a qualifying condition for **occupational adoption pay**. If a staff member does not do this, the trust will require the staff member to refund some or all of the occupational adoption pay that they have received after the 6th week of adoption leave. They will not be required to refund any statutory adoption pay.

9.36 Staff members who do not intend to return to work after adoption leave will not be entitled to occupational adoption pay. They may still be entitled to statutory adoption pay if they meet the criteria.

9.37 If you are the lead adopter and are not eligible for occupational adoption pay, you may still be eligible for **statutory adoption pay**.

9.38 There are two levels of **Statutory Adoption Pay**. There is a standard rate and a lower rate. If the standard rate is more than 90% of your weekly salary, your SAP will be the lower rate of 90% of your weekly pay and not the standard rate.

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

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

9.40 You are eligible for **statutory adoption pay** if you:

- Have been employed by the trust or schools in the trust (including length of service at a school that has joined from a local authority or another academy trust) continuously for at least 26 weeks by the week you are matched with the child. For overseas adoptions, it is 26 weeks by the time you start receiving adoption pay. For **surrogacy**, it is the 15th week before the week the baby is due
- Earn more than the minimum threshold set out on the government's website – see the latest figure at https://www.gov.uk/adoption-pay-leave/eligibility
- Notify us at least **21** days before the date you want your adoption pay to start (support staff)
- **Overseas adoptions**: you must tell us the date of your 'official notification' and when you expect the child to arrive in the UK within 28 days of getting the notification.
- Submit proof of the adoption to your line manager/school office (read about the proof you need at https://www.gov.uk/adoption-pay-leave/how-to-claim)

9.41 ONE Academy Trust will confirm within 28 days of this notice how much statutory adoption pay you will receive and when it will start and stop.

9.42 Employees with less than 26 weeks' service can apply for unpaid leave up to a maximum of 52 weeks.

Return to work – Lead adopter

9.43 Where a staff member requests flexible working arrangements on their return to work, the school/trust will consider these on a case-by-case basis.

9.44 Returning to work part-time:

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

9.45 If you are unsure whether you intend to return to work you can opt to have the half pay frozen and paid at a later date.

9.46 If a staff member is unable to return to work at the end of their adoption leave due to sickness, the trust's sickness absence policy will apply).

9.47 Following the receipt of the notification letter the employee will receive a written acknowledgement within 28 days informing them when they are due back at work from the trust/school. The employee is entitled to 52 weeks adoption leave.

Notes on Adoption Leave

9.48 Prior to commencing adoption leave the headteacher/ line manager should discuss and agree with the employee the type and frequency of contact he/she prefers whilst on adoption leave. The headteacher/line manager may wish to contact the employee to inform them of any training opportunities, significant work developments, any relevant promotional opportunities or job vacancies that may occur during the absence.

9.49 No notice is required if the employee intends to return to work at the end of the full adoption leave period.

9.50 If the employee intends to return to work before the full 52 weeks or decides to return to work earlier than planned from adoption leave, they will need to provide a minimum of **21** days' notice (as set out in the conditions of service in the Green Book and Burgundy Book) but ideally provide as much notice as possible.

9.51 Where, after starting adoption leave, an employee is notified that the child will not be placed, or after the child is placed, the child dies or is returned to the adoption agency, the employee will not be entitled to the full adoption leave. In these circumstances, adoption leave will end after eight weeks after the end of the week in which the disruption occurred.

9.52 Where the adoption leave has been cut short due to disruption of the placement, the employee should give at least **21 days** notice to return to work early, although Line Managers should be as flexible as possible in such circumstances.

Keeping in Touch (KIT) days

9.53 By mutual agreement the employee can work for 10 days during adoption leave though they are not obliged to do so.

9.54 They will receive payment for the number of hours worked without it affecting the Statutory Adoption Pay (SAP) or adoption leave entitlement.

9.55 The employee will remain on adoption leave during this period.

9.56 The payment rate will be the existing rate of pay. The employee will only be paid for the time worked. If they attend work for 1 hour this will count as 1 KIT day.

Return to work

9.57 The employee will be able to return to their existing post after taking ordinary adoption leave.

9.58 If they also take additional adoption leave they have the right to return to their original job unless this is not reasonably practicable. Then the employee will be offered suitable alternative employment on terms no less favourable than the original post.

9.59 The employee has the right to request flexible working. The request will be fully considered by the headteacher/line manager and the employee will be notified regarding the decision. Once an initial request has been made a further request for flexible working can only be made after a 12-month period. If the application is refused the employee can appeal against the decision.

10. Shared parental leave and pay

10.1 Shared parental leave can be complex, so please speak to your line manager/a member of the trust's HR team if you are thinking about taking shared parental leave and have any questions.

10.2 The employee and their partner may be able to get shared parental leave (SPL) and statutory shared parental pay (ShPP) if they are:

- Having a baby
- Using a surrogate to have a baby
- Adopting a child
- Fostering a child who they are planning to adopt.

How it works

10.3 Eligible staff members and their partners can share up to 50 weeks of leave and up to 37 weeks of shared parental pay between them. (Note that the first 2 weeks of leave and pay, starting from the day the baby is born, must be reserved for the person taking maternity or adoption leave – the lead adopter.)

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

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

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

- Must share the leave and pay in the first year after your child is born or placed with your family
- Can take the leave all in one go, or book up to 3 separate blocks of leave, provided you submit a separate notice for each period of leave and give 8 weeks' notice for each period.
- Can choose to be off work together, or stagger your leave and pay

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

10.7 See the government's shared parental leave and pay planning tool to check when you and your partner can take your leave.

10.8 You can give up to three notices to book or vary your leave.

Amount of pay

10.9 Any shared parental pay due during shared parental leave will be paid at the prescribed flat 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 weekly rate. See the latest amount on https://www.gov.uk/shared-parental-leave-and-pay/what-youll-get.

10.10 Unlike SMP, there is no provision for employees to be paid 90% of their earnings for the first six weeks of their statutory shared parental pay period where this is higher than the statutory rate. Therefore, if an employee who is receiving SMP at the higher rate of 90% of their earnings switches to statutory shared parental pay within the first six weeks of their SMP period, they will move to the lower rate immediately.

Eligibility

10.11 You and your partner need to meet the eligibility criteria set out on the government website – the criteria are different for birth parents, adoptive parents and parents using a surrogate.

10.12 Statutory Shared Parental Pay (ShPP) will be created where an eligible mother or adopter chooses to bring their maternity or adoption pay or maternity allowance to an end early. The untaken maternity or adoption pay or maternity allowance will become available as statutory shared parental pay – up to a maximum of 37 weeks.

Applying for leave and pay

10.13 Before requesting SPL, you are requested to discuss your intentions informally with your headteacher or line manager, as appropriate to your situation.

10.14 Shared Parental Pay is requested by completing the Notice of Entitlement (FORM ONE12-06 (mother/birth parent, FORM ONE 12-10 primary adopter, FORM ONE12-14 parental order parent) and returning it to your headteacher/ line manager.

10.15 There are several different notices that employees must give before they can take SPL. You must give a 'notice of entitlement and intention to take shared parental leave' at least eight weeks before the first period of shared parental leave. This form also acts as your first 'booking notice'. You may re-submit the form for each booking notice required (up to 3). The Notice of Entitlement and each Booking Notice must be submitted at least eight weeks before each period of shared parental leave that you wish to take.

To start shared parental leave (birth parents):

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

- The name of both parents
- If you are the child's **mother**: the start and end dates of your maternity leave
- If you are the child's **father or mother's partner**: the start and end dates of the mother's maternity leave, or start and end dates of any statutory maternity pay or maternity allowance period
- The total shared parental leave available, which is 52 weeks minus the number of weeks' maternity leave, statutory maternity pay or maternity allowance period taken or to be taken
- How many weeks of the available shared parental leave will be allocated to you, and how many to the other parent
- **If you are claiming statutory shared parental pay**: the total available, which is 39 weeks minus the number of weeks of the statutory maternity pay or maternity allowance

- The start and end dates of each period of shared parental leave that you are requesting. You can change your mind later about how much shared parental leave or pay you plan to take and when you want to take it, as long as you give at least 8 weeks' notice before the date you intend to start your shared parental leave
- If an employee chooses to take shared parental leave in a single, continuous block, they have 19 days from the date of their original notification to choose the start date of their leave. If they don't notify their employer within that 19-day window, the leave will automatically begin on the first day of the first period of leave they requested
- Declarations by you and the other parent that you both meet the statutory conditions to enable you to take shared parental leave and statutory shared parental pay

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

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

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

For birth parents, adoptive parents and parents using a surrogate

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

10.19 Some model letters/forms are available for staff to use to apply for leave and pay (see list in the contents). These are based on the templates provided by Acas.

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

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

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

Can the employer refuse a request for shared parental leave?

10.22 An employee who submits a 'period of leave notice' requesting one continuous block of leave must be allowed to take the leave on the dates requested.

10.23 An employee has the right to take up to three separate blocks of SPL, provided they submit a separate notice for each period of leave and give eight weeks' notice for each period.

10.24 An employer may only refuse SPL on eligibility grounds. However, a request for discontinuous SPL may be refused if the requested leave isn't suitable for the workplace. In such cases, alternative arrangements will be discussed.

10.25 If a request for discontinuous leave is refused the employee can withdraw the notice or agree alternative dates with the employer. If he or she has not done either within two weeks of the date of the notice, the employee can either withdraw the notice at that point or take the total amount of leave requested on the leave notice as a continuous period of leave. The employee can choose a start date for the continuous period of leave that is no less than eight weeks from the start date of the leave notice.

Can the employer insist on evidence that an employee is entitled to shared parental leave?

10.26 When an employee applies to take SPL, they are required to complete a notice of entitlement and intention to take SPL. This requires them to provide details of the child's expected date of birth and their partner's details.

10.27 Generally, it is expected that these declarations will be relied upon, provided that eligibility requirements are met and it is not required to check, for example, the earnings and employment history of the employee's partner.

10.28 However, a false declaration that an employee is entitled to SPL and/or pay could be treated as a disciplinary issue.

Can an employee take shared parental leave if their partner is self-employed?

10.29 An employee may be eligible to take SPL if his/her partner is self-employed, as long as the partner meets the relevant requirements relating to employment and earnings.

11. Neo-natal leave

Neonatal care

11.1 Neonatal care is medical care of a child that starts within 28 days of birth. This covers any hospital treatment, including treatment in a special care baby unit (SCBU), local neonatal unit (LNU) or neonatal intensive care unit (NICU), as well as treatment in a clinic or hospital outpatient department. It also includes ongoing monitoring and home visits from healthcare professionals directed by a consultant and arranged by the hospital where the child was an inpatient. It can also include palliative or end of life care.

Entitlement to neonatal care leave

11.2 Neonatal care leave (NCL) 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. Each uninterrupted week of neonatal care is a qualifying week. Part weeks are not included.

11.3 In adoption cases, a qualifying week only includes time spent 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.

11.4 You are entitled to one week of NCL for each qualifying week of neonatal care, up to a maximum of 12 weeks.

11.5 You may be eligible for neonatal care leave if you are:

- The child's parent;
- Their intended parent under a surrogacy arrangement;
- Their adopter or prospective adopter via a UK adoption agency or an adoption from overseas;
- The partner of any of the above at the date of birth or (in the case of adoptions) at the date of placement by a UK adoption agency or the date the child entered the UK if adopting from overseas;

and you have or expect to have responsibility for the child's upbringing (or, if you are the partner of the child's mother, the main responsibility apart from any responsibility of the mother).

Taking neonatal care leave

11.6 NCL cannot be taken during the waiting period which is the first week of neonatal care. In many cases you may already be on maternity, paternity, adoption, or shared parental leave during the waiting period. If not, please speak to your Head Teacher (Lien Manager for Central Trust staff) if you need time off, (see the Trust's Special Leave Policy).

11.7 NCL can be taken any time after the waiting period, up to 68 weeks after the date of birth.

11.8 The rules for taking NCL depend on whether NCL is being taken in a Tier 1 period or a Tier 2 period. The rules are more flexible during a Tier 1 period.

11.9 The Tier 1 period starts after the waiting period and lasts until seven days after neonatal care has ended. If you want to start NCL during a Tier 1 period:

- Please notify your headteacher (Line Manager for Trust central team staff) on or before the day you want to start your NCL. If you are giving notice on the day, this should be before the time you are due to start work. If you have already started work, you will start NCL on the following day.

- You must tell your headteacher (Line Manager for Trust central team staff) the child's date of birth, the date neonatal care started and, if it has ended, the date it ended. You must give all the information required under paragraph 11.10 in writing within 28 days of the start of NCL.
- You can take NCL in one continuous period or split into multiple periods of one or more whole weeks.
- Where you intend to remain on NCL for more than one week, please notify your headteacher (Line Manager for Trust central team staff) as soon as possible and in any case by the start of each subsequent week of NCL.

11.10 The Tier 2 period lasts from the end of the Tier 1 period until 68 weeks after the date of birth. If you want to start NCL during a Tier 2 period:

- You must give 15 days' notice to take one week of NCL, or 28 days' notice to take two or more weeks of NCL.
- The notice must be in writing and must contain the information set out at paragraph 11.10 below.
- NCL must be taken as one continuous period of a whole number of weeks.
- If your child is discharged from neonatal care, but neonatal care starts again within the first 28 days after birth for a further qualifying week or more, the Tier 1 period will resume until 7 days after neonatal care ends.
- Where neonatal care is ongoing when you give the notice required, please notify your headteacher (Line Manager for the Trust central team staff) once the neonatal care ends. If your child starts to receive neonatal care again, please notify your headteacher (Line Manager for the Trust central team) of the start and end dates of the further period of neonatal care as soon as possible in each case.

Written information required

11.11 You must provide the following information in writing:

- Your name.
- Your child's date of birth.
- In UK adoption cases, the date of placement, or in overseas adoption cases, the date your child entered Great Britain.
- The start and end dates (if known) of any period(s) of neonatal care.
- The date the period of NCL started or will start.
- The number of weeks of NCL you intend to take or have taken.
- A declaration that the purpose of the NCL is to care for your child.
- If it is the first notice in respect of your child, a declaration that you meet the eligibility requirements set out in paragraph 11.4 of this policy.

Cancelling NCL in the Tier 2 period

11.12 You can cancel a planned period of NCL that is due to start in a Tier 2 period by telling us at least 15 days before the leave starts (for a single week of NCL) or 28 days before the leave starts (for two or more consecutive weeks of NCL).

Neonatal care pay

11.13 You may qualify for statutory neonatal care pay (SNCP) during NCL if your average earnings are not less than the lower earnings limit set by the government each tax year, and you have at least 26 weeks' continuous employment by the end of the relevant week, which is:

- the 15th week before the expected week of childbirth (in birth and surrogacy cases);
- the week in which the adoption agency or local authority notified you of a match (in UK adoption cases); or
- the week before the neonatal care starts (in any other case).

11.14 You will already meet these criteria if you have qualified for statutory maternity pay (SMP), statutory paternity pay (SPP), statutory adoption pay (SAP) or Statutory Shared Parental Pay (ShPP).

11.15 SNCP is only payable in respect of whole weeks of NCL, at the same rate as statutory paternity pay or 90% of your average weekly earnings (whichever is lower). The rate is set by the government each tax year.

Interaction with other family leave

11.16 Taking NCL does not affect your entitlement to other family leave and pay, such as maternity leave, adoption leave, paternity leave or shared parental leave.

11.17 If you are taking maternity, adoption, paternity, parental or shared parental leave at the time your child starts neonatal care, you can take your NCL after that leave ends. You must give the relevant period of notice and written information set out above.

11.18 If your NCL is interrupted by the start of another pre-booked period of statutory family leave (such as paternity leave, parental leave or shared parental leave) then the interrupted NCL period will resume straight away after the other leave, provided you are still in the Tier 1 period (that is, if neonatal care is still ongoing or has ended within the last week). If you are now in a Tier 2 period (that is, the neonatal care ended more than a week ago) the remainder of the interrupted NCL must be added onto any further period of NCL that you are intending to take.

11.19 When booking a period of NCL in the Tier 2 period you must ensure it will not be interrupted by the start of another period of family leave that you have booked.

12. Antenatal care

12.1 All pregnant staff are entitled to take time off work, with full pay, to attend antenatal appointments. ‘Antenatal care’ is not just medical appointments - it can also include antenatal or parenting classes if they’ve been recommended by a doctor or midwife.

12.2 To be entitled to this, the school/trust will ask you to produce a certificate from your doctor, nurse or midwife that states that you are pregnant. Except for the first appointment, you should also produce evidence of the appointment, such as an appointment card.

12.3 Staff will need the prior approval of their line manager to attend these during working hours. The employee should try to give their line manager as much notice as possible of antenatal appointments and wherever possible arrange these outside of school hours or at the start/end of the working day.

Partners of pregnant staff/intended parents (in a surrogacy or adoption arrangement)

12.4 The partner of the intended parent can get unpaid time off to accompany their partner (the intended parent) and/or to accompany the birth parent (the surrogate parent), to 2 antenatal appointments up to a maximum of 6.5 hours for each appointment. This does **not** apply to the partner of the surrogate (birth parent).

12.5 The school/trust may request to see evidence of these appointments.

12.6 Staff will need the prior approval of their line manager to attend these during working hours.

Antenatal care when having a child through IVF

12.7 You will be allowed time off for antenatal care only after the fertilised embryo has been implanted. For information on time off for fertility treatment and IVF, please see the trust's Special Leave policy. Requests for time off will be treated in the same way as medical appointments and sickness absence.

13. Parental Bereavement Leave

13.1 Our school/trust is committed to supporting all staff members who suffer the loss of a pregnancy, whatever the nature of their loss or their length of employment.

13.2 The Parental Bereavement (Leave and Pay) Act 2018 entitles parents who lose a child under the age of 18 or suffer a stillbirth from 24 weeks of pregnancy to 2 weeks of statutory bereavement leave.

13.3 Employees have 56 weeks to take parental bereavement leave. This starts from the date of the child's death.

13.4 Please see the ONE Bereavement Policy (ONE60) for more information and guidance on how to apply for statutory parental bereavement leave and pay.

Miscarriage

13.5 This is where a loss of pregnancy happens before the 24th week.

13.6 Staff who have had a miscarriage (including giving birth to a stillborn child up to 24 weeks) will be entitled to a period of compassionate and/or sick leave. We encourage you to speak to your line manager to enable us to support you as best as we can through this difficult time. Please see the Staff Special Leave Policy and Sickness Absence Policy.

13.7 The school/trust will consider staff absence due to miscarriage as a pregnancy-related illness. We will not count this absence when reviewing staff's attendance records. Read more about this in the Sickness and Absence Policy.

13.8 Partners, adoptive parents and intended parents (if using a surrogate) may request special leave after a miscarriage. Please see the Staff Special Leave Policy.

Stillbirth/neonatal loss following live birth

13.9 If a woman gives birth to a stillborn child (after 24 weeks) or a child is born alive at any point in the pregnancy but subsequently dies, she will qualify for the full maternity leave and pay provisions and may be entitled to parental bereavement leave. A stillbirth certificate will be issued by a medical professional.

13.10 Staff whose partners have had a stillbirth (after 24 weeks), or whose babies are born alive at any point during the pregnancy are entitled to 1 or 2 weeks of statutory paternity leave and pay. Please see our bereavement policy for more information.

13.11 In addition, the birth parents, adoptive parents or parents of a child born to a surrogate are entitled to 1 or 2 weeks of statutory parental bereavement leave after finishing their maternity or

paternity leave. Please see our bereavement policy for more information.

13.12 Employees who have been continuously employed by the trust for at least 26 weeks up to the Saturday immediately before the week of the death or stillbirth are entitled to statutory parental bereavement pay. Read the government's guidance on statutory parental bereavement and pay to find out more.

14. Keeping in touch during leave

14.1 Staff and their line manager will discuss how often they will communicate while the staff member is on leave, and what form the communication will take. If you have any questions or concerns, or to discuss any leave extensions, please speak to your line manager/a member of the HR team.

Reasonable contact

14.2 The headteacher/line manager and the employee are allowed to make reasonable contact during maternity/adoption leave to discuss the return to work, training opportunities, organisational changes etc.

14.3 Such contact would not constitute work and does not count towards the 'Keeping in Touch' days.

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

14.4 Staff can work **up to** 10 days during their maternity or adoption leave. These working days are known as KIT days and are:

- Paid – Payment will be based on their normal rate of pay applicable in that month's payroll, and for the number of hours worked.
- Entirely voluntary – you need to agree to them with your line manager

14.5 Any hours worked in a day during an employee's maternity leave period will count as a **whole KIT day.** If an employee works more than 10 KIT days they are deemed to have returned to work and therefore lose their right to SMP for any week in which they have worked under their contract.

14.6 The Keeping in Touch (KIT) days must be mutually agreed. The head teacher cannot insist that work is accepted nor can an employee insist that work is offered.

14.7 The Line Manager must inform the school's payroll provider when an employee is to work a KIT day so they can make arrangements to pay the employee.

Shared parental leave in touch (SPLIT) days

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

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

15. Employment terms and conditions while on leave

15.1 Your employment terms and conditions are protected when you are on leave. You are entitled to any pay rises and improvements in terms and conditions during this time.

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

Pensions

15.3 The employer will pay pension contributions during periods of leave that are paid.

15.4 This period of service counts as reckonable for pension purposes.

15.5 Pension contributions will stop during any unpaid periods of leave.

15.6 An employee will pay contributions based on pensionable pay received. If they receive no pay, then no contributions will be payable.

15.7 You may be eligible to buy back pension that you lose during a period of unpaid leave. Please check the relevant Pension Scheme for details. It is the employee's responsibility to check the relevant pensions authorities and advise if you intend to buy back any pension. In some circumstances you may be entitled to additional contributions from ONE Academy Trust but maximum timelines are in place to make an application (e.g. 30 days for LGPS)

Annual leave entitlements

15.8 If you give birth whilst you are on annual leave, your annual leave will cease and your maternity leave will start on the day following the birth.

15.9 Pay in lieu of annual leave not taken can only be made where employment terminates e.g., if a member of staff does not return to their job following maternity leave. Pay in lieu would be based on Annual Leave Entitlement for the proportion of the year worked. In the case of teachers and term-time only support staff this will be minus the 'annual leave' – school closure periods - taken that year prior to the termination date.

Support staff

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

15.11 **All year-round contracts:** You are encouraged to take your annual leave allocation before you start your maternity or adoption leave especially if you are going to return to work in a different annual leave year, as annual leave should be taken in the leave year in which it is accrued. However, if this is not practical, you should discuss with your line manager how any outstanding leave can be taken on your return to work.

15.12 **Term-time only contracts:** The statutory and contractual entitlement to annual leave is taken within the school holiday periods during the leave year. The contractual entitlement will differ according to the individual's length of service and contract. The pay calculation for equated weeks takes account of the contracted weeks including the statutory and contractual leave entitlement. This annual leave entitlement will be offset by any period of school closure during the leave year in question i.e., both before and after the maternity, paternity, adoption or shared parental leave. The annual leave entitlement will be carried forward into the next annual leave year if you are unable to take your annual leave entitlement during school holiday periods in a single leave year

Teachers

15.13 Teachers do not have a 'contractual' entitlement to annual leave; they do however have a 'statutory' right under the Working Time Regulations to minimum leave entitlements. The leave year for teachers is from 1 September until 31 August. This entitlement is 28 days (5.6 weeks and is inclusive of Bank Holidays).

15.14 A teacher who takes maternity, paternity, adoption or shared parental leave must be able to take the 28 days statutory annual leave outside of their maternity, paternity, adoption or shared parental leave. This minimum leave can be offset by any period of school closure during the

leave year in question i.e. both before and after the maternity, paternity, adoption or shared parental leave. The minimum leave entitlement will be carried forward into the next annual leave year if you are unable to take your minimum leave in a single leave year

16. Returning to work after maternity, paternity, adoption or shared parental leave

Your right to your job (all staff)

16.1 Where you have been on leave for:

- **26 weeks or less** (for shared parental leave this means 26 weeks between both partners): you are normally entitled to return to the same job in which you were employed under your original contract, and on terms and conditions that are at least as favourable
- **More than 26 weeks** (for shared parental leave this means 26 weeks between both partners): you are normally entitled to return to the same job in which you were employed under your original contract unless the school/trust has a good reason to offer you another job. If your job no longer exists or there have been changes to the organisation, the school/trust will offer you a suitable alternative job which has the same or better terms and conditions than the original post.

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

16.2 This section is based on The Conditions of Service for School Teachers in England and Wales (the Burgundy Book), and The National Agreement on Pay and Conditions for Service for Support Staff (the Green Book).

16.3 If staff wish to change the date that they return to work from maternity, adoption or shared parental leave, they should discuss this with the headteacher/their line manager as soon as possible. The staff member must notify the school/trust in writing at least:

- 21 days before the day on which they propose to return, and ideally provide as much notice as possible. Where they give less than 21 days' notice, we may postpone their return, but not beyond the end of the original maternity leave period. The employee cannot return to work within 2 weeks of giving birth. In exceptional circumstances less notice may be permitted but this will be on a case-by-case basis.
- **21** days before the original return date, if the new date is later than the original return date. *NB: Legislation has extended this notice period to 8 weeks but in accordance with the National Conditions of Service for Local Government employees and Conditions of service for school teachers in England and Wales this remains at 21 days*

16.4 Please note that:

- If a staff member is unable to return to work due to sickness at the end of their leave period, our sickness absence policy will apply.
- Staff may be able to take unpaid parental leave immediately following the end of their leave period. If you wish to do this, please discuss it with the headteacher/your line manager as soon as possible. Read more about unpaid parental leave in Section 18 below.

Failure to Return or Resignation

16.5 As the contract of employment continues throughout the maternity leave the contract can only be terminated by dismissal or resignation. An employee must be aware of the date on which they must return and the consequences of failing to do so. Any failure to return is an unauthorised absence.

16.6 Normal notice periods apply as specified in individual contracts. Please contact the HR manager for advice.

16.7 Please see section 7 for an explanation of the minimum return to work period which is a condition for occupational maternity pay. If a staff member does not return to work for the qualifying period, the trust will normally require the staff member to refund some or all of the occupational maternity pay that they have received after the 6th week of maternity leave. They will not be required to refund any statutory maternity pay.

17. Breastfeeding

17.1 If you intend to continue breastfeeding after returning to work from maternity leave, please speak to your line manager/the headteacher/a nominated female staff member as soon as possible so that we can support you the best we can. A risk assessment will be put in place.

17.2 The school will provide a suitable area where staff who are breastfeeding can rest. This area should be hygienic, safe, secure and private, so staff can express milk if they choose to (toilets are not a suitable place for this). The school should also provide a facility for storing expressed milk (e.g. a fridge)

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

18. Unpaid parental leave

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

What staff are entitled to

18.2 Staff can take up to 18 weeks of unpaid leave for each child and adopted child up to their 18th birthday.

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

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

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

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

18.6 You may take unpaid parental leave in blocks of days or hours if you are entitled to one of the following for your child:

- Disability Living Allowance
- Personal Independence Payment

Eligibility

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

- Have been working at our trust or schools in the trust (including length of service at a school that has joined from a local authority or another academy trust) continuously for more than 1 year

- Are named on the child's birth or adoption certificate, or you have or are expected to have parental responsibility
- Are not a foster parent (unless you have secured parental responsibility through the Courts)

Giving notice

18.8 You must give your line manager/the school/trust at least 21 days' notice before the day you intend to start your leave. This must be in writing (see model letters at Appendix 3).

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

Taking unpaid parental leave immediately after maternity, paternity, adoption or shared parental leave

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

- Maternity leave. You will not be required to refund occupational maternity pay unless you do not return to work in the multi-academy trust for a set period after you finish your unpaid parental leave (as explained in section 7 above)
- Adoption leave. You will not be required to refund occupational adoption pay unless you do not return to work in the multi-academy trust for a set period after you finish your unpaid parental leave (as explained in section 9 above)
- Paternity leave
- Shared parental leave

Postponing leave

18.11 The trust will grant staff's requests for unpaid parental leave whenever possible and will ask staff to postpone their requested leave only for significant reasons (e.g., if it would cause serious disruption to the running of the school/trust). We will **not** ask staff to postpone leave if:

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

18.12 If the school or trust postpones the leave, we will:

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

Staff rights during leave

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

18.14 Where you are on unpaid parental leave for a standalone period of:

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

19. Time off for dependants

19.1 Staff have the right to take a reasonable amount of unpaid time off to help a dependant in an unexpected event. If you need time off, please notify your line manager as soon as possible so that the best next steps can be arranged. *Please see the ONE Academy Trust Staff Special Leave Policy for details.*

20. Early career teachers: extending the induction period to reflect leave periods

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

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

20.2 The ECT should seek advice before deciding (e.g., by discussing it with their line manager).

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

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

21. Flexible working

21.1 An employee returning from a period of family leave has the right to request a flexible working pattern. The procedure and forms for requesting flexible working are located in the Flexible Working Policy.

22. Monitoring arrangements

22.1 This policy will be reviewed every three years or whenever a change in legislation necessitates a review, whichever is sooner. Any proposed changes to terms and conditions of employment, which are not legislative will be subject to consultation with staff and unions.

22.2 At every review, this policy will be approved by the Board of Trustees.

Guidance on the submission of forms for Shared Parental Leave

Shared Parental Leave following maternity leave:

Forms below that need to be completed if…			
	both parents want to take SPL	just the mother/ birth parent/primary adopter wants to take SPL	just the partner wants to take SPL
FORM ONE12-05	Yes	Yes	Yes
FORM ONE12-06	Yes	Yes	No
FORM ONE12-07	No	No	Yes
FORM ONE12-08	Yes	No	Yes

Shared Parental Leave following adoption leave:

Forms below that need to be completed if…			
	both parents want to take SPL	just the mother/ birth parent/primary adopter wants to take SPL	just the partner wants to take SPL
FORM ONE12-09	Yes	Yes	Yes
FORM ONE12-10	Yes	Yes	No
FORM ONE12-11	No	No	Yes
FORM ONE12-12	Yes	No	Yes

Shared Parental Leave following adoption leave for parents with parental orders (surrogacy):

Forms below that need to be completed if…			
	both parents want to take SPL	just the mother/ birth parent/primary adopter wants to take SPL	just the partner wants to take SPL
FORM ONE12-13	Yes	Yes	Yes
FORM ONE12-14	Yes	Yes	No
FORM ONE12-15	No	No	Yes
FORM ONE12-16	Yes	No	Yes